NLWJC- Kagan

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Ruby Ridge [1]

THE WASHINGTON POST
THURSDAY, OCTOBER 26, 1995

Reenactment Indicates Ruby Ridge Probe Has Widened

By George Lardner Jr.
Washington Post Staff Writer

While top Justice Department officials were contending at Senate hearings last week that the FBI sniper who killed Vicki Weaver was acting lawfully, federal investigators 2,000 miles away on Ruby Ridge were pursuing an opposite tack.

They were marching about the Idaho mountainside, carefully reenacting the shooting to help determine whether anyone should be prosecuted for it.

Headed by U.S. Attorney Michael Stiles of Philadelphia, the investigating team spent three days around the Weaver cabin at Ruby Ridge last week, checking visibility and aiming from the sniper's perch at the doorway where Vicki Weaver was killed on Aug. 22, 1992.

Her white separatist husband, Randy Weaver, who survived the siege, took the group on a walk-through of the isolated cabin and surrounding property.

For several months, the Justice Department has been investigating an alleged high-ranking FBI coverup over who approved the unprecedented "shoot on sight" instructions given to the bureau's snipers at Ruby Ridge. Last week's expedition was the first solid sign that the inquiry has been expanded to the shootings that took place there.

Vicki Weaver's killing has become a rallying point for critics of federal law enforcement who believe she was murdered and who have called for criminal prosecution of the sniper who shot her, either under state law or federal criminal civil rights statutes. Stiles also has perjury and obstruction of justice laws at his disposal.

FBI Director Louis J. Freeh insisted in Senate testimony last week that the shot was lawful, but he observed that "Ruby Ridge has become synonymous with tragedy [and] with the exaggerated application of federal law enforcement. Both conclusions seem justified."

Among those reenacting Vicki Weaver's shooting were several U.S. postal inspectors, assigned in light of complaints from investigating senators and other critics that the FBI cannot be trusted to investigate itself in high-profile cases.

Boundary County, Idaho, Sheriff Greg Sprungl, who accompanied the group, said the investigators brought with them the rifle that FBI sniper Lon T. Horiuchi used when he shot Weaver, the 10-power scope he looked through, and the cabin door behind which she Weaver was standing, holding her baby daughter, when she was killed.

"They're looking to be real thorough," Sprungl said in a telephone interview. "It's what this county has been waiting for."

Three people were killed at Ruby Ridge. The bloody standoff began on Aug. 21, 1992, with a gunfight in which a federal marshal and Randy Weaver's 14-year-old son were killed. After the shootings, the FBI deployed its Hostage Rescue Team to the site.

The next day, Horiuchi shot Randy Weaver as he made an unexpected foray outside the cabin with his daughter Sara and family friend Kevin Harris. Vicki Weaver shouted for them to come back inside and held the door open as they ran for cover.

Horiuchi fixed his cross hairs on a windowpane in the door and fired again as Harris crossed the threshold. The bullet shot through the curtained window, blasted through Vicki Weaver's face, severing her carotid artery, and then hit Harris, tearing a lung and lodging in his chest.

Randy Weaver, who was acquitted along with Harris of murdering deputy marshal William Degan, took investigators along the logging trails where Degan and Weaver's 14-year-old son Sammy were killed. Weaver also showed them the area of the "birthing shed" where Horiuchi wounded him before he dashed into the cabin.

> *"If the facts are different, we will have to revisit them."*
>
> — Carl Stern,
> Justice Department spokesman

Sheriff Sprungl said the Stiles group "reenacted everything, but it appeared to me they were primarily interested in Vicki's death and, I imagine, any coverup of what happened."

Stiles was assigned to the coverup investigation by Attorney General Janet Reno in August and given authority to expand it as he saw fit. He declined to discuss details of the reenactment but confirmed that he assigned postal inspectors to the inquiry to work as a team with FBI agents.

Two of the FBI men helped investigate the Ruby Ridge controversy earlier this year for the Justice Department's Office of Professional Responsibility.

"The original FBI agents on this matter are simply crackerjack investigators and I simply did not want to lose them," Stiles said in a brief interview. "But I think it was appropriate to bring in outside investigators, too, and my experience [as a prosecutor] with postal inspectors has been very good. I think it's a healthy combination."

Stiles "guesstimated" the investigation would take six to eight months. "They've got a lot of reading to do," Sprungl said, referring to all the hearings, trial testimony and internal investigations that have been conducted over the past three years.

A special Justice Department task force concluded last year that the "rules of engagement" at Ruby Ridge, telling snipers they "could and should" use deadly force against any armed adult male, were unconstitutional and that the shot Horiuchi fired was illegal and unnecessarily dangerous.

Justice Department higher-ups have rejected the task force's conclusion and held that Horiuchi shot because he was trying to protect an FBI helicopter.

Justice Department spokesman Carl Stern said, however, that Stiles is in charge of determining what actually happened at Ruby Ridge. "If the facts are different," he said, "we will have to revisit them."

Horiuchi refused to testify at Senate hearings last month, invoking his Fifth Amendment privilege against self-incrimination. In 1993, he testified at the trial of Weaver and Harris that he realized someone was behind the door, but that he was aiming at Harris. He said he could not see Vicki Weaver because of the curtains over the door's windows.

Randy Weaver's lawyer, Charles F. Peterson, who was present for part of the reenactment, said he looked through Horiuchi's scope and could see through the windows clearly, despite the curtains. One of the investigators stood behind the door where Vicki Weaver had been.

"Even with the curtains closed, I could see a man there," Peterson said. "The curtains don't close all the way. There's a space between them. I looked through the scope and I could see a ring, a wedding band, on the hand of the man behind the window."

Sprungl voiced reservations. He said the day Vicki Weaver was shot in 1992 was overcast and the day Peterson looked through the scope was sunny. The sheriff said the next day of the reenactment was overcast; he indicated he looked through the scope on the overcast day, but he declined to say what he saw.

"It would be inappropriate for me to comment since I'm conducting an investigation myself," Sprungl said.

He is working with Boundary County prosecutor Randall Day, who was also at Ruby Ridge last week, to determine if state charges are warranted in any of the killings.

FOR MORE INFORMATION

To read The Post's recent three-part investigative series on Ruby Ridge, see Digital Ink, The Post's on-line service. To learn about Digital Ink, call 1-800-510-5104, Ext. 9000.

U.S. Budget Deficit Falls For 3rd Year

'95 Gap $164 Billion; Clinton Claims Credit

By John M. Berry
Washington Post Staff Writer

President Clinton announced yesterday that the federal budget deficit for the fiscal year that ended last month was $164 billion, marking the first time since 1948 that the government's budget position improved three years in a row.

At a White House press conference, Clinton claimed credit for the declining deficit, which he said resulted in part from the 1993 deficit reduction bill he pushed through Congress. That plan has worked "better than we thought it would," he said.

The deficit hit a record $290 billion in fiscal 1992 before dropping to $255 billion in 1993 and $203 billion in 1994. Strong economic growth as well as the spending cuts and tax increases in Clinton's 1993 legislation have been responsible for bringing the deficit to its lowest level since 1989.

Deficit reduction bill worked "better than we thought it would."

— President Clinton

Clinton also reiterated his intention to veto the huge tax and spending bill congressional Republicans are expected to pass next month with a goal of balancing the budget by 2002.

One of the disputes between Congress and Clinton is over projections of what future deficits likely would be if no action were taken to reduce them. The administration maintains that deficits would not be as great as those estimated by the Congressional Budget Office, which is the baseline being used by the Republicans.

Yesterday's announcement of the 1995 budget results highlighted the enormous uncertainty surrounding such projections.

Only two months ago, the CBO predicted that the 1995 deficit would be $161 billion. A month earlier, in July, the administration pegged it at $160

See DEFICIT, D14, Col. 6

DEFICIT, From D11

billion. Neither error was very large, considering that total spending exceeded $1.5 trillion.

But if estimates of the deficit can be off by $4 billion or $5 billion over two or three months, how reliable are they likely to be over a period of seven or so years, the time frame in which the Republicans and Clinton propose to balance the books?

Well, last February, with fiscal 1995 nearly half over, the administration projected a deficit of $193 billion, almost $30 billion more than it turned out to be. As late as April, the CBO was forecasting a $175 billion deficit.

The earlier projections for fiscal 1995 turned out to be wrong for a variety of reasons, including an unexpectedly large drop in interest rates, stronger than anticipated economic growth that increased revenue and spending shortfalls in several government programs.

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THURSDAY, OCTOBER 26, 1995

Chrysler Minivan Safety Probe Ends

Automaker's Efforts to Repair Rear Latches Satisfy Agency

Associated Press

The National Highway Traffic Safety Administration yesterday closed its two-year investigation into the effectiveness of the rear latches on Chrysler minivans sold from 1984 through 1995, NHTSA Administrator Ricardo Martinez said.

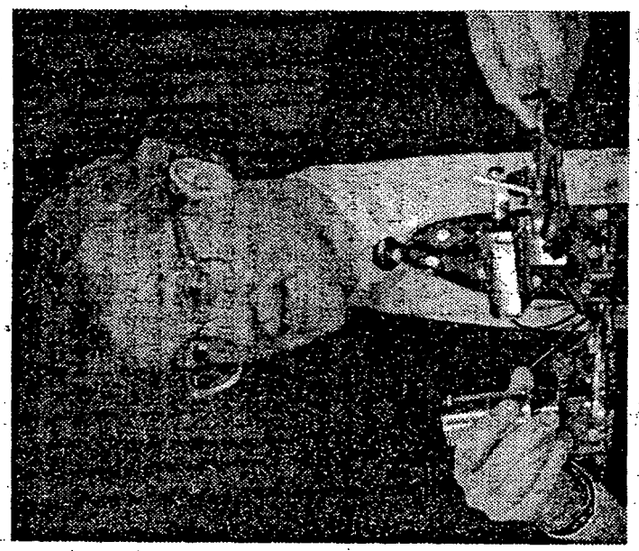
Martinez made the announcement on the day the NHTSA released a videotape of low-speed crash tests of several minivans showing the rear hatches of two Chrysler models popping open and dummies being ejected through the rear.

Martinez said agency tests showed the replacement latches work and that the NHTSA was satisfied with Chrysler Corp.'s efforts to notify minivan owners. He predicted far more than two-thirds of owners would get their minivans repaired. NHTSA Deputy Administrator Philip Recht said the repairs would cost Chrysler more than $100 million.

The agency released the crash-test footage partly in response to a lawsuit by a consulting firm, Ralph Hoar & Associates, which has among its clients lawyers who sue auto companies.

"We filed the lawsuit to end the ambiguity about whether there is a hazard [in these minivans] and these crash tests do that," Hoar said.

At least 35 people have died in accidents in which the lift gates opened on Chrysler's Town and Country, Dodge Caravan and Plymouth Voyager minivans and people were ejected from the rear, according to government records.



ASSOCIATED PRESS

NHTSA administrator Richardo Martinez shows Chrysler minivan rear latches during press conference yesterday.

The NHTSA had been investigating but had made no formal finding of a defect—which leads to an official recall—when Chrysler offered last spring to repair the latches on the more than 4 million minivans for free under a "service campaign." The agency kept its investigation open until it was satisfied the repair program was well on track.

The Washington Times
WEDNESDAY, OCTOBER 25, 1995

Clinton nudges Balkan chiefs to talk

Congress noses into initiatives

By Warren P. Strobel
THE WASHINGTON TIMES

NEW YORK — President Clinton yesterday met with Balkan leaders here to forge U.S. foreign policy but was served with constant reminders from Congress that it is not his alone to make.

From Bosnia to the Middle East, the Republican-controlled Congress has pressed its own initiatives. Mr. Clinton and his aides have complained that lawmakers are trampling on territory traditionally reserved for the executive branch.

Mr. Clinton met with the presidents of Bosnia and Croatia yesterday, urging them to take advantage of the fleeting opportunity for peace provided by the Balkans peace talks that begin Tuesday at Wright-Patterson Air Force Base near Dayton, Ohio.

A third Balkan leader, Serbian President Slobodan Milosevic, also is going to the talks — but not without fierce and (for Mr. Clinton) embarrassing complaints from Senate Majority Leader Bob Dole of Kansas.

Mr. Dole, a Republican presidential candidate, repeatedly has criticized Mr. Clinton for allowing the Serbian leader into the country. He has cited charges that Mr. Milosevic is a war criminal because of his support for a brutal campaign of "ethnic cleansing" by his erstwhile allies, the Bosnian Serbs.

In response to questions yesterday, Mr. Clinton obliquely criticized Mr. Dole.

"I don't think anyone in the United States should do anything to undermine the prospects of bringing this horrible war to a close," said Mr. Clinton, flanked by Bosnian President Alija Izetbegovic and Croatian President Franjo Tudjman.

AP

President Clinton meets with Croatian President Franjo Tudjman (right) and Bosnian President Alija Izetbegovic yesterday in New York to encourage progress at peace talks that start next week in Ohio.

Mr. Clinton's spokesman, Michael McCurry, was harsher. Mr. Dole's position, he said, is "folly.... It's incomprehensible why any member of Congress would want to take that position."

The Clinton administration looks on Mr. Milosevic with distaste — there are no plans for Mr. Clinton to meet with him — but sees him as vital to any eventual Balkans settlement.

State Department spokesman Nicholas Burns said Mr. Milosevic will be granted a visa.

Far more significant for Mr. Clinton's hopes of securing a Bosnian peace pact is Congress' potential refusal to approve the deployment of 20,000 U.S. troops as part of a NATO-led peacekeeping force that would monitor an accord.

Last week, Mr. Clinton sent a letter to Sen. Robert C. Byrd, West Virgina Democrat, saying he would "at the appropriate time, request an expression of support by Congress" for the deployment.

While officials were careful to say they will not be bound by what Congress does, Mr. Clinton's phrasing represented a step backward from their assertion that no congressional approval of the Bosnia mission is needed.

Congress also is pressing on in another area, the Middle East. Yesterday, the Senate passed legislation that would move the U.S. Embassy in Israel from Tel Aviv to Jerusalem.

Mr. Clinton yesterday used his half-hour meeting with Mr. Tudjman and Mr. Izetbegovic to urge them to view the peace talks in Ohio as the best chance for an end to the brutal, 42-month-old war in Bosnia. "The moment is here, if we can seize it, to make a successful peace agreement," the president said during a photo-taking session with the Balkan leaders.

Mr. Tudjman promised that, as long as the peace talks are in progress, Croatia would "refrain from military steps that would disrupt the peace process," Mr. McCurry said.

Croatia has been threatening to retake a Serbian-held area of eastern Croatia. In an interview with USA Today published yesterday, Mr. Tudjman appeared to threaten to send his troops into the area, known as Eastern Slavonia, if a peace accord were not reached by the end of November.

Sixth FBI agent suspended in Idaho siege

Helped in report defending agency

By Jerry Seper
THE WASHINGTON TIMES

FBI officials in Washington, stung by nearly two months of criticism during Senate subcommittee hearings in the government's siege of white separatist Randall Weaver, yesterday suspended a sixth agent over his role in the August 1992 standoff.

The agent, identified as George M. Baird, worked as an inspector's aide during an internal investigation by the FBI into the siege, which resulted in the deaths of Mr. Weaver's wife, Vicki, his son, Samuel, 14, and Deputy U.S. Marshal William F. Degan.

Mr. Baird worked for Robert E. Walsh, an FBI inspector, who wrote a report on the Weaver incident that defended the actions of bureau executives over the issuance of controversial deadly force rules that some members of the Senate subcommittee on terrorism, techology and government information called a "shoot-on-sight" policy during the Idaho siege.

The subcommittee determined that much of the Walsh report, submitted in January 1994, contained "gratuitous" conclusions and was written in an effort to justify the death of Mrs. Weaver by an FBI sniper.

Mr. Walsh, who now heads the bureau's investigation into the Amtrak derailment in Arizona, believed to have been a terrorist act, acknowledged during questioning by the subcommittee that he and former FBI Deputy Director Larry A. Potts had been friends for more than 15 years, and that he expressed concerns about a possible conflict-of-interest in doing the report. Those concerns, he said, were rejected by his supervisors.

FBI officials in Washington, including Mr. Potts and his top assistant, Danny O. Coulson, have said they did not approve revised rules of engagement for the Weaver siege and blamed field commanders for the new policy.

The revised policy told FBI snipers they "could and should" shoot any armed adult male. Normally, FBI deadly force rules say agents can use lethal force if their lives or the lives of others are in imminent danger.

A Justice Department task force, which also reviewed the siege, concluded that the "could and should" policy was unconstitutional, recommending that a sniper who shot and killed Mrs. Weaver — probably under the revised rules — be investigated for possible prosecution.

Five FBI officials, including Mr. Potts and Mr. Coulson, already have been suspended pending an investigation by the U.S. attorney's office into accusations that FBI officials covered up their involvement in the deadly force rules to protect themselves and others.

Investigators are looking into concerns that FBI officials in Washington shredded documents that showed who approved the policy and why.

Field agents Eugene F. Glenn and Richard A. Rogers have been blamed by FBI executives in Washington for the revised rules.

Mr. Glenn, however, told the subcommittee that a change in the rules of engagement to allow snipers to shoot any armed adult male at the Weaver site was approved in Washington by Mr. Potts.

He testified that when the FBI internal review of the Weaver shooting reached him, he was interviewed by phone and was never questioned about the revised rules of engagement. He described the questioning as a "soft interview."

why?

The Washington Times
WEDNESDAY, OCTOBER 25, 1995

Embassy Row

By James Morrison

Hungary agenda

Hungary is anxious to join NATO and will even accept nuclear weapons on its terrority if that is what it takes, a top Hungarian diplomat said yesterday.

Ferenc Somogyi, Hungary's deputy foreign secretary, was in Washington for talks with State Department, Pentagon and White House officials to help prepare the way for the visit today of Hungarian President Arpad Goncz.

A NATO requirement that member states should be prepared to base nuclear weapons "is absolutely acceptable to us," he told reporters at a breakfast meeting at the Hungarian Embassy.

Hungary, along with the Czech Republic, Poland and Slovakia, are considered to be the leading candidates for membership in an expanded North Atlantic Treaty Organization.

But Mr. Somogyi said Hungary is growing anxious for more details about how to achieve membership, especially concerning military standards.

"We would like more specifics," he said. "We would like to be a NATO member as soon as possible.

"We understand we cannot expect a final date. . . . But we expect some sort of time line, . . . some specifics . . . some hints."

The Hungarian president is expected to continue to focus on NATO during his two-day visit, during which he has meetings scheduled with Vice President Al Gore, Senate Majority Leader Bob Dole, Kansas Republican, and Benjamin A. Gilman, the New York Republican who heads the House International Relations Committee.

Mr. Goncz is also scheduled to address the Heritage Foundation tomorrow on "Rebirth, Return, Reunion: Hungary's Euro-Atlantic Agenda."

Closing an embassy

U.S. budget cuts are taking a toll on a remote diplomatic outpost — the Indian Ocean archipelago of the Seychelles, once an important Cold War listening post.

Washington plans to downgrade its embassy there to a consulate and give the U.S. ambassador on Mauritius double duty for both island nations.

Seychelles Foreign Minister Danielle de St. Jorre told reporters in the capital, Victoria, that U.S. officials also told her aid would be reduced to the point that "we must stop looking to the Americans for economic assistance."

The islands received $3.5 million a year until budget cuts began in 1991.

In another blow, the United States announced last month that a satellite tracking station on the Seychelles, which earned the islands $4.5 million in annual rent, would be dismantled by October next year.

The cuts are being interpreted in the Seychelles as a sign that the islands are of little importance to Washington since the Cold War ended.

Diplomatic delivery

A former Israeli ambassador to Washington has delivered a truckload of postcards to the U.S. Embassy in Tel Aviv urging President Clinton to support the relocation of the diplomatic mission in Israel to Jerusalem.

Ambassador Zalman Shoval delivered 70,000 postcards Monday, the eve of yesterday's vote in the U.S. Senate that overwhelmingly endorsed the move.

Mr. Shoval, a member of the opposition Likud party, personally handed several postcards to the American Charge d'Affaires, James Larocco.

The Clinton administration opposes moving the embassy, insisting it would undermine America's role as an impartial broker in the Mideast peace talks.

Martin Indyk, U.S. ambassador to Israel, has said moving the embassy would "explode the peace process."

Israel says it will never relinquish sovereignty over all of Jerusalem, including the eastern sector it captured from Jordan in the 1967 Six Day War. The Palestinians want east Jerusalem as a future capital.

"The idea is to transfer the embassy to west Jerusalem, not to the Old City," Mr. Shoval said.

"If anyone on the Palestinian or Arab side can object to a transfer to west Jerusalem . . . this would not be a very good omen for the actual commitment to peace."

The Senate passed the bill 93-5, and the House was expected to take up the measure shortly.

Supporters hoped it would pass both houses by today, when Prime Minister Yitzhak Rabin visits Washington for a commemoration of the 3,000th anniversary of the founding of Jerusalem.

• *If you have a tip, suggestion or question, call Embassy Row at 202/636-3297.*

Chretien implores fellow Quebeckers to save Canada

Separatists predict win next week

By David Crary
ASSOCIATED PRESS

MONTREAL — His nation on the brink of splitting, Prime Minister Jean Chretien pleaded yesterday with his fellow Quebeckers to thwart the separatists who now predict victory in next week's independence referendum.

Trying to recoup from a disastrous week in which the separatists surged into the lead, Mr. Chretien drew the biggest federalist crowd of the campaign — at least 8,000 people — to a sports area in suburban Montreal.

"The future of this country will be played out within one week," Mr. Chretien said, referring to Monday's referendum. "Canada is at stake. . . . It is a country worth fighting for."

The speech, to an impassioned crowd chanting "Non, non" to separatism as they waved Canadian and Quebec flags, was one of the most important of Mr. Chretien's career.

Making clear his sense of urgency, he also booked television time this evening for an address to the nation. It was the first time he had ever made use of a federal act allowing such an address if it is deemed crucially important to Canadians.

Infighting has wracked the federalist side for several days as its leaders argue over whether to make a last-minute offer to Quebec of constitutional reform.

"The wheels have come off the campaign," said Pierre Paradis, the No. 2 federalist leader in the mostly French-speaking province. He said the separatists will win Monday unless Mr. Chretien and premiers of the nine English-speaking provinces make a dramatic offer to Quebec of some special constitutional status.

Financial traders sent the Canadian dollar and the Toronto stock market sharply downward Monday. The stock market suffered its sixth-biggest one-day loss ever before stabilizing yesterday.

Seeking to shore up the battered dollar, the Bank of Canada raised its bank rate yesterday to 7.65 percent from 6.67 percent. It was the largest jump in three years and raised expectations that major commercial banks would follow with an increase in the prime rate, currently 8 percent.

Individual Quebeckers also showed signs of nervousness. Banks in Cornwall, Ontario, and Plattsburgh, N.Y., both close to the Quebec border, reported a significant increase in Quebeckers asking about opening accounts.

Hundreds of people in Montreal have swamped passport offices to obtain Canadian passports before the referendum. Federalists warn Quebeckers could lose their passports if Quebec secedes.

Warren Allmand, a Montreal resident who serves in Parliament for the federalist Liberal Party, said his office was receiving many phone calls from worried constituents.

"People are upset. They're panicking . . . They wish we could do something — something magical."

Lucien Bouchard, one of the two top separatist leaders, said the federalists had squandered an opportunity by failing to make a concrete offer of constitutional reform to Quebec. He cited the attitude of Newfoundland Premier Clyde Wells as proof Quebeckers should expect no special recognition from the rest of Canada.

Mr. Wells said Monday that Quebec shouldn't be granted any privileged status.

"I'm not prepared ever to acknowledge that my quality of citizenship in this country is any less than the quality of a resident of another province by reason of language, culture, size of the province, economic power, color of my hair, ethnic origin or anything else," Mr. Wells told the Newfoundland legislature.

In the northern half of Quebec, Cree Indians held their own referendum yesterday to demonstrate their opposition to separation.

Grand Chief Matthew Coon Come said the expected rejection of separation was intended to pressure the federal government to intervene on behalf of the Crees if Quebec does opt for independence.

"The federal government cannot recognize just Quebec's referendum," Chief Coon Come said. "If they did, it would be a double standard."

About 7,000 of Quebec's 12,000 Cree were eligible to vote. Results were to be announced today.

The leader of a national coalition on Indian groups, Ovide Mercredi, warned Quebec not to place its sovereignty on a higher plane than Indian sovereignty.

IN WASHINGTON

6th FBI agent suspended over Ruby Ridge siege

An FBI supervisor has become the sixth agent suspended as a result of the investigation of whether officials covered up their roles in the deadly siege at Ruby Ridge, Idaho, bureau officials said Tuesday.

The supervisor, George Baird, was involved in the Ruby Ridge case as an inspector's aide assigned to a team that conducted an internal investigation of the 1992 incident over two years, FBI officials said.

The Justice Department opened a criminal investigation last summer into whether top FBI officials had covered up who was responsible for approving "shoot on sight" rules issued to FBI snipers at Ruby Ridge.

Prosecutors wrote Baird a letter on Oct. 13 identifying him as a "target" of the grand jury investigation, according to the weekly *Legal Times*. Officials would not confirm that report. "Target" letters usually are sent to individuals considered likely to be indicted soon.

Last summer, five FBI officials who worked at headquarters during the siege were suspended. The highest ranking officer, Larry Potts, also was demoted from the FBI's No. 2 post to a training division job.

WATER ACT: A Senate Committee unanimously approved a bipartisan bill to reauthorize the Safe Drinking Water Act and give the government more flexibility to regulate tap water safety standards. "I believe this bill will significantly improve public health protection," said Sen. Dirk Kempthorne, R-Idaho. The bill requires the Environmental Protection Agency to make cost-benefit analyses of regulating contaminants in water and gives the agency flexibility to decide whether specific contaminants are to be regulated or to set alternative standards. It repeals the current requirement that EPA issue standards for 25 contaminants every three years. It also provides grants to help small towns bring their drinking water systems up to national standards.

GORE BOOK: Vice President Gore, whose *Earth in the Balance* became a best seller, has written another book, this time a treatise on the Clinton administration's attempt to make government more efficient. *Common Sense Government: Works Better and Costs Less* goes on sale in bookstores today, said Gore spokeswoman Heidi Kukis. The book is a spinoff of Gore's report on the administration's effort to "re-invent government." It contains stories from federal employees who saved time and money by making small changes in the way they do things. It has six appendixes on what government agencies are doing "to insert common sense into their actions" and how much money has been saved.

OKINAWA BASES: The Clinton administration is willing to consider any Japanese request that it consolidate military bases on Okinawa, where local sentiment toward U.S. troops has grown increasingly hostile, the Pentagon said. Navy Capt. Michael Doubleday, a spokesman for Defense Secretary William Perry, said the administration is willing to entertain "the possibility of consolidating or reconfiguring exactly where those bases are located" on Okinawa. Doubleday declined to say the administration is willing to move some forces from Okinawa to other parts of Japan. He noted, however, that Okinawans are concerned "how widely spread the bases are." About 26,000 U.S. troops are based on Okinawa; 20,000 are stationed elsewhere in Japan.

Pilot error caused N.C. crash

Safety panel delays vote on reform

By John Ritter
and Julie Schmit
USA TODAY

An American Eagle captain's bad judgment and poor decisions led to December's fatal crash outside Raleigh, N.C., the National Transportation Safety Board ruled Tuesday.

Investigators found that Michael Hillis had kept flying despite a record of failure at two airlines. Hillis, co-pilot Matthew Sailor and 13 passengers were killed.

Unexpectedly, the board put off voting on recommendations that investigators said would help airlines weed out marginal pilots like Hillis.

Those recommendations would require carriers to keep detailed performance and training records on pilots and to share them with other airlines when pilots change jobs.

Board members said they wanted more time to consider legal issues raised by the recommendations.

But Rep. John Duncan, R-Tenn., chairman of the House aviation subcommittee, said he'd hold hearings in December or January on whether Congress should force airlines to share pilots' records. "It makes sense, and it will certainly go a long way toward helping the FAA reach its desired goal of zero accidents," Duncan said.

In September, he promised to hold hearings after USA TODAY reported that many airlines refuse to share records out of fear of privacy lawsuits.

USA TODAY's four-month investigation found seven fatal crashes since 1987 involving pilots with documented histories of bad judgment, reckless behavior or poor performance.

After three of the four crashes, the NTSB had urged the Federal Aviation Administration to require tougher background checks of the nation's airline pilots. The FAA has said enforcement would be too costly and background checks are the airlines' job.

NTSB chairman Jim Hall said Tuesday, "The industry and FAA have the responsibility to identify substandard pilots and either terminate them or get them more training."

After December's crash, the FAA began considering how to facilitate record sharing.

"For us to require it exceeds our regulatory authority," said David Harrington, air transportation division manager. "But we're ready to work with the House and NTSB."

Victims' families were disappointed by Tuesday's decision.

"It seems so obvious what they should do," said Dorothea Kast. She and her parents and five brothers and sisters traveled to Washington from around the country to attend the hearing.

Her oldest brother, Jonathan, 35, a father of three, was killed in the crash. "I don't understand why it would be such a hard move for the board to make," she said.

The NTSB said Hillis, approaching Raleigh-Durham Airport over Morrisville in darkness, light rain and fog, incorrectly assumed an engine failed when a warning light came on in the cockpit of the twin-engine Jetstream turboprop. Then he didn't follow procedures for engine failure, for an airport approach on a single engine or for recovering from a loss of speed and aerodynamic stall — conditions that ultimately pitched the plane out of control.

Contributing to the crash, the NTSB said, was failure of American Eagle to identify and remedy problems in pilot performance and training.

Hillis was hired by Flagship Airlines, one of four Eagle carriers. But Flagship didn't know that he had been forced to resign at another airline, Comair, or that he had failed a proficiency check flight and received an unsatisfactory grade on judgment.

Contributing: Robert Davis

Smoke screen alleged

Teen cigarette sales unpunished

By Doug Levy
USA TODAY

Philip Morris tobacco company has no intention of seriously implementing its program to reduce cigarette sales to minors, Minnesota's Attorney General Hubert Humphrey III charged Tuesday.

Humphrey's statement came after the tobacco seller declined to act against 17 Minnesota stores caught selling to minors. An anti-smoking group forwarded a report of the violations to Philip Morris in July.

On June 27, Philip Morris announced "Action Against Access," designed to penalize retailers convicted of underage tobacco sales by withdrawing premiums the company pays stores for displays of products. The program was launched at a New York news conference.

"Philip Morris promised the American public they would suspend merchandising benefits to retailers who sell lethal tobacco products to children. It now appears this promise was made without any plan for serious implementation," says Humphrey.

But Philip Morris vice president Ellen Merlo says the company will take action — after it finds a way to collect verifiable reports from a single official in each state and when it renegotiates merchant contracts.

"In the middle of a contract, we can't just change the rules," says Merlo. "At the very least, we have to wait until the beginning of 1996."

Funding changes worry child advocates

By Anita Manning
USA TODAY

States do a spotty job at best in regulating child care, but if proposed changes in federal funding are approved, there could be fewer eyes watching over day-care programs, a new report says.

With growing demand for child care and increased pressure on money-strapped states, "we're concerned they're going to move toward deregulating child care, which means children will be less safe," says Gina Adams of the Children's Defense Fund, author of a study on state efforts to regulate child-care facilities.

The House version of the welfare reform bill would eliminate money to help states upgrade the quality of child care and would end federal requirements that child-care facilities meet basic health and safety standards. It would reduce funding for meals served in child-care programs.

Scott Brenner, spokesman for the House Ways and Means Committee, says the House bill aims to "consolidate these programs so local communities can best decide how to care for their kids."

States, he says, "will get the exact same amount they got in 1995," amounting to $4.4 billion in 1996, increasing to $5.6 billion in 2000. But governors, not federal officials, will decide how to spend it, he says.

Since the Child Care and Development Block Grant program was enacted in 1990, states have improved immunization requirements, parent access laws and licensing and monitoring efforts, the report says.

"States have been making improvements in some areas, and it's clear to us those improvements were fostered by federal action," Adams says. "Maintenance of federal support can help states maintain the gains they've made and continue to make new gains."

Share your day-care stories

By Nanci Hellmich
USA TODAY

How have you dealt with child care? What's been the key to your success? What have you learned?

In an upcoming issue of USA TODAY, we're going to take a look at child care. To do that, we'd like to hear from you.

▶ **Parents:** What's your best experience? The worst? What advice would you give new parents who are just starting to search for the best care for their child?

▶ **Kids:** What do you like about the child care you've had? What didn't you like?

▶ **Providers:** When does child care work best? When doesn't it? How can parents help?

Please send us your stories and include your name, age, address, day and evening phone numbers. Photographs are welcome but cannot be returned. Letters should be postmarked no later than Nov. 3.

Write to:

CHILD CARE
USA TODAY
1000 Wilson Blvd.
Arlington, Va. 22229

Briefly . . .

Judge **Lance Ito's** stepson was arrested Tuesday in San Diego on grand theft charges. **Dennis York,** 35, is the son of L.A. Police Capt. **Margaret York.** No further details were released. . . . **Sharon Stone's** sister **Kelly,** 34, had 20 hours of surgery on her left leg Monday in Virginia to fix a problem over which she has sued L.A.'s Cedars-Sinai Medical Center. Sharon kept in touch from Paris, where she was getting a medal from the minister of culture Tuesday night. . . . **Tipper Gore** is compiling 100 or so of her photos for a book due in fall '96. Broadway Books says it will include anecdotes about life since hubby **Al** was elected vice president.

BORN TODAY

College basketball's **Bobby Knight** 55
Comedian **Minnie Pearl** 83
Singer **Helen Reddy** . . 53
Actress **Marion Ross** . 67

Regis Philbin takes paddling for charity

JEANNIE WILLIAMS
News & Views

"Bring me Fast Eddie!" **Regis Philbin** demanded, taking his tough-terrier stance.

"I'm not even going to take my coat off," said **Paul Newman,** ever the epitome of cool hustle.

Newman kept on his navy jacket as he and writer pal **A.E. Hotchner** trounced shirt-sleeved Philbin and *Good Housekeeping* publisher **Alan Waxenberg** 21-7 at pingpong — all for charities aided by Newman's Own food company. At Tuesday's Rockefeller Center lunch, Newman chose two grand-prize winners of the fifth Newman's Own and *GH* recipe contest; $200,000 went to charities chosen by contest winners.

Kathie Lee Gifford waved pompons but said, "I'm here to eat." She had her eye on the Cassidy's Chicken Curry entry (her daughter's name is Cassidy).

"The second thing to go is the eyesight!" she hooted at Regis. He'll get his shot on today's *Live With Regis & Kathie Lee,* with more to come when Newman makes a future appearance.

FLASHES: "I was pulverized," admitted **Glenn Close,** speaking for many after Monday's emotional screening of *Cry, the Beloved Country,* attended by South African President **Nelson Mandela.**

You could have heard a pin drop in Manhattan's Ziegfeld Theater as he spoke of hungry children, "their tiny bodies covered by rats . . . but nevertheless a human being."

By Mike Segar, Reuters
MANDELA: At screening to benefit his Children's Fund

He talked of South Africa at this Miramax Films benefit for his new U.S.-based charity, the Friends of Nelson Mandela Children's Fund. But **Alfre Woodard** said "we have a lot to learn" from the way that country has dealt with racial issues.

Richard Harris, stunning in *Cry* as a white man who changes his views, said the film "couldn't come out at a more appropriate time."

Hillary Rodham Clinton spoke of her esteem for Mandela. And Miramax's **Harvey Weinstein** recalled how about five years ago, "I saw **Robert De Niro** cry" when Mandela spoke of movie nights as the only escape from the horrors of his imprisonment.

Mandela's talk was beamed to five L.A. theaters, which also had screenings. The movie opens in December.

STARWATCH: New York Mayor **Rudy Giuliani** and **Barry Tucker** gave a Louisville Slugger to baritone **Robert Merrill** at Sunday's 20th **Richard Tucker** Gala. Merrill, 76, is still the Yankees' official national anthem warbler; he and Richard Tucker were Met partners. Barry is Tucker's son. **Paul Groves,** elegant tenor from Louisiana, won the Tucker Foundation Award. The gala airs New Year's Eve on PBS.

Scientists Map Ocean Floor With Declassified Spy Data

Advances Could Aid in Fishing, Oil Exploration

By Randolph E. Schmid
Associated Press

Using declassified military data, scientists have produced a detailed map of the ocean floor that could benefit fishermen, oil and mineral prospectors and climate researchers.

The map is 30 times better at showing sea floor detail than earlier studies. "This is a day of celebration," David T. Sandwell of the Scripps Institution of Oceanography said yesterday. "We're having a data feast."

Sandwell and Walter H. S. Smith of the National Oceanic and Atmospheric Administration developed the highly detailed map using data collected by Navy and European Space Agency satellites.

The map finally begins to pull away the shroud of mystery covering the sea floor, NOAA spokesman Eliot Hurwitz said in unveiling the new chart at the National Press Club.

Smith said the complex data that form the basis of the map are being provided to scientists through the Internet and also are available on a set of compact discs.

A newly discovered sea floor rise in the South Pacific creates a shallow area where sea life tends to congregate, he said. Already fishermen from New Zealand are visiting the area to catch lobster and fish.

The research allows for estimates of the thickness of sediments on the ocean floor, which is important in searching for gas and oil, Smith said.

He said giant underwater mountain ranges affect currents deep in the oceans. The currents carry large amounts of heat, affecting climate around the world, so climate researchers are feeding the new sea floor data into their computers.

The map shows long volcanic ridges running across the oceans, slowly spreading the Atlantic and opening up the Pacific more quickly.

"Basically, what you're seeing is plate tectonics. It's a very strong confirmation," he said of the theory that the continents are moving around on the globe.

The map was developed using highly accurate satellite measurements of the sea surface, Sandwell explained. While previous ship measurements of the sea floor had gaps the size of Kansas, repeated trips by the satellites provide relatively small detail. Waves are averaged out and tides corrected for, leaving measurements accurate to an inch or so, the scientists said.

Large undersea formations—mountains and valleys—are reflected in small form on the sea surface, the scientists said. A 6,500-foot high mountain may create a "bump" in the ocean above it of 6 feet or so.

The researchers said maps of the ocean surface can be used to develop maps of the bottom. Comparing their maps with the areas where sonar has been used to measure the ocean bottom shows that the new maps are accurate, they added.

The Navy data, collected by its GEOSAT satellite, had been kept classified because of its value for submarine navigation and missile launching, but was released to scientists in July.

Citing Ruby Ridge, Specter Calls for Abolition of ATF

By George Lardner Jr.
Washington Post Staff Writer

Sen. Arlen Specter (R-Pa.) said yesterday that the Bureau of Alcohol, Tobacco and Firearms has "outlived its usefulness" and should be dissolved.

Specter, who headed a Senate investigation of the fatal 1992 siege at Ruby Ridge, Idaho, said ATF's role in that controversy and in other disputes such as the 1993 standoff with Branch Davidians at their compound near Waco, Tex., convinced him the agency should be eliminated.

Specter, who is seeking the Republican presidential nomination, said ATF's functions in enforcing firearms laws and other criminal statutes should be transferred to the FBI while any other duties could be assigned to other units in the Treasury Department.

"They [ATF] went overboard, they went to extremes," Specter said, noting that both Ruby Ridge and Waco began with ATF enforcement efforts. He made his remarks in an interview last evening and earlier during a campaign stop in Iowa.

Treasury Secretary Robert E. Rubin made plain he would oppose any abolition effort. "It would be a mistake to pull apart this vital law enforcement agency that effectively fights guns, gangs and explosives," Rubin said in a statement.

Specter said he was particularly disappointed by ATF's performance at the Ruby Ridge hearings when Director John Magaw defended the ATF agent who pressed for Weaver's prosecution on charges of selling two sawed-off shotguns to another ATF informant and then unsuccessfully tried to sign up Weaver as an informant. The senator said the jury that later tried Weaver felt he had been entrapped.

Magaw did denounce circulation of false reports, apparently based on information supplied by an ATF agent, saying Weaver had a criminal record, but Specter said the director was too slow in acknowledging ATF's faults.

"I don't know if a 'mea culpa' would have changed my mind, but there was none, really," Specter said.

He said he felt the FBI, by contrast, was more prepared to admit errors at Ruby Ridge, acknowledging mistakes in the rules of engagement "early on," making changes in the Bureau's Hostage Rescue Team and issuing new rules of deadly force.

ATF traces its origins to 1791 when the Treasury Department under Alexander Hamilton was assigned to collect a tax on distilled spirits.

Rep. Wilson Announces Retirement

Associated Press

Rep. Charles Wilson, a flamboyant Democrat who has represented an East Texas district since 1973, announced yesterday he will not seek reelection next year.

"I've had 24 elections, primary and general, and I guess I'm not much wanting 25," Wilson said as he stood in front of the federal courthouse in Lufkin, Tex., with members of his district staff.

"I know that at times I've been a reckless and rowdy public servant, but you have been steady and good," added Wilson, who earned the nickname "Goodtime Charlie" because of his penchant for beautiful women.

Wilson, 62, told colleagues that it's time to explore new horizons and make some money in the private sector.

A social liberal with a hawkish bent, Wilson made his mark in Congress by working on defense and foreign policy. In the 1980s, he prodded fellow lawmakers into increasing U.S. aid for the Afghan rebels who eventually drove the Soviet army out of their country.

But he has never forgotten his home base. Colleagues speak with admiration of the federal money Wilson has sent to East Texas and the prodigious amount of constituent casework done by his staff.

Last month, the Federal Election Commission slapped Wilson with a $90,000 fine for election law violations—the biggest fine ever assessed against a House member.

In 1992, he was among the dozens of lawmakers embroiled in the House Bank scandal. Wilson was investigated for possible criminal conduct by the Justice Department for 81 overdrafts totaling $143,857. He was exonerated.

A fellow Texan on the Appropriations Committee, Rep. Jim Chapman (D), announced last month that he would not seek a sixth term. Chapman announced yesterday he will run for Republican Phil Gramm's Senate seat.

THE WASHINGTON POST
TUESDAY, OCTOBER 24, 1995

IRS Shelves Its Plan For 'Audits From Hell'

Random Checks Aimed at Aiding Enforcement

By Albert B. Crenshaw
Washington Post Staff Writer

The Internal Revenue Service is abandoning, at least for the time being, its plan to audit about 153,000 taxpayers in excruciating detail to see how many of them are cheating.

The audits, covering individuals, partnerships and corporations, had been scheduled to begin two weeks ago, but because of looming budget cuts, the agency already had deferred them until December.

Now, with its appropriation for tax law enforcement likely to be cut by nearly half a billion dollars, the IRS indicated yesterday it cannot afford the audits, even though they are "the best vehicle for determining patterns of taxpayer compliance with the tax law," the agency said. Therefore, it is postponing them "indefinitely," it said.

The examinations are known inside the agency and among tax experts as "taxpayer compliance measurement program," or TCMP, audits. Among taxpayers, they have been dubbed "the audits from hell."

Under the program, returns are selected whether or not they are suspected to be fraudulent. The agency picks a diverse group of returns, with a variety of levels and types of income and expenses.

Examiners go over the returns with a fine-tooth comb, usually at the taxpayer's home or office. Taxpayers are required to account for every penny of their income and to justify all their deductions—every line on the return—backing everything up with receipts and records.

The program provides the IRS with information about common errors and misinterpretations of rules and forms, as well as about deliberate cheating. The agency uses the findings to help determine where to look for unreport-

See IRS, D5, Col. 4
IRS, From D1

ed income and improper deductions in other returns.

The audits are quite burdensome, and congressional Republicans earlier this year accused the IRS of using them to harass taxpayers. However, other tax experts said the decision to abandon the audits is regrettable because they save the government money.

"I think that's too bad," said former IRS commissioner Donald Alexander, now a lawyer in private practice here. The audits are "the only effective way of measuring compliance and we need to measure compliance. . . . It's pretty low," especially among small business, he said.

The agency said it is looking for other ways to get information it needs.

AFL-CIO Opens Convention; Leaders Split on Union Race

Frank Swoboda
Washington Post Staff Writer

NEW YORK, Oct. 23—Faced with the first openly contested elections in its 40-year history, the AFL-CIO opened its convention today with union leaders deeply divided over which side they are on.

AFL-CIO President Thomas Donahue is being challenged by John Sweeney, president of the Service Employees International Union. Sweeney is a leader of a coalition of major unions seeking new directions for a labor movement that has steadily been shrinking. AFL-CIO membership is the lowest since 1967, at 13 million members.

Sweeney, 61 and once a close ally of the 67-year-old Donahue, appears to have enough votes for victory in Wednesday's election, but some of his support among the construction unions is slipping. The Donahue camp is working hard to convince a number of construction union leaders to switch their support.

Under the AFL-CIO constitution each union receives as many votes as it has dues-paying members. Unions supporting Sweeney represent approximately 55 percent of the vote.

"Believe me this [election] is still in play," Donahue said during a midday break.

Donahue had served the last 16 years in the federation's No. 2 position as secretary treasurer. He was picked last August to fill the unexpired term of Lane Kirkland, who was forced to resign by the Sweeney-led coalition that opposed his leadership.

The only public agreement between Donahue and Sweeney today was their support of President Clinton as a friend of organized labor. After praising Clinton, Donahue told the convention "next year, in the next election, this labor movement is going to be with him every step of the way."

Clinton spoke to the convention late yesterday afternoon.

Donahue opened the convention with a call for unity, no matter what the outcome of Wednesday's election is.

Donahue reminded the convention to "always remember that our adversaries are not here in this room."

Both sides maneuvered through a series of constitutional amendments yesterday designed to further their cause. But almost immediately, the prospects for post-convention unity were brought into question by Douglas Dority, president of the million-member United Food and Commercial Workers Union and one of Donahue's staunchest supporters. Dority suggested that his union might consider pulling out of the AFL-CIO if all the constitutional changes being sought by Sweeney were approved.

Dority, however, said he held out the hope that agreement could be reached on some of the changes and unity could be achieved.

Although there are many policy differences between them, Donahue has adopted much of Sweeney's platform, which guarantees major program changes in the AFL-CIO regardless of the election outcome.

Absent from the hall was any mention of Lane Kirkland, the man who made the election possible. When opposition to his reelection first surfaced last winter, Kirkland initially refused to step down, thus allowing the Sweeney campaign to gather steam. Had Kirkland moved more quickly, Sweeney and his supporters were prepared to give their votes to Donahue.

Asked about Donahue's failure to even mention Kirkland's name in his keynote address, Dority replied, "Tom's speech was designed to make sure that he didn't alienate any voters."

F.B.I. Director Says Agency Blundered in Idaho Standoff

By DAVID JOHNSTON

WASHINGTON, Oct. 19 — Contrite and somber, Louis J. Freeh told a Senate panel today that the Federal Bureau of Investigation had blundered in the deadly standoff at Ruby Ridge, Idaho, and that as Director of the bureau, he had committed a serious misjudgment when he disciplined, and then promoted, a close associate involved in the incident.

The daylong testimony marked a pivotal moment in Mr. Freeh's two-year tenure as head of the F.B.I. The bureau has been shaken by the confrontation's aftermath, in which five senior officials have become the subject of a criminal investigation into possible obstruction of justice.

Mr. Freeh's testimony today culminated hearings that began last September and involved testimony by dozens of F.B.I. officials and others involved in the Idaho standoff. Senator Arlen Specter, the Pennsylvania Republican who is chairman of the Senate subcommittee investigating the incident, said the panel would prepare a report with findings and recommendations that would be completed by Thanksgiving.

Mr. Freeh's aides hoped his unusually conciliatory approach would shore up his standing in the Government and stem an erosion of confidence in the F.B.I and other Federal law-enforcement agencies fueled by the 1992 standoff at Ruby Ridge and the 1993 siege of the Branch Davidian compound near Waco, Tex.

"At Ruby Ridge, the F.B.I. did not perform at the level which the American people expect or deserve from the F.B.I.," Mr. Freeh told the Senate Judiciary subcommittee on terrorism, which is investigating the Idaho incident. "Indeed, for the F.B.I., Ruby Ridge was a series of terribly flawed law-enforcement operations with tragic consequences."

But Mr. Freeh said the bureau's officials had learned from the mistakes. Almost every aspect of the F.B.I.'s crisis response structure has been changed, he said, and a number of new policies has been put into place to address the shortcomings uncovered by the Idaho standoff, in which three people were died.

For example, Mr. Freeh has said the F.B.I. no longer prepares special rules regarding the use of force for each crisis, because the aggressive and confusing rules prepared for the Idaho siege were interpreted by some agents as shoot-on-sight orders. "I am committed to insuring that the tragedies of Ruby Ridge never happen again," he said.

The bureau became involved in the siege after a United States marshal was killed in a shootout with Randall C. Weaver, a white separatist wanted on gun charges.

An elite team of F.B.I. agents were sent to arrest Mr. Weaver. On Aug. 22, 1992, as F.B.I. sharpshooters encircled Mr. Weaver's remote cabin with orders that they "should" shoot at any armed male they saw, one sniper, Lon Horiuchi, fired on Mr. Weaver when he emerged from the cabin with a friend, Kevin Harris.

As they ran back to the cabin Mr. Horiuchi fired again, killing Mr. Weaver's wife, Vicki, as she stood, unarmed, behind the partly open cabin door with an infant in her arms.

Mr. Freeh, who did not take over the bureau until a year after the incident, repeatedly expressed regret for what he said was his failure to perceive the questionable appearances of his decision to promote his friend and close associate, Larry A. Potts, to be the F.B.I.'s Deputy Director shortly after he censured Mr. Potts for serious managerial lapses during the siege.

"Maybe I did have a blind spot," Mr. Freeh said today. "He was my friend, and he is now."

Mr. Freeh later demoted and suspended Mr. Potts and four others after an internal Justice Department investigation found evidence that some documents may have been shredded to conceal the role played by headquarters officials in the Ruby Ridge incident.

Mr. Potts has denied any knowledge of document destruction, but Mr. Freeh said today that he suspended Mr. Potts and others when confronted with a Justice Department memorandum on the interim findings of a internal investigation that contained "inferences, some evidence and conclusions" that Mr. Potts might be among those involved.

Several senators praised Mr. Freeh's willingness to acknowledge shortcomings at agency which has at times in the past refused to admit its mistakes. But some expressed skepticism when Mr. Freeh balked at stating unequivocally whether a new policy on the use of deadly force, announced on Wednesday, would preclude agents from taking a shot like the one by Mr. Horiuchi did that killed Mrs. Weaver.

"In discussing Special Agent Horiuchi's second shot, I am not saying that I approve of it," Mr. Freeh said. "I am not trying to justify. I am not saying that I would have taken it. I am not saying that others should do what he did. I am certainly not saying that in a future similar set of circumstances, F.B.I. agents or law-enforcement officers should take such a shot."

But Mr. Freeh defended the lawfulness of Mr. Horiuchi's action, saying it complied with Supreme Court decisions on the use of deadly force. "Under all the circumstances that Special Agent Horiuchi faced on Aug. 22, 1992, and based on all the evidence, I do not believe that it was unlawful in that time and place for him to take the second shot," Mr. Freeh said.

Drug Adviser Assails Hollywood 'Messages'

By The New York Times

LOS ANGELES, Oct. 19 — The Director of National Drug Policy today criticized Hollywood for glorifying drug use in television shows, movies and music marketed to young people, and he urged executives of the entertainment industry to change things.

"We all know the dangers of some of these messages, and I believe that we can all agree that some changes need to be made," said Lee P. Brown, President Clinton's drug adviser.

Mr. Brown made his comments to about 150 Hollywood executives at a symposium sponsored by the Screen Actors Guild, the National Association of Television Programming Executives and other groups.

THE NEW YORK TIMES, FRIDAY, OCTOBER 20, 1995

New Congress Sours Milk Lobby

Budget Bill Deals Setback to Once Powerful Dairy Farmers

By KEITH BRADSHER

MIFFLINTOWN, Pa. — For most of the 23 years that Donald C. Everitt has been running a small dairy farm here, few groups have had more power on Capitol Hill than the milk lobby, and few farmers were as assured of help if things went badly.

But no commodity has fared so badly in Congress this year as milk, with the House Agriculture Committee producing a plan to abolish price supports while its Senate counterpart has slashed subsidies in half.

For consumers, the changes may trim a few pennies off the price of a gallon of milk. Mr. Everitt worries that the changes could mean that the Everitt family's 270 years of dairy farming may soon end. But Gary L. Anderson, who runs a dairy farm in Cecil, Wis., thinks the cuts are worth the chance to get rid of rules that guarantee higher prices for dairy farmers in Pennsylvania like Mr. Everitt than for those in his region.

The upending of the complex system that has governed milk production for decades shows that even a long-entrenched interest group like dairy farmers can lose its hold on Congress in a year of rapid change.

Part of the industry's power has come from the ubiquity of dairy farmers, who can be found in every state in the nation. But under the pressure of a budget resolution calling for billions of dollars in cuts in farm subsidies, regional differences divided the industry and undermined its influence.

Blunders also played a part: trade groups long used to dealing with a Democratic majority moved ineptly to adjust to Republican control, angering a subcommittee chairman.

And Senator Rick Santorum, the Republican representing Mr. Everitt and other Pennsylvania farmers on the Senate Agriculture Committee, found himself caught between his constituents' interests and his own pledges to reduce the budget.

Already struggling with rising costs, Mr. Everitt and his 37-year-old son, Donald Jr., now keep an extra 30 cows and rise at 4 o'clock every morning, an hour earlier than they did a decade ago, to milk the cows.

"I'm just barely getting by — my wife works, my son and I have more cows," Mr. Everitt said as his herd ate from a nearby trough. "They say we're supposed to be better managers, but there comes a point where we can't be any better."

Farmers are known for making such complaints, lest someone notice their good fortune and take it away. But economists agree that for small family dairy farms, particularly those in the Northeast, the budget bill now moving through Congress could prove disastrous.

"An 80-cow farm is going to find it hard to be cost competitive" in the Northeast, said Andrew M. Novakovic, chairman of the agricultural economics department at Cornell University. "As a general rule, that isn't going to be enough."

The Senate plan would lower the price that farmers are guaranteed for their milk. The House plan would go further and eliminate the current labyrinth of Federal rules dictating the minimum prices that companies must pay to farmers in each of 34 regions for various grades of milk sold to consumers. Companies would instead be allowed to buy milk from whatever farmer sold it cheapest.

To be sure, Congress has done some favors for dairy farmers. The House plan would make small, fixed payments to dairy farmers to help them weather the transition to a deregulated market. Both bills would eliminate a fee on milk farmers that now covers one-third of the cost of their subsidies.

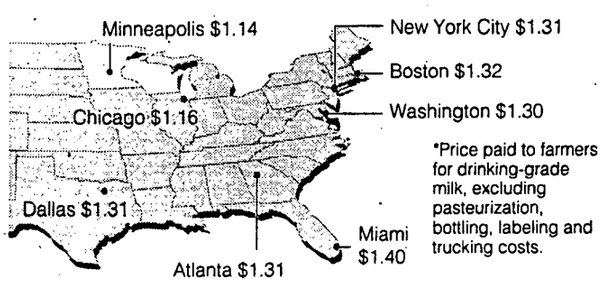
A CLOSER LOOK

Milk Prices: Some Regions Pay More

For 36 years, a complex system of Federal and state regulations has guaranteed that farmers are paid the least for milk in Wisconsin and Minnesota, where dairy farms have traditionally been among the most efficient in the country. Farmers elsewhere are guaranteed higher prices, with the highest prices guaranteed for regions that are farthest from Wisconsin and Minnesota.

The House Agriculture Committee now plans to abolish the system of regional milk premiums and to eliminate subsidies that hold up milk prices nationwide. The Senate Agriculture Committee plans deep cuts in subsidies, but will keep the regional differences in prices. Here are the prices that farmers receive for milk sold in some large cities:

Farmer price per gallon*



*Price paid to farmers for drinking-grade milk, excluding pasteurization, bottling, labeling and trucking costs.

Source: House Agriculture Committee

But the overall effect of both plans would be to lower Federal spending, increase competition and probably drive down milk prices.

Public-policy experts and consumer groups have long called for these changes. The current system amounts to an indirect tax on milk users, they say, taking as much as $800 million in higher prices each year from milk consumers and giving that money to dairy farmers.

"Government regulations mean that consumers pay more, and taxpayers pay more, than they should," said Harry M. Snyder, an authority on dairy policy at Consumers Union.

Farmers like Mr. Anderson and his neighbors agree. "We see the Federal dairy program as a disadvantage, and if we let market forces determine who produces and at what price, we believe we'd be better off here in the Midwest," he said.

> For small dairy farms, a disaster may be looming.

But Mr. Everitt worries about what will happen if milk price supports are eliminated and the industry is suddenly exposed to the ferocious competition of the modern American business world. "It's nice to have that safety net — if you don't have it, the price could really drop," he said the other day on his farm here in south-central Pennsylvania.

But in one sense, the milk industry's troubles began with its remarkable success in past legislative battles. It fought off some of the changes that have limited the cost of other Federal crop subsidies in recent years. So when Republicans went looking for big, expensive farm programs that could yield large budget savings, they immediately began looking at the milk program.

Recognizing the danger, milk lobbyists opened their campaign with a move that quickly backfired. They volunteered for some subsidy cuts provided that complicated new rules be introduced to share the cost among regions of the country. The House and Senate agriculture panels promptly accepted the chance to save money in their deficit reduction efforts, but rejected the new rules.

The milk producers also gambled that they could block the deregulation and free-market rules envisioned by Representative Steve Gunderson, the Wisconsin Republican who heads the House Agriculture dairy subcommittee by rallying representatives from other regions against him.

But the plan backfired when Republicans proved reluctant to challenge Mr. Gunderson and when the subcommittee chairman responded with fury. "It was a cold, calculated, manipulative attempt to try to bring all the regions of the country together to roll the Midwest and keep business as usual," Mr. Gunderson said.

The move so angered him that he then pushed through the Agriculture Committee a sweeping plan for complete deregulation. "They left me no option but to pursue the deregulation plan," he said.

Mr. Gunderson has announced plans to retire from Congress next year, making him less susceptible to dairy interest pressure.

The reshuffling of Congressional committee membership also left the dairy business at a disadvantage. No Republicans serve on the House Agriculture Committee representing Northeastern districts, much less any districts with high-cost milk industries.

The Senate Agriculture Committee is dominated by Southerners and Midwesterners. It has one Northeastern Republican, Mr. Santorum.

The dairy industry also used to shield itself from political harm with lavish campaign contributions to both parties. But it showed poor judgment in its political contributions in the last two years. A study of dairy industry contributions by the Center for Responsive Politics, a Washington research group, found that no other agricultural industry gave so lopsidedly to Democrats in 1993 and 1994. Nine of the top 10 House recipients of dairy industry money in the last election cycle were Democrats. So were 7 of the top 10 Senate recipients.

THE NEW YORK TIMES, FRIDAY, OCTOBER 20, 1995

FBI Head Freeh Admits Agency Mistakes in Ruby Ridge Case

By Ronald J. Ostrow Los Angeles Times

WASHINGTON In an extraordinary display of contrition, FBI Director Louis J. Freeh said Thursday that the 1992 Ruby Ridge, Idaho, siege was ``a series of terribly flawed law enforcement operations with tragic consequences" and vowed to ensure that something similar will ``never happen again."

Although Freeh did not head the FBI in 1992 when an anti-government fugitive's wife and 14-year-old-son and a deputy marshal were killed in the Ruby Ridge siege, he expressed regret for overreaction there by law enforcement officials and for later promoting an official who had a major role in the episode.

During testimony before the Senate Judiciary subcommittee on terrorism, Freeh said that it had been a ``mistake" to elevate Larry Potts to deputy director soon after censuring him for a management failure at Ruby Ridge.

``It was a grave error on my part," Freeh said. ``I'm paying a price for it."

Sen. Arlen Specter, R-Pa., chairman of the panel, said that the blame for the Potts promotion goes even higher than Freeh, citing Attorney General Janet Reno, who approved the appointment.

``The attorney general of the United States is in a position to say `no,' " Specter said, as the subcommittee wound up its hearings. ``The attorney general is not supposed to be a rubber stamp."

(Begin optional trim)

Reno has defended her decision to elevate Potts, saying that she has long followed a policy of approving personnel recommendations made by agency heads under her jurisdiction.

Freeh's admission of mistakes would have been ``unthinkable" years ago, Sen. Patrick J. Leahy, D-Vt., told the FBI chief, referring to the years that J. Edgar Hoover headed the bureau.

Freeh, a highly popular director, drew praise for his candor, and Specter, who dominated the questioning, said outside the hearing: ``I'm not prepared to say he's been tarnished."

(End optional trim)

The hearing also shed new light on the grounds for a criminal investigation by the U.S. attorney's office here of Potts and four other FBI officials for possible document shredding and obstruction of justice after the Ruby Ridge tragedy.

Potts has denied such actions in testimony before the subcommittee.

But Freeh said that Michael E. Shaheen Jr., the Justice Department's counsel for professional responsibility, had given him a memo setting forth all the allegations against the five FBI officials. Freeh said that Shaheen, the department's top internal watchdog, told him that the allegations were ``supported by inference, some evidence and conclusions."

Freeh said that the cover-up allegations ``if proven, shake the very foundation of integrity upon which the FBI is built." They ``go to the very heart of what FBI special agents do seek the truth. There is nothing more grievous and shocking than an allegation that an FBI agent has committed perjury or obstruction of justice."

Specter, estimating that the investigation could require another eight months to conclude, asked Freeh what impact he thought it was having on Potts. ``Every day that it goes on is another nail in a coffin that can't be taken out," Freeh said.

Freeh also was sharply critical of some FBI tactics at Ruby Ridge.

When Sen. Dianne Feinstein, D-Calif., asked, for example, about the FBI plan to attempt to communicate with fugitive Randy Weaver in his remote cabin with a mechanical robot, carrying a telephone and a shotgun, Freeh said: ``It was the stupidest thing I've ever heard of. I can't think of a dumber idea."

Freeh would not go along with Specter's conclusion that, based on information available to the FBI sniper at the time of the standoff, the shot he fired that killed Weaver's wife, Vicki, did not meet the U.S. Supreme Court's interpretation of what constitutes legitimate use of deadly force.

But under persistent questioning by Specter, Freeh said that based on ``everything we know now," the shot would not meet the Supreme Court standard.

(Optional add end)

At issue is the second shot fired by sniper Lon Horiuchi.

At the Idaho trial of Weaver and his friend Kevin Harris, who were acquitted of charges of murdering Deputy U.S. Marshall William Degan, Horiuchi testified that he first shot at a man he saw raising his rifle. The man, later determined to be Weaver, ``was trying to get a shot off" at a law enforcement helicopter flying overhead, Horiuchi contended.

That first shot was determined to be in line with the FBI's deadly force policy, which permits agents to fire to save themselves or others from death or serious injury.

Seconds later, Horiuchi fired his second shot at what he thought was the same man running toward the Weaver cabin.

His second bullet struck both Harris and Vicki Weaver as she stood hidden by the open front door of the cabin.

Disagreeing with a Justice Department task force, the department's Civil Rights Division and its Office of Professional Responsibility determined that the second shot was not unconstitutional.

Freeh stressed that he was not saying he approved of the second shot or that he would have taken it, but that based on what Horiuchi knew at the time he fired the shot, it met Supreme Court standards.

U.S. to Seek Death Penalty in Oklahoma City Bombing Case

(c) 1995, Los Angeles Times=

WASHINGTON The Justice Department has decided to seek the death penalty for accused Oklahoma City bombers Timothy J. McVeigh and Terry L. Nichols, accused in the worst case of domestic terrorism in U.S. history, sources said Thursday night.

McVeigh's lawyer, Stephen Jones, confirmed that he had been notified of the decision by the office of Patrick Ryan, U.S. attorney in Oklahoma City. Attorneys for Nichols could not be reached. Justice Department officials declined comment.

``It's hardly a surprise since the president and attorney general announced even before the arrest of any defendant that they would seek the death penalty," Jones said. He has motions pending challenging Attorney General Janet Reno's role in the decision, because of the statements she and President Clinton made hours after the bombing.

But Reno has said that she would make the decision on whether to seek capital punishment, regardless of Jones' objections.

Lawyers for the two men have 30 days to challenge the government's decision to press for the ultimate penalty. Word of the Justice Department's decision came exactly six months after the April 19 blast that killed 169 persons and injured more than 600.

Clinton Tries to Calm Outcry Over Tax Comment (Washn)

By Paul Richter Los Angeles Times

WASHINGTON President Clinton tried to calm outcry over a controversial remark he made about taxes by pleading guilty Thursday to a lesser offense: Disobeying his mama's advice to keep quiet when he's tired.

Two days after he delighted Republicans and enraged some Democrats by saying he was sorry about 1993 hikes on the top 1.2 percent of taxpayers, an abashed Clinton appeared in the White House press room to contend he never meant to say he was sorry.

Clinton said if the comment caused people to think he wasn't ``proud" of the hikes, ``then I shouldn't have said that ... It was absolutely the right thing to do." What he meant to say, the president went on, ``was that nobody enjoys raising taxes."

Clearly choking a bit on this helping of crow, Clinton added: ``My mother once said I shouldn't give a talk after 7 o'clock if I'm tired and she sure was right!"

If this was his mother's advice, Clinton has disobeyed it twice in the past week.

Addressing a group of mostly wealthy contributors in Houston on Tuesday night, Clinton said some in his audience were probably angry at the tax hike.

``It might surprise you to know that I think I raised them too much, too," Clinton said. He went on to say that the move was nonetheless the right thing to do, because of the need to lower the deficit and increase government spending on needed national ``investments."

Clinton said much the same thing last Friday when he addressed a group of wealthy chief executives in Williamsburg, Va.

The Houston remark drew denunciation from some Democrats, who complained that Clinton shouldn't be disavowing a move that required them to cast votes at considerable political risk.

The flap seemed to take some toll on Clinton. He appeared half an hour late for a scheduled news conference Thursday morning, and joked wearily before he took the first question: ``I can only imagine what the first question is."

Clinton Says He Might Accept 7-Year Budget-Deficit Target

By Paul Richter Los Angeles Times

WASHINGTON President Clinton, reversing field, said Thursday he might accept a budget that eliminates the deficit in seven years a step he had previously rejected for exacting too great a toll on the poor and the elderly and on other essential spending.

Clinton said the seven-year term might become part of a compromise if the GOP accepted some of his basic requirements, such as maintaining the Medicare and Medicaid programs at sufficient levels and spending enough on the environment and new technology.

Even as he made the offer, however, Clinton issued a warning that he intends to veto legislation that contains the Republican Medicare reform and tax-cut plans. The White House argues that Republicans want to save too much from Medicare and offer too large a tax cut.

In other budget action, the Senate Finance Committee formally approved a $245 billion, seven-year tax-cut bill that the committee's Republicans had agreed upon last week. The bill would provide a $500-a-year tax credit for each child younger than 18 for single parents earning up to $75,000 and for couples earning up to $110,000.

Clinton's new position on the number of years needed to balance the budget could open the way to compromise, especially since House freshmen have been unyielding on the need to balance the budget in that time span.

It comes at the cost of some embarrassment to the White House. Administration officials had previously warned that trying to balance the budget in seven years, instead of eight or more, would force the government to take too much from programs for the poor and the elderly and slow spending so much that the economy would suffer.

Clinton's statement got favorable reaction from some leading Republicans on Capitol Hill.

Sen. Majority Leader Bob Dole of Kansas said it offered ``a glimmering of hope that we may be able to come together ... I would hope that is a sincere offer by the president."

(Begin optional trim)

House Budget Committee Chairman John Kasich of Ohio said, ``He mentioned the word seven. I want to encourage the president for using the word seven."

But Kasich said he could not accept such a plan if it meant the GOP needed to accept the administration's more optimistic economic assumptions. White House economists predict that current policies will produce smaller deficits than forecast by the Republicans, and therefore argue that the deficit can be erased with smaller spending cuts.

If Clinton is tying compromise to such predictions, then ``he would be speaking in a language that I do not understand," Kasich said.

(End optional trim)

In a morning news conference, Clinton said that if the two sides ``get together in genuine honesty and openness, I think there's a way for me to meet their stated objectives, which is a balanced budget in seven years, with a family tax cut, and I think they want a capital-gains tax cut, and extending the Medicare Trust Fund to 2006 ..." He added that it would probably be necessary to build in some mechanism to adjust spending depending on government revenues and obligations, since such variables are hard to predict.

White House Press Secretary Mike McCurry said the president had not figured out precisely how to achieve the balanced budget in the seven years. McCurry also said that if a seven-year plan included the GOP's proposed $245 billion tax cut, and its $270 billion cuts in Medicare, ``the results could be devastating."

The White House has been alternating between conciliation and threats on the budget for weeks, and the president's comments Thursday came after he issued a warning about how he would treat the GOP Medicare and tax-cut proposals.

``My message to the Republicans is simple: I hope you will think again," he said. ``I will not let you destroy Medicare and I will veto this bill."

Dole reacted sharply to the statement: ``If anyone needs to think again, in my view it's President Clinton. The president continues his cynical re-election campaign designed to scare the American people, especially senior citizens."

(Optional add end)

Thomas Mann, an analyst at the Brookings Institution, said Clinton's new line on the seven-year term was part of an effort to create an impression that he is the reasonable party in the longrunning budget dispute.

``He's trying to set a mood in which a veto will be seen as reasonable and not a vote against a balanced budget," Mann said.

Clinton's comments come at a time when Republicans in Congress increasingly are confronting the possibility that they will not complete work on their tax and spending bills by mid-November, when stopgap financing for the government expires.

The government also is expected to bump up against its debt limit by then if not sooner so Kasich said Congress may have to pass a short term increase in the government's authority to borrow.

Freeh tells panel he wouldn't have taken fatal shot

By Jerry Seper
THE WASHINGTON TIMES

FBI Director Louis J. Freeh, under intense questioning by a Senate panel looking into the government's siege of white separatist Randall Weaver, said yesterday he would not have taken the August 1992 shot by an FBI sniper that killed Mr. Weaver's wife, Vicki.

Mr. Freeh, a former FBI agent himself, steadfastly refused to condemn the fatal shot by FBI sniper Lon Horiuchi or describe it as unlawful, but acknowledged during more than four hours of rigorous debate that a shot meeting constitutional requirements was not necessarily a good shooting.

"It can be a constitutional shot and a bad shot at the same time," he said, later adding that in hindsight, "no one" in the FBI would have taken the Aug. 22, 1992, shot that killed Mrs. Weaver as she stood behind a door at the Naples, Idaho, cabin.

"I would not take that shot," he said, after first refusing to answer the question, then diverting similar questions with explanations of the agency's strict reaffirmation of its deadly force rules he has instituted to guarantee no repeat of the Weaver incident.

Mr. Freeh, during grilling by both Republicans and Democrats, also said his censure of Larry A. Potts for management failings in the Weaver siege and then his immediate promotion as deputy director was a mistake.

"Looking back, I recognize that I was not sufficiently sensitive to the appearance created by my decision to discipline and then simultaneously promote Mr. Potts," he said. "I take full responsibility for that decision and I alone should be held accountable for it."

Mr. Potts, who headed the criminal division at the time of the Idaho siege and directed the operation from Washington, has since been demoted and suspended with four others pending probes by the U.S. attorney's office and state prosecutors in Idaho into possible criminal wrongdoing.

The Senate Judiciary subcommittee on terrorism, technology and government information is looking into accusations that FBI officials, among other things, covered up their actions in the Weaver standoff — including shredding documents — to protect Mr. Potts and others.

Fourteen hearing sessions since Sept. 6, which have examined the government's role in the siege, are expected to result in a report by Thanksgiving.

The hearing's tone yesterday was set early by Sen. Fred Thompson, Tennessee Republican, who suggested agents who testified before the panel and during the Weaver trial "embraced" the bureau's standard deadly force policy to justify the shooting of Mrs. Weaver when revised rules of engagement at the site were determined to be out of line.

The revised rules authorized what some panel members have suggested was a shoot-on-sight policy.

"You have a sniper who can apparently hit a silver dollar at 300 yards not even knowing who he's shooting at, but that's still better, I suppose, than being wed to unconstitutional rules of engagement," said Mr. Thompson, a former federal prosecutor. "I think it's just a shame you've gotten hung up and locked into a position that Horiuchi evidently took on the witness stand and is totally untenable."

Sen. Arlen Specter, Pennsylvania Republican and chairman of the subcommittee, told Mr. Freeh he did not regard the decision to promote Mr. Potts as "your mistake alone," saying Attorney General Janet Reno had the final say and was in a position to say no.

"The attorney general is not supposed to be a rubber stamp, is she?" asked Mr. Specter.

"Absolutely not," Mr. Freeh replied.

Sen. Larry E. Craig, Idaho Republican, said he wrote Miss Reno in January to ask for a review of the Potts promotion, and was told the attorney general had no reason to reject the appointment. Mr. Craig said Miss Reno had "ample warning" that there was a problem.

Miss Reno said during her weekly press briefing yesterday she had deferred to Mr. Freeh's judgment in the promotion.

Mr. Freeh acknowledged under intense bipartisan questioning that the Weaver siege demonstrated the FBI's crisis management structure was "inadequate and terribly flawed." He outlined numerous changes he said would re-establish accountability.

Budget battles force farmers to play waiting game

ASSOCIATED PRESS

The first week of October usually means a hefty government check for many farmers and ranchers. The checks are late this year, thanks to budget wrangling in Washington.

As a result, people in farm states are beginning to fret about paying taxes, farm loans and other bills that come due starting November.

Whether worried, angry or contemptuous of Washington, the would-be recipients of payments under the Conservation Reserve Program say they've again become the pawns while politicians fight it out.

"It's the poor little guys like us that suffer," rancher Lon Lyman, 52, of Okaton, S.D., said in a telephone interview. He's waiting for $28,000. Ronald Watkins, 39, of Robinson, N.D., whose $15,400 payment is overdue, said it's another case of rural America being put on the back burner. "I guess we're kind of used to it," he said.

Both have gone through this before, budget squabbles delaying checks as much as a month or two. Bankers know this, and give their borrowers some wiggle room of up to two months.

"It's not the first time it's happened," said Patrick Fallon, senior vice president of the Central Bank and Trust in Hutchinson, Kan. "They don't like it, they complain about it."

Still, said Jeff Campbell, president of the Security State Bank in Dunseith, N.D., "I've had three or four people in the last week . . . that are kind of tapping their fingers and wondering when it's going to happen."

Under the program, created 10 years ago, landowners are paid annual rent to idle their erodible land. They also get help planting a grassy cover or trees. Besides idling about 35 million acres, the program pumps $1.8 billion into the rural economy each year.

The program has been criticized for its generous payments on land that could safely be farmed, and for enriching absentee landlords. But many farmers bank and borrow on it. Others count on it for retirement income.

The Agriculture Department has withheld payments, saying President Clinton must first sign the department's spending bill for the budget year that began Oct. 1.

The bill was passed last week, but it was not sent to the president until Wednesday.

Republicans, including Senate Majority Leader Bob Dole of Kansas, have argued that the payments can be made under temporary spending authority.

The Washington Times
★ FRIDAY, OCTOBER 20, 1995

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Looming budget battle forces Clinton to reinvent himself

By Warren P. Strobel
THE WASHINGTON TIMES

In a blizzard of charts and statistics, angry rhetoric and feel-your-pain sympathy, President Clinton has been attempting for weeks now to brand the Republican plan for remaking government as extreme and unfair.

Anticipating the budget showdown with the GOP-led Congress and looking even further ahead to the presidential campaign, Mr. Clinton wants to look like a moderate who can balance the books and protect key programs at the same time.

"People now see [the president's] priorities in very clear, sharp distinction against what the Republicans want to do," said Michael McCurry, White House spokesman.

Nevertheless, GOP proposals to cut taxes, balance the federal budget and trim the growth of Medicare are moving relentlessly through the House and Senate, a sign the President's campaign is failing as a deterrent.

But the White House has laid the groundwork for the coming debate over the shape of the eventual budget compromise.

Outwardly, at least, the president's aides appear confident. After a year during which Congress changed hands and Mr. Clinton was forced to declare himself "relevant," the president, they say, has re-emerged as a player in this year's epic budget tangle.

The president has threatened to veto the massive bill that combines tax cuts, entitlement reductions and other spending cuts.

"I think they're a little frightened of that," Mr. McCurry said. "They made the assumption that Clinton would cave."

The White House campaign, plotted at a series of daily and weekly White House meetings, some attended by former Republican political consultant Richard Morris, tries to emulate successful Republican attacks on Mr. Clinton's proposal for national health care last year.

Republicans and their allies in the health care and insurance industry portrayed the proposal as a dangerous exercise in big government. The image struck home and the plan never recovered.

The White House is "taking a page from the GOP playbook on health care," said David Iannelli, a senior analyst at Coldwater Corp, a Republican polling firm in Ann Arbor, Mich.

But there is one crucial difference between the two, Mr. Iannelli said. Health care was a largely private function, and Mr. Clinton proposed to inject greater government involvement. Many Americans concluded reform should wait.

By contrast, the issue of reforming government, especially programs such as Medicare, has become a powerful symbol for a cynical electorate eager to see if the new GOP Congress can solve problems.

The White House's chief target has been the Republican plan for a $245 billion tax cut. The benefits, Mr. Clinton and his aides incessantly charge, will disproportionately benefit the wealthy at the expense of programs that help the elderly and the poor.

In a mid-September Hart-Teeter poll, 13 percent of the respondents said a tax cut should be Congress's top priority, while 37 percent chose a balanced budget and 33 percent opted for Medicare reform.

Mr. Clinton's attacks have done little more than shore up support among his own demoralized congressional Democrats, said Tony Blankley, spokesman for House Speaker Newt Gingrich.

To buck up his own troops, Mr. Gingrich also frequently recounts the political odyssey of Republican Gov. John Engler of Michigan. Mr. Engler's approval ratings fell to 19 percent early in his term as he tried to restructure the state's entitlement programs. He was reelected with more than 60 percent of the vote.

"Expect that if enough people scream 'the sky is falling' and the numbers go down, there's going to be some level of pain, but it is only temporary, the speaker tells rank-and-file members," Mr. Blankley said.

Mr. Clinton also suffers from the widespread perception that he is a belated convert to the idea of balancing the budget or reforming Medicare.

The president first proposed a budget this year that would continue deficit spending. He changed course this summer and proposed to balance the budget in 10 years instead of the GOP's seven-year plan.

House Republicans end era of Medicare hand-wringing

By Nancy E. Roman
THE WASHINGTON TIMES

House Republicans ended a generation of alibi politics yesterday by voting to drastically reduce the growth of Medicare, a daring move they hope will satisfy seniors and please younger voters hungry for a balanced budget.

Until now, House Republicans have spent most of their time apologizing for opposing Medicare in 1965 and going along quietly with nominal Democratic reforms.

The new era, inaugurated by passage of their massive reform package, is designed to redeem the GOP for its opposition to Medicare by proving the party was brave enough to do the hard work of saving the program from insolvency.

"If you would have asked anyone a year ago if Repubicans would have had the political courage or will to tackle Medicare's bankruptcy in a substantial way, people would have thought you crazy," said John Czwartacki, spokesman for the Republican Conference. "We had to educate ourselves. We had to educate the American people."

Republicans took this leap into the political unknown with nearly unanimous support from their members. Even lawmakers from swing districts and those with a high concentration of seniors backed the reforms.

Florida Reps. E. Clay Shaw Jr., Dan Miller and Mike Bilirakis, all of whom have districts where more than a fifth of the residents are 65 or older, helped draft the bill and sell it to other lawmakers.

Mr. Bilirakis said Republicans have "raised critical questions at the risk of political suicide" to preserve the valuable medical insurance program that serves 37 million seniors.

Rep. Jim C. Greenwood, Pennsylvania Republican, a two-term member from a swing district north of Philadelphia, also helped to draft the plan and the communications message behind it.

Rep. Greg Laughlin, a Democrat-turned-Republican who represents a southeast Texas district that is home to one of the state's highest concentrations of seniors, also supported the bill.

Tricia Primrose, spokeswoman for the Democratic Congressional Campaign Committee, said Democrats will use the Medicare changes to try to unseat Republicans.

"I've been hearing already from Democratic challengers who are talking with seniors about this vote," Ms. Primrose said. "We think it will be pivotal in the 1996 elections."

Ms. Primrose said Rep. Phil English, who won an open-seat race against Democrat Bill Leavens by 4,643 votes out of 180,823 votes cast, could be more vulnerable in his swing district of Erie, Pa., because of his Medicare vote.

"In the end, seniors will see that they have these new options, that their premiums have not gone up, and they will then thank us," Mr. Greenwood said.

In the spring, Republicans used an annual report drafted by the Medicare trustees, three of whom are members of the Clinton Cabinet, to show Medicare was headed for bankruptcy and that changes were necessary.

The report predicted the bankruptcy of Medicare Part A, which pays for hospital care, by 2002. Republicans repeated this message over and over and by August polls showed that 85 percent of seniors understood that Medicare was in jeopardy.

"The second message was that we were not cutting Medicare but slowing the rate of growth," Mr. Miller said.

House Speaker Newt Gingrich instructed lawmakers to correct reporters whenever they posed a question with the word "cut" or referred to cuts.

Mr. Miller said Republicans were willing to embrace the politically tough message and that all was proceeding as planned until September.

"We slipped a little bit, and started to get so focused on details that we didn't devote as much time to message," Mr. Miller said.

It was then, he said, that Democrats made some inroads with their message that Republicans were cutting Medicare to pay for tax cuts for the wealthy.

"Next April 15, when people are getting a tax break, when kids are still getting lunches at school, college loans are still available and seniors have their Medicare, it is going to be a different story."

Democrats voted against it.

Earlier Thursday, by a 149-283 margin, the House rejected a Democratic alternative which would have found $90 billion in Medicare savings the amount cited as necessary by the program's trustees to keep the program solvent.

``Their (Democratic) plan is the politics of the past," said Rep. Bill Archer, R-Texas, chairman of the House Ways and Means Committee. ``Our plan saves Medicare through the eve of the Baby Boomers' retirement."

Under the House plan, which must be reconciled with whatever proposal comes out of the Senate, the rate of growth for Medicare would be slowed from 10 percent to 7.1 percent until the year 2002.

Medicare recipients could choose to stay in the traditional fee-for-service plan and, for most, there would be no increase in deductibles or co-payments.

Individuals with incomes above $75,000 and couples earning more than $125,000 would have to pay higher Part B premiums for doctors' visits and lab tests as subsidies for their coverage were phased out.

According to figures from the bipartisan Congressional Budget Office, the current $46.10 monthly premium would increase to $54 next year, climbing to $87.60 by 2002.

Under current law, that premium would rise to $61 by 2002.

Beneficiaries could choose a private ``Medicare Plus" option that would have to offer at least the same benefit package as traditional Medicare.

With a variety of incentives, including savings on prescription drugs and eyeglasses, they could move among different types of coverage health maintenance organizations (HMOs), preferred provider organizations (PPOs) and new insurance plans owned directly by doctors.

The bulk of the projected savings about $147 billion would come from reductions in reimbursements to doctors, hospitals and other health-care providers.

More savings, up to $34 billion according to GOP lawmakers, would come from moving seniors into managed-care plans.

Democrats contend the GOP is bent on wrecking a Medicare system it long opposed in order to fund a seven-year, $245 billion tax cut plan which, ironically, was sent to the Senate floor Thursday by the Finance Committee.

Rep. Thomas Bliley, R-Va., chairman of the House Commerce Committee, accused Democrats of ``excuses, distortions and overstatements" in opposing the Republican plan.

``While we are risking our careers to save Medicare, Democrats are scaring senior citizens," Bliley said.

But Rep. David Bonior, D-Mich., said the Republican future meant a time when Baby Boomers would sit at kitchen tables and ``decide between educating their kids or paying their parents' medical bills."

With polls showing growing public unease with the ambitious Republican agenda in Congress, GOP leaders worked tirelessly, adding ``sweeteners" for nervous lawmakers in their own party.

Just moments before the vote, Gingrich was meeting GOP lawmakers from New Jersey who were concerned about the impact of the Republican budget plan on public hospitals.

In the end, four of the six ``No" votes among Republicans were from New Jersey.

At the White House, Clinton reiterated his pledge to veto the Republican measure, insisting it would ``eviscerate" Medicare.

``My message to the Republicans is simple," the president said. ``I hope you will think again. I will not let you destroy Medicare and
I will veto this bill."

(EDITORS: STORY CAN END HERE)

On the House floor, lawmakers sat through five hours of fractious debate in which Democrats hissed and hooted, and lawmakers on both sides of the aisle toted grudges and props to the lectern.

Rep. Daniel Frisa, R-N.Y., waved $20 bills he said represented the savings seniors would enjoy under managed-care options and Rep. Lloyd Doggett, D-Texas, carried a drawing of a plucked chicken, which he said represented seniors in the GOP initiative. But Rep. Bobby Rush, D-Ill., lugged the most novel prop.

After attacking the Medicare proposal, Rush carried a five-pound bologna to the GOP leadership table, leaving it in front of a speechless Bliley.

It was left to a smiling Rep. Henry Hyde, R-Ill., to remove the lunchmeat to the GOP cloakroom. Later, Hyde told the House that bologna sandwiches were being served.

``If we run out, we know where to get more," he said, pointing at the Democrats.

Next week, the action moves to the Senate, where lawmakers will take up Medicare as part of a broad budget measure that includes a plan to change Medicaid the health insurance system for the poor and disabled. Republicans hope to take $182 billion in savings from that program by the year 2002.

On Medicare, there are significant differences in the House and Senate bills. The Senate bill would hike beneficiaries' $100 annual deductible to $150 in 1996 and to $200 by 2001, and raise the eligibility age for Medicare from 65 to 67 by 2027.

Unlike the House bill, it would not limit medical malpractice awards. The House measure caps punitive damages and awards for pain and suffering at $250,000.

All differences will have to be sorted out in a joint House-Senate conference before a vote on final passage and a decision by the president to sign the bill or veto it.

FBI director testifies on mistakes stemming from Ruby Ridge incident By Ginger Orr Chicago Tribune

WASHINGTON FBI Director Louis Freeh on Thursday called a deadly standoff at Ruby Ridge, Idaho, ``a series of terribly flawed law enforcement operations," and said he regretted promoting a friend to the agency's No. 2 spot.

Freeh testified before a Senate judiciary subcommittee, concluding a series of two-month-long hearings on the 1992 Idaho standoff, in which a federal deputy marshal and the wife and son of separatist Randy Weaver were shot to death.

``Ruby Ridge has become synonymous with tragedy. ... It has also become synonymous with the exaggerated application of federal law enforcement," Freeh said. ``I will swiftly and decisively deal with anyone or any person who the facts show committed any misconduct."

Five FBI officials, including former Deputy Director Larry Potts, were suspended during a federal criminal investigation into the destruction of some Ruby Ridge documents at FBI headquarters.

Freeh, who was not FBI director when the episode began, said it was a mistake to promote Potts to the No. 2 position after he had issued a written censure for Potts' participation in Ruby Ridge.

``I made a mistake in promoting Mr. Potts. I take full responsibility for that decision, and I alone should be held accountable for it," he said.

Freeh said he promoted Potts because of his ability and his record at the bureau, not because he was a close friend.

But subcommittee Chairman Arlen Specter, R-Pa., said the blame should be shared by Attorney General Janet Reno.

``I do not regard it as your mistake alone," he said. The attorney general ``is in that position to say 'No.' She's not supposed to be a rubber stamp."

Reno told reporters Thursday that she deferred to Freeh's judgment to promote Potts.

Eugene Glenn, the FBI field commander at the scene, testified last month that Potts approved the special order that FBI agents ``can and should" shoot at any armed adult male spotted outside Weaver's cabin.

Potts maintained in testimony before the subcommittee Wednesday that the deviation from the normal rules was made by lower-level FBI officials at Ruby Ridge after he approved an earlier version saying agents ``can" but not ``should" shoot on sight.

An FBI sniper shot Weaver's wife, Vicki, as she stood in the doorway to their cabin holding her infant daughter on Aug. 22, 1992.

A day earlier, Deputy Marshal William Degan and Weaver's 14-year-old son, Sammy, were killed in a

shootout, which resulted from law officers seeking out Randy Weaver for failing to appear in court on charges of selling illegal guns.

Even under rigorous questioning, Freeh did not condemn FBI sniper Lon Horiuchi for firing the shot that killed Vicki Weaver.

"I am not saying that I approve of it. I am not trying to justify it. I am not saying that I would have taken it," Freeh said.

He added that Weaver's death was "tragic but accidental," and under the circumstances, the shot was constitutional.

Specter bristled at this and warned Freeh, "Let me tell you directly that I think the rules have to be sufficiently clear to make that second shot unconstitutional."

To prevent similar tragedies, the Justice Department on Wednesday issued new deadly force policy rules, which permit use of deadly force only in the face of imminent death or serious physical injury to the officer or another person.

But even under the new policy, Freeh said the sniper's shot would be constitutional.

After years of U.N. sanctions, malnutrition, pleas for mercy abound in Iraq By Storer H. Rowley Chicago Tribune

SADDAM CITY, Iraq Goats and sheep freely roam the garbage-strewn streets of this sprawling slum on the northern outskirts of Baghdad, where two million desperately poor Iraqis struggle to stay a step ahead of starvation.

Hungry, hollow-eyed children chase stray horses for fun in dirty alleys where diseases lurk in the air, water and sewage. Women roll cooking gas canisters clattering down wide streets because it's too costly to have them delivered. Many men work two jobs but still can't make ends meet.

The Iraqi Ministry of Health claims children under 5 are dying at the rate of 4,475 a month, while the number of babies with low-birth weights steadily increases.

Five years after the United Nations imposed economic sanctions on Iraq for its invasion of Kuwait, the effects of poverty, suffering, malnutrition, hyperinflation and resentment are evident from Basra to Baghdad.

The sanctions appear to have devastated the nation's economy and hit the Iraqi people hardest, while leaving strongman Saddam Hussein isolated but relatively unscathed. In fact, Hussein may be as firmly in power as ever, given a tendency by Iraqis to blame the West for the embargo and support him.

"I am angry at both President Bush and President Clinton, because they are both unjust," declared a bitter Jassim Mohammed, 30, a wheelchair-bound Iraqi war veteran who was blinded in both eyes and lost part of his right leg in 1991 when the U.S.-led coalition rained bombs on Iraq and drove Hussein's troops from Kuwait.

The U.N. sanctions, considered among the toughest in its history, are creating an increasingly urgent situation. On Thursday, the U.N. Food and Agriculture Organization, warning that Iraq could face a famine because of the sanctions, recommended that the U.N. Security Council release Iraqi assets frozen abroad to stave off growing hunger.

In a report issued in Baghdad, the food agency said only foreign exchange can sustain the food-rationing system which has saved Iraq from famine. The report also recommended that the Security Council and the Iraqi government reach agreement on oil sales so that Iraq can buy food abroad.

The agency offered no new ideas for breaking the deadlock over a U.N. proposal to let Iraq sell some oil under U.N. supervision. The Iraqi government has rejected the proposal, saying it violates Iraqi sovereignty, and called for all sanctions to be lifted.

However, the United States and other U.N. members still oppose lifting the sanctions, citing Iraq's persistent attempts to conceal and cover up weapons programs under Hussein's regime.

Nearly unanimous Iraqi cries for mercy and an end to the embargo ring loudest in forgotten, forlorn places like Saddam City, a satellite community built to absorb Baghdad's urban sprawl.

"I was attacked by American aircraft, and I appeal to the American people to lift the sanctions," urged Mohammed, taking off his dark glasses to reveal his lifeless eyes and lifting his robe to expose the stump below his right knee.

"I appeal to President Clinton. I am married with four children. It is unfair and unjust what is happening to us. We withdrew from Kuwait so there is no reason to continue imposing the sanctions."

Hussein called the West's embargo "a policy of starvation" in remarks earlier this week to his rubber-stamp parliament after he took an oath of office coronating him as president until 2002 following his victory in last Sunday's referendum.

But while a well-nourished Hussein celebrated, some 18 million Iraqis continued paying a terrible price for their president's mistakes, especially the ill-fated wars with Iran and Kuwait that led to the crippling sanctions.

Medicine, drugs and hospital equipment are in critically short supply in Iraq. Food is available, but hyperinflation since 1990 has put much of it out of reach of average Iraqis. Government food rations provide 50 percent or less of daily requirements.

(EDITORS: NEXT 8 GRAFS OPTIONAL)

In Baghdad, a woman went into labor with a breach birth last week at a hospital that had no anesthetic to give her for a caesarian section. During the 20-minute ride rushing her to another hospital, the fetus died.

In the northern city of Tikrit, a druggist turned people away last weekend because half of his pharmacy's shelves were empty. One customer, Zakia Taha, 50, went away empty-handed when she asked for asthma medicine and an aspirator, but she said defiantly, "I'll find it at another pharmacy."

The Tikriti pharmacist, Hikmad Talad, 20, watched her go and shook his head, murmuring, "She won't find it.

"I blame the Americans for this," he declared, ticking off a list of desperately needed supplies he can no longer stock: injection needles, aspirators, antibiotics and a variety of drugs.

The Iraqi Ministry of Health estimates that an average of 742 children under 5 died every month in 1990 of acute respiratory infections, waterborne diseases like diarrhea and malnutrition. The estimate for average monthly mortality had risen to 4,475 by last July, a sixfold increase.

The ministry estimates low-birthweight babies (weighing 2.5 kgs.) amounted to an average of 4.5 percent of all babies born monthly in 1990, while the monthly figure by the end of July this year stood at an average 21.5 percent.

A draft report by the World Food Program of the U.N. Food Aid Organization released this month stated: "The nutritional situation of the Iraqi population has been in constant decline since 1991 and has primarily affected children.

"It is believed that the malnutrition rates have so far been held constant because the vulnerable groups most at risk children have simply died. Infant mortality has risen to 90 per 1,000 live births."

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The U.N. Security Council adopted a resolution in 1991 that would permit Iraq to sell up to $1.6 billion of oil under U.N. auspices to fund the provision of food, medicine and other humanitarian supplies to Iraqis. But the government has refused to do so, arguing its sovereignty is being violated because the United Nations would maintain control over the dispersals.

"The purpose of the embargo is to starve the Iraqi people into changing their government," Iraqi Information Minister Hamed Youssef Hammadi told American reporters last weekend. "This has failed."

While sanctions serve the purpose of keeping Hussein weak, thereby satisfying his enemies in Kuwait and Saudi Arabia, he remains strong enough to hold Iraq's divided groups together, including Kurds in the north, Shiites in the south and Sunni Muslims in between.

The Clinton administration has no immediate plans to

FBI Director Says He Made 'Grave Error' in Promoting Potts

By Gaylord Shaw Newsday

WASHINGTON FBI Director Louis Freeh delivered a string of personal and institutional mea culpas to Congress Thursday as a Senate subcommittee concluded its hearings on the deadly Ruby Ridge, Idaho, confrontation.

Freeh admitted he personally made ``a grave error" earlier this year in promoting Larry Potts, a close friend, to the FBI's No. 2 job at the same time he was censuring him for poor oversight of the bureau's performance in the 1992 Idaho incident, which happened a year before Freeh became head of the bureau.

He acknowledged that the FBI's actions at Ruby Ridge amounted to ``a series of terribly flawed law enforcement operations with tragic consequences" the deaths of a deputy U.S. marshal as well as the wife and 14-year-old son of white separatist Randy Weaver.

He agreed that some of the FBI's tactics during the Ruby Ridge standoff, such as expecting Weaver to pick up a telephone proferred by a shotgun-wielding robot, amounted to ``the stupidest ... dumbest thing I ever heard of."

After reciting the litany of ``serious mistakes" at Ruby Ridge, Freeh told the Senate Judiciary subcommittee that he offered ``not excuses, but rather ... significant reforms." He promised to ``swiftly and decisively deal with anyone who the facts show committed any misconduct," and said institutional changes he already has made should help ensure ``the tragedies of Ruby Ridge never happen again."

Senators' reactions to Freeh's mea culpas were mixed Democrats generally hailed his comments and actions while Republicans were more reserved.

``You are doing an outstanding job as FBI director," said Sen. Herb Kohl, D-Wis. ``You inherited the Ruby Ridge quagmire, and there is no one better suited to implement reforms than you."

Sen. Arlen Specter, R-Pa., who chaired the panel's six weeks of hearings, applauded Freeh for the reforms in FBI's operations, and said his boss, Attorney General Janet Reno, should share the blame for the furor over Potts' ill-fated promotion. ``I do not regard it as your mistake alone," he said, because Reno had approved the promotion. ``She's not supposed to be a rubber stamp," Specter said. A few hours earlier at a Justice Department news conference, Reno said she approved Potts' promotion because Freeh ``had made clear he had great confidence in Mr. Potts."

Potts is the highest ranking of five FBI officials now under suspension during a federal investigation of allegations that documents were destroyed to cover up misdeeds at Ruby Ridge. ``I made a mistake in promoting Mr. Potts," Freeh told the subcommittee. ``I take full responsibility for that decision, and I alone should be held accountable for it ... it was a grave error on my part and I'm paying a price for it today."

(Begin optional trim)

The on-scene FBI commander at Ruby Ridge, Eugene Glenn,
testified last month that Potts approved the controversial ``rules of engagement" telling FBI sharpshooters they ``could and should" shoot at any armed adult male spotted outside Weaver's cabin.

Potts testified this week that he never approved such rules, insisting that modifications were made by lower-level FBI officials at Ruby Ridge after he had approved an earlier version that said ``can" but not ``should" shoot on sight.

An FBI sniper shot Weaver's wife, Vicki, as she stood behind the door of the Weavers' cabin holding her infant daughter Aug. 22, 1992. A day earlier, the Weavers' 14-year-old son, Sam, and Deputy U.S. Marshal William Degan died in a gunfight as federal agents scouted Weaver's property in anticipation of arresting him on a weapons charge.

(End optional trim)

The FBI's shooting rules were replaced this week by a tighter, uniform policy for use of deadly force by all federal law enforcement agencies. The new rules require federal agents to issue warnings and to use alternatives if possible, Freeh testified. ``I have ended forever the use of rules of engagement by the FBI," he said. ``In future crises, there will be no confusion."

March Leads to Hate Mail for Members of Black Caucus

By William Douglas Newsday

WASHINGTON The hatred spewed into Rep. Ed Towns' office via the fax machine.

One page had a cartoon with a Ku Klux Klansman posing for a picture with a photographer cajoling his subject to smile by holding up a small black doll with a rope around its neck.

``Seeing you Sambos stormin' D.C. reminded us that we've ignored you too much," said the fax that was signed ``Greetings From the Southern Appalachian Ku Klux Klan."

``We need to bring back a few lynchin's to let you Sambos know that you have it better now," the fax continued.

Since Monday's march on Washington by several hundred thousand black men, some black lawmakers say they have received a steady stream of hate mail. More disturbing than the amount, they say, is the venomous tone of the faxes, letters and phone calls.

Towns, D-N.Y., and several other members of the Congressional Black Caucus have received missives with signatures ranging from ``North American Neo Nazi Alliance" to the ``Angry White American Klan Enterprise."

``The majority of people are getting ... good and fed up with your constant belly aching and I see plantation type penal colonies being instituted as the final solution," one letter reads.

``It all just shows us where we are at this stage in America," said Rep. Floyd Flake, D-N.Y. ``People are spending a lot of time and energy on negative things."

Other lawmakers who received the correspondence include Reps. Donald Payne, D-N.J., chairman of the black caucus, which endorsed the ``Million Man March"; former caucus chairman Kweisi Mfume, D-Md., and Major Owens, D-N.Y. Owens did not attend the march and denounced controversial Nation of Islam leader Louis Farrakhan's role in organizing it.

The lawmakers say they turned over the letters to the U.S. Capitol police, who will determine whether any of them contain threats towards any specific Congress member that would require added security. A police spokesman declined to comment on the letters Thursday.

``Some of this stuff is really vicious," said Towns, who was not at Monday's march. ``When you see this stuff and you're in Congress, imagine what's happening out there in the streets, in our schools, in our police precincts."

Towns said he supports the call from fellow House members for President Clinton to appoint a commission to study the conditions of race relations in the United States like the Kerner Commission did 27 years ago.

Clinton Thursday did not commit to the commission idea, but said he will spend the next few days considering how to improve race relations in the country.

Yeltsin to Fire His Foreign Minister

By Sophia Kishkovsky Special to Newsday

MOSCOW On the eve of departing for talks in the West, a bristly Boris Yeltsin said Thursday that he plans to fire his foreign minister and vowed that Russian troops would never serve under NATO command in Bosnia.

Addressing a small group of Russian and foreign journalists, the Russian president blamed the Foreign Ministry for bungling foreign policy on a number of unspecified issues and singled out Foreign Minister Andrei Kozyrev for criticism.

``I do not see any improvement in his work. But I have not yet made a specific decision about a new appointment. A worthy candidate has first to be selected," said Yeltsin. ``He has tried hard. So, let us not squash him. Let him work. But my decision will remain."

Speaking in the Kremlin's ornate Catherine Hall, Yeltsin reiterated his opposition to NATO leadership of the Bosnian operation. ``We will not fight under NATO command," he told the journalists in an interview that was broadcast on Russian television later in the day. ``This is not a NATO operation ... This is a peacekeeping operation of the armed forces of major states." Russia has offered to commit 20,000 troops, about one-third of the peacekeeping force.

But Yeltsin, scheduled to meet with President Clinton Monday, made clear his determination to keep Russian-U.S. ties strong. ``He wants this and I want it. We get on too well (to let ties deteriorate)."

Yeltsin leaves Friday for Paris and talks with President Jacques Chirac before heading to New York for the 50th anniversary celebration of the United Nations. His meeting with Clinton takes place at Hyde Park, N.Y., the home of Franklin D. Roosevelt, chosen for its evocation of the wartime cooperation between the two countries.

It was a curious time for Yeltsin to make a lame duck of his foreign minister. But the Russian president has turned abruptly on other former allies in the government, and he is often slow to make new appointments, instead simply shutting out from key decisions those who have fallen out of favor.

Kozyrev, 44, has been one of the few officials in the Russian government who has served throughout Yeltsin's 52-month presidency. But he has come under fire from the rightist opposition for moderate positions on Bosnia and relations with the West.

The Foreign Ministry Thursday refused to comment on Yeltsin's remarks.

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Yeltsin already had publicly criticized the embattled minister, in particular at a news conference last month, prompting suggestions that it is a tactic intended to divert the attention of hard-liners as December's parliamentary elections approach.

The latest polls show the Communist Party of Russia at the head of the pack, with moderate reformer Grigory Yavlinsky's Yabloko party in second place, but lagging far behind. Yeltsin said Thursday he would do everything possible to fight a Communist victory and calls to extremism.

Yeltsin spoke warmly of Clinton, saying that he is ``defending me with great courage" against criticism by Congress and that their mutual regard would keep bilateral relations on track. He also spoke candidly about the Russian military operation in Chechnya, which he called the ``greatest disappointment" of his presidency.

Nonaligned Nations Want Reforms at U.N.

By William R. Long Los Angeles Times

CARTAGENA, Colombia When the United Nations opens its General Assembly this weekend, celebrating its 50th anniversary, an overwhelming majority of its members will be demanding ``democratic" reforms in the world body.

The 113-member Nonaligned Movement, holding a summit meeting in this Caribbean coastal city, wants changes in U.N. structure that will give them more voting power and will safeguard the ``sovereign equality of states."

Part of a declaration prepared for adoption Friday at the close of the Nonaligned summit says ``it is essential to substantially increase" the movement's representation on the U.N. Security Council. Nonaligned, most of them in the Third World, account for nearly two-thirds of total U.N. membership.

The 15-member Security Council currently is dominated by the United States, Russia, France, China and Britain, which are its only permanent members and the only ones with veto power. Diplomats said here Thursday that the Nonaligned Movement will support proposals to add Japan and Germany as permanent members only if permanent seats are also given to an African, an Asian and a Latin American country.

```Permanent membership for only Japan and Germany will not be accepted," said Ambassador Shah Pakash, India's top delegate to the United Nations.

Pakash said the Nonaligned nations are in general agreement that the Asian seat should go to India and the Latin American seat to Brazil. He said there was no agreement yet on the African seat, but it would be expected to go to one of the continent's biggest and most economically strong countries.

A draft of the declaration to be issued by the Nonaligned Movement also calls for measures to curtail or eliminate veto power in the Security Council ``in view of the increasing trend on the part of some countries to exercise undue influence over the Security Council and the privileged and dominant role that the veto right ensures for the permanent members of the Council, which is contrary to the aim of democratizing the United Nations."

(Optional add end)

In speeches to the Nonaligned summit, many prime ministers, presidents and other high officials complained of undemocratic structures and practices in the United Nations. Some of the sharpest criticism came from Cuban President Fidel Castro, who has been given a U.S. visa to attend the opening of the General Assembly for the first time since 1979.

``Privileges should cease and permanent membership should no longer be an almost exclusive attribute of European countries, nuclear powers or super-rich countries," Castro said. ``The irritating veto privilege should at least be reformed as long as that anachronistic and anti-democratic instrument exists."

Prime Minister Mahathir Bin Mohamad of Malaysia said ``the present U.N. and the Security Council cannot be entrusted with the task of forestalling such tragedies" as bloody civil wars in Rwanda, Bosnia-Herzegovina, Somalia and Cambodia.

``The U.N. and the Secretariat have been more of an obstruction to peace than upholding the principles of the U.N.," he said. ``Clearly the U.N., its Secretariat and in particular the Security Council must be reformed if the world is to be made safe from the kind of gross injustices we see everywhere today."

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it as a whole. The cuts are way too deep. But we do support parts of it," said association spokesman Bill Erwin.

The American Medical Association, whose opposition helped kill the Clinton plan, staged particularly public negotiations with Gingrich.

Two weeks ago, the AMA released a statement saying the Republicans' reductions could cripple the traditional fee-for-service Medicare program. Reimbursement rates would be driven so low, the AMA said, that ``many doctors may not be able to afford to provide care."

Then Gingrich met with its leadership and held a news conference announcing the doctors' support.

The association's general counsel announced that the Republicans would add billions of dollars to physicians' reimbursements. Republican leaders said they had agreed to boost doctors' payments by millions, not billions.

AMA spokesman Jim Stacey confirmed the Republican version on Thursday. He said he did not know whether the extra millions resolved the organization's concern about the health of fee-for-service Medicare.

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In any case, he noted, Republicans adopted several other provisions long sought by the AMA.

The GOP plan lifts antitrust laws to permit physicians and hospitals to more easily form local Medicare treatment networks.

It makes it easier for doctors to send patients to laboratories or clinics in which the doctors hold a financial interest.

Also struck down were quality-control regulations of physicians' in-office laboratories, which many doctors said had forced them to quit offering certain tests on-site.

Non-economic damages in medical malpractice suits were capped at $250,000.

Finally, for senior citizens in the new Medicare ``choice" programs, the Republicans lifted caps on what doctors can charge patients.

On Thursday, the AMA heartily endorsed the House vote.

``This is a major victory for all of the patients of America," said the association's president, Dr. Lonnie R. Bristow. ``It puts the Medicare program on the pathway to long-term solvency and offers patients a broad array of health-care choices."

Supporters called the provisions for doctor-hospital networks particularly important because they could free physicians from domination by insurance companies.

But Shapiro said the college of physicians feared that even so, the overall program endangers patients.

By waiving price controls, for instance, ``the beneficiary is just totally exposed to cost increases," Shapiro said.

He said his group feared that Medicare could become a two-tiered system in which richer patients pay more for decent medical care while poorer senior citizens go without.

``Our fear is that it could become like Medicaid has been," Shapiro said, referring to the health-care program for low-income Americans. ``That is to say, a promise of care on paper, but in fact people denied access because neither the hospitals nor the physicians could afford to treat them at those (government) rates."

Betts, the nurses association president, said she was appalled by the AMA's endorsement. ``They're getting a lot of personal benefits at the expense of the people they purport to care about," she said.

Freeh tells Senate hearing FBI botched Ruby Ridge standoff By David Jackson Dallas Morning News

WASHINGTON FBI Director Louis Freeh said Thursday that federal agents botched the 1992 standoff at Ruby Ridge, Idaho, but he defended the legality of sniper fire that killed a white separatist's unarmed wife.

Freeh also told a Senate subcommittee that he erred by supporting the promotion of suspended Deputy Director Larry Potts, one of five FBI officials under investigation over allegations of a Ruby Ridge cover-up.

The director was roundly attacked by senators over the Potts promotion and the death of Vicki Weaver, wife of white separatist Randy Weaver.

Acknowledging that public confidence in the FBI had been shaken, he discussed steps to avoid an incident like Ruby Ridge in the future.

``For the FBI, Ruby Ridge was a series of terribly flawed law-enforcement operations with tragic consequences," Freeh told the Senate Subcommittee on Terrorism, Technology and Government Information.

The Idaho incident, together with the 1993 Branch Davidian siege near Waco, Texas, triggered violent protests against the federal government. A note left at the scene of last week's Amtrak train derailment in Arizona alluded to Ruby Ridge and Waco; the incidents also are thought to have inspired the Oklahoma City bombing.

The Ruby Ridge standoff began when Weaver missed a court appearance on charges of selling two sawed-off shotguns, setting up months of surveillance of his mountain cabin. The siege turned violent on Aug. 21, 1992, with a gunfight that resulted in the deaths of U.S. Deputy Marshal William Degan and Weaver's 14-year-old son, Samuel.

The FBI's Hostage Rescue Team immediately flew to the scene. The next day, an FBI sniper aimed for Weaver family friend Kevin Harris, but the bullet struck Mrs. Weaver as she stood behind a door. The sniper fired under rules of engagement that Justice Department officials later criticized as amounting to ``shoot-on-sight" orders.

Weaver, in testimony last month before the same subcommittee, said the Bureau of Alcohol, Tobacco and Firearms set him up for the firearms charge. A jury acquitted Weaver and Harris of murder charges in connection with the marshal's death.

Weaver also said the FBI intentionally killed his wife, a charge bureau officials denied. In his testimony Thursday, Freeh called the shooting ``tragic but accidental."

Freeh also said the shooting was within the bureau's standard deadly-force policy, regardless of any expanded ``shoot-on-sight" rule. Freeh cited the sniper's court testimony that he shot because he believed Harris to be a threat to an FBI helicopter hovering overhead.

``I am not saying that I approve of it," Freeh said. ``I am not trying to justify it. I am not saying that I would have taken it."

Senators charged Freeh with trying to have it both ways. Sen. Fred Thompson, R-Tenn., noting that the FBI supported a $3.1 million legal settlement to the Weaver family, mocked Freeh's statement that there was a ``healing aspect" to the payment.

``They don't open up the Treasury for healing purposes," Thompson said. ``They take a very careful, legalistic view of these things, and I think they concluded early on and, rightfully so, that the second shot was totally unjustifiable."

Freeh said it was easy to criticize the shooting with hindsight, whereas the sniper had to make a split-second decision.

``It's a very close and very difficult question," Freeh said. ``But under all the circumstances, I come down on the side of a constitutional shot."

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Senators also criticized Freeh for supporting the promotion of Potts. Freeh recommended the promotion later approved by Attorney General Janet Reno at the same time that he issued a letter of censure for Potts because of inadequate supervision at Ruby Ridge.

Freeh told the subcommittee that he failed to anticipate that those suspicious of federal law

Minority Leader Dick Gephardt, D-Mo. ``It is a vote of values. It is a vote of what is right and what is wrong."

But House Speaker Newt Gingrich, R-Ga., said Republicans were moving to save Medicare so it would be available and affordable to future generations.

``I'm not going to abandon those children over a bunch of 30 second commercials that are dishonest demagoguery," he said.

In the final hours before the vote, both sides marshaled sympathetic senior citizens for competing rallies on the Capitol grounds.

In recent weeks, seniors have been arrested for protesting at committee meetings about the legislation, and various interests groups have launched expensive television advertising campaigns.

Before the legislation can be sent to the president, Republican leaders face the difficult task of stitching all the budget components together and resolving differences between the House and Senate.

Republican leaders in both chambers were hoping to vote on their versions of the budget package as early as next week.

Republicans also made progress on the budget in the Senate Thursday. The Finance Committee approved its version of the $245 billion tax cut in a straight 11-9 party line vote.

Even so, Republican leaders acknowledged they are doubtful the budget will be completed by their Nov. 13 deadline.

They said they may be forced to negotiate with the president on an extension of a continuing resolution for funding to keep the government operating. And they said they also might be forced to approve a temporary increase in the legal ceiling on the amount the treasury can borrow.

``At some point, we will have a short-term increase," said Rep. John Kasich, R-Ohio, chairman of the House Budget Committee.

But he accused Treasury Secretary Robert Rubin of ``playing hide and shriek" for falsely warning that the debt limit might be reached as early as Oct. 31. Republicans leaders said any extension of the funding resolution or temporary increase in the debt ceiling would only last until late November.

The Medicare bill would reap $270 billion of savings over seven years by curtailing future spending. It calls on beneficiaries, doctors, hospitals and other providers to help reign in the annual rate of growth from 10 percent to 7 percent.

Republicans argued the program will still grow, just more slowly.

``Only in Washington can a member of Congress stand up and call an increase a cut," Archer said.

Republicans also said the bill would introduce to Medicare health-care innovations that are now commonplace in the private sector, including managed care programs similar to health maintenance organizations.

The plan also would create Medical Savings Accounts, a plan that functions similar to an individual retirement account and would carry catastrophic health insurance.

In all, beneficiaries would be asked to pay $57 billion in higher premiums. Another $147 billion would be saved by reducing future payments to doctors, hospitals and other providers.

Republicans also are hoping to reap another $34 billion by shifting seniors from traditional fee-for-service medicine into managed care.

Physicians are being asked to accept $26 billion less in future payments. But last week, the American Medical Association struck a deal with Gingrich to moderate the effects of those cutbacks.

The doctors also were successful in seeing provisions added to limit malpractice awards and loosen antitrust laws that will allow them to compete against managed care programs.

The plan also calls for another $1.4 billion to be saved by cracking down on fraud and abuse and limiting awards for malpractice. Only hours before the bill came to the floor, Republicans strengthened the fraud and abuse provisions by adding criminal penalties

``This bill has the toughest waste, fraud and abuse penalties that have ever been presented to this Congress," said Rep. Joe Barton, R-Ennis.

And, in the final 48 hours before the vote, Gingrich agreed to changes to increase payments for rural hospitals to secure the votes of 30 Republicans from rural areas.

The minimum patient payment to health care plans in rural areas was set at $300, up from $200 when the bill left the Ways and Means Committee last week.

Hardball politics, unity paid off for Republicans

By George Rodrigue Dallas Morning News

WASHINGTON What a difference a year makes.

In 1994, President Clinton tried to create new managed-care programs and reduce the rate of growth for Medicare. His health-care program died a slow, painful death after everyone from Newt Gingrich to TV's ``Harry and Louise" warned of medical rationing and Medicare cuts.

On Thursday, Speaker Newt Gingrich's Medicare overhaul plan sailed through the House. It would reduce future Medicare spending by $270 billion and would rely heavily on putting senior citizens into managed care.

Harry and Louise the couple from insurance industry ads remained silent as insurers anticipated taking in tens of billions of dollars in federally paid premiums under the GOP's new Medicare options.

But even among the powerful health-care lobbies that stood to lose from the Republican plan, few mounted serious protests.

To a large extent, lobbyists and consumer advocates say, the Republicans won through shrewd, tough politics: They bought off some interest groups, intimidated others and maintained party unity.

Democrats call the final result a sellout to special interests. Some health professionals agree. Republicans call it a good, realistic compromise.

``We didn't have any Ira Magaziners on our staff," Gingrich, R-Ga., said Thursday, referring to the Clinton administration's controversial health-care aide. ``We actually practiced `listen, learn, help and lead.' We met with everybody."

Some groups were frozen out. Virginia Trotter Betts, president of the American Nurses Association, said she tried in vain to get an audience with Gingrich on behalf of her 2.2 million members.

``They wouldn't even give us an appointment," she said. ``They said they had a new rule now. They look at your political action committee donations and then decide whether to talk to you."

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Others were admitted to the negotiations, but were warned that they would be punished severely for any public campaigning against the GOP bill one of the central pillars of Republicans' 1995 legislative strategy.

``They play hardball," said Howard Shapiro, director of public policy for the American College of Physicians. ``I don't think that it's any secret to say that they are willing to take things away from people who don't support what's in their plan."

A top lobbyist for a major hospital association, who did not want to be identified, said Republican unity also inhibited public criticism of the plan.

``With the Democratic plan last year, we thought we had a chance if we opposed it. With the Republicans' being so unified, we knew we'd probably lose," he said.

Republican solidarity extended beyond Washington, he added, as GOP leadership mobilized local party members to support the plan. ``You have to face the fact that so many hospital directors are Republicans. And they want to support their party."

The fight was unusually partisan and unusually tough, said Chris Burt, president of the National Association of Public Hospitals.

``It became, `Are you a Republican or a Democrat?' And it should not be that way," she said. ``It should be a debate over these two programs (Medicare and Medicaid) that have provided a health safety net for millions of Americans."

Although the GOP's reductions could close scores of rural and inner-city hospitals in Texas alone, the American Hospital Association chose not to run advertisements against the Republican plan.

``We haven't endorsed it (the bill). We don't support

enforcement would question the simultaneous censure and promotion of Potts.

``Maybe I did have a blind spot," Freeh said. ``Was he my friend? He certainly was. He is now..I still believed at the time that he was the best person to be deputy director. And obviously that was an incorrect decision, and I'm responsible for it."

Freeh suspended Potts in July, amid allegations that officials lied and destroyed documents to cover up approval of shoot-on-sight orders. In two appearances before the subcommittee, Potts called his suspension unjust, and said that he never approved a shoot-on-sight order or participated in a cover-up.

The U.S. attorney in Washington is investigating the allegations, which also implicate Danny Coulson, who was suspended as special agent in charge of the Dallas office. Coulson, a Potts aide at the time of Ruby Ridge, also has denied wrongdoing.

Freeh told senators that the FBI has taken steps to avoid future incidents like Ruby Ridge or Waco.

For one thing, Freeh said the FBI has eliminated rules of engagement for individual situations. Instead, he said the FBI and other federal agencies will rely on a single deadly-force policy. It permits shooting, he said, ``only in the face of imminent death or serious physical injury to the officer or another person."

Revamped policies also call for a closer working relationship among field agents, hostage negotiators and behavioral scientists, Freeh said.

Despite their criticisms, the senators praised Freeh's overall performance as FBI director. And Ms. Reno endorsed him during her weekly news conference.

``He has done a wonderful job, I think, in terms of developing procedures to avoid an incident like Ruby Ridge, to avoid incidents like Waco," the attorney general said.

Senate moves to tighten Cuban embargo on eve of Castro speech at U.N. By William E. Gibson Fort Lauderdale Sun-Sentinel

NEW YORK The Senate passed a tougher Cuban embargo bill on Thursday, two days before Cuban President Fidel Castro is due to arrive to address the United Nations.

Sen. Jesse Helms, R-N.C., the bill's sponsor, joked that he wanted to present it to Castro as an early Christmas present to the Cuban people.

Opponents of the bill said it really would be a Christmas present to Castro, who can now use it as another excuse to bash the United States and perpetuate his regime.

The final vote of 74 to 24 to expand economic sanctions against Cuba completed the bill's rough passage through the Senate.

A filibuster and late maneuvering left the legislation far weaker than the version that the House passed last month.

Leaders from the House and Senate will have to meet to resolve differences in the two versions, then each chamber must vote on the final compromise.

A Clinton administration official said on Thursday that the president would have to review the final results before deciding whether to veto it.

A Cuban diplomat shrugged off the impact of the legislation, saying it would be more likely to isolate the United States than Cuba.

``It would cause a lot of problems for the U.S. in relations with its allies," said Jose Ponce, first secretary at the Cuban Interests Section in Washington. ``Some investors may restrain themselves in Cuba for a few months to see how it works. But we don't think it will have much impact on future investments in Cuba."

During Senate debate, all sides agreed that the United States should try to prod Cuba into democratic government and seek removal of the Castro regime.

Supporters of the measure, known as the Helms-Burton bill, said tougher sanctions were needed to isolate Castro and deprive him of foreign investments.

That argument prevailed, but only after sponsors removed a provision that would allow Cuban-Americans to sue those who confiscated their property in Cuba.

Both versions of the bill would toughen enforcement of restrictions on travel to Cuba, ban financing and trade through foreign subsidiaries and limit aid to other nations that trade with Cuba.

``The Senate will speak loudly in favor of the Cuban people today and the Senate will speak loudly against Fidel Castro," Senate Majority Leader Bob Dole, R-Kan., said before the vote. ``I hope he is aware of that when he comes to do whatever he's going to do at the United Nations."

A significant minority of senators said the isolation strategy had failed for more than three decades and that Castro had used the embargo as a rallying point for his anti-U.S. policies.

``I think he will be larger than life when he comes to the United Nations," said Sen. Christopher Dodd, D-Conn. ``We have made him a hero when he comes to New York. I regret that."

Castro and Clinton are to address the United Nations on Sunday morning as part of its 50th anniversary celebration.

Clinton Says He's Willing to Work on Budget Compromise

By Martin Kasindorf Newsday

WASHINGTON President Clinton offered congressional Republicans an olive branch Thursday, saying for the first time that he can meet their demand for a balanced budget in seven years if they'll make concessions toward his spending priorities. Surprised Republicans did not immediately accept the offer.

Clinton's gesture toward a budget deal came in a brief news conference where he assailed Republican legislation and confessed error in offending congressional Democrats. He referred to those who voted for his 1993 budget, from which he had distanced himself in a Tuesday night speech to wealthy contributors by lamenting that it had ``raised your taxes too much."

In a partisan, uncompromising atmosphere, Republican leaders have gone as far as threatening a fiscal Armageddon of government debt default unless Clinton signs a new budget reaching balance in seven years through $894 billion in spending cuts and $245 billion in tax cuts.

Until Thursday, Clinton and his economic advisers insisted that seven years would be too fast, needlessly harming the elderly, the poor and middle-income families. He has been promoting an alternative budget, with smaller trims, that was originally said to achieve a zero deficit in 10 years, later revised to nine years.

Responding to a reporter's question, Clinton said Thursday that with a good-faith negotiating effort, ``I think there's a way for me to meet their stated objectives, which is a balanced budget in seven years," tax cuts for families, capital-gains tax cuts and Medicare changes assuring solvency of the health care program for the elderly. He had previously staked out some common ground with Republicans on provisions other than the seven-year ``glide path."

In return, Clinton asked for Republican agreement on spending for education, science and technology research, and for softer cuts in projected spending growth for Medicare and Medicaid.

Republicans reacted to Clinton's shift with surprise and caution. ``If he says that tomorrow, it will be really good, and if he says it all weekend, it will be terrific," House Speaker Newt Gingrich, R-Ga., commented. House Budget Committee Chairman John Kasich, R-Ohio, said ``I didn't expect the president today to go for seven years, so maybe tomorrow we'll have a deal, who knows?"

(Optional add end)

Senate Majority Leader Bob Dole, R-Kan., interpreted Clinton's willingness to consider a seven-year timeline move as a victory for Republicans. ``That's our program." However, referring to Clinton's gaffe over the 1993 tax increase, Dole said Clinton's change of heart ``could have been a mistake, too."

White House spokesman Mike McCurry said an accord would depend on both sides accepting more favorable forecasts of economic growth than the 2.3 percent a year Congressional Budget Office figure the Republicans use.

House Approves GOP Plan to Cut Medicare

By Glenn Kessler Newsday

WASHINGTON A bitterly divided House of Representatives Thursday approved a sweeping law that would squeeze Medicare spending by $270 billion over seven years, largely through premium increases and sharp cutbacks in hospital and doctor payments. The plan, a key element of the Republican drive to balance the budget and reduce taxes, also seeks to encourage seniors to join managed care plans in a bid to drive down costs.

But even before Republicans passed the bill by a commanding 231-201 vote, President Clinton held a news conference to denounce the measure and promised to veto it. ``It's time for Congress to turn back from passing extreme measures that never will become law," Clinton said.

House Republicans were undeterred, and were so confident of their proposal that they took the politically risky course of scheduling a separate vote on the plan when it could have been folded in the omnibus budget bill that will come for a vote next week. House Speaker Newt Gingrich, R-Ga., had to make deals with some lawmakers to put the Republicans over the top.

The House split largely along party lines, with only six Republicans voting against the Medicare plan and four Democrats voting for it.

Monthly premiums would double under the plan, from $43.70 under current law next year to $87.60 in 2002, saving nearly $50 billion. Another $147 billion would come from cuts in expected payments to hospitals, doctors and other health care providers.

But those cuts could grow even more severe, the Congressional Budget Office said, because the Republican plan falls more than $33 billion short of its $270 billion target. The plan includes a ``fail-safe" provision that would mandate further cuts if health costs rise above a predetermined annual ceiling.

In a day of desultory debate, Democrats and Republicans repeated charges and countercharges that they have traded all year over the 30-year-old program that provides medical care for 37 million seniors and disabled Americans. The Medicare program is so popular and the senior lobby so potent that the two sides have honed their arguments to two simple slogans: Republicans say they are saving Medicare, while Democrats charge that Republicans are gutting it to pay for tax cuts for the wealthy.

Denouncing Democrats as ``dishonest demagogues," Gingrich said that his party was offering a solution that would carry the program to 2014, when the baby boom generation begins to retire, in contrast to the ``band-aid" solutions that Democrats pushed through when they ran Congress.

Calling it ``another day of infamy," Rep. Sam Gibbons, D-Fla., the senior Democrat on the Ways and Means Committee that largely crafted the measure, said: ``This is a horrible piece of legislation. It will ruin Medicare as it now is."

(Begin optional trim)

Republicans have heightened a sense of crisis about Medicare by pointing to a trustees report that said one part of Medicare, which pays hospital bills, would run short of money by 2002. The trustees report actually was more positive this year than past years, and Democrats insist the shortfall in that account could be solved with just $90 billion in cuts. But the Democrat substitute bill to address only that problem was rejected by a vote of 283-149.

During the day, Republicans repeatedly noted that Medicare spending would continue to grow year after year Rep. Dan Frisa, R-N.Y., waved a fistful of $20 bills to make the point and thus said it was inaccurate to call the proposed changes ``cuts."

While it is true that Medicare spending would grow an average of 7 percent a year, that is below the nearly 10 percent annual growth the CBO said would be necessary to maintain current services and benefits.

(End optional trim)

On the other side of Capitol Hill Thursday, the Senate Finance Committee approved $245 billion in tax cuts. Ultimately, the Medicare bill will be folded into the budget measure including those cuts.

Rep. Gary Ackerman, D-N.Y., said, ``When people see that they're paying more in Medicare premiums and other people are getting a tax break, they can figure out what happened. They can add the numbers. Old math, new math, it doesn't make a difference."

Republicans Push Forward on Their Budget Plan (Washn) By Glenn Kessler= (c) 1995, Newsday=

WASHINGTON Republican lawmakers pushed forward with their sweeping budget plan on two fronts Wednesday, as the Senate Finance Committee began crafting a $245 billion package of tax cuts and House leaders made last-minute deals to assure passage Thursday of a plan to slash Medicare spending by $270 billion.

The fast-paced maneuvering came as the White House and congressional leaders engaged in a confusing wrangle over raising the nation's debt ceiling. House Speaker Newt Gingrich, R-Ga., offered a short-term extension, which was accepted by the White House, and then promptly rescinded after other Republican leaders complained.

President Clinton also managed to ‡anger‖Democrats and amaze Republicans when he declared, at a fund-raising dinner in Houston Tuesday night, that he thought he allowed taxes to be raised too much in 1993. He went on to suggest that blame rested with the Republicans, who by refusing to cooperate with his deficit-reduction plan forced him to cooperate with congressional Democrats who demanded more taxes and fewer spending cuts.

Sen. Daniel P. Moynihan, D-N.Y., who had pushed the plan through the Senate when he headed the Finance Committee that year, said, ``I confess to my distress at the president's statement that we raised taxes too much. The president in retrospect says he made a mistake. But I think we did the right thing."

The main focus Wednesday was on the frenetic Republican effort to assemble the final pieces of the GOP package of spending and tax cuts designed to balance the budget by 2002. Assuming all goes according to plan, both the Senate and House next week will begin debating massive bills that would reduce spending by more than $1 trillion over seven years, especially in programs benefiting the poor, elderly and infirm.

Senate Finance Committee Republicans have previously agreed among themselves on a package of tax cuts that would include a $500-per-child tax credit, tax cuts on the sale of securities and other assets, and expanded retirement accounts. Under the terms of the budget blueprint passed earlier this year, they were not able to begin voting on the plan until the Congressional Budget Office certified that the Republican plan would balance the budget in seven years.

That certification finally came Wednesday (indeed, the CBO said the budget would have a $10 billion surplus in 2002) and a gleeful Senate Budget Chairman Pete Domemnici, R-N.M., pinned a huge ``certified" seal on a bemused Senate Majority Leader Bob Dole, R-Kan., before reporters.

The committee debated the tax cuts through the night, but a raft of expected amendments from Democrats was likely to delay final action until Thursday.

Meanwhile, on the other side of the Capitol, Gingrich and his top lieutenants struck a series of deals with wavering lawmakers in order to win a critical vote Thursday on the Republican Medicare plan. In one change, Republicans agreed to ease cuts for hospitals that employ a large number of doctors from other countries.

Currently, the government makes no distinction in the nationality of doctors who treat Medicare patients. The original plan would have slashed federal funds for foreign doctors by 25 percent a year until the payments were eliminated in 1998, but Republican leaders agreed to maintain a 25 percent match of federal funds through 2002.

(Optional add end)

Republicans also agreed to provide more money for rural health providers and discarded a break for chiropractors. Gingrich told reporters some members were obviously ``Christmas shopping" but predicted that Republicans ultimately would prevail.

Republicans scheduled a separate floor vote on Medicare (even though the Medicare language will be folded into the larger budget bill that will debated next week) largely in an effort to inoculate themselves from Democrats' charges that they are using Medicare cuts to pay for tax cuts that largely benefit the wealthy.

In an interview in his office, House Minority Leader Dick Gephardt, D-Mo., seemed resigned to defeat on the Republican Medicare overhaul, which he descibed as ``chowderhead baloney." He was gleeful that Republicans decided to scehdule a seperate vote when they could have buried the plan deep in a massive budget bill, the usual tactic when Democrats ran the Congress.

Inevitably, he said, there will be a backlash across the nation when the full impact of the Republicans' proposals become apparent.

Ruby Ridge Case Leads to Tighter Rules on Use of Force (Washn) By Gaylord Shaw= (c) 1995, Newsday=

WASHINGTON As skeptical senators continued to question why and how ``shoot-on-sight" rules had been issued in the Ruby Ridge, Idaho, standoff three years ago, Justice Department officials announced Wednesday that tighter restrictions are being placed on the use of deadly force by key federal law enforcement agencies.

``No one can undo what was done at Ruby Ridge in 1992," Deputy Attorney General Jamie Gorelick said of the confrontation that resulted in the deaths of a federal marshal and the wife and son of white separatist Randy Weaver. ``But we can take and have taken the steps necessary to ensure that the flaws in the structure of the FBI and Department of Justice that .... contributed to the tragedy do not continue into the future."

In testimony to a Senate Judiciary subcommittee, Gorelick disclosed that Attorney General Janet Reno and Treasury Secretary Robert Rubin Tuesday had signed rules, which will apply uniformly to most federal law enforcement agencies, stating that federal officers may use deadly force only when they have a ``reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person."

At Ruby Ridge, law officers were operating under special rules that said FBI snipers ``could and should" fire at any armed adult male seen outside Weaver's cabin in northern Idaho.

Larry Potts, who was demoted from his post as FBI deputy director after Ruby Ridge and now is under suspension, appeared before the subcommittee Wednesday to challenge earlier testimony that he approved the shoot-on-sight rules.

Eugene Glenn, the FBI field commander at the scene, had told the subcommittee last month that Potts had approved the wording of the Ruby Ridge rules, which went beyond the customary FBI rules stating that agents could use lethal force to protect themselves or others from imminent harm.

Weaver's wife, Vicki, was shot and killed by an FBI sniper Aug. 22, 1992, as she stood behind the cabin door holding her infant daughter. The sniper testified later in court he did not see Vicki Weaver. A day earlier, the Weavers' 14-year-old son, Sam, and Deputy U.S. Marshal William Degan died in a gunfight as federal agents scouted Weaver's property.

Potts is among five top FBI officials who have been suspended pending completion of a federal criminal investigation into the alleged destruction of some Ruby Ridge documents at FBI headquarters.

In his testimony Wednesday, Potts testified he ``never, never, ever approved ... a shoot on sight policy." He said the deviation from normal shooting rules was made by lower-level FBI officials at Ruby Ridge after he had

CHICAGO SUN-TIMES 10-15-95

Eleanor Roosevelt Mapped the Way For First Ladies

One thing I've learned since becoming first lady is that wherever I go, Eleanor Roosevelt has surely been there before me.

I've been to farms in Iowa and factories in Michigan where Mrs. Roosevelt paid a visit a half century ago. I've been to schools and colleges named for Mrs. Roosevelt and walked the halls of hospitals she toured before I was born.

Even when I go to other countries, Mrs. Roosevelt has doubtless been there first. When my daughter and I went to Pakistan and India last spring, we discovered that Eleanor Roosevelt had traveled there in 1952, and even had written a book about her trip.

HILLARY CLINTON

Now I'm in South America, following in Mrs. Roosevelt's footsteps yet again. She came here several times and visited several countries, sharing her vision of justice and compassion with all who would listen. The United States, she believed, had a vested interest in helping any neighbor in our hemisphere that sought to build a democratic way of life.

"Our obligation to the world is primarily our obligation to our own future," she once said. "Obviously, we cannot develop beyond a certain point unless other nations develop, too."

Traveling now through South America, I find myself thinking often about Mrs. Roosevelt—who was born 111 years ago last Wednesday. And I'm convinced that if she were still alive today, nothing would thrill her more than coming to watch children perform at the Circus School in Brazil.

It's a place I'm visiting on this trip where runaway children learn the principles of discipline and teamwork, and build self-confidence through acrobatics and trapeze training. Not only do these children show a renewed interest in education and improved attendance in school, they perform before sellout crowds every weekend.

Mrs. Roosevelt also would be right at home chatting with the poor women I met at a neighborhood center in Santiago, Chile, or listening to women in Managua, Nicaragua, talk about the sewing businesses they started with $100 loans from the local bank and support from the U.S. government.

Wherever she went, Mrs. Roosevelt celebrated the richness of the human experience. She appreciated every person's potential to do something great with very little. Perhaps that is why people all over the world, including here in South America, remember her with such admiration and fondness.

She was, in the words of historian Doris Kearns Goodwin, "a woman for all times and all people."

I know I will think about Mrs. Roosevelt again during the last leg of my trip, in Paraguay. There, I'll be participating in a conference of First Ladies from the Western Hemisphere. We'll be talking about ways to improve the health and education of children and families throughout the Americas.

It's a conversation that began last December in Miami when we met during a summit the president hosted for all the democratic nations of North and South America.

We have much at stake when it comes to building relations with our neighbors to the south. Many men and women in our country trace their roots to Latin America. And people living in those countries are among the biggest consumers of American goods and services.

Just last week, we hosted the president of Mexico for a state visit at the White House. As you may recall, our government offered loans and loan guarantees to Mexico to help that nation's economy stay afloat earlier this year. Already Mexico has paid back a portion of the loans ahead of schedule.

On a personal note, I am looking forward to spending time over the next few days with women from North and South America who are willing to devote their energy and ideas to nurturing the next generation. I think it's a wonderful way to celebrate Mrs. Roosevelt's birthday. After all, it was her example in both words and deeds that showed us how to bridge national boundaries and cultural traditions to achieve our common goals.

Talking to these first ladies of today, I know I will be thinking of my inspiring predecessor.

Thank you, Mrs. Roosevelt.

And happy birthday.

approved an earlier version that said agents ``can" but not ``should" shoot any armed male seen outside the cabin.

Gorelick, appearing after Potts, endorsed his version of events. She said she believed that the shoot-on-sight rules, including the words ``and should," were approved not by Potts but by Glenn and Richard Rogers, the head of the FBI's hostage rescue team.

Gorelick said reforms implemented by the Justice Department and FBI, including the uniform new shooting rules, ``will be the true legacy of Ruby Ridge."

(Optional add end)

Under the new rules she outlined to the Senate panel, federal agents are required to give verbal warnings before using deadly force unless those warnings would create a risk of death or serious injury. Warning shots are forbidden in most cases.

The rules apply to law enforcement agencies under Justice Department authority, such as the FBI, the U.S. Marshals Service, the Drug Enforcement Agency, the Immigration and Naturalization Service and the Bureau of Prisons, and to Treasury Department agencies including the Bureau of Alcohol, Tobacco and Firearms, the Secret Service and the Customs Service.

Sen. Arlen Specter, R-Pa., chairman of the Senate subcommittee that has been conducting hearings on Ruby Ridge, hailed the new policy and said he expects it to be adopted by police departments and other law enforcement agencies throughout the country.

RENO AT LARGE: More Robe-and-Slippers Than Cloak-and-Dagger By Robert Reno= (c) 1995, Newsday=

I suppose we need a CIA, but it sure is getting harder and harder to figure out why.

For all the money we give them, they've failed to predict the Korean War, the Iranian revolution, the dissolution of the Soviet Union and the invasion of Kuwait and Marilyn Monroe's death, for all I know. For years, the agency even failed to notice the treasonist Aldrich Ames prowling knee-walking drunk it its very halls.

And now the usual suspects are suggesting we've got to keep a huge CIA to be America's economic eyes and ears. Somebody even went and leaked to The New York Times that a whole covey of U.S. spies follows Mickey Kantor around whenever he talks to the representatives of the Empire of Japan, an empire that we theoretically admire and station troops in. I'm not sure what those spies tell Mickey, but it's probably a lot of stuff about mufflers and tailpipes or whatever it is we're trying to get the Japanese to buy these days.

One theory on why we need to have an economic spy agency is that all these French, German and Japanese corporations will take over the whole world if we don't stop them. Now, there are two basic answers to this argument. One is that if they take over the world, they'll have to finance it and it will serve them right. The other is that if these companies want to spy all over each other, who cares?

All these spies do is what every American neighbor does. They notice what's going on, how many women stop by and how many whiskey bottles are in the garbage. And for that matter, every hardware store, drugstore and hair salon in every hamlet in America runs arround gossiping about what the other one is doing and how long they may stay in business.

The important thing to remember about the CIA is that it is exceedingly expensive, terribly difficult to control and may at any time run off trying to get some dictator's beard to fall off. This no great nation needs. We can't go on having people scaring the daylights out of everybody and feeding the paranoia of every liberal on earth who has imagined that America and its CIA are trying to take over the world, as if we could.

Justice OK'd Potts for No. 2 spot despite oversight of Idaho siege

By Jerry Seper
THE WASHINGTON TIMES

Deputy Attorney General Jamie Gorelick told a Senate panel yesterday she did not object to the promotion last May of Larry A. Potts as deputy FBI director despite her belief his oversight of the government's siege of white separatist Randall Weaver was "appalling" and a "serious failing."

Mrs. Gorelick, the highest-ranking government official to testify before the Senate Judiciary subcommittee on terrorism, technology and government information about the siege, also said she scrapped a 30-day suspension she thought appropriate for Mr. Potts after a meeting with FBI Director Louis J. Freeh.

"So he prevailed upon you not to suspend Mr. Potts," chided subcommittee Chairman Arlen Specter, Pennsylvania Republican, who questioned if the promotion was proper in the wake of the standoff that led to three deaths.

"Prevailed is your word," said Mrs. Gorelick. She testified that she "listened" to Mr. Freeh and decided Mr. Potts' failing was a supervisory responsibility and not intentional misconduct. She acknowledged a suspension would have killed the Potts promotion.

Mr. Potts, who testified earlier in the day, has since been suspended and demoted, along with four other FBI officials, pending an investigation by the U.S. Attorney's Office into charges of a possible FBI cover-up in the Ruby Ridge siege.

Prosecutors, along with the subcommittee, want to know if FBI officials shredded or hid documents to cover up the role of Mr. Potts and others in approving controversial deadly force rules that led to the killing of Mr. Weaver's wife, Vicki. The rules amounted to what panel members have described as a shoot-on-sight policy.

Mr. Potts' promotion to the FBI's No. 2 position was recommended by Mr. Freeh, who is to testify before the panel today, and approved by Attorney General Janet Reno. Mrs. Gorelick said Mr. Freeh "strongly" recommended Mr. Potts, his longtime friend.

Mrs. Gorelick said she did not object to the promotion and made no recommendation.

In April she authorized a letter of censure for Mr. Potts, who directed the siege from Washington, saying he was guilty of "management omissions" and had failed to "follow through to ensure that his intent with regard to the rules of engagement was properly reflected in the final rules."

Mrs. Weaver was killed Aug. 22, 1992, by FBI sniper Lon Horiuchi, who testified during the Weaver trial that he was trying to shoot Kevin Harris, a Weaver family friend who lived at the cabin, when he hit Mrs. Weaver. A day earlier, her son, Samuel, 14, and Deputy U.S. Marshal William F. Degan were killed in a separate shootout.

Sen. Herb Kohl, Wisconsin Democrat, suggested that the unclear nature of the deadly force rules gave snipers "wiggle room" to take a shot during the siege.

The shooting came after the rules of engagement were changed to allow snipers to shoot any armed men at the site. Normally FBI agents are allowed to use deadly force only to defend themselves or others.

Mrs. Gorelick also said stricter deadly force rules have been adopted, permitting lethal force only in the case of "imminent danger of death or serious physical injury to the officer or to another person."

Those rules appear merely to reinforce the FBI's standard policy, which agents said — and Mrs. Gorelick agreed — were the rules under which the snipers were operating.

Mr. Potts denied approving new rules. Two agents at the Weaver site — Eugene F. Glenn, on-site commander, and agent Richard A. Rogers, ex-head of the hostage rescue team — have disputed Mr. Potts' claim in sworn statements.

Mr. Potts also could not explain how a typewritten memo backing his position mysteriously surfaced after an investigation into the siege had been completed. The memo, which disputes claims by agents at the site that they "could and should" shoot any armed adult male, is unsigned and undated.

Mr. Potts also was unsure if a seven-page "after-action report" calling the Weaver siege a "success" was complete or whether additional pages were missing. Sen. Patrick J. Leahy, Vermont Democrat, said the report was titled "executive summary" and questioned if other pages had been misplaced.

The Washington Times
THURSDAY, OCTOBER 19, 1995

Republicans are willing to let national service program live

By Laurie Kellman
THE WASHINGTON TIMES

Reports of AmeriCorps' death have been premature, Republican leaders said yesterday.

Though House and Senate appropriators eliminated the 1996 funding for President Clinton's pet national service program after he threatened vetoes of GOP spending bills, the leaders confirmed yesterday they are willing to fund AmeriCorps but hope to change it.

"Unless someone brings it up as a priority, it won't be much of a talking point," said Rep. Jerry Lewis, California Republican and chairman of the Appropriations subcommittee that handles the program's funding. Earlier this year he announced from the House floor that the program was doomed.

The 20,000-member organization has been the focus of a high-profile tussle between GOP leaders and Mr. Clinton.

Republicans such as Mr. Lewis threatened to eliminate AmeriCorps unless the president signed their 1995 rescission and 1996 spending bills.

Mr. Clinton, in return, vowed to veto the appropriations bill for Veterans Affairs, Housing and Urban Development, and independent agencies. It emerged from both houses with no money for AmeriCorps.

Despite a House hearing Tuesday that highlighted the program's higher-than-expected costs and a grant recipient's political advocacy, Republicans have backed off plans to eliminate its funding.

Mr. Lewis said yesterday he would like to see AmeriCorps reformed rather than dumped.

"I never wanted to see it eliminated," he said, noting that he likes the mission of the program. "I have a number of questions, though, about how the program is being managed."

But he said White House Chief of Staff Leon Panetta did not list AmeriCorps as a "must-have" item in the Veterans Affairs-HUD bill during a private telephone conversation between the two Tuesday.

"He did not mention it, and that surprised me; I made special note of it," Mr. Lewis said. "That said to me that it's not on their radar screen."

Quite the opposite, a Panetta spokesman said.

The bill's "allocation is so far below what it needs to be to fund critical investments, including national service, that it's just not going to be salvageable," said Barry Toiv, an aide to Mr. Panetta.

"There is no doubt about it, the president wants to see that funding in the bill," said Larry Hoss, spokesman for the Office of Management and Budget.

But AmeriCorps is a higher priority for the White House than for some congressional Democrats.

Rep. Louis Stokes of Ohio, ranking Democrat on Mr. Lewis' subcommittee, said other issues, such as housing cuts, are more important to him.

"There are other areas where there would be a greater priority [for Democrats] in the House," he said.

Republicans seem ambivalent about AmeriCorps funding.

"I haven't focused on it lately," said Senate Majority Leader Bob Dole of Kansas, who is running for president and did not vote for the AmeriCorps bill when Congress approved the program in 1993.

"I think we've got to get rid of something, and that's as good as any," said Sen. Pete V. Domenici, New Mexico Republican and Budget Committee chairman. "But, I mean, if the appropriators can find another way, that's fine."

The Washington Times
THURSDAY, OCTOBER 19, 1995

Glickman sees little to like in either house's farm bill

By David R. Sands
THE WASHINGTON TIMES

The Clinton administration has stayed largely on the sidelines as Senate and House Republicans have fought over how to cut farm programs.

"We prefer neither," Agriculture Secretary Dan Glickman said yesterday of the Senate and House blueprints. "We think both bills are predicated on large cuts, larger cuts than mid-sized farmers can survive."

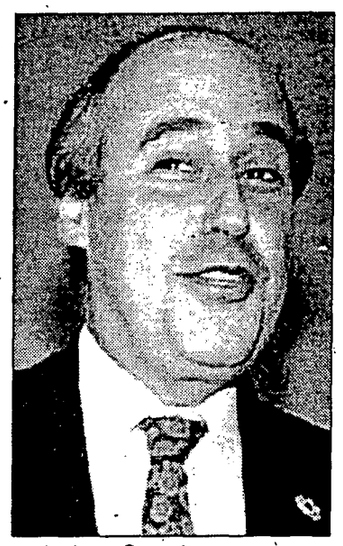
The administration has offered a package of $4.2 billion in farm-subsidy cuts over seven years that would, like the Senate bill, leave the structure of programs intact.

Democrats on both the House and Senate agricultural panels voted unanimously against the $13.4 billion in cuts called for in the GOP seven-year balanced-budget plan.

Top Democrats such as Senate Minority Leader Tom Daschle of South Dakota have sharply criticized plans to cut farm subsidies and rural housing and health programs as a "raid on rural America."

"We've had amicable exchanges, but there's been no real negotiating" with the administration, said Senate Agriculture Committee Chairman Richard G. Lugar, Indiana Republican. "They simply don't agree with the numbers we are talking about."

In a National Press Club address yesterday, Mr. Glickman stopped short of saying President Clinton would veto a budget reconciliation bill that included farm cuts on the scale foreseen in either the House or Senate, but he said the farm cuts coupled with cuts in other social programs would make a catchall bill "virtually impossible" for Mr. Clinton to sign.


Agriculture Secretary Dan Glickman

The secretary criticized a lack of public hearings in Congress about the details of cuts in farm programs. He announced plans to hold three public forums at the Agriculture Department early next month focusing on crop subsidies, soil-conservation programs and proposals to change farm programs into block grants to the states.

Education chief hits 'official English'

GOP bills seek recognition of 'language of opportunity'

By Joyce Price
THE WASHINGTON TIMES

Education Secretary Richard Riley yesterday denounced bills that would make English the nation's "official" language, saying they are "more about politics than improving education" and would be harmful to children who speak other languages.

"It would be sheer folly to deny millions of schoolchildren the opportunity to learn English at a time when the need is greatest," Mr. Riley said in a statement distributed at a House subcommittee hearing on bills that would make English the official language of the federal government and, in some cases, eliminate programs that teach English.

Sen. Richard C. Shelby, Alabama Republican and sponsor of an "official English" bill, argued that it is the "language of opportunity" in this country and that people need to know it if they want to get ahead.

"I believe all functions of government should be performed in English," he said, adding that his bill "does not touch bilingual education in any way."

Rep. Bill Emerson said, "The federal government has sanctioned multilingualism, which sends a very destructive message of lingualistic isolation and separatism."

Mr. Emerson, Missouri Republican, is the House sponsor of Mr. Shelby's measure. He said the bill has 200 co-sponsors.

At yesterday's hearing, the Economic and Educational Opportunities subcommittee on early childhood, youth and families also heard from sponsors of other measures addressing the issue of official English.

"The purveyors of political correctness have been successful in instituting big government programs to actively dissuade new immigrants from learning English," said Rep. Peter T. King, New York Republican.

Mr. King has introduced a bill that would require all federal publications to be printed in English, abolish the federal Office of Bilingual Education and use the savings for deficit reduction, and force ballots to be printed in English and citizenship ceremonies to be held in English.

English is the "glue that has held our people together," said Rep. Toby Roth, Wisconsin Republican. "That's all changing today. We're losing our common bond. For one in seven Americans, English is a foreign language." His bill, with 85 House co-sponsors, is like Mr. King's but would end state as well as federal bilingual-education programs.

Rep. Sonny Bono, California Republican, voiced his support for federal "official English" legislation. "Enough is enough with this bleeding-heart stuff," he said.

"Most of our population — 97 percent as of the last census — speaks English. What I am at a loss to understand is why we require legislation to enforce what is already true," said Rep. Jose E. Serrano, New York Democrat.

Rep. Ed Pastor, Arizona Democrat and chairman of the Congressional Hispanic Caucus, said, "I cannot help but feel that we are not looking at a real issue here but perhaps one that has been artificially created to divide our country and promote a short-term political gain."

Rep. Eliot L. Engel, New York Democrat, said efforts to make English the official language and eliminate bilingualism "seem to go hand in hand with immigrant-bashing."

Testimony Supports FBI's Potts in Ruby Ridge Case (Washn) By Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON The U.S. Justice Department's No. 2 official testified Wednesday that she believes a suspended FBI official's denial that he approved controversial shoot-to-kill rules at the 1992 Ruby Ridge, Idaho, shootout.

But while Deputy Attorney General Jamie S. Gorelick's testimony provided a boost for former Deputy FBI Director Larry Potts, she said she found it ``appalling" that he failed to determine what rules meant when he gave his approval to the FBI's on-site commander at Ruby Ridge. The on-site commander claims Potts approved one set of rules and Potts says he approved another.

Gorelick appeared before the Senate Judiciary subcommittee on terrorism, which is trying to determine responsibility for the so-called Rules of Engagement at Ruby Ridge, where the wife of an anti-government fugitive was killed by an FBI sniper, after the fugitive's 14-year-old son and a deputy U.S. marshal died in a shootout one day earlier.

Potts also drew support Wednesday for his version of events from recently discovered notes he said he made at the time of the siege. Those notes did not include the provision that snipers ``should" fire on any armed adult male outside the remote cabin of Randy Weaver. Weaver was wanted on illegal gun charges.

Instead, Potts' handwritten notes stated: ``Adults who are seen with a weapon are to be considered immediate threat and appropriate action can be taken."

But Sen. Arlen Specter, R-Pa., questioned the authenticity of the notes, citing an undated typewritten version of the shooting rules that Potts said he had an FBI clerk make. That version says agents ``may" use deadly force rather than ``should" against any adult ``observed with a weapon in the area of the Weaver home or the general location of the gun battle."

Eugene Glenn, the FBI's on-site commander at Ruby Ridge, has told the subcommittee that Potts had approved the rules that snipers ``should" fire on armed adults.

Gorelick, asked by Sen. Herb Kohl, D-Wisc., who she thought approved the rules, said: ``I think Mr. Potts and Mr. Glenn discussed Mr. Potts' approval of the rules, but neither one of them took the time and effort, which I think is appalling, to determine which rules they were talking about when they agreed ... "

(Begin optional trim)

The failure to establish responsibility produced an anguished question from Sen. Larry Craig, R-Idaho, who has been sitting in on the hearings because his home state is directly involved: ``Why won't someone stand up and say, `I was in charge and I was responsible?' ... Nobody's willing to say, `I did it.'"

Glenn, among the most severely disciplined for Ruby Ridge, charged in a letter last May to the Justice Department's internal watchdog unit that the FBI's investigation of the siege had been flawed and that a coverup was taking place.

When the unit's inquiry into the shredding of an FBI ``after action" report on the shooting and a possible obstruction of justice turned into a full-fledged criminal investigation, Potts was among five FBI officials suspended with pay while a criminal investigation is being conducted.

(End optional trim)

Potts reiterated his innocence Wednesday, after being recalled by the committee to testify about his notes which only recently surfaced at the FBI.

(Optional add end)

``I have not shredded or thrown any documents away, and I have not asked anyone to do so," Potts declared.

Listing steps the Justice Department and FBI have taken to avoid a recurrence of Ruby Ridge, Gorelick noted that Justice has adopted a written, uniform deadly force policy that applies to all of its law enforcement agencies as well as Treasury Department units.

The policy provides that law enforcement and corrections officers ``may use deadly force only when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person." That policy is similar to the FBI's deadly force policy that was in effect at the time of Ruby Ridge, but with the word ``imminent" added.

The new policy also added this provision: ``Deadly force may not be used if an alternative reasonably appears to be sufficient to accomplish the law enforcement purpose."

In addition to the FBI, the policy applies to the Drug Enforcement Administration, the Marshals Service, Immigration and Naturalization Service, the Bureau of Prisons and Inspectors General at both Justice and Treasury, as well as to the Bureau of Alcohol, Tobacco and Firearms, Customs Service, Secret Service and the Internal Revenue Service, Gorelick noted.

FBI Director Louis Freeh, who will testify before the subcommittee today , also abolished the use of rules of engagement, Gorelick noted.

Dole Facing Leadership Test That Will Determine His Future By Janet Hook= (c) 1995, Los Angeles Times=

WASHINGTON With a raft of politically charged issues thudding onto his desk in these final weeks of the congressional session, Senate Majority Leader Bob Dole, R-Kan., faces a daunting test of leadership that could greatly burnish or seriously tarnish his chances of winning the GOP presidential nomination.

Faced with the task of shepherding tax cuts, welfare reform, a huge overhaul of Medicare and the rest of the GOP agenda through the often-balky Senate, Dole has an opportunity to showcase the leadership skills the much-touted ability to ``get things done" that he has made the centerpiece of his claim to the presidency.

``It all comes down to what happens in the Senate," says Sen. Judd Gregg, R-N.H., New England chairman of the Dole campaign. ``He wins the election here on the Senate floor."

He also could lose it, as Dole, himself, seems to acknowledge. ``This is a defining moment for the party," Dole said Wednesday as he headed into the Senate chamber. ``If I do my job ... I think we look like we could provide leadership. If we don't do it, I certainly don't benefit. There's always a risk."

The test comes at an already crucial time for Dole, as some of the luster is wearing off his frontrunner status. While Dole continues to have considerably more money than his rivals, many Republicans are openly grousing about the lack of enthusiasm for the GOP field.

Wednesday, even conservative commentator Rush Limbaugh seemed to be reflecting that lack of enthusiasm for current the GOP field. Retired Gen. Colin Powell would beat President Clinton if Powell ran as a Republican and had a conservative running mate, Limbaugh said on his nationally syndicated radio program. But if

care organizations.

The House plan also would increase monthly premiums for the voluntary, Part B doctor insurance from the current $46.10 to about $90 by the year 2002.

With the House vote on Medicare reform less than a day away, Capitol Hill was alive Wednesday with seemingly endless speeches, news conferences and assorted events designed to demonstrate either support or opposition to GOP legislation.

Although the vote's outcome was not in doubt, House Republican leaders led by Speaker Newt Gingrich, R-Ga., continued a series of closed-door meeting with their rank-and-file to nail down support for the sweeping measure.

Gingrich agreed, for instance, to boost payments for hospitals and health plans in rural areas but discarded a break for chiropractors.

He likened the process to ``Christmas shopping," adding:

``Any time you are in the last 48 hours before a major vote, 17 people show up who suddenly figure out you need their vote and they have this one thing they haven't gotten yet."

(End optional trim)

Meanwhile, House Republicans decided to abandon controversial plans to strike federal laws that protect the income, savings and property of spouses and children of people whose nursing home stays are subsidized by Medicaid.

Clinton Considering Conference, Panel on Race Relations (Washn) By Jack Nelson and Paul Richter= (c) 1995, Los Angeles Times=

WASHINGTON President Clinton, seeking ways to capitalize on momentum from the Million Man March, is considering holding a White House conference on race relations and appointing a blue-ribbon commission to study the problem, Clinton aides said Wednesday.

Black leaders have appealed for Clinton to appoint such a commission to address the march's unmistakable message a moving appeal for new approaches to the desperate plight of black males. And the idea quickly drew support from Republicans as well as Democrats.

But the impulse to build on the positive feelings engendered across the nation by the spectacle of 400,000 black men assembled on The Mall in the name of atonement and personal responsibility was also tinged with caution.

At the White House and elsewhere in Washington, political strategists were aware that, while the challenges of crime, poverty, drugs and family disintegration in the black community are deadly serious, they are also politically explosive. Especially for Democrats, whose long identification with blacks and other minorities has alienated some white voters.

As a result, the White House chose its words carefully in discussing a high-profile conference.

``A lot of different ideas have been put forward and a White House conference is one of the possibilities, but the president is reserving judgment for now on exactly what to do," said Mike McCurry, Clinton's press secretary. ``He wants to build on the momentum of the positive aspects of the march."

(Begin optional trim)

Some Democrats went so far as to suggest that their party should not risk alienating middle-class white voters by moving too forcefully on the issue. ``Anything that diverts us from our task of reconnecting with the broad middle class is a big mistake," said a Democratic strategist with ties to the White House.

Reflecting on that ambivalence, Marlin Fitzwater, who served as White House press secretary in the Reagan and Bush administrations, said, ``The leaders here don't know how to deal with it and they have the luxury of not having to deal with it if they really don't want to because the march didn't demand anything of them."

(End optional trim)

The march differed from most massive demonstrations held in the past here in that it had no agenda calling for specific action by the government or either political party. Instead of making such demands, most speakers focused on what black men themselves should do to make their communities better and safer.

Still, the massive demonstration caught the public's interest as few events have since Martin Luther King Jr. and the civil-rights movement of the 1960s.

Some Republicans leaders, including Senate Majority Leader Bob Dole and House Speaker Newt Gingrich, responded to the march chiefly by denouncing its prime organizer, Minister Louis Farrakhan of the Nation of Islam, a fiery speaker with a record of racism and anti-Semitism.

But others have looked for ways to build on the event.

Several black and white members of Congress sent Clinton a letter urging him to appoint a commission ``to issue a report on the progress and failures that our nation has made on race since 1968."

That was a reference to the Kerner Commission appointed by President Johnson, which in 1968 issued a study that concluded the nation was moving ``toward two societies, one black, one white separate and unequal."

Rep. Charles Schumer, D-N.Y., in proposing the appointment of a commission, said, ``while our cities may not be burning, anger rages in the hearts of too many of its citizens."

At least one Republican shared that sense of need for action. ``There is something wrong about attitudes and perceptions in our society today," said Rep. Bill McCollum, R-Fla.

At the White House on Wednesday, Chief of Staff Leon Panetta held meetings with aides and other advisers to discuss several different responses to the march, including a commission and a White House conference. But aides declined to identify the other options under consideration.

The Rev. Jesse Jackson, a veteran of the civil-rights movement of the 1960s and one of those who addressed the march, called on Clinton to convene a White House conference on urban policy and economic development.

``The president cannot just give a speech of anecdotes. It's better than being hostile," but it's not enough, Jackson said.

(Optional add end)

The notion of a commission won wide praise. Rep. Christopher Shays, R-Conn., a member with an urban and suburban section in his district, said it was ``an excellent idea I'd like to be on it."

Ed Gillespie, a spokesman for House Majority Leader Richard Armey, R-Texas, praised the idea and promised that ``a lot more ideas will crop up" from Congress in the days ahead.

But others portrayed the commission as a maneuver to stall for time on a problem that has been endlessly diagnosed.

Rep. Julian Dixon, D-Calif., argued that the issues raised by the march are not suited for Congress to deal with as a body. Saying he would try to deal the issue by trying to promote candid conversation in community groups, Dixon said: ``I don't think Congress has the ability to heal ... Nor do we have the will, at this point."

And Chairwoman Mary Francis Berry of the U.S. Commission on Civil Rights said: ``We don't need another commission. The Kerner Commission's recommendations still haven't been implemented. The Commission said we had two separate societies, one white and one black and unequal and we still do."

F.D.A. Panel Backs New Breast Cancer Drug

SILVER SPRING, Md., Oct. 18 (AP) — The new drug Taxotere should be approved to help prolong the lives of dying breast cancer patients who have exhausted other options, despite its high incidence of dangerous side effects, a Government panel recommended Tuesday.

If the Food and Drug Administration follows the advice of the advisory panel, Taxotere would become the first competition for the widely used drug Taxol, which now is the last hope for many of these women.

Rhone-Poulenc Rorer, which makes Taxotere, presented interesting hints that it might work better than Taxol, the panel said. A comparison of the two drugs is now under way.

Regardless, the F.D.A. advisory committee said early evidence indicated that Taxotere was effective enough to let women begin taking it before final testing — usually a requirement for a drug approval — is finished.

"This is a population with very few options," said a panel member, Dr. Arlene Forastiere, of Johns Hopkins University.

Paula Flowers, 29, who has breast cancer, agreed. "What I need is time and what I need are options," said Ms. Flowers of Fort Walton Beach, Fla. Her experimental use of Taxotere appears to have stalled the disease for now.

She has battled for six years against advanced breast cancer that spread to her eyes, lungs and bone. The Federal agency is not bound by advisory committee recommendations but usually follows them.

Taxol, made by Bristol-Myers Squibb, was the first drug to fight tumors by acting on the internal skeleton of cancer cells to prevent them from dividing, thus killing them.

Taxotere, known generically as docetaxel, aims to be the second drug in this class. Chemically, it is very similar to Taxol.

Rhone-Poulenc gave Taxotere to 134 advanced breast cancer patients whose disease resisted standard chemotherapy. Almost half had cancer that had spread to at least three organs.

About 43 percent were alive a year later and 3 experienced a remission. The median survival time of the patients was 10 months, although some patients survived for 24.

Previous tests of Taxol with similar patients showed that 21 percent responded, Rhone-Poulenc said. But the company acknowledged that a head-to-head comparison, now under way, is still necessary.

Justice Dept. Official Backs F.B.I. Deputy on Idaho Siege Rules

By DAVID JOHNSTON

WASHINGTON, Oct. 18 — Larry A. Potts, the former Deputy Director of the Federal Bureau of Investigation who was ousted from his job over the deadly siege in Ruby Ridge, Idaho, gained some ground today when a top Justice Department official backed him up in a dispute over the incident.

Mr. Potts, who supervised the F.B.I. operation at Ruby Ridge from the bureau's headquarters, has long denied that he approved the shoot-on-sight rules adopted for the confrontation. And today, Jamie S. Gorelick, the Deputy Attorney General, testified at a Senate hearing on the confrontation that she believed him.

Nevertheless, Mr. Potts's subordinates, among them Eugene Glenn and Dick Rogers, the bureau's two commanders at the scene, have said it was Mr. Potts who authorized the aggressive rules that were in effect on Aug. 22, 1992, when an F.B.I. sniper fatally shot Vicki Weaver, the wife of Randall C. Weaver, a white separatist, at the couple's cabin on a remote hilltop in Idaho. A day earlier, the Weavers' 14-year-old son, Sam, and a Deputy United States Marshal, William Degan, were killed in a shootout with Federal agents.

"I think the rules of engagement, including the word 'should,' were approved by Mr. Rogers and Mr. Glenn," Ms. Gorelick testified today. "I believe the evidence does not substantiate that they were approved by Mr. Potts."

Nevertheless, she remained critical of Mr. Potts's conduct. "I think Mr. Potts and Mr. Glenn discussed the rules," Ms. Gorelick said. "But neither one took the time or effort to — which I think is appalling — to decide which rules they were talking about." She described Mr. Potts's lapse in making certain the rules were clear to Mr. Glenn as "a very significant management failing."

Ms. Gorelick said that she believed the rules, which said agents "should" shoot at any armed adult men observed outside the cabin, did have an impact on the sniper's state of mind when he fired the shot that killed Mrs. Weaver. But Ms. Gorelick added that she considered the shooting justified under standard policies on the use of force. The agent has said he was not aiming at Mrs. Weaver, but at Kevin Harris, a friend of the Weavers.

In another development the Senate Judiciary subcommittee on terrorism, which is investigating the Idaho incident, disclosed two new documents that provided further support for Mr. Potts's version of events. The documents, a pair of notes by Mr. Potts, were prepared late on Aug. 21, 1992, the night he discussed the rules with Mr. Rogers as the field commander flew to Idaho with an elite team of F.B.I. agents.

The notes, one a handwritten memorandum and the other a typed version of the first memo, said the rules — as Mr. Potts understood them — would advise agents only that they "may" or "can" use lethal force. The language, unlike the phrasing actually employed during the standoff, appeared to be consistent with the F.B.I.'s policy on the use of deadly force.

Bureau officials have said the two notes were lost at F.B.I. headquarters until recently when they were unearthed in Mr. Potts's office files after he was demoted to a training job at the F.B.I. academy in Quantico, Va. Mr. Potts was suspended from the bureau last August pending the outcome of a separate criminal inquiry into whether documents pertaining to the standoff were destroyed to conceal the role of senior F.B.I. officials.

For Republicans in the House, a Frantic Vote-Trading Bazaar

By ROBERT PEAR

WASHINGTON, Oct. 18 — House Republican leaders engaged in frantic horse-trading with members of their own party today as they tried to line up votes needed to approve sweeping changes in Medicare, the Federal health insurance program for 37 million people who are elderly or disabled.

The Medicare bill, an essential ingredient of the Republican plan to balance the budget, is scheduled for debate and votes on the House floor on Thursday. Today, the office of Speaker Newt Gingrich became a kind of bazaar as lawmakers trooped in, seeking concessions, and Mr. Gingrich tried to please them without significantly altering the Republican proposal to slow the growth of Medicare.

"We have the votes to pass Medicare," Mr. Gingrich asserted. But he said the bargaining was "a little bit like Christmas shopping," as Republican lawmakers searched for gifts. "Any time you are in the last 48 hours before a major vote, 17 people show up who suddenly figure out you need their vote and they have this one thing they haven't gotten yet," the Speaker said.

The number of votes in doubt drifted from 30 in the morning to 10 in the afternoon, and it was back to 20 by the evening. The House now has 433 members, and Republicans hold 233 seats. If no Democrats cross party lines and all members vote, the Republicans can lose no more than 16 of their own members and still win.

Mr. Gingrich focused much of his effort on lawmakers from rural areas, who fear that the fixed Federal payments on behalf of each Medicare beneficiary will not be adequate to attract health maintenance organizations. House Republican leaders made some concessions to rural areas, but lawmakers from those areas demanded more.

The political situation was fluid, but the budget is fixed, so any extra payments to rural counties will probably have to be offset by reducing payments to other areas.

In a letter delivered to the Speaker this evening, 18 Republicans from rural areas, led by Representative Greg Ganske of Iowa, said they were "deeply disappointed by the solution offered to the Rural Health Care Coalition," and they threatened to vote against the bill unless Mr. Gingrich made changes.

Associated Press

As the House worked toward a vote on Medicare yesterday, Joseph Rourke, 90, of Washington and Annabel Seidman, 78, Falls Church, Va., joined a rally protesting changes in medical program for the elderly.

"This is an issue of equity," the letter said. "Seniors in our districts paid as much into the system as anyone else, but will get out far, far less. Until we are satisfied that the bill fully addresses these concerns, we have no choice but to vote against the bill."

The House Republican bill, like a companion measure in the Senate, would cut projected spending on Medicare by $270 billion, or 14 percent, over seven years. And it would authorize a fixed amount of Federal money for any Medicare beneficiary who wanted to join a health maintenance organization, buy private health insurance coverage or set up a savings account for medical expenses.

New Jersey and New York won a modest concession as House Republican leaders agreed to continue Medicare payments, at a reduced level, for doctors in training who are not citizens of the United States. The original House bill would have eliminated such payments to teaching hospitals for graduates of foreign medical schools after October 1998. Hospitals in New York City and Newark employ many such foreign medical graduates.

Another Republican, Representative Peter G. Torkildsen of Massachusetts, expressed grave concern about the bill, saying it could harm hospitals in the Boston area and jeopardize the jobs of many people who work in the health care industry.

In addition, Mr. Gingrich said he would try to solve what he called "the New Jersey problem." Representative Marge Roukema, Republican of New Jersey, said the bill's Medicare payment formula put "a terrible burden" on New Jersey, where a large proportion of the population is over 65 and many hospitals depend heavily on Medicare.

Without more adequate payments, she said, Medicare beneficiaries' choice of doctors and hospitals might be narrowed rather than expanded in New Jersey in the next few years.

To help pay for the sweeteners for rural states, House Republicans dropped other provisions of the bill approved last week by two House committees. For example, they decided not to expand Medicare coverage of chiropractors' services and not to pay for drugs needed to combat nausea caused by certain anticancer drugs.

The debate over Medicare benefits in rural areas came down to a question of dollars: whether a Federal payment of $250 or $300 a month for each Medicare beneficiary would be enough. The average for the country is about $400 a month, but it would be just $250 in some rural counties, and it would exceed $600 in some urban areas like Dade County, Fla. Health maintenance organizations in rural areas have generally received less, but until now it did not matter much because comparatively few Medicare recipients were in such plans.

Representative Bill Archer, a Texas Republican who is chairman of the Ways and Means Committee, said House Republican leaders had agreed to guarantee a payment of at least $250 a month for each Medicare beneficiary who chose a private health plan. But rural lawmakers said they wanted at least $320 to $350 a month.

In their letter, the rural lawmakers said that high Federal payments to private health plans in New York and Los Angeles would allow them to offer extra benefits, "including $1,500 in prescription drugs and fitness center memberships" for Medicare beneficiaries. But, they said, in many rural counties, the payments will be so low that "few H.M.O.'s will even offer standard Medicare benefits."

Mr. Ganske, a surgeon, led the faction of rural Republican representatives, which included Wes Cooley of Oregon, Barbara Cubin of Wyoming and Gil Gutknecht of Minnesota.

The Washington Times
TUESDAY, OCTOBER 10, 1995

Senate panel to resume hearings on federal conduct in Idaho siege

FBI agents, lab officials to testify on conflicting accounts

By Jerry Seper
THE WASHINGTON TIMES

A Senate subcommittee will resume hearings Thursday on the siege of former fugitive Randall Weaver's cabin with several issues surrounding the 1992 standoff still unresolved.

The hearings, which recessed Sept. 26, produced conflicting testimony, teary recountings of what happened, and angry accusations and denials over who was at fault and why.

This week's witness list includes several FBI agents and lab officials involved in the 11-day siege, which included agents from the FBI, the Bureau of Alcohol, Tobacco and Firearms (ATF), and the U.S. Marshals Service.

During 11 prior sessions, the FBI bore much of the criticism as the Senate subcommittee on terrorism, techonology and government information listened to claims that the bureau acted improperly, and perhaps illegally, during the siege and later attempted to cover up its role.

Sen. Herb Kohl, Wisconsin Democrat and the panel's ranking minority member, was one of the most vocal critics of FBI actions in the siege at the Weaver cabin near Naples, Idaho. Vicki Weaver, Mr. Weaver's wife, was shot by an FBI sniper as she stood in the doorway of the cabin.

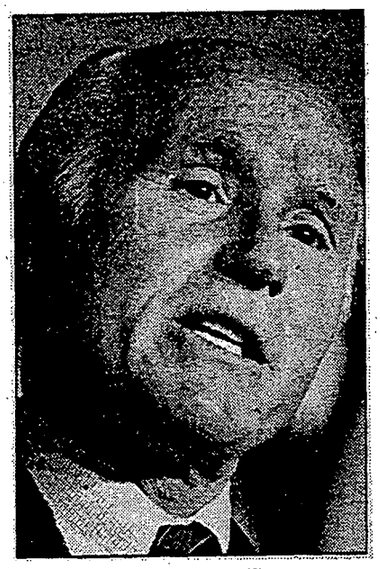
Her death, which occurred under revised rules of engagement that amounted to a shoot-on-site policy, followed by a day the shooting deaths of her son, Samuel, 14, and Deputy U.S. Marshal William F. Degan during a reconnaisance mission involving six heavily armed deputy marshals.

"The FBI seems to have been playing a game of duck and cover," Mr. Kohl said. "The world's greatest investigative agency cannot figure out who drafted and approved rules of engagement written in part in its own headquarters.

"It has consistently ignored or evaded the findings of outside, independent reviewers in favor of FBI-generated reports that scapegoat some and absolve everyone else," he added. "So no one on this panel is letting the FBI off the hook. No one."

During previous sessions, witnesses claimed that:

- FBI sniper Lon Horuichi could see through a window in the cabin door and purposely targeted Mrs. Weaver — or it was too dark under an overhang on the porch to see through the window and the killing was a "tragic accident."



"The world's greatest investigative agency cannot figure out who drafted and approved rules of engagement."
— Sen. Herb Kohl

- Deputy U.S. Marshal Larry A. Cooper shot Samuel in the back as he ran home after the boy's dog, Striker, had been killed — or Mr. Weaver shot his own son in the back after the firefight erupted and the boy ran from the scene.
- Weaver family friend Kevin Harris fired first at Mr. Degan, killing him with a blast from a .30-06 rifle — or deputy marshals fired first, killing the dog to silence him and then shooting Samuel.
- FBI agents at the site acted on revised deadly-force rules they wrote without getting approval from siege commanders in Washington — or FBI officials in Washington approved revised rules of engagement and later lied and destroyed documents in a cover-up.
- ATF agents who sought to arrest Mr. Weaver on weapons charges fabricated a criminal history by falsely saying he was a convicted felon and a suspected bank robber — or it would have been "irresponsible" not to pass on information the agency received about Mr. Weaver, even that which was false, in order to "ensure caution" in his apprehension.
- FBI snipers "shaded" their testimony to fit the bureau's "party line" that the shooting of Mrs. Weaver was accidental and had nothing to do with the revised rules — or snipers feared for the safety of an FBI helicopter, and the fatal shooting, although an accident, was justified since the sniper was trying to defend the helicopter and shoot Mr. Harris.
- The shot by Mr. Horiuchi constituted excessive force, violated constitutional guidelines and should not have been taken — or it was justified under the FBI's standard-deadly force policy.

FBI Director Louis J. Freeh had been expected to testify this week, but a current witness list did not name him. Although not director at the time of the siege, he has been criticized for his promotion of friend Larry A. Potts to deputy director despite Mr. Potts' ties to the standoff as then-head of the bureau's criminal division.

After a staunch public defense, Mr. Freeh demoted Mr. Potts, saying he had become a liability because of his relationship to the case. Later, Mr. Freeh suspended him and four others amid charges of a cover-up.

FBI agents at the site told the panel the revised rules of engagement were approved in Washington by Mr. Potts and his top assistant, Danny O. Coulson. The claim was denied by bureau executives and an internal FBI report.

The revised rules told FBI snipers they "could and should" shoot any armed adult. Normally, FBI deadly-force policy allows agents to shoot if their lives or the lives of others are in imminent danger.

The panel has focused on a conflict between Mr. Potts' denial on the rules of engagement and a May 3 letter to the Justice Department from Eugene F. Glenn, on-site commander, who said FBI executives mishandled the internal probe to protect Mr. Potts.

In the letter, Mr. Glenn said Mr. Potts told him in a telephone conversation the new rules had been approved. He and Richard A. Rogers, head of the FBI's hostage rescue team, who directed snipers at Ruby Ridge, have said the rules were approved in Washington.

Mr. Glenn received the most severe of sanctions ordered in January by Mr. Freeh in the siege. Mr. Rogers, since reassigned, refused to testify, citing his Fifth Amendment right against self-incrimination.

Mr. Coulson, also suspended, said he rejected a tactical plan by Mr. Rogers that included revised rules of engagement but admitted during panel questioning that he had not read the plan, except for a portion of the first page. The rules of engagement were on Page 2.

The Washington Times
TUESDAY, OCTOBER 10, 1995

Medical accounts hit by Democrats on Hill

Say they would cost too much, cause cheating

By Nancy E. Roman
THE WASHINGTON TIMES

Medical savings accounts for Medicare beneficiaries will cost the government money and create an opportunity to cheat the Internal Revenue Service, Democrats on the Ways and Means Committee contended yesterday.

"Why on God's earth are we putting in an item that costs more money?" asked Rep. Gerald D. Kleczka, Wisconsin Democrat and member of the committee.

Ways and Means members cut short their holiday weekend to begin sifting through the specifics of the GOP's 437-page bill that overhauls Medicare, saving $270 billion over seven years.

Mr. Kleczka said Democrats will move to strip medical savings accounts, also known as MSAs, from the bill.

If they fail, he will offer an amendment requiring seniors who choose them to remain in the plan for five years. The bill as written requires seniors who choose MSAs to remain in them for only one year.

"You couldn't pop out when you get your first back pain," Mr. Kleczka said.

MSAs are one of the alternatives to traditional fee-for-service Medicare allowed under the bill. The Congressional Budget Office has estimated that MSAs proposed in the Senate Medicare reform bill would cost $2.3 billion over seven years. Chip Kahn, chief of staff of the Ways and Means subcommittee on health, said they expect a similar CBO prediction for their proposal.

Rep. Bill Archer, Texas Republican and chairman of the committee, is a longtime advocate of MSAs and said yesterday they are an important part of the GOP plan to provide Medicare options.

Rep. Sam Gibbons, Florida Democrat, said MSAs would be a big loser for the federal government because healthy seniors who choose them would get more than they would have received under traditional Medicare.

The federal government will spend an average of $4,800 per beneficiary this year under the current program. The average amount spent on the healthiest seniors, who make up 90 percent of the Medicare population, is $1,340.

Under the GOP proposal, Medicare beneficiaries would receive a lump-sum annual payment — about $5,100 next year — to buy a catastrophic health insurance policy. Actuaries have estimated that with $5,100 seniors could purchase a catastrophic policy with a $3,000 deductible and have about $1,500 left over for their medical savings account.

Beneficiaries would choose their deductible in much the same way consumers select auto-insurance deductibles now — the lower the deductible, the higher the premium. The maximum allowable deductible would be $10,000.

> *"You can use the money to buy a car, go on vacation, go on a cruise and you can still be covered by Medicare."*
>
> *— Rep. John Lewis*

When a senior accumulates an amount in his MSA equal to 60 percent of the catastrophic policy deductible, he could withdraw the rest for personal use.

For example, a senior with a catastrophic policy with a $3,000 deductible, who spent only $500 annually on doctor visits, would accumulate $4,000 over four years. That beneficiary would be free to withdraw up to $1,800 to buy a boat or take a vacation. Withdrawals from MSAs for nonmedical purposes would be taxable.

Rep. John Lewis, Georgia Democrat, said he fears some seniors would remain in MSAs as long as they are healthy, and then bail out when they get sick.

"You can use the money to buy a car, go on vacation, go on a cruise and you can still be covered by Medicare," he said. "This sounds like a good deal for those who want to game the system."

Rep. Benjamin L. Cardin, Maryland Democrat, said he fears that MSAs encourage those over 65 to use them for a "tax-free buildup."

Kin Kies, director of the Joint Tax Committee, said "the buildup is not expected to be so great," because seniors with MSAs will be using MSAs to pay for all their medical expenses.

He noted that those who withdraw more than 60 percent of their deductible amount from the account would pay not only income tax, but a 50 percent penalty.

Throughout the day, there were several heated exchanges between Mr. Archer and Mr. Gibbons, who first used a procedural tactic to delay the hearings.

"It's great to be here doing to the Lord's work on a holiday," quipped one member of the audience.

Rep. Barbara B. Kennelly, Connecticut Democrat, did not attend the markup because her husband suffered a heart attack over the weekend.

Rep. Robert T. Matsui, California Democrat, was absent because of the death of his father-in-law.

had voted to cut Clinton's request for $1.12 billion in assistance for the homeless to $760 million, a 32 percent reduction. Sen. Paul S. Sarbanes, D-Md., has proposed restoring the funding to Clinton's requested level, the same amount being spent in the current fiscal year.

Separatist's Friend Disputes Government's Story of Siege By Ronald J. Ostrow and Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON A friend of white separatist Randy Weaver who was severely wounded at the Ruby Ridge siege Tuesday directly disputed crucial elements of the government's account of the bloody incident, including who fired first.

Kevin Harris strongly denied to the Senate Judiciary subcommittee on terrorism that he and Weaver sought to ambush federal marshals who had Weaver's remote Idaho cabin under surveillance Aug. 21, 1992, as part of a plan to arrest Weaver for failing to appear in court on weapons charges.

Branding as ``false" earlier testimony by two surviving deputy marshals that he and Weaver ambushed the marshals and that Harris shot and killed deputy U.S. Marshal William Degan after Degan identified himself as a marshal, Harris said: ``I want to say this as clearly as I possibly can, so that there is absolutely no mistake in anyone's mind."

His voice cracking and struggling to suppress sobs, Harris graphically described the shooting of Weaver's 14-year-old son Sammy and the killing of Weaver's wife, Vicki, by an FBI sniper on the following day, as she stood hidden by the cabin door.

``I would not have been anywhere near those woods if I had known that all those men with assault rifles and a silenced submachine gun ... were out there," Harris said. ``We were just walking along the trail ... making a perfect target of ourselves."

``The first thing that happened at the `Y,'" Harris said, referring to a junction of two trails where the two sides confronted each other, ``is that someone shot Striker," the yellow Labrador dog of 14-year-old Sammy Weaver. Striker's barking, Harris said, set him and the two Weavers searching for a deer or other game.

As he and Sammy reached the Y, Harris said, Striker neared a man wearing camouflage clothing and seemed to lunge for the man's hands. The dog then moved away from the man circling, and ``suddenly the dog was shot," Harris said.

Sammy then began to raise his weapon and said, ``You shot my dog, you sonofabitch," Harris testified, and Harris headed for cover. He said that was the last time he saw Sammy alive. ``I saw smoke puffs and brass shell casings flying in the air down in the woods below the trail," Harris said. ``I assumed Sam was shooting, and that someone was shooting back at him but I didn't actually see Sam shoot."

Harris said after he found cover and crouched down, shots were still being fired ``and so I fired once into the brush."

Under questioning by Sen. Arlen Specter, R-Pa., subcommittee chairman, Harris said he had not fired at the man in camouflage. ``I was headed for cover. There was shooting all around me. It looked like, you know, they were just bombarding us with shots, and I just fired into the brush."

But under questioning by several senators, Harris acknowledged he assumed his shot had killed Degan. Harris and Weaver were acquitted of murdering Degan.

Specter cited conflicting testimony between Harris and Deputy Marshal Larry T. Cooper and said the senators are considering recalling Cooper. Cooper told the panel Sept. 15 that he had yelled at Harris ``Back off U.S. marshals," before the dog was shot, and that Harris had fired from his hip hitting Degan immediately after Degan called out ``Stop, U.S. marshals."

Harris testified he heard neither warning when Cooper said they were made.

(Optional add end)

In another possible conflict, Jeffrey Howard, former principal associate deputy attorney general, testified he had been told on Aug. 22, 1992, by an FBI official that Vicki Weaver had been heard ``wailing that her son had been shot, had been murdered." FBI witnesses said they first learned of Sammy Weaver's death after the body was discovered at least a day and a half later.

The difference could be important because knowing Weaver's son had been killed could have influenced how the FBI handled the siege. Howard, however, said the FBI may mean that they did not have Sammy Weaver's death confirmed on Aug. 22.

The hearings have adjourned for two weeks. When they resume, FBI Director Louis J. Freeh is expected to testify.

Perot's Third-Party Bid Angers Republican Leaders By John M. Broder= (c) 1995, Los Angeles Times=

WASHINGTON Aside from injecting an unpredictable new element into an already unsettled political season, Ross Perot's surprise announcement that he intends to create a third party stunned and angered Republican leaders, who view the move as a major threat to GOP hopes of reclaiming the White House.

Reflecting Republican anxiety about Perot's re-entry into the political process, House Speaker Newt Gingrich, R-Ga., Tuesday called the Texas billionaire's bid to build a new party around disgruntled independents a ``fantasy of delusion" and a ``substantial mistake."

GOP National Chairman Haley Barbour, barely concealing his vexation with Perot, said the practical effect of the third-party effort would be to splinter conservative voters. Barbour and others fear a replay of 1992 when, in their view, Perot's independent candidacy led to the defeat of President Bush.

Perot's new endeavor, Barbour warned, may allow President Clinton to ``slip back into the White House."

For his part, Clinton said only that he shares some of Perot's concerns about the current political process. Clinton declined to make any predictions about the impact of Perot's latest political adventure.

``I'm trying to balance the budget, and I'm an ardent promoter of political reform ... but he'll have to do whatever he wants to do and the American people can make their judgment," Clinton told reporters.

In Southern California, meanwhile, retired Gen. Colin L. Powell revealed he learned firsthand of Perot's third-party proposal this past weekend during a telephone conversation with the Texan.

Powell, who is traveling the nation promoting his autobiography, has kept alive a boomlet promoting him as a presidential candidate by declining to rule out such a bid. He took that approach as he signed copies of his books Tuesday afternoon, saying, ``Sure," when asked if he would consider running as a third-party candidate.

But he also noted that as of now, Perot's proposal ``is not a party, it's an idea." Additionally, a history of bad feeling exists between a trusted Powell associate and Perot. And Powell's commitment to Perot's reform agenda is unknown.

Perot, as is his custom, has launched the Independence Party without answering a number of fundamental questions: Who will lead the new entity? How will it raise the $100 million or so it needs to compete in a national presidential contest with the established parties? How will it address the myriad problems involved in winning a prominent place on 50 separate state ballots?

In an interview, Perot said these questions will be answered

in time. His first priority, he indicated, is storming California, where he must produce nearly 900,000 petition signatures or 90,000 new party registrants by Oct. 24 to qualify the new party for next year's elections.

(Begin optional trim)

This weekend he plans to travel the state of California attending voter-registration workshops and publicizing his party-building effort.

Perot said petitions calling for the creation of the new party to be known in California as the Reform Party because of a name conflict with an existing party would be printed in newspapers throughout the state on Sunday. He is paying for the newspaper ads, but said that he expected the new party to be financially self-supporting by early next year.

(End optional trim)

Perot said his intent was not to undermine either the Republican or Democratic Party, but rather to give disaffected voters a place to express their discontent with the current state of American politics.

He predicted that he would easily meet California's and every other state's ballot deadline and that his party would quickly become a major feature of the political landscape.

``Great things happen quickly," the aphoristic Perot said. ``God created the heaven and the Earth in six days."

Republican presidential contenders met Perot's announcement with a distinct lack of enthusiasm.

``It's a `deja-lose' formula that would make 1996 a rerun of 1992," said former Tennessee Gov. Lamar Alexander.

Nelson Warfield, the chief campaign spokesman for Senate Majority Leader Bob Dole, the GOP presidential front-runner, noted acidly that ``Mr. Perot has the right to pursue whatever political activity he wants." But he said those who backed Perot in 1992 would be ill-served by becoming part of an untried new political entity.

(Begin optional trim)

Conversely, Clinton has good cause to be serene about the possibility of a Perot candidacy or one backed by his new party, political analysts said Tuesday.

Commentator Kevin Phillips, a onetime GOP strategist, said Perot's reappearance creates ``a huge problem" for Republicans.

Phillips said Perot's new party offers another outlet for disaffected Republicans, many of whom are already beguiled by the possibility of an independent presidential campaign by Powell.

(End optional trim)

Perot unveiled his proposed party Monday night on CNN's ``Larry King Live" program.

Perot said the new party would hold an open nominating process, a sort of ``electronic primary" in which party members would vote by telephone and satellite hookup to name a presidential nominee. Perot said the party does not intend to field candidates for lower offices, but would endorse Senate and House candidates.

The prospect of Powell running under the Perot banner appears dubious at best. One of Powell's closest advisers and personal friends is former Pentagon official Richard L. Armitage, with whom Perot has had a bitter and long-running feud.

A source close to Powell said Tuesday there was virtually no chance a Powell-Perot alliance could be forged.

Clinton's Foreign Policy Performance Earning Higher Marks By Doyle McManus= (c) 1995, Los Angeles Times=

WASHINGTON Two years ago, at the beginning of his sometimes star-crossed administration, President Clinton couldn't seem to get anything right in foreign policy: American troops were mired in Somalia, American power was stymied in tiny Haiti, and American diplomacy was spinning wheels in Bosnia-Herzegovina.

But this week, Clinton can celebrate an unusual double success: the opening of U.S.-orchestrated peace talks on Bosnia and a U.S.-mediated agreement between Israel and the Palestinians on the West Bank.

``I'm very encouraged," Clinton told reporters Monday. ``I think both these things are examples of the imperative for United States leadership."

The question that administration critics and foreign policy analysts must solve now is: What went right?

The answer seems to be: one part helpful circumstance, one part hard-won diplomatic skill.

``There has been a definite improvement in performance," said Patrick Glynn of the American Enterprise Institute, long a critic of the administration. ``There has been some on-the-job learning. It should have happened earlier ... (but) better late than never."

Glynn and other foreign policy experts said the improvement is apparent on two counts in the administration's peacemaking in Bosnia.

First, Clinton and his aides are exercising U.S. diplomatic leadership more assertively. In 1993, when European countries objected to a Clinton proposal to arm the Bosnian government and launch airstrikes against the Bosnian Serbs, the new president quickly backed down. But this year, when Clinton decided to use airstrikes to push the Serbs into peace talks, he told the Europeans that he intended to go ahead whether they objected or not, senior officials say.

Second, the president seems more comfortable using threats of military power to back up his diplomatic ideas. Some aides say he learned a lesson from his 1994 experience in Haiti, where a stubborn military junta quickly agreed to step down once Clinton ordered the 82nd Airborne Division to land on the island.

``In the first year, the incompetence and hesitation and mix-ups obscured the fact that the United States is still the most powerful country in the world," said Helmut Sonnenfeldt, a former top U.S. State Department official. ``They're beginning to realize that you can do something with that, if you use the right tools. They just didn't catch on to that until this year."

Still, Sonnenfeldt noted, the outcome in Bosnia is far from being decided and the administration's handful of successes do not yet add up to a brilliant record overall.

``It's hard to know whether this is a new pattern, or just a unique combination of circumstances and individuals," he said.

``There's a lot of luck, good or bad, in all these situations," agreed John Steinbruner of the Brookings Institution. ``A lot of this is out of anyone's control."

``The Middle East peace process is a fairly natural result of a long process that started in previous administrations," he added. ``The Clinton administration deserves credit for keeping it going, but it's continuity at work."

On other fronts, the administration's performance is still uneven, the analysts say.

Relations with Russia and China, the two great powers that are most likely to pose problems for the United States, are rocky. Russia's parliament is angry about the U.S. airstrikes against the Serbs, traditional allies of Moscow; Russian leaders worry that any expansion of the North Atlantic Treaty Organization will be aimed against them.

With China, the administration has experienced three years of touchy relations culminating in a diplomatic crisis this year

The Washington Times
WEDNESDAY, SEPTEMBER 27, 1995

Weaver friend says marshals fired first

Harris denies boy was killed by father

By Jerry Seper
THE WASHINGTON TIMES

A1

Kevin Harris, a family friend of former fugitive Randall Weaver, told a Senate subcommittee yesterday that federal agents fired first in the shootout that claimed the lives of Deputy U.S. Marshal William F. Degan and 14-year-old Samuel Weaver.

In an emotional recounting of the Aug. 21, 1992, shooting near the Weavers' remote Idaho cabin, Mr. Harris, whom a federal jury acquitted of murder charges in Mr. Degan's death, said marshals killed Samuel's dog, Striker, then fired at him and the teen-ager.

"Suddenly the dog was shot," he told the Senate Judiciary subcommittee on terrorism, technology and government information, which over the past month has held hearings on the government's siege of the Weaver cabin. "Sam stopped above the dog . . . and said, 'You shot my dog, you son of a bitch.' . . . I turned to my right and headed for cover.

"As I did, I saw smoke puffs and brass shell casings flying in the air down in the woods below the trail. Once I turned away from Sam as he raised his gun, I never saw him alive again."

Mr. Harris, who was seriously wounded the next day by an FBI sniper in a shooting that killed Mr. Weaver's wife, Vicki, said he and

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Samuel were following the dog along a trail near the cabin in pursuit of what they thought might be game when gunfire erupted.

His testimony was in direct conflict with Deputy U.S. Marshals Larry Cooper and Arthur Roderick, who told the panel last week that Mr. Harris fired the first shot, killing Mr. Degan, as part of an ambush and that Samuel was accidentally killed by his own father, shot in the back as he ran to the cabin.

The marshals testified that the dog was shot after it chased them down the hill and that they had identified themselves as U.S. marshals. They said Mr. Harris turned immediately after the identification and fired at Mr. Degan.

"I want to say this as clearly as I possibly can, so that there is absolutely no mistake about it in anyone's mind: What Mr. Roderick and Mr. Cooper said is false," Mr. Harris said.

Mr. Harris acknowledged that he shot Mr. Degan, but only in self-defense, adding that he had "a perfect opportunity" to shoot a deputy marshal whose attention was on the dog.

"He wasn't even looking at me, but I didn't shoot him because I didn't have any intention of shooting anyone," he said. "The first thing that happened at the Y [an area near the Weaver cabin] is that someone shot Striker. I saw that; I know it with complete certainty."

Subcommittee Chairman Arlen Specter, Pennsylvania Republican, and Sen. Herb Kohl, Wisconsin Democrat and the panel's ranking minority member, said it is difficult to establish who fired the first shot, but they doubt that Mr. Weaver killed his own son.

"It's possible we may never know exactly what happened at the Y on August 21, 1992," Mr. Kohl said. "The only thing we can say with certainty is that it was a terrible tragedy, a tragedy that should never have happened.

"My own sense, Mr. Chairman, is that Sammy Weaver was shot by one of the marshals. It is not impossible, but in my opinion very doubtful, that Randy Weaver accidentally shot his own son."

Rep. Helen Chenoweth, Idaho Republican and frequent visitor at the hearings, questioned the panel's interrogation of Mr. Harris, saying she thought subcommittee members "were harder on Kevin than I would have expected."

Mrs. Chenoweth described the questioning as a "rough ride," noting that Mr. Harris came "before the court of public opinion" when others, including FBI agents involved in the incident, refused to testify, citing their Fifth Amendment rights.

"I was surprised by the roughness of the questions," she said, describing it as "less respectful" than that of Mr. Cooper and Mr. Roderick.

Mr. Specter, who reminded Mr. Harris of his right against self-incrimination at the start of the hearing, said he was "surprised" by Mrs. Chenoweth's comments. He said the questioning was "professional and respectful."

Mr. Kohl, whose interrogation of witnesses on both sides has been pointed and often critical, described the Ruby Ridge incident as a "sad chapter in the FBI's history."

"Although the FBI has been essentially unrepentant, we are beginning to get a clear picture of the errors they made at Ruby Ridge," he said, adding that federal law enforcement officers viewed Mr. Weaver as a "deadly fanatic who had booby-trapped his compound, lived in a fortress and fought like a Green Beret."

Mr. Kohl said Mr. Weaver was "nowhere near as dangerous as federal law enforcement painted him to be, . . . yet with that distorted image in mind" the FBI drafted unprecedented rules of engagement that "started snipers up a hill with a green light to shoot."

"The killing of Marshal Degan and Sammy and Vicki Weaver are clearly the result of these mistakes, miscommunications and errors," he said. "Since then, the FBI seems to have been playing a game of duck and cover. The world's greatest investigative agency cannot figure out who drafted and approved the rules of engagement, written in part in its own headquarters."

Former Justice Department official Jeffrey Howard testified he was told Aug. 22, 1992, that Samuel had been shot. He said the information came from either Larry A. Potts, former FBI deputy director, or Danny O. Coulson, Mr. Potts' top assistant. Federal authorities have said they didn't know the boy was dead until two days later, when they found his body in a shed near the cabin.

Mr. Howard also said no one from the FBI or the Justice Department in separate inquiries ever asked him about the boy's death or when he learned of it.

Also, FBI agent Thomas W. Miller, who conducted the bureau's initial review of the shooting of Mrs. Weaver, said agents at the site told him revised deadly-force rules — telling snipers they "could and should" shoot any armed male at the site — were approved in Washington.

The Washington Times
WEDNESDAY, SEPTEMBER 27, 1995

Powell, other big names unlikely to answer Perot's campaign call

By Ralph Z. Hallow
THE WASHINGTON TIMES

A1

A third party founded by Ross Perot is unlikely to attract retired Gen. Colin Powell as its standard-bearer and, consequently, will not be a threat to President Clinton or his GOP challenger, according to an insider consensus.

"Powell likes to run his own show, and he doesn't need Perot to help him get on the ballot," Malcolm S. "Steve" Forbes Jr., a media magnate financing his own Republican bid for president, said yesterday.

"Why would Mercedes-Benz want to sell its cars out of a Yugo dealership?" said David Doak, a Democratic campaign consultant who is sure Mr. Powell neither needs nor wants to be the nominee of a Perot-launched party.

But Mr. Powell, after disclosing that he had spoken with Mr. Perot about the Independence Party over the weekend, seemed to flirt with such a candidacy yesterday.

According to the Associated Press, Mr. Powell, asked about being the candidate of Mr. Perot's party, said, "Obviously it is something I would consider, and he knows I would consider it."

At the moment, Mr. Powell is the most popular American who has no declared party affiliation.

The general isn't a good match for Mr. Perot and his followers in temperament or, perhaps, on some basic issues. But most important, analysts agree, he does not need a Perot party to seek the presidency as an independent.

"Perot supporters are angry people of the political right and

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left who perceive themselves as disenfranchised. That's true, but Powell is not running as an angry man," said pollster John McLaughlin, who is working for Mr. Forbes. "So Perot's supporters are not his kind of people."

"If United We Stand America people are moving to a third party now, it is a vote of no confidence in Bob Dole and Phil Gramm in November," said Pat Buchanan, a candidate for the GOP nomination. "Neither of those guys is *going* to do anything about big money in politics or term limits or NAFTA or GATT and the new world order because they voted for them."

Mr. Doak, the Democratic consultant, said, "Powell already has twice the support Perot had last time he ran for president."

A Perot party also would not attract retiring Sen. Bill Bradley, a New Jersey Democrat who has expressed disappointment with both major parties and the political process. Most analysts expect him to remain loyal and say he may re-

General could run without billionaire

enter politics in four years as a Democrat.

"Bill Bradley was the only guy in his party who felt Clinton was being too tough on the Japanese voters," Mr. Buchanan said. "How does he get the Perot voter?"

Mr. Perot and his United We Stand America organization, which is not a political party, maintain that the Japanese and many other trade partners exclude U.S. goods.

The Texas billionaire and his supporters opposed the rescue of Mexico's peso, the treaty that created the World Trade Organization and the North American Free Trade Agreement as favoring cheap-labor countries at the expense of Ameican jobs.

"Bradley can't see his future tied to Perot," Mr. Forbes said. "He sees himself as getting back into Democratic politics."

Most analysts said a party launched by Mr. Perot would not endanger GOP chances in the 1996 presidential elections any more than Mr. Perot's independent candidacy hurt Republicans in 1992.

If Mr. Perot runs, he is likely to get only a fraction of the 19 percent he got in 1992, and most of that will come from angry voters who would not vote at all but for Mr. Perot being in the race.

If Mr. Perot is not the candidate, his party has no visible source of income other than donations from people who need to be convinced its candidate stands a reasonable chance of winning.

Mr. Perot could give only $1,000 under federal election laws to his party's candidate if he's not it. And with no star heading the ticket, the new party would have trouble raising money to compete seriously. Finally, it would have a difficult time getting on the ballot in some states without a big name like Mr. Perot or Mr. Powell to attract petitioners.

"Perot did not cost George Bush the election last time," Mr. Forbes said. "Bush would have been fired by the voters no matter in a two-way race with Clinton."

GOP pollster Frank Luntz, who worked for Mr. Perot in 1992, agreed. Mr. Perot drew equally from would-be Bush and Clinton voters, he said."

Ed Goeas, who heads one of the largest Republican polling firms, said a myth began to build during and after the 1992 campaign that Mr. Perot had cost Mr. Bush reelection.

Mr. Goeas said polling just before that election, coupled with exit polls and a unique test in June 1992, showed that Mr. Clinton would have won 57 percent of the vote in a two-man race.

Mr. McLaughlin made the same analysis of the 1992 election: "Look at the pre-election polls and the exit polling. Perot did not cause Bush to lose. Bush did."

Mr. Forbes interpreted Mr. Perot's announcement as a message to the GOP: "If it plays its cards right, it can redeem itself in Perot's eyes and there won't be any need for a third. It means having a philosophy and a platform that will get the country moving again, that provides what the voters are looking for."

Scott Reed, Senate Majority Leader Bob Dole's campaign manager, said he has no fear that Mr. Powell will want to head a Perot-created party.

"I can't figure the fellow out," Mr. Dole said. "We were doing all the stuff he wanted done. He mentioned balanced budget. It's not our fault six Democrats changed their vote."

• *Nancy Roman contributed to this report.*

Republicans Irked Over Perot's Move (Washn) By Martin Kasindorf= (c) 1995, Newsday=

WASHINGTON In contrast to President Clinton's nonchalance and Colin Powell's cautious interest, several top Republicans reacted with dismay Tuesday to Ross Perot's decision to form a third party for the 1996 election.

Potentially enabling Clinton's re-election by siphoning 1992 voters from the Republican nominee, the Texas billionaire's surprise move coincided with another dose of bad news for Republicans: a poll showing nose-diving public support for their Medicare revamping.

Perot, who drew 19 percent of the 1992 presidential vote as an independent candidate, declared Monday that his United We Stand America organization had persuaded him to push for a reformist third force to be called the Independence Party.

House Speaker Newt Gingrich, R-Ga., saying Perot was making ``a substantial mistake," Tuesday called third parties ``a fantasy of delusion that you're going to go out and do things differently."

House Appropriations Committee Chairman Bob Livingston, R-La., commented, ``Frankly, it's erratic and it's not helpful," and said Perot is ``on an ego trip."

Sen. Bob Dole of Kansas, the Republican presidential front-runner, expressed frustration with Perot's criticism that Republicans failed this year to pass a constitutional balanced-budget amendment or congressional term limits.

``It seems to me he has a checklist, and if we don't do it in a week, he's going to run for president," Dole snapped to reporters. ``He can do anything he wants, I guess. I'm going to keep on doing what I'm doing."

Perot did not say whether he would seek the new party's nomination, or who else the party might support. But Perot said of Powell, the former chairman of the Joint Chiefs of Staff: ``Certainly, we want people of that stature and quality."

Powell disclosed Tuesday that Perot had called him over the weekend to tell him of his plans for a new party. Asked if he would run as the new party's candidate, Powell said, ``Obviously it is something I would consider and he (Perot) knows I would consider it."

Previously, the former four-star Army general has said he will decide in November whether to run as a Republican or an independent if he runs at all.

Gingrich said his own decision on whether to seek the Republican nomination partly depends on Powell.

Clinton, asked for comment, cited his own reform efforts but said little else about Perot. ``I'm trying to balance the budget and I'm an ardent promoter of political reform, as you know, but he will have to do whatever he wants to do and the American people can make their judgment," Clinton said.

(Optional add end)

Members of Perot's citizen group Tuesday quickly organized efforts to gather enough petition signatures to qualify for the ballot in the early-deadline states of California, Ohio and Maine.

Kevin Phillips, publisher of American Political Report, said that ``both Perot and Powell represent greater dangers to the Republicans than to the Democrats." Phillips termed Perot's uncooperativeness a ``wake-up call" for Republicans, revealing a public sense that on Medicare and other issues ``Republicans represent the upper brackets."

Former President Bush still blames Perot's 1992 candidacy for taking Republican votes and fatally costing him the election. In last year's midterm elections, Perot adherents went solidly for Republicans.

Weaver Friend Says Marshals Shot First at Ruby Ridge By Gaylord Shaw= (c) 1995, Newsday=

WASHINGTON A friend of white separatist Randy Weaver declaring that ``someone needs to tell the truth" about Ruby Ridge, testified Tuesday that U.S. marshals triggered the confrontation that left him wounded and three people dead in the Idaho wilderness three years ago.

Kevin Harris, 28, a high school dropout who frequently stayed with the Weaver family, told a Senate subcommittee that law enforcement officers lied when they testified earlier about the encounter with Weaver, his son and Harris near the family's cabin Aug. 21, 1992.

``We were just walking along the trail," Harris said, when the deputies shot the Weavers' dog and then started firing at him and Weaver's 14-year-old son, Sammy. He said the teen-ager yelled, ``You shot my dog, you son of a bitch," and raised his gun to fire at the marshals.

Earlier this month, Deputy Marshals Arthur Roderick and Larry Cooper, who were involved in the shootout, testified that Roderick shot the dog after it looked toward him, and that Harris fired the first shot that followed Roderick's shooting the dog.

The ensuing exchange of gunfire fatally wounded Sammy Weaver and deputy U.S. Marshal William Degan. ``They were bombarding me with shots ... there was people shooting all over the place ... puffs of smoke, shells flying," said Harris, who like Randy Weaver, was acquitted months later of murder charges in Degan's death. When senators pressed him Tuesday about who fired the shot that struck Degan, Harris replied, ``I assume I did."

Of Degan, he said, ``I'm very, very sorry that he's dead ... I think it's possible that he was just like I was in the middle of something that shouldn't have happened, that he didn't start, and that was out of control."

The Ruby Ridge confrontation began when U.S. marshals sought to arrest Weaver for failing to show at his trial on charges of selling illegal weapons. Weaver eventually was acquitted of the charges.

Harris, who now works as a welder in Washington state, graphically described how Weaver's wife, Vicki, was struck in the head the next day by a shot fired by an FBI sharpshooter as she stood at the cabin door, holding her infant daughter:

``As I started through the door I heard a loud boom. I was looking at Vicki, at her face. As I heard the shot it was as if there was something moving under her skin, then her face was deformed, almost seemed to explode."

Fragments from the same bullet wounded Harris in the arm and chest. The siege ended 10 days later after Harris and Weaver surrendered.

The FBI sharpshooter, Lon Horiuchi, who invoked his Fifth Amendment right against self-incrimination and refused to answer the Senate panel's questions this month, testified in court earlier that he had not seen Vicki Weaver at the door that he was firing at Harris, who was carrying a rifle.

(Optional add end)

The federal government last month agreed to pay $3.1 million to Randy Weaver and his three daughters to settle a civil lawsuit over Vicki Weaver's death. Pending is Harris' lawsuit, which seeks $10 million in damages from the government.

Sen. Herb Kohl, D-Wis., after telling Harris that ``there is no honor in what you did," chastised the FBI for its actions during and after Ruby Ridge, terming it ``a sad chapter" in the history of ``the world's greatest investigative agency."

``The FBI seems to be playing a game of duck and run," Kohl said.

Sen. Arlen Specter, R-Pa., the subcommittee chairman, said he wanted to question FBI Director Louis Freeh and Attorney General Janet Reno when the hearings resume Oct. 11.

CHICAGO SUN-TIMES, SUNDAY, SEPTEMBER 24, 1995

'Adver-teasing' Sells Out America's Youth

It's amazing what you miss when you are on vacation or traveling out of the country. Until recently, I hadn't even heard about the controversy over the new Calvin Klein ads.

Now that I'm back in Washington, I'm finally tuned in. Friends have sent me clippings and news stories. I've seen the ads myself, which show young people in sexually suggestive poses, their underwear in view beneath their shorts and skirts.

From what I can tell, most of the controversy centers on definitions of pornography, First Amendment rights and the boundaries of artistic expression.

HILLARY CLINTON

All of those things are important. But I think we're missing a larger point.

Not every question of morality and taste is a question of the Constitution or the law.

The Calvin Klein ads are disturbing because they feed on the innocence and vulnerability of children. And the cynical message delivered to young people is that their value as human beings depends on looking sexy and acting cool.

It's hard enough for kids these days to grow up feeling confident and secure about who they are. What we should be doing as a society is helping young people focus on schoolwork and other positive activities that build self-discipline and character—not adding to the confusion and anxiety that are part of growing up.

If you care about your family's values, as I do, you have to be concerned about values in the marketplace. You have to be concerned about the messages conveyed through the things we buy and sell.

Let's face it: Business decisions affect how people think and behave. In his recent book, *Selling Out America's Children*, David Walsh points out that careful calculation—and billions of dollars—go into advertising campaigns in order to shape opinions and change tastes.

Advertising, he says, is really "adver-teasing."

And "adver-teasing" is usually driven by a yearning for profits more than any concern for decency, civility, taste or morality.

That is why raising our voices about how a company sells blue jeans can be just as important as the values we teach in our own homes.

The Calvin Klein ads are merely the latest proof that some businesses are willing to push the envelope of gratuitous sex and exploitation of children as far as possible if it's good for the bottom line.

But they are not the only ads we need to worry about. The pervasive influence of exploitative advertising touches every aspect of our lives.

We all know what it is like to drive along the highway and see a pile-up of cars. You slow down. You can't resist looking, even though you know that your own rubbernecking could cause another accident.

Today, it's as if our society is a highway full of car wrecks. Only worse. Nobody purposely causes an accident to attract the public's attention. But in the case of commercial marketing, we are purposely teased and titillated with sex and violence, simply because they sell.

What modern culture desperately needs are internal values that call on us to exercise our responsibilities, as well as our rights, as citizens. Instead of trying to justify inappropriate behavior, people in positions of power must start to behave responsibly and show restraint.

Sadly, we seem to be a long way from that. This fall, new movies and television shows that go further than ever before in showing graphic images of sex and violence will appear in theaters and on prime time. No doubt, they will make lots of money from the controversies they generate.

We can only hope there is a silver lining here. Maybe—just maybe—we, the public, finally have had enough of seeing children and women depicted as victims and sexual objects.

Calvin Klein was forced to pull his ads last month because of public outrage. And hopefully, in the weeks ahead, those of us who go to movies and watch television will stay away from the theaters and turn off our sets because we are so offended by the gratuitous violence, sexual degradation and bad taste we are subjected to on the screen.

But let's not wait for the marketers of sleaze to wrestle with questions of taste and morality. As parents and consumers, let's make it clear where we stand.

If you don't like the message, don't buy the product. Don't let your kids buy it. And remember that even if your own child doesn't fall for the marketing ploys, millions of other children are being exploited and devalued because adults can't control their own greed.

United We Stand America organization in California said that both paths would be pursued.

The law requires signatures of 890,064 registered voters or the enlisting of 89,007 new party registrants by the deadline of Oct. 24. To achieve either would be ``an incredible feat," observed Shirley Washington, a spokesman for the secretary of state's office.

Petition-gathering begins Tuesday, said Leonard Crunelle, California operations coordinator for United We Stand. He acknowledged that it will be ``very difficult" to qualify the party for the 1996 ballot but said: ``We're going to get it done."

(Begin optional trim)

Perot will attend five workshops in California this weekend to brief petition-gatherers in San Diego, Anaheim, Palo Alto, Sacramento and Marin County, Crunelle said. Many of the attendees will be persons who helped Perot qualify for the California ballot in 1992, he said.

Crunelle likened the process to ``laying the hull of the ship." The captain the party's presidential nominee will be chosen later, he said.

For technical reasons in California, the party will be known as the Reform Party for the time being. The new political organization will be called the Independence Party if and when it is qualified nationally, Perot said.

California, along with Ohio and Maine, are critical to the process because they all have 1995 deadlines for qualifying new parties. Perot said that he had wanted to wait until the end of the year before launching his campaign but the laws of those three states make that impossible.

The idea, he said, is to give the new Republican majorities in Congress an opportunity to enact some of the political reforms that Perot and his followers are demanding. Failing that, the party-formation process would proceed, he added.

(End optional trim)

Perot said that the proposed party would plan a presidential nominating convention next spring, possibly after both Democratic and Republican presidential contenders are known. Satellite television would be used ``so that everybody participates," he said.

Anyone who aspires to be the Independence Party candidate would have to get the signatures of 10 percent of the new party's members to be considered.

Perot said there is no plan for the new party to field candidates for Congress, but party members could endorse Republican or Democratic candidates for House and Senate seats if they were so inclined.

Testimony Faults Both Sides in Ruby Ridge Clash By Robert L. Jackson and Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON Three years later, with the eagle-like vision of hindsight, the violent confrontation at Ruby Ridge, Idaho, looks like nothing so much as a tragedy that need never have happened.

For all the charges and countercharges from both sides, the evidence emerging from three weeks of Senate hearings suggests that Randy Weaver and a small army of federal agents lumbered into deadly conflict more by accident than design.

Each side was spurred on by internal pressures. Each had created overblown images of the other. And each believed and still believes that it was forced by the other into confrontation and the outbursts of gunfire that claimed the lives of a deputy U.S. marshal, a 14-year-old boy and his mother.

For their part, Weaver and his wife had plunged so deeply into the fogs of white separatism, anti-government conspiracy theories and religious militancy that they faced the outside world with violent rhetoric and aggressive, threatening defiance.

Their isolated homestead beside Ruby Ridge in the mountains of northern Idaho bristled with guns. And Randy Weaver, holed up with his family, openly defied a federal court order to appear on weapons charges and issued bellicose warnings against agents trying to arrest him.

At the same time, the actions of federal law enforcement agencies and the court at several stages of the protracted affair were shaped not purely by the actions of the Weavers but by the officials' own internal pressures and attitudes.

The result was distortions and exaggerations in the federal agents' view of the situation they faced, which played a role in tipping the case toward violence.

``It's clear that the people involved had some correct information, some hazy information, some information that was partly true and some that was outright false," Sen. Fred Thompson, R-Tenn., a member of the Senate Judiciary Committee's subcommittee on terrorism that conducted the hearings, told federal officials.

(Begin optional trim)

For example, the Treasury Department's Bureau of Alcohol, Tobacco and Firearms once classified Weaver among the nation's ``major firearms suppliers" and listed him as having a history of criminal violations, although he had sold an undercover ATF operative two sawed-off shotguns and had no other record of illegal activity.

Testimony before the Senate and in earlier legal proceedings suggests that ATF agents had tried to turn Weaver into an informant against other militants and cracked down hard when he refused to cooperate.

``It seems to me you were really looking at Mr. Weaver as an informant rather than a major supplier of guns," subcommittee chairman Sen. Arlen Specter, R-Pa., told ATF officials who testified about the case. The ATF undercover operative who bought illegal shotguns from Weaver acknowledged to senators that he had failed to tape-record what had been alleged to be Weaver's most incriminating statements and thus had no corroboration.

Moreover, when Weaver failed to appear for a 1991 court hearing on the weapons charge and then publicly vowed not to be taken, the U.S. Marshals Service assigned his case a level of attention and resources far higher than it usually assigns to offenses such as those with which Weaver was charged.

Again, the reasons seemed only partly related to Weaver's actions. The ATF, according to Senate testimony, told the Marshals Service that Weaver was not only involved with illegal guns but was suspected in a series of Montana bank robberies an assertion not based on fact.

Questioned about this error by members of the subcommittee, the director of the ATF called it ``inexcusable."

``A person should not be listed as a suspect unless (he) actually (is) a suspect," ATF Director John W. Magaw said firmly.

(End optional trim)

But Weaver, now 47, also bears heavy responsibility for the tragedy visited on his family and that of Deputy Marshal William Degan, a decorated officer who was fatally wounded in an initial confrontation near the Weaver cabin.

Weaver, the subcommittee's first witness earlier this month, acknowledged that ``I am not without fault in this matter." He went on to say that, ``if I had it to do over again, knowing what I know now ... I would come down from the mountain for the court appearance."

Weaver and a friend, Kevin Harris, were cleared of murder charges in 1993 resulting from Degan's death and Weaver was

council; Bob Kerrey, D-Neb., and John B. Breaux, D-La.

As of late Monday, Kendall said, the proposal did not specify a savings amount, but when finalized it would achieve greater savings than the $124 billion proposed by Clinton largely by relying on competitive market forces. It also would sharply reduce payments to Medicare providers.

Having won, seemingly, the debate over the need to reform Medicare, Republicans now are confronted with a different dilemma.

Their projected Medicare savings is by far the biggest chunk that would be carved out of the federal budget in the GOP pledge to erase the deficit by 2002. Thus Republicans must guard against making too great a concession on that score. For every Medicare dollar they surrender they will have to find an offsetting cut
somewhere else.

Operations Will Continue at Major Nuclear Weapons Labs By Ralph Vartabedian= (c) 1995, Los Angeles Times=

WASHINGTON President Clinton on Monday ordered the U.S. Energy Department to continue operations at all three of the nation's major nuclear weapons labs, rejecting recommendations to phase out nuclear bomb research at Lawrence Livermore National Laboratory near San Francisco.

The decision was an outgrowth of Clinton's announcement last month to support a comprehensive ban on all future nuclear testing, which prompted bomb experts to recommend against any major reduction in weapons research, Energy Department officials said.

The announcement will save more than 3,000 research jobs in the Bay Area community of Livermore, as well as appease senior Pentagon officials who have argued vehemently to preserve Livermore's role in nuclear weapons.

Clinton's decision was kept under close wraps until Monday, leaving even Livermore officials in the dark about what was coming. Livermore executive officer Ron Cochran said the lab had worked hard for 18 months to demonstrate that its expertise was still needed.

``We are very, very pleased," Cochran said.

In the aftermath of the Cold War, the nation's nuclear laboratory complex was expected to be sharply curtailed. Clinton's decision means that the system put in place after World War II will be largely kept intact.

Clinton said preserving Livermore is essential to insuring the reliability and safety of the nation's nuclear weapons stockpile, the size of which is classified but widely estimated at roughly 6,000 bombs.

Weapons experts have warned that a permanent end to underground nuclear testing would create serious doubts about the reliability of bombs as they age. Maintaining a high level of confidence in the bombs will require a massive research program, with competing teams conducting peer review of each other's work, they said.

As a result, the Energy Department is planning to spend $40 billion over the next decade on the effort, building several high-energy experimental machines and establishing new production lines at the labs to make spare parts for bombs.

``This is the price we pay to forswear nuclear testing," said Energy Secretary Hazel O'Leary. ``I knew a year ago that it wouldn't be cheap."

The announcement ends speculation about Livermore's future that arose after a high level commission, chaired by former Motorola Chairman Robert Galvin, earlier this year recommended phasing out the lab's role in direct nuclear weapons research over a five-year period.

The plan would have transferred many of Livermore's responsibilities to Los Alamos National Laboratory, the facility in New Mexico that has been Livermore's arch rival in weapons technology since the early 1950s.

O'Leary initially said she planned to ``embrace and adopt" a majority of Galvin's recommendations, but on Monday she said the need for Livermore became clear as the Energy Department and the Pentagon began to examine the consequences of a permanent ban on future weapons testing.

Sandia National Laboratory, which designs the electronic arming mechanisms and other parts for bombs, was not directly affected by the Galvin recommendations. It will continue to operate its two sites in New Mexico and California.

(Optional add end)

Livermore has 8,014 employees, of whom about 3,020 work on defense and nuclear weapons programs, lab officials said.

About $250 million is spent annually on weapons research at the lab. O'Leary said that phasing out the lab's weapons work and transferring the functions to Los Alamos would have saved only $50 million a year.

Energy officials said that keeping both Los Alamos and Livermore will allow the two labs to conduct peer review, which is particularly important because so little is understood about nuclear weapons as they age.

Clinton's announcement is part of a major administration review of all federal labs, including those at the National Aeronautics and Space Administration and the Department of Defense. The decision on the Energy Department labs was the first result of that review.

Arms control advocates agreed that continuing Livermore was a necessary concession to the Pentagon to get a permanent ban on nuclear testing, but they termed it as an unnecessary expense.

Perot Launches Drive to Create New National Party By Bill Stall= (c) 1995, Los Angeles Times=

Ross Perot Monday launched a drive to create a new national political party as the vehicle for a reform-minded candidate such as Colin Powell to challenge establishment Republicans and Democrats for the presidency next year.

Perot, appearing on the ``Larry King Live" interview program on the CNN cable television network, said that he has no plan to be that candidate himself but he also declined to rule himself out as nominee of the proposed Independence Party.

Perot also refused to endorse anyone else, such as Democratic Sen. Bill Bradley of New Jersey or former White House aide and chairman of the Joint Chiefs of Staff Powell, both of whom have indicated an interest in making an independent run for the presidency.

``Every outstanding person who could be a great president would be welcome," said Perot, who received about 19 percent of the popular vote running as an independent candidate for the White House in 1992.

When King, the show's host, asked if Powell was the sort of candidate the party would want, Perot responded: ``Certainly. We want people of that stature and quality. ... We want world-class people." But he added: ``I don't want to run down the list."

Perot said that the new party would seek members from the vast number of Americans who do not now belong to one of the two major political organizations or who are according to opinion polls dissatisfied with the existing political system.

The campaign began in California Monday with the filing of papers at the secretary of state's office seeking to qualify the party for the 1996 ballot within the coming month.

Under California law, a new party can be created either by petition or by registration of new voters. An official of Perot's

acquitted of the firearms charges. A jury convicted him only of refusing to surrender for trial at the earlier date.

It was Weaver's hostility toward authorities that set the stage for the ill-fated confrontation.

GOP Forms Splinters over Environmental Regulation By Frank Clifford= (c) 1995, Los Angeles Times=

From the time of Theodore Roosevelt to the administration of Richard Nixon, environmentalism was an idea embraced by Republicans.

The first president to make conservation a national goal, Roosevelt gave legitimacy to the notion that America's forests and wilderness belong to all citizens not just to a few powerful interests. Seventy years later, Nixon took the philosophy further, extending federal protection to air, water and endangered plants and animals.

Now, however, as Congressional Republicans wage an assault on environmental laws and on the federal agencies that enforce them, it is hard even for some Republicans to see much similarity between Roosevelt's dedication to conservation and House Speaker Newt Gingrich's enthusiasm for deregulation.

Republican leaders insist that they have not broken faith with Teddy Roosevelt who believed you could love nature and still cut down trees and hunt buffalo and are not out to gut environmental protection. Instead, they say they want to usher in a new environmental era where people are rewarded for taking care of natural resources rather than being punished for violating burdensome regulations.

``We have a positive agenda. We have a philosophy of protection. But we've had a problem in getting that message across," said Rep. David McIntosh, R-Ind., a driving force behind his party's campaign to reduce federal regulations.

Republicans have had difficulty convincing people of their environmental affinity since the era of James Watt, the acid-tongued, former Interior Secretary who served under President Reagan and once likened environmentalism to Nazism.

Reagan's own causual disdain for environmental icons ``when you've seen one redwood you've seen them all" didn't help the party's image among conservationists. And today, as ranking Congressional Republicans, like Alaska's Don Young, refer to environmentalists as ``waffle-stomping socialists out to destroy the Constitition," the Reagan-era hostility appears to be back in full flower.

Until the Reagan administration, the environmental movement had been strongly bipartisan. But as new regulations exacted a steep financial toll on business and as the GOP moved to the right on many issues, Republican views on the environment began to splinter.

Today, the party is split three ways on the issue, said Republican pollster Richard Wagner of the Luntz Research Co. a polling firm whose Republican clients include Gingrich.

At one end of the spectrum is a small group of northeastern Congress members with more influence in the Senate than the House who hold Teddy Roosevelt's suspicion of unfettered free
enterprise. They believe the federal government should have a strong hand in overseeing natural resources and defend Nixon-era laws that protect air and water.

Then there is the larger group of Republicans, Wagner said, who are interested mainly in ``straightforward rollback of regulations." Clearly in ascendancy in the House, this is the group behind the drive to reduce the Environmental Protection Agency budget by one third, remove protection for much of the nation's remaining wetlands and to throttle back government research into global warming and endangered species.

More toward the party's center are those who believe in what McIntosh describes as a ``new paradigm" of environmental protection based primarily on incentives. This group says that the federal government should act more as a broker than an enforcer, offering tax credits, land exchanges and pricing policies to encouraging businesses and property owners to take care of the environment.

(Begin optional trim)

Geography exacerabates the Republican party's divisiveness on environmental issues. The spiritual descendants of Roosevelt are mostly from states east of the Mississippi River.

``Their voices may be drowned out in the caucuses and primaries, but lose them and you lose 20 percent to 25 percent of the vote," said John Petrocik, a UCLA political scientist who specializes in Republican politics.

Well-educated and well-heeled, these Republicans may be fiscal conservatives, Petrocik said, but they oppose wholesale dismanting of anti-pollution laws. And many share Roosevelt's belief that government must play a dominant role in managing natural resources.

But the party's return to power in Congress after 40 years of Democratic domination is due, in no small part, to Republican strength in the fast-growing West. And for many Western Republicans, environmentalism is a dirty word, conjuring up images of federal bureaucrats interfering with the right to make a living off the land.

Current efforts in Congress to open up wilderness areas, wildlife refuges and even national parks to mining, oil drilling and commercial development is being led by Republicans from Alaska, Utah, Idaho, Arizona and California.

(End optional trim)

Despite the different agendas, Republican leaders in Congress hope to unite the party around a set of ideas that came into vogue during the administration of former President Bush in the late 1980s.

Convinced that public emotion and political pressure was dictating too much environmental policy, members of the Bush administration argued that science and private enterprise should play a greater role in setting priorities and finding market based solutions.

At the heart of that thinking was a belief that rewards rather than regulations encourage people to take care of the environment.

``It's just the common sensical notion that, nine out of 10 times, people will do the right thing if they are given a reason to do it," said McIntosh, who served in the Bush administration and became one its leading architects of environmental policy.

Innovations included strategies for reducing air pollution that gives companies a financial stake in reducing emissions. In California, under an experimental conservation strategy, the Wilson administration agreed to relax land use regulations for property owners who set aside wetlands and other wildlife sanctuaries.

Today, the emphasis on incentives is most apparent in a pending bill to reform the Endangered Species Act. The legislation, co-sponsored by Rep. Richard Pombo, R-Calif., would give the federal government new tools to reward property owners who take care of imperiled plants and animals living on their land.

At the same time, it would restrict the government's ability to prevent development of property harboring such species and require compensation for owners whose land is devalued because of limits placed on its use.

The legislation is based on the view, widely shared by environmental moderates in both parties, that the existing law, with its threats of financial penalties and even criminal prosecution, has led people to destroy or conceal

evidence of rare birds and animals on their property.

It's hard to find any Republicans who disagree in principle with the idea of incentive-based policies. Where party consensus tends to break down is over how much to curtail the regulatory powers of the federal government.

But high-minded attempts to fashion new policy in Congress often take a backseat to the demands of powerful constituencies. And that's what has happened to the Republicans in their pursuit of reforms in this Congress, critics argue.

``They're protecting subsidies and getting rid of regulations without giving a thought to the consequences," said Karl Hess Jr., a fellow at the conservative Competitive Enterprise Institiute and a New Mexico-based proponent of market-based solutions to environmental problems.

A maverick among Western Republicans, Hess has emerged as one of his party's strongest critics of pending legislation that would strengthen the hold of ranchers, loggers and miners on federal lands while limiting the rights of others to use the land or prevent its misuse.

Dissent within the party reached a crescendo this summer when 51 House Republicans, the vast majority from the East, voted against legislation that would slash the Environmental Protection Agency budget by one-third and eliminate funding for a host of EPA programs, including regulations of sewage spills and toxic air pollution at oil refineries.

``If people think that what we're up to will lead to tainted meat at the grocery store or contaminated drinking water, they'll desert us in a heartbeat," said one Republican House staffer.

WASHINGTON OUTLOOK: Internal Feuds Risk GOP Gridlock on Legislation By Ronald Brownstein= (c) 1995, Los Angeles Times=

WASHINGTON Many complex issues remain to be resolved as the House and Senate confront their differences on the massive welfare reform bill that the upper chamber approved last week. But all of these decisions will be shaped by one overriding question: Did the Republicans learn anything from the Democrats' mistakes in the last Congress?

In 1994, congressional Democrats repeatedly failed to resolve their internal disagreements, even when that made it impossible for the party to fulfill President Clinton's key campaign promises from 1992. Liberals thought they were advancing their political interests by holding up action on crime and welfare reform legislation. Conservatives thought they were entrenching themselves at home by opposing health-care reform; both sides believed they were defending their institutional advantages by delaying campaign finance reform.

But the cumulative effect of these maneuvers was to produce a record of gridlock and chaos that undermined support for Congress as a whole. By refusing to recognize their common interest in reaching reasonable compromise, the Democrats summoned the deluge that swept them from power and turned over control to the GOP.

Now welfare reform, an issue central to the Republican campaign in 1994, presents the new GOP majority with the same test that the Democrats flunked.

The Senate has produced a bill that doesn't go nearly as far as the House in cutting overall federal spending on welfare, or attempting to discourage out-of-wedlock births, or allowing states to reduce their own spending on the poor. Many conservatives, already frustrated by Senate refusal to adopt other key elements of the ``Contract With America," view the upper chamber's welfare reform product with something close to disdain.

For their part, Senate Republican moderates see the House Republicans as overly enthusiastic about social experimentation on a grand scale. It will be like threading a needle to join that innate caution and the House's revolutionary impulses into a final bill that can pass both chambers.

In its ideological alignment, this year's Republican debate over welfare presents a mirror image of last year's Democratic struggle over crime.

In 1993, the Senate passed a centrist crime bill with a bipartisan majority of 94-4. Then House Democrats spent months pushing it to the left. The final bill that emerged from the conference committee conceded too much to liberals and became an easy target for a conservative uprising that led to its rejection on the House floor in August. Although Clinton resurrected the bill after exhaustive negotiations with congressional Republicans, its initial failure contributed as much as any other event to the rout of the Democrats in last November's election.

The same pattern a centrist Senate contending with an ideological House has marked the first rounds of this year's action on welfare. Last spring, the House Republicans passed on an almost strictly party-line vote a welfare plan bristling in its conservative fervor, particularly in its efforts to discourage out-of-wedlock births. The House plan prohibited states from using federal money to pay cash benefits to women under 18 who gave birth out of wedlock, or women who had additional children while already on welfare.

As on crime in 1993, the Senate this year steered closer to the center and passed its welfare bill with a sweeping bipartisan majority. The Senate rejected the mandatory cut-offs to underage single mothers and women who had children while on welfare. Unlike the House, it provided $8 billion to fund day care for women with young children who would be required to work under the bill. And it incorporated innovative ideas from the Democratic Leadership Council to pay states performance bonuses for placing welfare recipients in long-term unsubsidized employment and to allow them to contract with private placement firms and charities to do so.

But even the Senate bill, which passed by a margin of 87-12, is tough. Like the House bill, it would end the entitlement status of welfare, convert the program into a block grant that allows states to design almost all of their own rules and establish a lifetime limit of five years of benefits for welfare recipients without the guarantee of a public job that Clinton tied to time limits in his original reform plan. ``If you had taken that bill to the floor last year, it would not have gotten one Democratic vote and probably only 20 Republican votes," said Sen. Rick Santorum, R-Pa., a first-term conservative. ``It is amazing how far the debate has come."

Although the Senate legislation is well to the right of what Clinton initially proposed, the administration believes it is about the best it can hope for in this environment, and the president has signaled that he would sign a final bill close to its blueprint. Now the question is whether that will be enough for the House.

Most of the differences between the House and Senate boil down to disputes over money that can be resolved by meeting somewhere in the middle. But the most electric issue involves a question of values: How far should government go to discourage poor women from bearing children outside of marriage?

For most House Republicans, and their allies in the social conservative movement, the heart of the House bill is not its provisions on work, but the benefit cut-offs intended to discourage illegitimacy. Most agree that the measure to eliminate benefits for underage mothers, which has never drawn broad public support, is unlikely to survive the final conference.

But conservatives are mobilizing to protect the ``family cap" that would deny benefits to women who have additional children while on the rolls. If the conference

The Washington Times
TUESDAY, SEPTEMBER 26, 1995

Slayer of marshal in Idaho standoff set to testify today

By Jerry Seper
THE WASHINGTON TIMES

Kevin Harris, the family friend of white separatist Randall Weaver whose shot during the government's siege at Ruby Ridge, Idaho, killed a deputy U.S. marshal, will testify today before a Senate subcommittee looking into the deadly standoff.

Mr. Harris, then 24, fatally shot Deputy U.S. Marshal William F. Degan on Aug. 21, 1992, in what an Idaho federal jury later ruled was self-defense. The fatal shot came during a gunfight that also claimed the life of Mr. Weaver's son, Samuel, 14.

The Degan death brought the FBI hostage rescue team to the site, responding to the killing of a federal agent. A day later, Mr. Weaver's wife, Vicki, was killed by an FBI sniper. The sniper, Lon Horiuchi, also wounded Mr. Weaver and Mr. Harris.

The Senate Judiciary subcommittee on terrorism, technology and government information, headed by Sen. Arlen Specter, Pennsylvania Republican, is looking into government actions that led to the deaths.

Three weeks of bipartisan hearings so far have focused on efforts by the Bureau of Alcohol, Tobacco and Firearms to target Mr. Weaver on minor weapons charges; the role of the U.S. Marshals Service and the FBI in the Aug. 21 and 22 shootings; and accusations that FBI officials covered up actions over a change in the rules of engagement. The new rules told FBI snipers they "could and should" shoot any armed adult.

Mr. Harris is expected to be asked about the Degan shooting, amid concerns by panel members about who fired first.

Deputy Marshals Larry Cooper and Arthur Roderick, who were with Mr. Degan at the time of his death, told the panel last week that Mr. Harris fired the first shot and Mr. Weaver accidentally shot his own son in the back. They said they were hiding in the brush as Samuel, carrying a mini-14 rifle, and Mr. Harris, with a .30-06 rifle, approached, chasing the boy's dog, Striker.

They said Mr. Degan rose from his hiding spot and ordered the pair to halt. Mr. Cooper, who was next to Mr. Degan, said he then stood up and repeated the command, and as he did, Mr. Harris turned and fired — hitting Mr. Degan in the chest.

According to trial records, Mr. Harris — in a signed statement — said the shootout began after several men dressed in camouflage had approached the Weaver cabin and later shot Samuel's dog. He said shots by him and Samuel were in response to the deputy marshals, who fired first.

On July 8, 1993, a federal jury in Boise, Idaho, acquitted Mr. Harris and Mr. Weaver in the Degan death after a 12-week trial, saying they had acted in self-defense. The jury also rejected a government charge that the two conspired for nine years to provoke a confrontation with federal officers.

In a trial marred by prosecutorial misconduct, the U.S. District Court jury deliberated for 20 days and found Mr. Weaver guilty of failing to appear for trial on gun charges and committing an offense while on release from a court.

During trial, prosecutors were accused of fabricating evidence and failing to share information they legally were obliged to give the defense. The evidence included photographs of the Weaver cabin that the government later conceded were staged.

At one point, Assistant U.S. Attorney Ronald Howen apologized to the court after admitting he was told months earlier that investigators had fabricated evidence but kept it to himself.

U.S. District Judge Edward Lodge fined prosecutors $3,240 for what he called an inexcusable delay in providing information to the defense. He also dismissed two charges for lack of evidence.

The jury heard testimony from 56 government witnesses and examined hundreds of exhibits. The prosecution's case was built on allegations that Mr. Weaver was a religious fanatic and white supremacist looking to confront the federal government.

The defense, led by lawyer Gerry Spence, called no witnesses. He said the government had failed to prove its case, countering with charges that prosecutors sought to punish Mr. Weaver for refusing to turn informant on other white separatists in the Idaho Panhandle.

Mr. Degan, the agency's most decorated deputy, was shot in the chest and died at the scene.

The Washington Times
TUESDAY, SEPTEMBER 26, 1995

Nunn: To run, or not to run?

Signals conflicting on his intentions

By Donald Lambro
THE WASHINGTON TIMES

Sen. Sam Nunn

Sen. Sam Nunn is nearing a decision about his political future that could come this week, amid growing speculation that he will not seek a fifth term next year.

If the 58-year-old Georgia Democrat decides to call it quits, he would be the eighth Senate Democrat this year to announce his retirement, virtually eliminating any hope of the Democrats regaining control of the Senate in 1996.

The former Armed Services Committee chairman has been wrestling with his decision for months, feeding speculation that he does not want to run next year, when President Clinton will head the party's ticket.

But the senator has kept all of his options open while methodically weighing the pros and cons of running. And over the last several months, he has sent conflicting signals about his intentions.

He has put a full-time campaign worker on his political payroll as well as one political consultant. And an aide says, "We have fund-raising dates held open on the calendar in towns around the state."

That kind of careful contingency strategy has kept Mr. Nunn's potential opponents off guard and prevented any serious GOP opposition from getting started.

Democratic Party sources close to the senator say they have come away from meetings with Mr. Nunn in the past several weeks convinced that he will not run for another term. But others whose counsel he has sought have come away with the exact opposite view.

"He's sought advice from people and asked them, 'What would I do if I were not a senator?' " a close adviser said. "So people he's had that kind of conversation with come away from it believing he will not run."

"But he is keeping both doors open, asking people, 'Why should I run? Why shouldn't I run?' " the adviser said. "I don't see anything happening for several days."

"If I had to bet, I'd say he'll run again," a veteran Democratic adviser said yesterday.

Even so, close friends have said that the senator is not happy being in the minority after holding a powerful and influential post in the party's leadership in the Senate. He is also said to be unhappy with the leftward drift of his party in Congress.

Mr. Nunn remains personally popular within his state. Voters there gave him a 73 percent job approval rating earlier this year, according to a statewide poll. And political experts in both parties say he would be difficult to beat if he ran again.

He has $1.3 million in campaign funds left over from his last campaign. He has never bothered to begin serious fund raising in the past until he actually declared. "Sam would have no trouble raising money very quickly," a Democratic adviser said.

But Democrats have seen a reversal in their political fortunes in the state. The once-solidly Democratic congressional delegation is now 8-3 Republican, dozens of elected Democrats have switched parties and Mr. Nunn is now the only white male Democrat representing the state.

If he decides not to run, his decision is likely to have wide repercussions throughout the party, which has been plagued by retirements and defections since the Republicans took control of Congress last November.

Senate Democrats who have announced their retirement this year include J. Bennett Johnson of Louisiana, Paul Simon of Illinois, David Pryor of Arkansas, Howell Heflin of Alabama, J. James Exon of Nebraska, Bill Bradley of New Jersey and Claiborne Pell of Rhode Island.

Meanwhile, Democratic Sens. Richard Shelby of Alabama and Ben Nighthorse Campbell of Colorado have switched to the Republicans.

On the Republican side, only Sen. Hank Brown of Colorado is retiring next year, and Sen. Bob Packwood of Oregon has resigned, effective Oct. 1, after being threatened with expulsion for sexual and official misconduct.

Many Democratic advisers fear that the continuing erosion in their ranks sends the signal the party is unraveling in the face of a strong political comeback among Republicans in Congress last year.

"At some point we have to stop the bleeding," said Democratic campaign consultant Brian Lunde. "I'm afraid that desertions in our ranks are going to continue in the near term."

"The old-time, more conservative Democrats are being flushed out of our party, and the party is moving increasingly to the left," Mr. Lunde said.

THE NEW YORK TIMES, FRIDAY, SEPTEMBER 22, 1995

RUBY RIDGE HEARING

Ex-No. 2 at the F.B.I. Calls Himself Blameless

By DAVID JOHNSTON

WASHINGTON, Sept. 21 — The former Deputy Director of the F.B.I. emotionally defended himself before a Senate subcommittee today, saying he had recently unearthed notes that show he did not authorize the shoot-on-sight rules in effect during a bloody standoff in 1992 between a white separatist and an elite F.B.I. assault team.

The witness, Larry A. Potts, who was suspended last month from the No. 2 position at the Federal Bureau of Investigation and now faces an obstruction-of-justice inquiry, protested that he had been wrongly accused of issuing the shooting orders and as a result had found his once-fast-track career "turned upside down" in the turmoil over the standoff, at Ruby Ridge in Idaho.

"My life has been an absolute disaster for myself and my family," said Mr. Potts, whose testimony, to the Senate Judiciary Subcommittee on Terrorism, Technology and Government Information, was his first public response to questions about his role in the ill-fated Idaho operation and subsequent accusations that F.B.I. officials had destroyed documents to conceal their responsibility for the outcome.

The testimony added another twist to the already tangled and conflicting accounts of the operation. Mr. Potts said his newly found notes would corroborate what he had said privately from the beginning: that subordinates at the scene had issued the rules that some agents had interpreted to mean, "If you seem them, shoot them."

Debate over the bureau's handling of the operation began within days after an elite team of F.B.I. agents, in August 1992, surrounded the Ruby Ridge cabin of the white separatist, Randall C. Weaver, who was wanted on a weapons charge.

When Mr. Weaver and Kevin Harris, a family friend, emerged from the cabin, an F.B.I. sharpshooter fired once, wounding Mr. Weaver. He and Mr. Harris then retreated back toward the cabin. As they dashed inside, the marksman fired a second shot, which tore through the front door and killed Mr. Weaver's wife, Vicki, who was standing inside the doorway holding the couple's 11-month-old daughter in her arms.

Subsequent Justice Department inquiries found that Mrs. Weaver was killed after the F.B.I. had taken the highly unusual step of relaxing its standard lethal-force policy, which allows agents to shoot only in situations that are immediately life-threatening. The agents at Ruby Ridge were instructed that they "can and should" shoot at any armed man they observed at the cabin.

Mr. Weaver has accused the agents of deliberately killing his wife. F.B.I. officials have said Mrs. Weaver was struck by accident, but the Justice Department, without admitting any wrongdoing, recently settled his wrongful-death claims against the Government with a $3.1 million payment to the Weaver family.

On Tuesday, Eugene Glenn, who was the bureau's commander at the scene, told the subcommittee that Mr. Potts had approved the looser deadly-force rules, which, the Justice Department has concluded, contributed to a tense atmosphere in which the F.B.I. sniper fired his weapon.

Today Mr. Potts, who at the time of the siege was 2,000 miles away at the bureau's command post in Washington, said, "At no time did I ever approve the 'can and should' language that appears in the operations plan." That plan was a four-page outline of the bureau's strategy to dislodge Mr. Weaver and his family from the cabin.

Mr. Potts said he was certain of his recollection because he had taken notes of his telephone conversation with Richard Rogers, then commander of the Hostage Rescue Team, the F.B.I. crisis unit sent to Ruby Ridge. Mr. Potts said the two men had agreed only that the agents would be instructed that they "can" use deadly force, an instruction that, Mr. Potts testified, was intended to emphasize to them the danger they faced at the scene but that in any case was consistent with standard deadly-force policy.

Mr. Potts testified that without his knowledge, Mr. Rogers had added the "should" language, which directed agents to shoot any armed man on sight.

"I am confident these notes will fully corroborate my testimony," Mr. Potts said. "Those notes were recently discovered and are in the possession of the Department of Justice."

Mr. Potts's notes have not been made public, and neither he, having turned them over to the Justice Department, nor the subcommittee now has access to them because the department has said their disclosure could compromise its criminal inquiry into the obstruction-of-justice accusations.

Mr. Rogers was invited to testify to the subcommittee, but he declined earlier this week, invoking his Fifth Amendment right against compelled self-incrimination.

Testifying alongside Mr. Potts today was Danny O. Coulson, an F.B.I. official who has also been suspended in the aftermath of the siege. He was Mr. Potts's chief deputy during the standoff and, as a founder of the Hostage Rescue Team, is a veteran of a number of crisis operations. He said he was "still in shock" over his suspension and had temporarily lost his mortgage because of it.

When the subcommittee's senators, who seemed confused and frustrated over the sharply contradictory accounts, asked Mr. Coulson whether he believed the account of Mr. Potts or of Mr. Glenn, he replied, "I believe they're both telling the truth." He said the two men might be interpreting events differently simply because of their different vantage points.

THE NEW YORK TIMES, FRIDAY, SEPTEMBER 22, 1995

IN NEW YORK

Medicaid Push by Pataki and Other Governors May Fray G.O.P.

By IAN FISHER

WASHINGTON, Sept. 21 — The Governors of New York, New Jersey and Connecticut, as well as several Republican members of Congress from those states, are battling the proposal from other Republicans in the House of Representatives to slow the growth of Medicaid spending — setting the stage for a regional showdown that is fraying party unity.

Gov. George E. Pataki of New York spent the morning on Capitol Hill, urging the state's 14 Republican Representatives to help fight the proposal, which he says shifts Federal money from New York to faster-growing states in the South and the West.

House Speaker Newt Gingrich, a Georgia Republican whose relations with Governor Pataki are said to be strained over the issue, joined the meeting for half an hour, several participants said. Mr. Gingrich, they said, urged the state's Republican delegation to line up behind the plan, and warned that New York had already won several major concessions that could be put in jeopardy without their overall support.

But at a news conference after the meeting, Mr. Pataki continued to call the House proposal unfair, saying New York needed an additional several billion dollars and more time to restructure the state's generous and expensive program of health care for people on welfare and in nursing homes.

Mr. Pataki avoided any harsh attacks on the plan or the Speaker. But standing beside him, Senator Alfonse M. D'Amato, Republican of New York, was less circumspect.

"We want to be treated fairly," the Senator told reporters outside the Senate chamber. "We understand sacrifice. But that's a far different cry from homicide."

He added: "We need some time. "Otherwise, we'll be in a calamitous situation."

The fight over Medicaid is only one element of a larger battle in Congress involving three of the major sources of Federal money to the states: Medicaid, welfare and Medicare, the Federal program that provides health care to the elderly and to people with disabilities.

Mr. Pataki's visit to the Capitol came as Mr. Gingrich and his fellow Republicans in the House made public more details of their proposed cuts to Medicare — a proposal that could mean more bad news for New York in particular.

The House plan seeks to save $270 billion over seven years by gradually doubling health insurance premiums for the elderly, encouraging enrollment into managed care plans and by cutting a variety of payments to medical providers.

Kenneth E. Raske, president of the Greater New York Hospital Association, said that proposal would cost hospitals and nursing homes in New York City a minimum of $2.5 billion over the seven years of the plan. He said the proposal would lose $880 million now given to hospitals that treat higher numbers of poor people, and another $1.3 billion for the training of foreign medical residents, who make up nearly half of the city's 12,600 medical residents.

"This adds to our woes," Mr. Raske said.

Mr. Pataki's opposition to the proposal was echoed by other Republican officials around the region, including Mayor Rudolph W. Giuliani of New York, Gov. Christine Todd Whitman of New Jersey and Gov. John G. Rowland of Connecticut.

Nearly a year after Republicans swept into control of Congress and won a number of statehouses and legislatures nationwide, a regional fissure in party unity is opening, revealing a basic agreement on the idea of cutting the cost of government but profound differences over exactly who gets cut how much.

Under the House plan to cut growth in Medicaid spending by $182 billion over seven years, New York, New Jersey and Connecticut are to be given a 7.2 percent increase for the fiscal year 1966, which begins on Oct. 1, and then 2 percent for the six years after that. But states with growing populations, including Virginia, California and Georgia, receive higher percentage increases.

Officials from these states maintain that Medicaid programs in the Northeast cost too much — New York, for example, spends more per recipient than any other state — and are much more generous.

As the House plan stands now, the baseline for how much Federal money the states would receive is tied to how much they receive now, rather than a flat per capita figure. That means New York would begin with a decided advantage over other states, but it would erode in later years.

THE WASHINGTON POST
FRIDAY, SEPTEMBER 22, 1995

Potts Defends Actions During Ruby Ridge Siege

By George Lardner Jr.
Washington Post Staff Writer

A1

Former FBI deputy director Larry Potts yesterday adamantly defended his actions during the deadly siege at Ruby Ridge and said he was shocked to find himself under criminal investigation involving the shoot-on-sight rules issued in the standoff.

"My world has been turned upside down by a series of events that were both unexpected and, I believe, unfair," the bureau's former No. 2 man said in a dramatic appearance before the Senate subcommittee on terrorism.

Discarding advice to invoke the Fifth Amendment, he said that notes that would exonerate him were recently discovered but are being kept from him—and from the subcommittee—by the Justice Department, which is investigating document destruction and possible obstruction of justice by top FBI officials. Potts said he knows of nothing he is alleged to have done that was not known when he was censured last January for neglectful management of the 1992 crisis.

Potts said he never even saw the final "rules of engagement" that were laid down at Ruby Ridge, Idaho, and his top deputy at the time. Danny O. Coulson, said he rejected the operations plan containing them because he felt it would "lead to death."

Their versions of events contrasted sharply with those offered by other FBI officials involved in the standoff who have testified during the hearings that they believed the Ruby Ridge operations plan was approved by headquarters. Testifying before a pointedly dissatisfied subcommittee, both Potts and Coulson, suspended from their jobs last month, blamed commanders in the field for issuing the rules that told FBI snipers they "could and should" shoot any armed adult male seen in the vicinity of white separatist Randy Weaver's cabin.

One of those snipers, Lon Horiuchi, shot and killed Weaver's wife, Vicki, on the evening of Aug. 22, 1992, as she held her baby daughter in her arms. She was holding the cabin door open for her husband and two others fleeing into the cabin after the sniper's first shot.

Sharply critical of Potts and Coulson, Sen. Dianne Feinstein (D-Calif.) chastised them for staying in Washington, playing the bureaucratic role and then pointing fingers at the men in the field.

"I don't think there was anything

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RUBY RIDGE, From A1

more important going on in the FBI at that minute than getting on a fast plane and getting out there," Feinstein told them. "You're responsible to see that the rules are in place. . . . I don't think you can duck that responsibility. And this is what I hear you saying. And frankly it makes me angry."

Potts protested, saying it was his job to remain at headquarters and "to coordinate the needs" of the field commanders. "I worked 20 hours a day during this thing until it was over," he said. "I assure you, ma'am, I was not trying to duck responsibility."

"Yeah," Feinstein replied, "but if the thing goes wrong, some agent in the field takes the responsibility and takes the fall, and that's the bottom line of it."

Unlike sniper Horiuchi and four other FBI officials who invoked their Fifth Amendment privilege against self-incrimination at earlier hearings, Potts said he decided to testify "because . . . when you have nothing to hide, there is no reason not to explain your actions."

Potts was assistant FBI director in charge of the criminal division and Coulson was deputy assistant director on Aug. 21, 1992, when they were told a federal marshal had been killed on Ruby Ridge after being chased by Weaver and some companions; they turned out to be family friend Kevin Harris, 24, and Weaver's son, Sammy, 14, who was also killed.

A federal court jury subsequently acquitted Weaver and Harris of murder charges in the marshal's death, with most jurors convinced that the marshals had started the gunfight by killing the Weavers' dog.

But that August afternoon, Coulson said, the word that reached Washington was that Weaver, a former Green Beret wanted as a fugitive on weapons charges, and his party had "pursued [and] . . . routed . . . six very well-trained marshals" and left one dead.

Potts ordered the FBI's military-style Hostage Rescue Team to the scene and talked to HRT commander Richard Rogers by phone that night as Rogers flew west at the head of an advance team. Potts said he approved rules Rogers proposed to him stating that:

"Any adult with a weapon who was observed in the vicinity of Randy Weaver's cabin should be considered an immediate threat and deadly force *can be used.*"

Potts said he made "contemporaneous notes of these rules that I had approved," but the Justice Department has them and "refused to make them available to me or my attorney."

The Ruby Ridge field commander, Eugene F. Glenn, said he sent headquarters a copy of the operations plan he and Rogers had put together and got headquarters approval promptly. In testimony Tuesday, G. Wayne "Duke" Smith, an associate director of the U.S. Marshals Service, said he was sitting in the command trailer with Glenn on the afternoon of Aug. 22 while Glenn "was on the telephone with Washington."

After a few minutes, "he hung up the phone and then he said to me in a casual way, 'Well, Pottsie has approved the rules of engagement' and I knew Pottsie as being an affectionate term used for Larry Potts," Smith said.

Potts and Coulson, however, contended that Rogers had changed the rules that morning, without their knowledge, so that they read deadly force "could and should" be used. Potts said he didn't even see the operations plan Glenn faxed because Potts was home at the time after 32 hours of continuous duty.

Coulson, who was in charge in Potts's absence, said he rejected the operations plan on reading the first page and seeing that it called for an assault on the Weaver compound, destruction of outlying structures and then tear gas into the cabin without a negotiations option. He said he "immediately rejected that plan" without going on to the second page, containing the "could and should" rules of engagement.

Told by Coulson that a negotiations option was needed, Glenn faxed back a "negotiations annex to the operations plan." Coulson insisted he approved only that and not the operations plan. He said the plan "shocked" him because "it violated every principle" he had been taught.

"Wait a minute," Sen. Larry E. Craig (R-Idaho) interjected, pointing out that Coulson had been the HRT's first commander. "The team was your baby."

Coulson agreed. "I couldn't believe I got a plan like that from, like you say, my own baby," he said.

"But they went forward with the rules of engagement that were part of the entire plan," Craig said.

"If they did, it over my rejection," Coulson said.

According to a special Justice Department task force, however, the FBI at Ruby Ridge began demolishing outbuildings as scheduled in the operations plan on Aug. 23, stopping only when they discovered Sammy Weaver's body in a shed where his parents had placed it.

Special correspondent Benjamin S. Abramson contributed to this report.

FOR MORE INFORMATION

To read The Post's recent three-part investigative series about the Ruby Ridge standoff, see Digital Ink, The Post's on-line service. To learn more about Digital Ink, call 1-800-510-5104, Ext. 9000.

Top Cali Aide Surrenders to U.S. Officials

THE WASHINGTON POST
FRIDAY, SEPTEMBER 22, 1995

DEA Expects Details On Cocaine Cartel

By Pierre Thomas
and Thomas W. Lippman
Washington Post Staff Writers

The man believed to be the Cali cocaine cartel's chief administrative officer has surrendered to U.S. law enforcement officials, and authorities say he has agreed to provide detailed information about the cartel's inner workings and alleged payoffs at the highest levels of the Colombian government.

After days of secret negotiations with the Drug Enforcement Administration, Guillermo Pallomari-Gonzalez recently flew commercially into an undisclosed U.S. airport, turned himself over to federal authorities and immediately was placed in protective custody. He had been indicted this summer along with a select group of American lawyers who have represented the cartel's financial interests in the United States and abroad.

"He may turn out to be the biggest witness of international drug trafficking that we've ever had," one senior administration official said. "He was the chief administrator, a man with knowledge of the routes, codes. . . . He knows everything about the operation."

Pallomari-Gonzalez is expected by officials to offer detailed information about the cartel's cocaine trafficking and money-laundering operations in the U.S. and Mexico. He could provide details about Cali cartel security and communications, as well as bribes and

See CALI, A9, Col. 1

CALI, From A1

payments to high-ranking Colombian officials, the source said. Further, U.S. authorities hope Pallomari-Gonzalez can help resolve allegations that Colombian President Ernesto Samper's 1994 election campaign received millions from the cartel.

There was little mystery about Pallomari-Gonzalez's motive for surrendering in the United States: With his cartel bosses already under arrest in Colombia, he faced imprisonment and would be "revolver bait" in a Colombian cell, a State Department official said. In this country, by fully cooperating with prosecutors, he possibly can negotiate a sentence of 10 years in prison, this official said.

Pallomari-Gonzalez's surrender is another dramatic break for law enforcement in the crackdown on the cartel that has been under way in Colombia after extensive prodding by frustrated U.S. agencies.

Since 1983, the cartel has run a $2 billion cocaine distribution enterprise and handled about 80 percent of the cocaine sold in the United States, according to authorities. But U.S. efforts to develop cases and apprehend major cartel figures have been hampered by Colombia's extradition policy, which allowed indicted cartel figures to seek refuge in their homeland.

Since this summer, things have changed sharply. Under a campaign by the Samper government, six of the seven key Cali cartel leaders have been arrested by or surrendered to Colombian authorities to face charges there.

In the United States, federal prosecutors in Miami brought a major racketeering case against U.S. lawyers who allegedly have protected the cartel's interests here and abroad. Three private lawyers who were former federal prosecutors, including one who served as a high-ranking Justice Department official, were named along with 56 others as part of the case.

Pallomari-Gonzalez was charged in that indictment with participating in the conspiracy to launder money and import tens of thousands of kilograms of cocaine from Colombia through Venezuela, Panama, Guatemala and Mexico.

The June indictment portrays the Cali cartel as a multinational corporate-style enterprise that has used U.S. lawyers to protect its financial interests in court and disrupt investigations here and in Colombia.

Among the defense attorneys indicted in the case was D.C. lawyer Michael Abbell, who once headed the Justice Department's Office of International Affairs. Abbell, who left the department in 1984, had participated in federal efforts to investigate one of the Cali cartel's co-founders, Jose Santacruz Londono, now in custody in Colombia.

DEA officials say the recent arrests and indictments have dealt severe blows to the Cali cartel, but it may be some time before the long-term effect is known.

Although the price of cocaine has shot up in select areas such as New York City, the cocaine supply remains plentiful and the price relatively stable nationally, according to an internal law enforcement memo.

Enterprising drug dealers in New York, attempting to capitalize on the perception that the world's largest cocaine operation is faltering, artificially have boosted prices. But large amounts of cocaine continue to flow through the Caribbean and tons are stored at secret locations in and outside the United States, authorities say.

The recent success against the Cali organization can be linked in part to an aggressive campaign by U.S. officials to pressure the Colombians. They pressed Samper to go after the cartel and threatened to cut off preferential trade agreements if he did not.

WASHINGTON

GOP plan to avert shutdown rejected

Negotiating lines in the battle to avoid a federal government shutdown were drawn more sharply Thursday as the Clinton administration rejected a temporary spending plan offered by GOP congressional leaders to keep the government running past the end of the fiscal year, Oct. 1.

House Speaker Newt Gingrich threatened to risk driving the government into an unprecedented default on federal debt obligations to force President Clinton to agree to GOP terms for balancing the federal budget.

White House budget director Alice Rivlin said the latest offer by GOP leaders for a temporary spending bill goes too far in establishing Republican spending priorities. And White House chief of staff Leon Panetta said it amounted to "blackmail" by targeting some Clinton priorities like education and the environment.

"We would reject that, but we will continue to talk to them," Rivlin said in an interview. "Essentially, accepting a CR (continuing resolution) of that sort would accept their priorities."

Congress has failed to send Clinton any of the 13 appropriations bills needed to keep government operating. It is unlikely to complete action by Oct. 1 and Clinton is expected to veto several because of spending cuts. White House officials meet with congressional leaders again today. On the debt ceiling, Gingrich told the Public Securities Association, "I don't care what the price is. I don't care if we have no executive offices and no bonds for 60 days."

AP

RIVLIN: GOP bill goes too far

FOREIGN AID: The Senate easily approved a reduced $12.4 billion foreign aid budget Thursday for the coming fiscal year, with the largest share of the funds going to Israel and Egypt. The Senate approved the bill on a 91-9 vote. Sen. Jesse Helms, R-N.C., withdrew his proposal to force the State Department to close several agencies.

SCHOOLS INITIATIVE: President Clinton has proposed linking every school in the nation to the computer Internet by 2000, a government-industry venture he likened to "a high-tech barn-raising." Clinton called the initiative "an enormous effort" comparable to building the nation's networks of railroads and highways.

CLINTON ON POWELL: President Clinton called retired general Colin Powell "a very impressive man" who would be a formidable presidential candidate. But he said he's not worrying about whether Powell will run in 1996. Clinton said he believes Powell at heart is "kind of a new Democrat," and confirmed Powell was considered as a running mate in 1992. Clinton made the comments on a Los Angeles radio program with Larry King.

C-17 GROUNDED: The Air Force grounded its fleet of new C-17 transport planes because of broken bolts, causing delays in sending help to the Virgin Islands. The problem was in the hinges of the jet engine thrust reversers. Repairs were completed and the planes returned to service.

THE NATION

FBI's No. 2 defends Idaho orders

Says he never OK'd shoot-on-sight

By Sam Vincent Meddis
USA TODAY

Suspended FBI official Larry Potts swore Thursday that he never authorized controversial shoot-on-sight orders at Idaho's Ruby Ridge.

Potts, testifying to a Senate committee, also denied destroying any documents that might shed light on the bloody 1992 standoff.

He said he had rejected a lawyer's advice to invoke his Fifth Amendment right against self-incrimination.

"There comes a point where you'd just like to be treated fairly," an emotional Potts told the panel.

Potts, who recently was forced to step down as the bureau's powerful deputy director, is among five FBI officials who are subjects of a federal probe.

"Since assuming Number Two, life has been an absolute disaster for myself and my family," Potts testified.

Some senators seemed skeptical of Potts' denial of wrongdoing, after similar denials by a string of government officials since the hearings began Sept. 5.

The standoff, in which a deputy marshal and two members of a survivalist family were killed, was a "heinous occurrence" no one wants to own up to, said Sen. Herbert Kohl, D-Wis.

"So far, from all the people we've heard, nobody did anything wrong of significance and consequence," he said.

No other aspect of the standoff has drawn more criticism than the FBI's special "rules of engagement" at the site. Survivalist and white separatist Randy Weaver says the orders amounted to "death warrants" for his family.

Standard FBI policy is that deadly force can be used only in defense of someone's life or to stop serious injury.

Weaver's wife, Vicki, was shot in the head by an FBI sniper as she stood behind a cabin door holding her 10-month-old daughter. The shooting occurred after Deputy U.S. Marshal William Degan and Weaver's son, Samuel, 14, were killed in a gunfight.

By Denis Paquin, AP

SWORN IN: Suspended FBI Deputy Director Larry Potts, left, and ex-assistant director Danny Coulson are sworn in Thursday at Senate's Ruby Ridge hearings.

In his long-awaited testimony, Potts suggested the shoot-on-sight orders were the result of a misunderstanding. Potts said he approved orders saying deadly force "can be used" against any adult near the cabin with a weapon.

The FBI's on-site commander, Eugene Glenn, called Potts to confirm that new rules had been approved by headquarters. But Potts testified that he didn't know then that Richard Rogers, head of the FBI's elite hostage rescue team, had changed the wording to say deadly force "can and should" be used.

House getting 'a little hot' over Medicare

Democrats say reform plan is severe, reckless

By Richard Wolf
USA TODAY

Faced with the biggest assault on their prized Great Society social programs in 30 years, the Democrats who ran Congress for nearly four decades, and who still control the White House, are reduced to yanking GOP neckties.

Despite considerable political and legislative weaponry still at their disposal, House Democrats could do no better this week than send Rep. Sam Gibbons, 75, of Florida into battle.

And Gibbons, who once parachuted behind enemy lines at Normandy, could do no better than to scream "Shame!" at Republicans on the House floor and call them "a bunch of fascists."

His outburst came after being muzzled in a closed committee meeting, called to consider the GOP's plan to cut the growth of Medicare by $270 billion over seven years.

To top it off, Gibbons pulled on a GOP colleague's necktie.

"Things are getting a little hot in the House," says Minority Leader Richard Gephardt, D-Mo. "This is going to be one of the biggest fights and controversies that we've seen in congressional history."

As the Republican juggernaut launched 10 months ago now moves political talk to legislative reality, Democrats like Rep. Lloyd Doggett of Texas complain that "it is very difficult to have a basis for reason and moderation."

It's also very difficult to have a winning strategy for saving Medicare and Medicaid.

Medicaid faces $182 billion less in growth by 2002 under a GOP plan to eliminate all guarantees of coverage for the poor, disabled and elderly.

House Republicans are marching in lockstep on Medicaid, beating back Democratic amendments in committee Thursday.

In contrast to Medicare, Democrats offered very little resistance.

"The decision has been made to concentrate on Medicare," says Rep. Barbara Kennelly, D-Conn., vice chairwoman of the House Democratic Caucus.

Kennelly says her party and the media aren't paying enough attention to programs serving the poor.

But even on Medicare, Democrats are in disarray. Some are working on alternatives to the Republican plan that cut less money. Others seek to defeat the GOP plan outright.

With Lyndon Johnson's legislative legacy at stake, Democrats are mounting an inside-outside strategy. They seek to delay, change and ultimately to oppose the measures in Congress, while influencing public opinion across the country:

▶ The inside strategy: Delay action as long as possible by calling for hearings, then offer politically sensitive amendments in committee and on the House floor. Slow the process further in the Senate, where Democrats may be able to filibuster. Finally, count on President Clinton to use his veto.

"We're in the minority. We've got to engage in guerrilla warfare," says Rep. John Lewis, D-Ga., the top-ranking black lawmaker in the House.

▶ The outside strategy: Advertise in print and on the airwaves. Hold public events in states and congressional districts, as well as "hearings" on the Capitol lawn beginning today. Finally, count on Clinton to use his bully pulpit.

"This is being orchestrated effectively as a party position," says Rep. Vic Fazio, D-Calif., chairman of the House Democratic Caucus.

Despite what often seems like a cacophony of charges and countercharges and the use of words like "liars" and "fascists" on Capitol Hill, the Republicans are still on a roll.

With welfare reform behind them, they're determined to transform Medicare and Medicaid, swiftly and efficiently. That leaves once-powerful Democrats to carp and moan.

Gephardt and Senate Minority Leader Tom Daschle on Thursday said Republicans had held 42 days of hearings on Whitewater, Waco and Ruby Ridge, but none on Medicare.

"We may lose," Gephardt said, "but we're going to go down fighting."

By Dennis Cook, AP

UNITED FRONT: Senate Minority Leader Thomas Daschle, standing, with House Minority Leader Richard Gephardt.

Panel would look out for baby boomers

By Judi Hasson
USA TODAY

House Republicans want to set up a "baby boomer" commission to study how to pay Medicare health bills for those beginning to retire in 2010.

Thursday, the GOP released new details of their plan to limit the growth of Medicare, by increasing premiums and by cutting back payments to doctors and hospitals. The GOP wants to stop the fund, which pays for seniors hospital care, from going bankrupt by 2002.

But that won't be enough money to finance the program when millions of baby boomers turn 65.

The GOP offered no accounting on how the $270 billion in cutbacks would be achieved — how much from higher premiums on senior citizens, for example.

Aides to GOP House Speaker Newt Gingrich say he has labored over both the policy changes and a public relations effort designed to make sure the overhaul doesn't lead to a repudiation of Republicans at the polls next year.

That strategy includes dribbling out elements of the plan piece by piece and withholding final details until the last possible moment to minimize the opportunity for critics to coalesce.

became a demonstration site for the project.

Manual Assistant Principal Earl Veits said the electronic access gives his students a window on the world. ``Our kids still live in a neighborhood and their personal universe is where they
live, but with ... the computers and the Internet they're going to be able to access people in all kinds of areas, economic strata and ethnic backgrounds."

A fledgling effort, led by the Los Angeles County Office of Education, is under way to get Internet access to every classroom in the county by the end of the decade. That project has raised between $1 million and $2 million worth of cash and in-kind contributions.

HMOs, Payment Controls Included in House GOP Medicare Plan By Robert A. Rosenblatt and Edwin Chen= (c) 1995, Los Angeles Times=

WASHINGTON House Republicans, still unable to agree on details of a plan to save $270 billion from Medicare over seven years, issued a general blueprint Thursday calling for expanded choices for beneficiaries, combined with tough government controls on payments to hospitals, doctors and health providers.

The GOP outline expressed confidence that millions of Medicare beneficiaries will save government revenues by moving into health maintenance organizations and other forms of managed care.

But the 60-page document did not offer dollar figures on how much of the $270 billion goal would come from managed care savings, and how much would be provided through higher payments by the beneficiaries themselves.

House Speaker Newt Gingrich, R-Ga., admitted there is no way to know whether the GOP plan will in fact sharply increase membership in HMOs, which typically cost less than traditional fee-for-service medicine. ``We will find out in three years who is right," he said, noting that the Congressional Budget Office may disagree with the GOP about the potential savings.

In a bid to blunt Democratic criticism that the savings will hurt senior citizens, Gingrich said Medicare's total spending would rise every year under the GOP plan.

``This is an increase," he said emphatically. Costs have been climbing at a rate of 10 percent annually. The GOP plan would restrict the growth to 6.5 percent a year.

(Begin optional trim)

The government now spends an average of $4,816 a year for each Medicare beneficiary, a figure that would rise to $6,734 in 2002 under the GOP plan. A central issue, however, is whether $6,700 in 2002 will buy the same package of Medicare hospital and doctor services that now costs $4,900.

Republicans say costs will be controlled effectively through the saving from managed care by the government restrictions on payments to doctors and hospitals. Democrats insist that expenses will keep rising, and that beneficiaries will have to spend much more out of their own pockets for medical services.

``Our mission is to preserve Medicare, to protect Medicare and to strengthen Medicare," Gingrich said at a news conference.

In response, Senate Democratic Leader Tom Daschle, D-S.D., said the Republican proposal was a ``cruel hoax" on seniors. And House Minority Leader Richard Gephardt, D-Mo., promised the ``biggest fight and most controversial fight we've ever seen in Congress."

(End optional trim)

Democrats say the $270 billion in savings is far in excess of the amount needed to guarantee the solvency of the Medicare in the short-run, and they accuse Republicans of seeking money to finance tax cuts targeted heavily toward the rich.

The leading provisions of the GOP plan would:

Offer all beneficiaries a once-a-year selection from among several government-approved plans, including HMOs, or other networks of doctors and hospitals, or special Medical Savings Accounts. Under such an account, the government might spend $5,000 for Medicare coverage. The beneficiary could buy a low-cost, high-deductible policy for $3,000 a year. The other $2,000 would go into a savings account to be available to pay deductibles if the person gets sick or to be rolled over for next year if not used.

Beneficiaries who select none of those choices would remain in the current fee-for-service system, which allows them to select any doctor or hospital.

Increase the monthly Part B premium paid by all beneficiaries for doctor services, now $46.10, to approximately $90 in 2002.

Impose ``means testing" on seniors making more than $75,000 a year, or couples with more than $125,000, and require them to pay more their part B coverage.

Impose a limit of $250,000 for ``pain and suffering," in addition to economic damages, for those who win malpractice suits. Claims would have to be filed no more than two years after the incident.

(Optional add end)

The malpractice relief for doctors was designed to ease the burden of potentially drastic reductions in payments to physicians and hospitals under the Medicare program. The federal government would set a target each year for total payment under Medicare to doctors, hospitals, home health care agencies, laboratories and other providers.

If spending exceeds the targets, the government would cut the rate of reimbursement the next year to stay within the target. This could mean lower fees for surgeries, less money for an office visit, and other measures to restrain spending. The Republican plan calls this a ``fail-safe" mechanism to assure that it meets the budget targets.

Medicare spending, now about $170 billion, would be limited to a specific figure each year, reaching $280 billion in 2002. The GOP plan would convert Medicare from an open-ended entitlement under which all eligible people get benefits, with no ceiling on total national spending to an entitlement with fixed outlays.

Gingrich said payments to providers also will increase each year.

``Hospitals will get more. Doctors will get more. Laboratories will get more. Home health will get more. And specialized nursing facilities will get more," Gingrich said.

Potts Denies Easing Rules for Use of Force in Siege By Ronald J. Ostrow and Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON Former FBI Deputy Director Larry A. Potts Thursday denied approving rules that said FBI snipers ``should" fire on any armed adult male at the 1992 Ruby Ridge siege, adding that ``recently discovered" contemporaneous notes support his testimony.

But Potts ignoring his lawyers' advice against testifying before a Senate panel while criminal inquiries are under way into the Idaho siege, where a deputy U.S. marshal and the wife and son of white separatist Randy Weaver were shot to death said the Justice Department has refused to make the notes available to him.

His testimony, which appears to conflict with earlier accounts given before the Senate Judiciary subcommittee on terrorism, is important because critics contend that the easing of shooting rules contributed to an FBI sniper killing Vicki Weaver as she stood hidden behind a door at the remote Idaho cabin Aug. 22, 1992. The FBI's standard deadly force rules permit an agent to fire only to protect himself or others from death or grievous bodily harm.

Potts was removed as deputy by FBI Director Louis J. Freeh and then suspended along with four other FBI officials while the Justice Department conducts a criminal inquiry into whether they lied about events surrounding Ruby Ridge. Potts said Thursday his ``world has been turned upside down" by events that were ``unfair."

``None of these adverse actions was based on any evidence of wrongdoing on my part," Potts said. He was flanked by attorney Dan K. Webb and his former deputy, Danny O. Coulson, who also has been suspended while the criminal inquiry is conducted.

Coulson, backing up Potts' account, introduced a new element when he described rejecting the initial operations plan for Ruby Ridge that had been faxed to him at FBI headquarters. He said it was rejected because it provided that if the Weavers did not surrender, an armored vehicle would destroy part of their compound and tear gas would be inserted into their cabin.

``I have never before seen an operations plan like that," Coulson said. ``I was shocked." He said the plan ``escalated an already violent situation and did not contemplate a negotiated settlement."

The FBI's use of tear gas eight months later at the Branch Davidian compound near Waco, Texas, has drawn substantial criticism.

Potts said the Ruby Ridge shooting rules, known as the rules of engagement, he approved in a telephone conversation with Richard Rogers, commander of the FBI's hostage rescue team, as Rogers flew to Idaho, provided ``any adult with a weapon who was observed in the vicinity of Randy Weaver's cabin should be considered an immediate threat and deadly force can be used."

However, the operations plan used for the siege included these rules of engagement: ``If any adult male is observed with a weapon prior to the (surrender) announcement, deadly force can and should be employed, if the shot can be taken without endangering any children."

The difference is between the words deadly force ``can" be used and deadly force ``can and should" be employed.

Potts testified he did not see a copy of that operations plan until he was being interviewed by FBI inspectors on Nov. 5, 1993, more than 14 months after the shooting, and was told that it had been sent by facsimile from Ruby Ridge to FBI headquarters on the day Vicki Weaver was killed.

``At no time did I ever approve the 'can and should' language that appears in the proposed operations plan," Potts said.

``The evidence makes clear that there is absolutely no dispute about the fact that this change was made at the crisis site by on-scene officials after I had approved the earlier formulation," Potts said.

He described making notes at the time of the rules that he had approved and said he is confident they ``will fully corroborate my testimony."

A Justice Department spokesman, declining to speak about the specific notes, said subcommittee Chairman Sen. Arlen Specter, R-Pa., had agreed not to seek material that ``could damage or taint our criminal investigation."

The FBI's on-scene commander at Ruby Ridge, Eugene Glenn, testified Tuesday that Potts had approved the rule providing that snipers ``could and should" fire at any armed male adult outside the cabin.

Potts cited a sworn statement to a Justice Department task force by Stephen McGavin, Rogers' deputy in command of the hostage rescue team, who told of Rogers ordering him to scratch out the rules he had written based on the Potts-Rogers airborne telephone conversation.

``Rogers instructed him to insert the 'and should' language into the rules," Potts said.

Both Rogers and McGavin invoked their Fifth Amendment privilege against self-incrimination in refusing to testify Tuesday.

Budget Bill Faces Veto If Oil, Gas Drilling Included By James Gerstenzang= (c) 1995, Los Angeles Times=

WASHINGTON Extending veto threats to environmental legislation, the White House said Thursday that President Clinton would reject the massive budget bill nearing completion in Congress if it includes a plan to allow oil and gas drilling in a biologically rich Alaskan wilderness.

With the threat, Clinton, who has been building his campaign pitch around the theme of finding ``common ground" on social and economic differences with the Republicans, has drawn what one environmentalist happily called ``a line in the tundra" on the question of preserving the environment.

The veto threat was made in a letter from Alice M. Rivlin, director of the Office of Management and Budget, to Sen. Frank Murkowski, R-Alaska, chairman of the Senate Committee on Energy and Natural Resources. She said a veto was certain if the budget bill opens the Arctic National Wildlife refuge, which she described as ``these pristine lands," to oil and gas drilling.

The Senate committee completed work on the legislation Thursday, approving it by a vote of 13-7 and adding it to the budget measure funding government operations in the fiscal year beginning Oct. 1. Similar legislation was approved Tuesday by the House Committee on Resources.

Taking issue with the president's opposition, Murkowski said in a statement: ``In addition to helping balance the budget and lessen our dependence on foreign energy sources, there is a strong likelihood limited oil and gas development on Alaska's coastal plain will produce additional revenue to help maintain national parks and wildlife refuges across the nation."

Under the committee's plan, the state of Alaska and the U.S. Treasury would equally divide the half of any government revenue the drilling produces up to the $2.6 billion currently anticipated. Half of any revenue beyond that $2.6 billion would be turned over to a fund to improve the national parks.

Murkowski said Clinton was ignoring the ability of American ingenuity" to overcome any environmental threats associated with the drilling, as well as the nation's dependence on foreign oil to meet 50 percent of its petroleum needs.

The Arctic drilling issue spearheads a number of potentially acrimonious debates between the administration and Congress over environmental concerns and sharply focuses the clash between economic interests and pressure on Clinton to adhere to his 1992 campaign commitments to preserve the environment.

At the same time, it reflects advice he is said to be getting from political consultant Dick Morris suggesting that protecting wildlife and fighting pollution are issues that put him in good standing with voters, particularly suburban women.

Clinton had been under pressure from environmentalists to declare the refuge a national monument a step senior Interior Department officials expected him to take and one that would have drawn heightened attention to the issue.

(Optional add end)

The question of drilling in Alaska has long prompted a

FBI officials blamefield agents for Ruby Ridge

Deny changing rules for firing

The Washington Times
FRIDAY, SEPTEMBER 22, 1995

By Jerry Seper
THE WASHINGTON TIMES

Two high-ranking FBI officials, both under suspension pending criminal investigations into the government's siege at Ruby Ridge, Idaho, blamed field agents yesterday for "could and should" deadly-force rules in effect at the site, saying they never approved any such rules.

Ex-Deputy Director Larry A. Potts and his former chief assistant, Danny O. Coulson, told a Senate subcommittee they rejected a tactical plan by Richard A. Rogers, head of the FBI's hostage rescue team, that included revised rules of engagement and never approved what amounted to a shoot-on-sight policy for a siege of Randall Weaver and his family.

Vicki Weaver was killed Aug. 22, 1992, by an FBI sniper — hit in the head as she stood behind a door holding her 10-month-old daughter. The FBI has described the death as a "tragic accident."

"At no time did I ever approve the 'can and should' language that appears in the proposed operations plan," Mr. Potts said. "I was not informed of and did not approve this change in the rules of engagement."

Mr. Coulson said he "never approved" a change in the FBI's lethal-force policy and was not aware "that anyone else at FBI headquarters ever approved such modification."

Their testimony leaves Mr. Rogers and FBI agent Eugene F. Glenn, on-site commander, alone as saying the revised rules were approved in Washington. A dozen bureau officials have testified otherwise during three weeks of hearings before the Senate Judiciary subcommittee on terrorism, technology and government information.

Mr. Rogers, who has since been reassigned, and Mr. Glenn have alleged that Mr. Potts was aware of the "could and should" order and authorized it during several conversations they had with him before the shooting of Mrs. Weaver.

Sen. Fred Thompson, Tennessee Republican, questioned whether top FBI officials were letting field agents take the blame.

"The question is whether or not that when a problem arises it's not a question of a mistake, but a question of maybe everyone not acknowledging their responsibility ... and pushing it down to the lowest common denominator, and letting the agents in the field take the brunt of the consequences," he said.

"That's really what all this is about," he said. "It is inconceivable to us that FBI headquarters remained ignorant of the exact wording of the rules of engagement during that entire period."

The subcommittee, chaired by Sen. Arlen Specter, Pennsylvania Republican, is looking into the deaths of Mrs. Weaver and those a day earlier of her son, Samuel, 14, and Deputy U.S. Marshal William F. Degan. It also is examining a suspected FBI cover-up over the rules of engagement.

On Tuesday, Mr. Glenn described himself as a scapegoat, thrown to "hungry sharks" in a damage-control effort to protect high FBI officials.

He said a change in the rules of engagement to allow snipers to shoot any armed adult were approved by Mr. Potts, who later was promoted to deputy director, then demoted and suspended pending ongoing Justice Department and U.S. Attorney's Office inquiries.

Mr. Rogers has refused to testify, citing his Fifth Amendment right against self-incrimination.

Mr. Coulson told the panel it was "clear" to him that the on-site commanders knew the Rogers plan, which included the revised rules of engagement, had not been approved since it was never implemented.

"Had I approved the operations plan ... the focus of this hearing today might well be why the FBI directed armor against the cabin of Randy Weaver and injected tear gas into it without ever negotiating with him," he said.

Records show, however, that Samuel Weaver's body was discovered by agents in a shed near the cabin after armored personnel carriers began on Aug. 23, 1992, to demolish some of the buildings at the site. Demolition of the perimeter buildings was a key factor in the Rogers plan.

Michael Johnson, former U.S. marshal in Idaho, told the panel last week that "things stopped" after the boy's body was found and FBI officials began to reassess the situation.

Mr. Coulson acknowledged that he read only one of three pages faxed to him by Mr. Rogers outlining the plan. He told Sen. Dianne Feinstein, California Democrat, he "should have read it all."

Mr. Potts, who rejected advice by his attorney to take the Fifth Amendment and not testify, and Mr. Coulson are among five FBI executives suspended pending the criminal inquiries. Both said the investigations were unfair and neither had been advised what they are alleged to have done.

"I find myself in the difficult, and I believe unfair position, of being a subject in a probe whose focus is unknown and undisclosed to me or my attorney," Mr. Potts said. "Nonetheless, I believe in the American system of justice and fully expect that it will ultimately vindicate me."

The Washington Times
FRIDAY, SEPTEMBER 22, 1995

Welfare conference panel likely to include Dole, 3 top colleagues

By Cheryl Wetzstein
THE WASHINGTON TIMES

Four senior Republican members of the Senate Finance Committee are likely to be named to the House-Senate conference on welfare reform.

Although Senate Majority Leader Bob Dole, Kansas Republican, has yet to make it official, Sens. John H. Chafee of Rhode Island and Charles E. Grassley of Iowa are on board, spokesmen in their offices said.

Mr. Dole and new Finance Committee Chairman William V. Roth Jr., Delaware Republican, also are expected to be members of the panel that will reconcile differences between the House and Senate welfare-reform bills.

Sen. Daniel Patrick Moynihan, New York Democrat, is all but confirmed as a conference member, a staff member said, but decisions about other Democratic participants were still pending, aides said.

More GOP members are likely to be selected from the Senate Labor and Human Resources, and the Agriculture, Nutrition and Forestry committees, which were involved in the food-stamp and child-care portions of the bill.

Several GOP senators also have written to Mr. Dole to ask that he consider adding Sen. Rick Santorum, Pennsylvania Republican, to the panel.

House Speaker Newt Gingrich, Georgia Republican, had not yet indicated which members would be invited to be conferees, several staff members said yesterday.

House committees on Ways and Means, Economic and Educational Opportunities, Agriculture, Judiciary, Banking and Financial Services, Budget, and Commerce played a role in the bill and members could be selected from any or all of those panels.

The House is not in session today or Monday. Some House aides speculated that names could be announced around the middle of next week. Decisions also are pending about the conference schedule and the handling of the bill, aides in both chambers said.

"Ultimately, everybody's wondering how this bill will turn out. Will it be more like the House bill or more like the Senate bill?" said a spokeswoman for Mr. Chafee.

The House and Senate are far apart in other areas: The House bill creates block grants for the child-welfare system, school lunches and other nutritional programs, and a cash welfare program for disabled children. The Senate makes reforms in some of these areas, but does not create any block grants.

The Senate bill both reforms the food-stamp program and allows states to convert it to a block grant; the House bill does not allow a block-grant conversion for the massive feeding program, but opted to reform it and cap its growth.

2 suspended FBI agents deny blame in fatal Ruby Ridge shooting By David Jackson Dallas Morning News

WASHINGTON Two suspended FBI officials, including former Deputy Director Larry Potts, told senators Thursday that they had nothing to do with ``shoot-on-sight" orders that triggered the death of unarmed white separatist Vicki Weaver.

Potts and Danny O. Coulson, the chief agent in the Dallas office, also denied any cover-up involving the controversial deadly force rules used during a 1992 standoff with Vicki Weaver's husband, Randy, at Ruby Ridge, Idaho.

The U.S. attorney in Washington is investigating cover-up allegations. Coulson, Potts and three other FBI officials are under suspension pending that investigation.

In their first public comments on the matter, Coulson and Potts testified before the Senate Subcommittee on Terrorism, Technology and Government Information. They did so despite attorneys' advice they invoke their Fifth Amendment right against self-incrimination.

``I have learned during my more than 20 years as a law enforcement official that when you have nothing to hide, there's no reason not to explain your actions," Potts said.

Subcommittee members grilled the two officials, frustrated that apparent miscommunication between Washington and on-site field agents created a tragedy for which nobody accepts blame.

``I believe that it's embarrassing that we cannot even determine who approved rules of engagement that were drafted, in part, at FBI headquarters," said Sen. Herb Kohl, D-Wis.

An FBI sniper killed Vicki Weaver on Aug. 22, 1992, saying later he was aiming for an armed Weaver family friend, Kevin Harris. A day earlier, a firefight resulted in the deaths of the Weavers' 14-year-old son and a federal marshal. Authorities had sought to arrest Randy Weaver on charges of selling two illegally sawed-off shotguns.

Critics say Ruby Ridge is a symbol of excessive law enforcement, an attitude that they said a year later triggered the Branch Davidian standoff near Waco.

The Ruby Ridge incident has also divided the FBI. Eugene Glenn, the on-site commander, told the subcommittee that Potts, then head of the criminal division, approved the rules of engagement. Yet Glenn was suspended, while Potts received only a letter of censure and a promotion to the bureau's No. 2 job.

Potts said the rules he approved stated that deadly force ``can be used" against any adult seen outside the Weaver cabin carrying a weapon. The final rules used in Idaho stated that deadly force ``could and should" be used against any such individual.

``I was not informed of and did not approve this change in the rules of engagement," Potts testified.

Subcommittee chairman Arlen Specter, R-Pa., said he saw little difference between the two versions. He also said the simple act of holding a weapon should not be interpreted as an ``immediate threat" to FBI agents or others.

Potts said the death of the marshal and the Weaver family's threats justified the rules he approved.

As for Glenn's allegations, both Potts and Coulson said they believe agents in Washington and Idaho seemed to be operating under different assumptions about the precise wording of the rules.

``I believe that, in fact, we were sending different signals and getting the wrong messages," said Coulson, who was Potts' deputy at the time.

Coulson, who became chief of the Dallas office last year, said he should have studied a multipage operations plan that included the rules of engagement for Ruby Ridge. But he rejected the plan after reading the first page, which called for a tank and tear gas assault of Randy Weaver's cabin. Coulson said he told the field commanders to develop a negotiation plan, which he then approved.

Sen. Dianne Feinstein, D-Calif., said both officials should have flown directly to Idaho to supervise, rather than cede responsibility to lower-level agents.

``And, frankly, it makes me angry because you shouldn't duck that responsibility," she told the two agents. ``It's yours."

Potts and Coulson said FBI rules required them to stay in Washington for coordination purposes.

``I would have loved to go to Idaho," Coulson said. ``I think I could have helped at Idaho."

With the cover-up investigation continuing, both Potts and Coulson complained that the Justice Department has not given them documents they need to prove their innocence. They also said no one has told them exactly what they are accused of.

``I didn't expect that I would be called and placed on suspension and, frankly, publicly humiliated and embarrassed, and not know the charges against me," Coulson said.

(EDITORS: STORY CAN END HERE)

Specter asked Potts why FBI Director Louis Freeh promoted him to deputy director even after Ruby Ridge. Potts said he didn't know how to answer that question, but later said things have been downhill from there.

``My life has been an absolute disaster for myself and my family," Potts said.

Justice Department officials have criticized the congressional Ruby Ridge hearings, saying public discussion of the case could hurt the cover-up investigation. Attorney General Janet Reno, speaking with reporters Thursday, declined to comment on the testimony of Potts and Coulson.

Armey uncertain if Congress will vote to repeal ban on assault weapons By Catalina Camia Dallas Morning News

WASHINGTON House Majority Leader Dick Armey said Thursday that he did not know ``when, or if" Congress will vote to repeal the ban on assault weapons.

In a telephone news conference with Texas reporters, the Irving Republican attributed the uncertainty to divisions within his party and to the House's current emphasis on budget issues.

Armey's comments are the strongest signal yet by a House leader that Republicans may not be able to fulfill a promise to the gun lobby and hold a vote on overturning the 1994 law this year or even next.

``The assault weapons ban is a question that is just flat up in the air," Armey said. ``I could give you no prediction about when, or if, any action would be taken in this Congress on that."

The National Rifle Association was not dismayed by the remarks by the House's No. 2 leader, who is chiefly responsible for setting the House legislative schedule.

``The NRA and its millions of members are confident that a vote to repeal the Clinton gun ban should be cast, and we are optimistic that it will be cast sooner, rather than later," said Tom Wyld, an NRA spokesman.

The ban on the manufacture or sale of 19 assault-style weapons was a key victory last year for President Clinton.

Buoyed by the Republican takeover of Congress, the gun lobby has had high hopes that the House and Senate would be friendlier to their issues.

House Speaker Newt Gingrich, R-Ga., and Senate Majority Leader Bob Dole, R-Kan., promised the NRA that Congress would vote to repeal the ban this year. But there have been

several setbacks.

A House vote, originally scheduled for May, was delayed by political fallout from the Oklahoma City bombing. The Senate, which never scheduled a vote, has yet to come up with a gun bill.

Rep. Jim Chapman, D-Sulphur Springs, a leading opponent of the gun ban, accused Republicans of bowing to political pressure. He believes they are being influenced by public opinion polls that show strong support for the 1994 law.

``It's disappointing," Chapman said about Armey's remarks. ``I think it is pandering to political expediency."

Rep. Steve Stockman of Friendswood, the only Texan on the House Republican Task Force on Firearms, said he does not believe the GOP is backing off a gun vote. He predicted the House will take up the issue well before the 104th Congress adjourns, late next year.

One of the problems for Republicans is House Judiciary Committee Chairman Henry Hyde, R-Ill., who voted for the measure last year despite long-standing opposition to gun control.

By comparison, Armey was more optimistic that the House would take up a bill to combat terrorism that has long been stalled by GOP infighting. The measure is a key initiative of Clinton and Congress.

Among other concerns, some Republicans believe the bill's definition of terrorism is too broad.

``I would expect to do the anti-terrorism bill in this Congress," Armey said. ``It just takes a while, and it's always hard to predict when these differences will be resolved."

Lawyers in bombing trial say Reno violated rules

By David Jackson Dallas Morning News

WASHINGTON Attorney General Janet Reno vowed to seek the death penalty just hours after the Oklahoma City bombing.

Now defense attorneys are using that statement to try to tie her hands.

Lawyers for suspects Timothy McVeigh and Terry Nichols say Reno's comments violate rules she approved in January a department policy designed to ensure that reviews of potential federal capital-punishment cases would be free of bias and emotion.

Complaints about Reno also have brought scrutiny to what some call her unusual relationship with the death penalty: She opposes it in theory, but pursues it frequently in practice.

``One thing about Janet Reno: No one can accuse her of being soft on death," said David Bruck, a South Carolina lawyer who assists public defenders on federal death cases.

Reno said her initial remarks dealt only with the specific act of the Oklahoma blast.

``If ever a case, just on those facts, justified the death penalty, it would in that situation," she said. ``We will continue to review it and determine if there are any other facts that would be relevant."

For their part, defense attorneys have asked U.S. District Judge Wayne Alley to appoint an independent counsel to decide whether McVeigh and Nichols should face the death penalty. They argue that the comments by Reno, as well as those of President Clinton, violated their clients' rights under the Justice Department's death-penalty procedure.

``It is a procedure that requires notice and the opportunity to be heard," said Rob Nigh, one of McVeigh's attorneys. ``That procedure was abandoned in the case against Tim McVeigh (and Nichols), abandoned and ignored."

Reno and her aides have said that the request for an independent counsel is unnecessary.

In a recent meeting with reporters, Reno declined to say whether she would seek the death penalty against McVeigh and Nichols. She said her office was reviewing the case under the guidelines she established in January.

CONTRADICTIONS

Few legal analysts expect the defense request to be granted, but they said the dispute raises interesting questions about the nature of the federal death penalty and Reno's views about it.

While chief prosecutor in Miami, her office won more than 100 capital punishment cases, according to biographer Paul Anderson. As attorney general, she supported the crime bill that made dozens of new crimes subject to the death penalty at the federal level.

Bruck, who was a defense lawyer in the Susan Smith murder case, said that despite her stated opposition to capital punishment, Reno has approved every federal death-penalty request since the summer of 1993.

Bruck wondered whether an attorney general who favored the death penalty might be ``more discriminating" and reject more death-penalty requests.

Justice Department officials disputed Bruck's assertions, saying Reno has turned down requests by local U.S. attorneys. But they would not say how many and under what circumstances.

``It's an internal management process," spokesman John Russell said. ``That is not public."

Reno said her decisions on whether to seek the death penalty against specific defendants are based strictly on the law, just as back in Miami.

``I made a judgment when I became the state attorney in Dade County that if it was the law of the state, it was something I could ask for if I was satisfied of the guilt of the person and of the applicability of the death-penalty statute," she said. ``As I have said, 'If I were in the Legislature, I would have voted against it.'"

ANALYSTS' VIEWS

Legal analysts said they doubted that any judge would appoint an outside counsel to decide the death-penalty question. They pointed out that Reno's guidelines are being followed by the Justice Department, but are not part of any federal statute.

``Those procedures generally don't have the force of law," said Herman Schwartz, professor of law at American University. ``They're internal procedures."

Some analysts questioned Reno's judgment in making her initial comments. Robert F. Drinan, a Georgetown University law professor who specializes in the death penalty, said the defense complaints could be helpful on appeal of a conviction, if only to spare their clients the ultimate penalty.

``They might have a good point," Drinan said. ``I wondered when she popped off like that ... That could be prejudicial, pre-trial publicity."

Under the Reno guidelines, local U.S. attorneys make the request to pursue the death penalty in specific cases.

Dallas-based U.S. Attorney Paul Coggins made such a request just last week, in the case of a man charged with kidnapping and killing a private from Goodfellow Air Force Base in San Angelo.

At the Justice Department, a three-person committee reviews the requests and makes a recommendation to Reno. She makes the final decision, which is filed with the court.

Defense attorneys in the Oklahoma City case believe Reno made the decision back on April 19 and that no review will contradict it. McVeigh's attorneys refused to meet with the death-penalty committee because they considered Reno's decision such a foregone conclusion.

Michael Tigar, Nichols' defense attorney, met with the committee on Sept. 6. ``It's a little difficult to see how

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THURSDAY, SEPTEMBER 21, 1995

Agent Defends Initial Review of Fatal Idaho Siege

By George Lardner Jr.
Washington Post Staff Writer

The FBI agent who conducted a controversial review of the FBI's performance at Ruby Ridge said yesterday that he did not recommend any disciplinary action for two senior FBI officials who have since been suspended.

Testifying before a skeptical Senate subcommittee, the agent, Charles Matthews III, defended his report as fair and said he saw no reason to interview the FBI field commander who received the stiffest punishment as a result of his report.

The Ruby Ridge field commander, Eugene F. Glenn, was censured, suspended for 15 days and demoted last January. Glenn's complaints that the review was tilted to protect higher-ups in the bureau have led to a criminal investigation of an alleged coverup concerning the "shoot-on-sight" rules prescribed for the deadly 1992 Idaho standoff.

One of the FBI snipers deployed under those rules shot and killed Vicki Weaver on Aug. 22, 1992, as she was holding a cabin door open for her white separatist husband and two others fleeing after the sniper's first shot. No warning or surrender announcement was made before the shots were fired.

Last January, after receiving Matthews's report, FBI Director Louis J. Freeh disciplined Glenn and 11 other FBI employees for conduct related to Ruby Ridge and the subsequent prosecution of Randy Weaver and family friend, Kevin Harris.

The highest ranking officials to be singled out were then-acting Deputy FBI Director Larry Potts and his former deputy in the criminal division, Danny O. Coulson. Both received letters of censure for failing to provide "proper oversight" with regard to the rules of engagement.

Matthews told the senators that he did not even recommend letters of censure. Freeh, he said, decided to do that on his own.

The FBI director has more recently suspended Potts, Coulson and three other senior FBI officials in the headquarters chain of command at the time of Ruby Ridge. The suspensions will remain in effect while the Justice Department investigates allegations of perjury and obstruction of justice, including the shredding of documents that could shed light on who approved the rules of engagement.

A close associate and onetime assistant to Coulson, Matthews contended yesterday that "the best evidence" available to him was that no one at FBI headquarters approved the final rules for Ruby Ridge. He also said that he has "no reason to think that anything that was destroyed was material to any decision I made."

Sen. Herb Kohl (D-Wis.) said Matthews's testimony served mainly to convince him that the FBI should not be investigating itself.

Now an associate special agent in charge of the FBI's San Francisco Field Office, Matthews was assigned in October 1994 to review allegations of FBI misconduct and misfeasance contained in a 542-page study of Ruby Ridge that had been conducted by a special Justice Department task force.

The report denounced the rules of engagement as unconstitutional, concluded that the shot that killed Vicki Weaver was illegal, and said it was "inconceivable" that no one at FBI headquarters was aware of the rules.

Drafted by Richard Rogers, the commander of the FBI's military-style Hostage Rescue Team, the rules said that the snipers "could and should" shoot any adult male seen in the vicinity of the Weaver cabin before any surrender announcement was made.

Matthews said it was his job to review the Justice Department's report, to conduct "additional interviews if necessary to perfect the record," and to undertake whatever investigation was necessary if "new issues" came to light.

Glenn complained in testimony Tuesday that Matthews called him only to ask about friction between the FBI and federal prosecutors in Idaho. Glenn said Matthews said there was "no sense discussing" the rules of engagement since they were "unconstitutional."

Matthews said yesterday he saw no reason to talk to Glenn about the rules since Glenn had given two statements about them in earlier investigations. Glenn has said Potts approved the rules of engagement in telephone conversation with him and that Coulson clearly knew about them too.

Matthews, however, rejected Glenn's account and said he concluded that the rules were "created on the scene" at Ruby Ridge, rewritten by Rogers and approved by Glenn without the knowledge of FBI headquarters. Matthews maintained that Potts only approved rules that said the snipers "could" kill any armed adult and that they were subsequently changed at Ruby Ridge to "could and should."

The FBI reviewer also contended that the FBI sniper was fully justified in taking the shot that killed Vicki Weaver under the bureau's standard rules of deadly force. Matthews said the act of fleeing after the sniper's first shot constituted "aggressive behavior" because those fleeing might have been scrambling for a better shot at an FBI helicopter that had been hovering in the distance.

No shots were ever fired at the helicopter. According to a 1992 statement by HRT commander Rogers, who was one of the passengers, it was already "headed back to the landing area" when "I heard on the radio that shots had been fired."

Former Green Beret Col. Bo Gritz, who eventually persuaded Randy Weaver to surrender, told the panel that the FBI's Hostage Rescue Team was too schooled in military solutions to be used without stronger supervision. "These are not Efrem Zimbalist Juniors," he said. "These are commandos."

Special correspondent Benjamin S. Abramson contributed to this report.

FOR MORE INFORMATION

To read The Post's recent three-part investigative series about the Ruby Ridge standoff, see Digital Ink, The Post's on-line service. To learn more about Digital Ink, call 1-800-510-5104 Ext. 9000

THE WASHINGTON POST
THURSDAY, SEPTEMBER 21, 1995

Lawmakers Move to Check CFC Phaseout

House Republicans Play Down Links Between Chemicals and Depletion of Ozone Layer

By Gary Lee
Washington Post Staff Writer

A group of GOP lawmakers yesterday dismissed the large body of research showing that chlorofluorocarbons (CFCs) are a major cause of the thinning of the Earth's ozone layer and called for the United States to delay or repeal the phaseout of the chemicals.

"I am convinced . . . that there has not been a sufficient showing of scientific evidence to justify the current and rapidly approaching ban date" for CFCs, Rep. John T. Doolittle (R-Calif.), an outspoken critic of the phaseout, told a House hearing on the issue yesterday. Under a 1992 law, U.S. manufacturers must halt production of CFCs by the end of this year.

Doolittle has introduced legislation to postpone the withdrawal of CFCs from the U.S. market until further research can be conducted on the link between CFCs and ozone depletion. Rep. Tom DeLay (R-Tex.) is pushing a separate proposal that would repeal the ban altogether. Both lawmakers are critics of the federal role in environmental protection. Both also have strong ties to the nation's chemical manufacturers, including major CFC producers.

Commonly found in air conditioners and refrigerator coolants, CFCs are members of a group of synthetic chemicals that damage the ozone layer, according to research conducted by many specialists in the field. When the chemicals reach the stratosphere, sunlight breaks them down, releasing bromine or chlorine. The ensuing chemical reactions destroy ozone, a gas whose molecules are made up of three oxygen atoms. Ozone destruction allows more of the sun's ultraviolet radiation to penetrate the upper atmosphere, which scientists believe may lead to an increase in skin cancer and cataracts and to other environmental effects.

Under the 1987 Montreal Protocol, the United States and 70 other countries agreed to phase out production of CFCs by the year 2000. Three years ago, alarmed by reports of rapid atmospheric ozone depletion, Congress voted to accelerate the phaseout, stopping CFC production in the United States by the end of 1995. The gradual reduction of CFCs in the stratosphere has already slowed the rate of ozone depletion, according to a major study released last year by the National Oceanic and Atmospheric Administration (NOAA) and the United Nations Environmental Program.

At yesterday's hearing, organized by the House Science subcommittee on energy and environment, ozone specialist Fred Singer questioned the validity of earlier studies linking CFCs to ozone depletion. "There is no scientific consensus on ozone depletion or its consequences," said Singer, who is president of the Virginia-based Science and Environmental Policy Project.

Sallie Baliunas, a senior scientist at the George Marshall Institute, a science and public policy research organization, told the panel that a federal employee had discouraged her from pursuing research that might undermine earlier conclusions linking CFCs with ozone depletion.

But Singer and Baliunas are in a scientific minority. Most experts have concluded that the negative impact of CFCs and similar chemicals on the ozone layers is well documented. The 1994 NOAA study, which documented a slower rate of ozone depletion following international efforts to reduce CFC production, was endorsed by almost 300 ozone specialists, including researchers from dozens of prominent laboratories around the U.S. and in other countries.

Asked about that endorsement, DeLay said that he was not familiar with the study but that he would read it.

A number of experts within the Clinton administration, industry and the environmental community have strongly opposed proposals to delay or repeal the CFC phaseout.

A delay could result in several thousand new skin cancers occurring in the U.S., suggested Michael Oppenheimer, a global warming specialist at the Environmental Defense Fund.

Dupont, once the nation's leading CFC producer, also opposes a delay. "We know about as much about the scientific aspects of this issue as anybody in the world," said Tony Vogelsberg, an environmental expert for the company. "We've concluded that turning back the phaseout at this point would be totally counterproductive."

The Washington Times
THURSDAY, SEPTEMBER 21, 1995

FBI deliberately killed Vicki Weaver, Ruby Ridge negotiator tells senators

By Jerry Seper
THE WASHINGTON TIMES

The shooting of Vicki Weaver was no accident, a former Green Beret and Delta Force commander who helped negotiate an end to the 1992 siege at Ruby Ridge, Idaho, told a Senate subcommittee yesterday.

Retired Col. James "Bo" Gritz testified that Richard A. Rogers, leader of the FBI hostage rescue team, said Mrs. Weaver was targeted because, as "the maternal head of the family," she would "kill her children rather than ever allow them to surrender."

In some of the most explosive testimony during hearings by the Judiciary subcommittee on terrorism, technology and government information, Col. Gritz said Mr. Rogers made the comment shortly after the retired U.S. Army colonel began negotiating with the Weaver family. Col. Gritz said there was never "any indication at that time, or any other time I was on the hill, that the shooting of Vicki Weaver was an accident."

Mrs. Weaver was killed Aug. 22, 1992, during a siege at the Weaver cabin near Naples, Idaho, shot in the head by a sniper in what FBI Director Louis J. Freeh has described as a "tragic accident."

The hostage rescue team had been summoned to the cabin after the deaths a day earlier of Deputy U.S. Marshal William F. Degan and Mrs. Weaver's son, Samuel, 14, in a separate shooting.

Mr. Rogers, who has since been reassigned, was among four FBI agents who refused to testify Tuesday before the panel, citing his constitutional right against self-incrimination. FBI sniper Lon Horiuchi, who fired the shot that killed Mrs. Weaver, took the Fifth Amendment last week.

Col. Gritz, a populist presidential candidate in 1992, also told the panel an examination of wounds on Randall Weaver, who

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Witness says she opposed surrender

From page A1

was shot in the back just before his wife's fatal shooting, came from a .223-caliber weapon, not the .308-caliber carried by Mr. Horiuchi. He speculated that a second sniper shot Mr. Weaver as part of a plan to lure Mrs. Weaver out of the cabin.

"If Randall Weaver went down, Mrs. Weaver would come out of the cabin and that would give Lon Horiuchi a better shot at Vicki Weaver," he said. He told subcommittee chairman Arlen Specter, Pennsylvania Republican, he was "absolutely convinced" the FBI deliberately shot Mrs. Weaver.

Mr. Horiuchi testified in court that he shot Mr. Weaver after seeing the white separatist point a rifle at an FBI helicopter. He said he accidentally hit Mrs. Weaver while trying to shoot family friend Kevin Harris as the two ran to the cabin.

Col. Gritz disputed that account, saying the bullet that hit Mr. Weaver entered his right shoulder and exited "in the center of his armpit." He said if Mr. Weaver, who is right-handed, had been pointing his rifle skyward, his right arm would have been tucked against his body and the bullet would have entered his shoulder and exited through his arm.

He said Mr. Weaver told him he was reaching up to unlatch a door on a shed near the cabin to look at his son's body, which he had washed the day of his death, when he was hit "without warning."

Retired FBI negotiator Frederick W. Lanceley, who took part in the Ruby Ridge siege, told the panel he heard no orders targeting Mrs. Weaver but conceded that Mr. Rogers was not inclined to negotiate an end to the siege.

Mr. Lanceley said most of the decisions at the site were tactical ones.

"If you send a team of tactical people in, you'll get a tactical recommendation," he said. "If you send a doctor in, you'll get medical advice. If you send a senator in, you'll get a new law."

Mr. Lanceley said negotiations began only after that was ordered by officials in Washington.

Meanwhile, FBI agent Charles Mathews III, who reviewed the 1992 siege and made disciplinary recommendations to Mr. Freeh, said rules of engagement at the site — which said snipers "could and should" shoot any armed adult — were devised by agents at the scene and not by officials in Washington.

"That rule was not approved at the headquarters level," he said. "That rule was approved on site."

Mr. Mathews said a preponderance of evidence "clearly reflects that the rules were documented and crafted and approved at the field level."

He also defended the fatal shot fired by Mr. Horiuchi, saying it came under standard FBI lethal force rules and not the revised orders. Standard FBI policy allows agents to use deadly force if they or others are in imminent danger.

Mr. Mathews told the panel the snipers had determined the FBI helicopter was in danger and acted to prevent Mr. Weaver and Mr. Harris from shooting it down. He said the fatal shot was taken to prevent Mr. Weaver and Mr. Harris from gaining "a better position" — inside the cabin — from which to shoot at the helicopter.

"He only discharged his weapon when it came time to save lives," Mr. Mathews said of Mr. Horiuchi.

Mr. Specter took issue with that description, saying: "I have to disagree with you categorically. . . . If you are retreating, that's hardly aggressive behavior."

In his report to Mr. Freeh, Mr. Mathews found no evidence FBI agents were involved in wrongdoing, saying only some field agents had failed to perform "at an acceptable level" and, as a result, had exposed "FBI personnel and others to substantial negative consequences."

It was as a result of Mr. Mathews' review that Mr. Rogers and FBI agent Eugene F. Glenn, the on-site commander at the Weaver cabin, were censured and suspended.

On Tuesday, Mr. Glenn, who formerly headed the FBI's Salt Lake City field office and has since been reassigned to the Washington headquarters, described himself as a scapegoat, saying he had been thrown to "hungry sharks" in a damage-control effort to protect high-ranking FBI officials.

Mr. Glenn told the panel a change in the rules of engagement to allow snipers to shoot any armed adult at the Weaver site were approved in Washington by Larry A. Potts, who was promoted to deputy director, then demoted and suspended pending separate Justice Department and U.S. Attorney's Office investigations into the siege.

The Washington Times
THURSDAY, SEPTEMBER 21, 1995

Iraq entered Gulf war with viral weapons ready

Defector's papers reveal project's success

By Stewart Stogel and Ben Barber
THE WASHINGTON TIMES

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Iraq had developed "exotic viruses" and had gas gangrene ready to be inserted into explosive shells before the Gulf war, said U.N. officials who are analyzing nearly 1 million documents released after Saddam Hussein's son-in-law defected last month.

"Some of these exotic viruses we are just beginning to understand," chief U.N. arms inspector Rolf Ekeus said in an interview.

U.N. sources said Mr. Ekeus is keeping the documents in Iraq to avoid U.S. pressure aimed at maintaining an oil embargo and other sanctions on Baghdad.

"These documents are safer in Baghdad than outside Iraq," said a U.N. source, because it's harder for U.S. officials to demand copies so they can begin to interpret the papers.

U.N. arms inspectors, who announced yesterday the start of soil tests to determine whether Iraq has abandoned its germ warfare program as claimed, face pressure from two directions.

The United States is demanding strict enforcement of U.N. resolutions that impose economic sanctions until Iraq proves it is free of biological, chemical and nuclear weapons and of ballistic missiles with a range greater than 90 miles.

Other U.N. Security Council members, including Russia and

see **IRAQ**, *page A11*

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France, want to lift the sanctions on Iraq to resume lucrative trade. They favor a more lenient approach to the verification that all programs for weapons of mass destruction have ended.

But the thousands of documents Iraq turned over to U.N. control at a farmhouse owned by defected Gen. Hussein Kamel Hassan have thrown light on the secretive program to enable the spread of disease and chemicals on enemy troops and civilians, beefing up the U.S. demand that Iraq remain an outcast.

"Iraq is the the only country we know who was prepared to use such weapons on the battlefield," Mr. Ekeus said.

Some of the "exotic viruses" under development by Iraq have no known antidote, another U.N. official said.

The findings indicate that Iraq had produced enough of a virus that causes gas gangrene, a fatal infection, to use it in battle.

"It could have been weaponized had the Iraqis chosen to do so," a U.N. inspector said.

Information unraveled from the mass of secret papers now under U.N. lock and key in Baghdad indicates that Western intelligence on Iraq's germ warfare program was as inaccurate as intelligence on Iraq's surprisingly advanced nuclear program.

For example, Iraqi charged that allied warplanes bombed a baby-formula factory during the Gulf war. The United States ridiculed that claim, saying the plant produced germs for war.

But U.N. officials and relief agencies now say the plant had ceased being used for such purposes long before the bombing.

"The U.S. bombed an empty warehouse," a U.N. inspector said.

Six fermenting devices with dual civilian and military uses had been at the site but were transferred to a supersecret facility at Al Hakam in 1988, three years before the bombing, the inspector said.

While Gens. Colin Powell and H. Norman Schwarzkopf were insisting that the building was a weapons factory, the fermenters were sitting at a site untouched by the extensive bombing campaign that preceded the 100-hour land war.

The bombed factory had produced baby formula for 30 years and may have been doing so in 1991, sources said.

Mr. Ekeus is to report to the Security Council on the findings from the new documents and other sources Oct. 11.

"We expect to make some new and explosive revelations," he said. The vast majority of the new documents had not been read when he made that statement.

Yesterday, U.N. inspectors in Baghdad announced the start of a program to test soil and conduct interviews in Iraq to determine whether the germ warfare program has been discontinued.

"We have begun the process. It is a difficult process," said Charles Duelfer, deputy executive chairman of the U.N. special commission in Baghdad.

"We have no evidence that [germ-warfare] agents still exist in Iraq" but need to verify that all have been disposed of, he said.

Mr. Duelfer said earlier that verification is one of the commission's major concerns and should take a great deal of time.

He said Iraq has identified locations where materials were destroyed.

The U.N. investigation, Mr. Duelfer said, will include soil samples, interviews with concerned authorities and an analysis of related documents.

Iraq handed over more documents on germ warfare to the United Nations on Tuesday in an effort to have the crippling trade sanctions lifted, but Mr. Duelfer said details were still lacking.

He said the magnitude and nature of Iraq's germ-warfare program have caused major concern in many countries, particularly in the Middle East.

Kuwait's U.N. ambassador, Mohammed A. Abulhasan, said in a recent interview that biological weapons are "one of the most important issues now facing the government." He said Kuwait does not believe that Iraq has disclosed the full scope of its weapons programs.

Iraq made startling revelations about its programs last month, particularly about biological weapons. It admitted to producing 200 biological warheads and additional agents beyond what was previously disclosed.

Mr. Duelfer said contacts with Gen. Kamel, who ran Iraq's military industries, will continue in order to verify Iraqi data and bridge information gaps.

• *This article is based in part on wire service reports.*

THE NEW YORK TIMES, WEDNESDAY, SEPTEMBER 20, 1995

RUBY RIDGE HEARING

Commander at Idaho Standoff Calls F.B.I. Inquiry Cover-Up

By NEIL A. LEWIS

WASHINGTON, Sept. 19 — Four F.B.I. agents invoked their Fifth Amendment right against self-incrimination today, refusing to testify before a Senate panel about a deadly 1992 standoff in Idaho after the field commander of the operation testified that the bureau's investigation of the incident amounted to a cover-up.

The commander, Special Agent Eugene F. Glenn, testified that he had been made a scapegoat for the events at Ruby Ridge, Idaho, where the Federal Bureau of Investigation's special Hostage Rescue Team had been dispatched to arrest Randy Weaver, a white separatist wanted on a weapons charge.

Mr. Glenn's version of events starkly contradicted statements given under oath to investigators by Larry Potts, who as a senior bureau official supervised the Ruby Ridge operation from Washington.

Mr. Glenn said that he believed he had been harshly disciplined by bureau Director Louis J. Freeh to prevent investigators from moving on to higher level officials, especially Mr. Potts, a longtime friend of the Director's.

Instead of searching for facts in an internal F.B.I. inquiry last year, Mr. Glenn said, the Bureau "twisted" its investigative machinery to answer one question: "Who do we blame?"

Mr. Glenn's accusations and the spectacle of bureau agents refusing to testify made the session a striking embarrassment to the F.B.I. on a subject that has provoked the deepest crisis of Mr. Freeh's tenure. The events of Ruby Ridge have come to symbolize to both conservatives and liberals the excesses of Federal law enforcement.

The agents who refused to testify today included the former leader and three members of of the Hostage Rescue Team, the bureau's special squad of snipers used in extraordinary circumstances.

They remain potential targets of an investigation by Idaho prosecutors into the death of Mr. Weaver's wife, Vicki, who was killed by an F.B.I. sharpshooter as she stood in the door of their cabin with an infant in her arms. Mr. Potts, until recently the agency's deputy director, and three other agency officials are the subjects of a Federal investigation into whether they destroyed evidence about the decision to change the rules under which the sharpshooter and others at the scene were operating.

Mr. Glenn said that he had been disciplined when the bureau's top officials realized that the flaws in their earlier version of what happened left the agency vulnerable. "Those on the ship saw some heavy sharks ahead and put out a few tuna to see if that could satisfy them," he said. At issue is a set of guidelines of when to use deadly force, called the "rules of engagement," which were to govern the behavior of the F.B.I snipers as they surrounded the cabin of Mr. Weaver, who had vowed he would not be taken alive. The day before the F.B.I. arrived at Ruby Ridge, United States marshals staking out the cabin had gotten into a shootout with the Weaver clan, which left a highly decorated United States marshal dead, along with Mr. Weaver's 14-year-old son, Sammy.

As they F.B.I. team flew to Idaho, officials drafted special rules of engagement telling the snipers that they could and should shoot on sight any armed adults, rules that were later amended to cover only armed adult males. Mrs. Weaver was killed the next day by an F.B.I. sharpshooter, Lon Horiuchi, who declined to testify, citing the Fifth Amendment, at a closed hearing of the committee last week.

Mr. Horiuchi had previously told investigators that he was aiming at an armed male who was trying to get to the porch of the cabin when he accidentally shot Mrs. Weaver through the window of the cabin's pinewood door.

Although Mr. Potts has denied being aware of the permissive rules of engagement, Mr. Glenn testified in great detail today about discussing the rules of engagement with Mr. Potts on two different occasions by telephone.

More agents invoke their Fifth Amendment rights.

Mr. Glenn said that Mr. Potts told him on Aug. 21, the day before Mrs. Weaver was killed, that he had "O.K.'d" the rules of engagement. The next day, Mr. Glenn testified, he discussed narrowing the rules of engagement to exclude Mrs. Weaver because there was no warrant for her arrest and the rules were modified to include only armed adult males.

Duke Smith, a deputy United States marshal who was in the command center in Idaho when Mr. Glenn had one of his conversations with Mr. Potts, testified today that he heard Mr. Glenn say, "Pottsie has O.K.'d this," using slang for Mr. Potts.

Mr. Potts received a light punishment for his role in the shootout and was promoted to be the No. 2 man in the bureau while Mr. Glenn was censured, suspended and transferred. After a Justice Department investigation brought on by Mr. Glenn's complaint, Mr. Freeh suspended Mr. Potts.

MEDICAID

Republicans Proposing End To Care Guarantee to Poor

Plan Would Offer the States Wide Latitude

By ROBERT PEAR

WASHINGTON, Sept. 19 — House Republicans today proposed a transformation of Medicaid, the Federal health program for poor people, that would control costs, eliminate most Federal standards and requirements and give states vast new power to decide who got which health benefits.

The proposal would give each state a fixed amount of Federal money and would repeal the 30-year-old law under which certain categories of people are automatically entitled to health care and health insurance. This guarantee has helped protect poor people in recessions, but has contributed to a quadrupling of Medicaid costs in the last decade.

Speaker Newt Gingrich said he expected the House Commerce Committee to approve the legislation this week. "You either act decisively and get things done, or you hang around long enough for all the various special interest groups to mount a big-enough lobbying campaign to stop it," he said.

Democrats denounced the legislation as an assault on children and the elderly, and they demanded public hearings. The Senate is working on a similar bill. Both would abolish the individual right, or entitlement, to health insurance for low-income people and give the states new authority to run the program with minimal Federal regulation.

In many ways, the changes contemplated in Medicaid are more profound than those proposed last week by Republicans for Medicare, the Federal health insurance program for the elderly. The Medicare proposals would save more money: $270 billion over seven years, compared with $182 billion for Medicaid. But elderly people would still be entitled to to their Medicare benefits.

By contrast, the House Republicans' Medicaid bill says that "no person" — meaning no beneficiary, doctor, hospital or private health plan — shall have a basis to sue a state for failing to comply with Federal Medicaid statutes or the terms of the state's Medicaid program.

In principle, the Medicaid "block grants" are similar to the welfare block grants that would be created under a separate bill passed today by the Senate and earlier this year by the House. But Medicaid costs about five times as much as welfare and serves 37 million people, more than twice the number on welfare.

The Federal Government is spending $89 billion on Medicaid this year, and states are expected to spend $67 billion. Governors say the financial burden has become unbearable.

The Republican proposal would establish a complex new formula for distributing Federal Medicaid money, based not only on per capita income, but also on the number of poor people, the number of elderly people and the cost of living in each state. While no state would actually lose money, the new formula would generally shift money from the Northeast to the South and the West.

Gov. Michael O. Leavitt of Utah, chairman of the Republican Governors' Association, said that 5 of the 30 Republican governors had "registered objection" to the proposed formula. He identified them as George E. Pataki of New York, Christine Todd Whitman of New Jersey, John G. Rowland of Connecticut, Arne Carlson of Minnesota and Tom Ridge of Pennsylvania.

Governor Pataki was surprisingly explicit in his criticism of a plan developed by fellow Republicans. "This is not a fair plan for New York," he said. "New York and New Yorkers are willing to pay their fair share, but to ask New Yorkers to do more than their fair share is plain wrong. We have asked our Congressional delegation to oppose this."

In unveiling the Medicaid legislation today, Representative Thomas J. Bliley Jr., a Virginia Republican who is chairman of the House Commerce Committee, said, "Medicaid is broken, and we all know it."

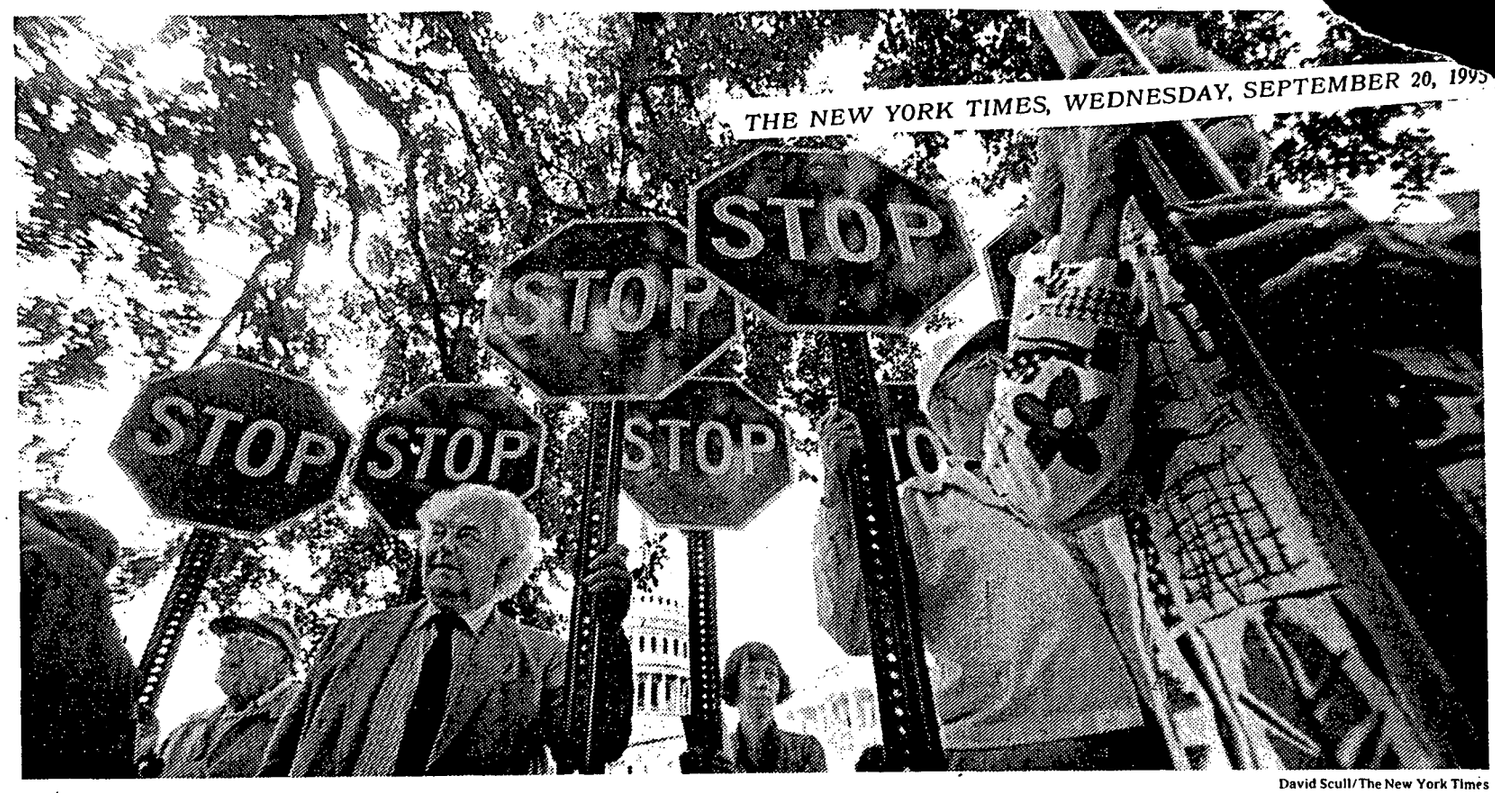
On the other hand, Representative Henry A. Waxman, a California Democrat who wrote much of the current Medicaid law, said the Republicans had devised "a breathtakingly heartless, radical, extreme proposal." He said it would leave states ill-equipped to deal with recessions and epidemics.

Under the Republican proposal, certain percentages of each state's Federal grant would be earmarked for certain groups of people with low incomes: pregnant women and children, disabled people under 65 and elderly people.

But the Federal Government would not define eligibility under these headings, nor would Congress set a minimum package of benefits, as it has for three decades; states would set eligibility and benefits.

Under the Republican proposal, less than half of Federal Medicaid money would be earmarked for women and children, the elderly and the disabled. States could use the remainder as they wanted to provide health care or related services to needy people. They could, for example, build clinics or buy vaccine.

Under the Republican proposal, states would have to continue spending some of their own money as a condition of receiving Federal Medicaid dollars. But the requirement would be less stringent than under current law.



THE NEW YORK TIMES, WEDNESDAY, SEPTEMBER 20, 1995

David Scull/The New York Times

Protesters from senior citizens groups showed their displeasure yesterday with Republican plans for Medicare. Senator Harry Reid, Democrat of Nevada, organized the protest outside the Capitol. Democrats also released a videotape on the issue featuring well-known actors. House Republicans proposed a transformation of Medicaid, the health program for the poor, that was also drawing Democrats' ire yesterday.

Indeed, on a day when the Senate approved a sweeping welfare reform bill, the two actions marked another milestone in the unrelenting march by the Republican controlled Congress to dismantle the social programs of the Great Society.

But like so much of the GOP's legislative agenda, the Medicaid proposal triggered an outpouring of strong reactions. Believers praised it as the salvation of a troubled government program that is creating huge federal and state budget deficits; critics predicted that the transformation would inflict new suffering upon the poor and handicapped.

``Medicaid is broken and we all know it," said Rep. Thomas J. Bliley Jr., R-Va., chairman of the House Commerce Committee. He said the proposal would end what is ``a complex, bureaucratic and uncontrolled entitlement, riddled with waste and inefficiency."

Bliley and other Republicans said the $182 billion in savings will be realized in part by slowing the rate of Medicaid's explosive annual growth from a projected 10 percent to 4 percent.

Even so, they said, actual federal spending can be increased by 39 percent, largely because of savings from chanelling Medicaid recipients into less expensive managed care settings.

But liberal citizens groups and some Democrats warned that the GOP approach could add 8 million or more indigent Americans to the ever-increasing number of those without health insurance, now estimated at 41 million people.

``These cuts will undermine public confidence that nearby emergency rooms will be open when a child breaks a leg, a senior experiences heart problems, or another emergency strikes," according to the coalition, comprising Consumers Union and the National Health Law Program, a nonprofit public interest law center.

Rep. Henry Waxman, D-Calif., said the GOP plan was ``a breathtaking proposal that will shred the safety net" and amounted to ``an extraordinary abdication of federal responsibility for some of the most vulnerable people in our society."

(Optional add end)

Enacted in 1965, Medicaid now covers about 58 percent of the nation's indigent people. To be eligible, one must be not only poor but also fall into some other ``category," namely pregnant women, low-income children, the blind and disabled, and senior citizens who get help with nursing home care and Medicare premiums. Current beneficiaries include some 16 million children, 5 million blind and disabled people, and 4 million seniors.

In recent years, Medicaid enrollment has risen dramatically, from 22.3 million in 1988 to 36 million today. And spending by Washington and many states has more than doubled.

This year, Medicaid will cost $156 billion, with states paying an estimated $67 billion and Washington the rest.

As Congress moves to significantly cut federal Medicaid spending, by far the most contentious issue has been the effort to devise an acceptable formula to apportion the federal dollars among states.

Once the new program is up and running, no state would receive annual increases of less than 2 percent or more than 6 percent, according to House Commerce Committee staffers who devised the formula. But to ease the impact of change, every state would receive a 7.2 percent increase in the first year.

In all, states over the next seven years would receive $773.1 billion in ``MediGrant" funding, or about 39 percent more in 2002 than they now receive from the current $89 billion to $124 billion.

FBI Engaged in Ruby Ridge `Damage Control,' Witness Says By Ronald J. Ostrow and Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON Likening himself to a ``tuna" thrown into the sea to satisfy ``hungry sharks," the ranking FBI official at the Ruby Ridge siege said Tuesday the bureau engaged in ``damage control" when questions were raised about the 1992 killing of a white separatist's wife by an FBI sniper.

Testifying publicly for the first time since his May 3 letter to a Justice Department internal watchdog complaining of a cover-up and of being made a scapegoat, Eugene F. Glenn told a Senate panel that the FBI's investigation of the incident was ``twisted" to see ``who do we blame?"

``I have a feeling it's just my belief that there were damage control assessments that took place," said Glenn, who was removed as Salt Lake City field office boss and transferred to Washington over the actions taken by the FBI at Ruby Ridge.

Glenn's testimony before the Senate Judiciary subcommittee on terrorism came as four more FBI officials involved in the siege took the unusual step of invoking their Fifth Amendment privilege against self-incrimination rather than testifying. Brendan V. Sullivan Jr., attorney for the four, said there also was a ``security" question involving one of his clients.

He told the subcommittee a death threat had been made against Richard Rogers, commander of the FBI's hostage rescue team at Ruby Ridge, a subcommittee source said.

Last week, Lon Horiuchi, the FBI sniper who killed Vicki Weaver as she stood hidden by the door of Randy Weaver's cabin, took the Fifth Amendment because of the criminal inquiry being conducted by Boundary County, Ida., prosecutor Randall Day into what took place at Ruby Ridge. Like Horiuchi, the four FBI officials were allowed by the panel to take the Fifth Amendment in a closed session, as Sen. Arlen Specter, R-Pa., said there was no intent to ``humiliate" them.

The FBI hostage rescue team, including the snipers, were summoned to Ruby Ridge after deputy U.S. marshal William Degan and Weaver's 14-year-old son Sammy died in an Aug. 21, 1992, shootout. This happened as the marshals tried to initiate a plan for arresting Randy Weaver, who was wanted on illegal gun charges and who had vowed not to be taken off his mountain.

In testifying, Glenn looked very much the model of an FBI executive. The 26-year FBI veteran with close-cropped, graying hair sat ramrod straight as he said: ``Maybe we could say that the ship saw some hungry sharks swimming close by and they decided that they would put a few tuna out and see if they could satisfy them."

(Optional add end)

Normally, FBI agents can only use deadly force to protect themselves or others from death or grievous bodily harm. But at Ruby Ridge, a special policy was adopted under which agents could shoot to kill any armed adult male outside the Weaver cabin.

Glenn, under questioning by several senators, said that he had discussed permissive shooting rules adopted for Ruby Ridge with then-Assistant FBI Director Larry Potts and that Potts had approved them. Potts has given varying testimony about his role in approving the rules, largely disclaiming responsibility.

Potts subsequently was censured by FBI Director Louis J. Freeh for management failure over Ruby Ridge, but then promoted by Freeh to deputy FBI director. However, he later was removed as deputy and suspended with four other FBI officials as the Justice Department conducts a criminal inquiry into whether they lied about Ruby Ridge.

Glenn's testimony that he had never been asked by subsequent FBI inquiries whether anyone had approved the

loosened shooting rules was called ``astonishing" by Sen. Herbert Kohl, D-Wis., the ranking Democrat on the panel.

GOP Lawmakers Seek to End Cost-Saving College Loan Program By Jennifer Corbett= (c) 1995, Los Angeles Times=

WASHINGTON Congressional Republicans, lobbied intensely by financial institutions, are trying to cancel a college loan program that has grown popular with students precisely because it bypasses middlemen to send money directly from the government to schools.

As the academic year begins, more than a third of the students who would have sought aid from private lenders through the Guaranteed Student Loan Program, the nation's largest college financial aid system, are instead borrowing directly from the government.

The basic feature of the Clinton administration's new Federal Direct Loan Program is that it eliminates banks, guaranty agencies and secondary markets from the $25-billion annual student loan industry.

Advocates say direct government lending saves taxpayer money and makes life easier for those involved because it requires less paperwork and offers students more flexibility in repayment than does GSL. Under GSL, financial institutions make loans from private funds and the government reimburses lenders in the event of default.

To date, more than 1,000 colleges are in the program. Plans call for closing out the GSL program while phasing the remainder of the nation's schools into direct lending over the next three years, if not sooner.

So far, the new program is drawing raves from those involved. Students got their money on time and college financial aid administrators received few complaints from parents or students.

``Direct lending is very, very efficient," said Sue O'Flaherty, the acting director of financial aid at the 25,000-student University of Colorado at Boulder. ``So far it's been a wonderful change for us."

Detractors argue that the program is an example of the government taking on tasks best left to private industry. Republicans are pushing to get the government out of activities they believe the private sector can handle better.

For the last two years, Congress has been lobbied heavily by the banks and guaranty agencies that are losing their lucrative GSL business as the direct lending program kicks in.

Although its opponents concede that the Department of Education did a good job running the program last academic year, when it debuted with 105 colleges, they doubt the department's ability to handle the thousands of schools scheduled to join the program.

(Optional add end)

Republican lawmakers have introduced legislation to cap the program at 40 percent of total loan volume, or a little more than the current one-third level. The other 60 percent would remain with private lenders.

Those who oppose the new program say the middlemen 7,500 banks, 41 guaranty agencies and some 90 secondary markets could offer the same benefits as the direct program if student loan information were consolidated.

Larry O'Toole, chairman of the Coalition for Student Loan Reform, a group of guaranty agencies, gives credit to the direct loan program for forcing private industry to pull together to come up with ways to simplify the GSL program. Susan Connor, vice president for public affairs for USA Group, the parent company of USA Funds, the nation's largest guaranty agency, says direct loans could turn into a bad deal for students and taxpayers who are left holding the bag if a student defaults.

A matter of fierce dispute is the amount of savings to taxpayers the new program offers.

Supporters say it would save billions because it eliminates the subsidies the government pays middlemen. Those are in the form of $760 million a year to pay for administrative costs and varying amounts to compensate lenders for extending loans to students at reduced interest rates.

The Congressional Budget Office originally projected that the program would save $4.3 billion over five years when evaluated in 1993. But at the insistence of Republicans, the CBO reopened the question and last month concluded the savings would amount to just $115 million over seven years. The number changed, CBO officials said, because the earlier estimates did not include the government's administrative costs.

Bill That Would Have Shrunk Parks System Rejected by House By James Gerstenzang= (c) 1995, Los Angeles Times=

WASHINGTON The House of Representatives, rebuffing some of the most zealous advocates of scaling back government, handily rejected a proposal Tuesday to begin shrinking what has long been
one of the nation's most sacred elements its system of national parks and recreation areas.

The measure would have established a commission, similar to the military base closing panel, to recommend which National Park Service properties should be closed, turned over to state or local authorities, or given to private companies to operate. The purpose was to save money, supporters said.

The 54 largest national parks, including Yellowstone, Yosemite and Sequoiah, would have been exempt from the process. But the list did include the Statue of Liberty, the Washington Monument, the Santa Monica National Recreation Area and the Cape Cod National Seashore.

``This is a signal that the concept of park-closing is dead," said Rep. Bill Richardson, D-N.M., who led the opposition. ``The American people want to keep their parks.

``It could be that the environmental movement is reawakening," he said.

The Republican-led measure required a two-thirds majority for approval. It fell more than 100 votes short as 231 members, including 67 Republicans, voted no and 180 voted to approve. The legislation has not been considered by the Senate.

Although the vote was about whether to create a commission that would study the future of the national park properties, critics said an even larger issue was at stake. ``There is a lot of ideology being played out, over whether we should have a park system, and what is a park," said Karl Gawell, director of national park programs at the Wilderness Society.

(Begin optional trim)

Twice in the past two months, the House has tackled sensitive environmental issues, and twice it has sent conflicting signals about the course it intends to take when it reaches the intersection of questions over preserving the environment, cutting the budget and protecting the economy.

Tuesday's vote came as part of the House campaign, led by its new Republican majority, to limit spending on environmental matters and to restrict the authority of the Environmental Protection Agency, the Interior Department and other federal offices charged with protecting the nation's air, water, forests and wildlife.

In coming weeks, the House and its committees are likely to be faced with additional questions over the future of exploration for oil and gas in Alaska, the

The Washington Times
WEDNESDAY, SEPTEMBER 20, 1995

Top Ruby Ridge agent sees self as scapegoat

By Jerry Seper
THE WASHINGTON TIMES

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Four more FBI agents involved in the siege near Ruby Ridge, Idaho, refused to testify yesterday before a Senate subcommittee looking into the 1992 standoff, while the on-site commander said he was thrown to "hungry sharks" as the scapegoat for the deadly mission.

"I have a feeling, and it's just my belief, that there were damage-control assessments that took place," said agent Eugene F. Glenn, a 26-year FBI veteran. "And maybe we could say that the ship saw some hungry sharks swimming close by and they decided they would put a few tuna out there and see if they could satisfy them."

Appearing with his attorney and testifying under subcommittee subpoena in the third week of hearings on the August 1992 siege, Mr. Glenn declined to assert his Fifth Amendment rights, saying the events at Ruby Ridge — during which three persons were killed — had become "a matter of paramount public interest."

"I am declining to exercise my constitutional right and will subject myself to your inquiry," he said.

Four of his colleagues thought otherwise, telling the subcommittee during a closed-door session they would exercise their right against self-incrimination. Last week, FBI sniper Lon Horiuchi, whose shot at 215 yards killed fugitive Randall Weaver's wife, Vicki, also refused to testify, citing his Fifth Amendment rights.

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From page A1

The four were Richard A. Rogers, who headed the FBI's hostage rescue team (HRT) and drafted deadly-force rules for the siege; William D. Gore, head of the FBI's field office in Seattle, who provided management assistance at Ruby Ridge; Stephen P. McGavin, deputy HRT commander; and Lester B. Hazen, the HRT's sniper coordinator.

They were represented by Washington lawyer Brendan Sullivan, who represented Marine Corps Lt. Col. Oliver North at the Iran-Contra hearings.

His representation of the four was challenged by subcommittee members who said it poses a possible conflict of interest, since each could have information damaging to the others for which they might seek immunity. The subcommittee will press the issue and, according to Sen. Arlen Specter, Pennsylvania Republican and subcommittee chairman, will consider taking the matter to court.

Meanwhile, congressional sources confirmed that a "wanted poster" of Mr. Rogers had been circulated and that there were security concerns about the FBI official over a death threat. Mr. Sullivan told the panel about the concerns but did not elaborate.

Mr. Specter, a former prosecutor, said he had no information on the death threat but said he was aware of the existence of the poster. Mr. Rogers, who has since been reassigned, also headed the HRT during the siege at the Branch Davidian compound near Waco, Texas, and testified on television during Waco hearings in the House.

Mr. Glenn, who was censured, suspended and ordered transferred for his role in the Weaver siege, told the panel the reluctance on the part of some agents to testify centered on "a threat of criminal prosecution" by Boundary County, Idaho, prosecutor Randall Day in the deaths of Mrs. Weaver, her 14-year-old son, Samuel, and Deputy U.S. Marshal William F. Degan.

The boy and Mr. Degan died in a gunfight on Aug. 21, 1992. Mrs. Weaver was killed the next day.

"Ordinarily, I would not be concerned about such a threat for just doing my job, especially since the Department of Justice has declined prosecution," Mr. Glenn said. "Unfortunately, my fellow agents and I must be vigilant, because the Department of Justice has failed to publicly support us in the face of the actions of Mr. Day.

"In fact, the department has even cooperated with Mr. Day by furnishing him with U.S. government investigative files," he said. "The department then refused to release those files to the affected agents or the public at Mr. Day's request."

Mr. Day has confirmed that he is looking into possible murder charges in the incident but has declined to identify any targets. He attended the first week of hearings and said he was hopeful he would conclude his investigation soon.

Mr. Glenn told the subcommittee that a change in the rules of engagement to allow snipers to shoot any armed adult at the Weaver site were approved in Washington by Deputy Director Larry A. Potts, who has since been demoted and suspended pending separate Justice Department and U.S. Attorney's Office investigations into the siege.

The revised rules of engagement told the snipers they "could and should" shoot any armed adult. The standard policy for the FBI gives agents the authority to use deadly force when they or others are in imminent danger.

Mr. Potts has denied approving the revised rules.

Mr. Glenn testified that when the FBI internal review into the Weaver shooting reached him, he was interviewed over the telephone and was never questioned about the revised rules of engagement. He described the questioning as a "soft interview."

In a May 3 letter to the Justice Department's Office of Professional Responsibilty (OPR), Mr. Glenn alleged that facts "germane to the central issues" of the case were covered up. The OPR oversees investigations of suspected criminal or ethical misconduct by Justice Department employees.

Mr. Glenn received the most severe of the sanctions ordered in January by FBI Director Louis J. Freeh against 11 agents and one lab official involved in the siege. Mr. Freeh said they failed to follow policy and procedure in the shooting that killed Mrs. Weaver.

In July, Mr. Freeh demoted Mr. Potts, the department's No. 2 official, saying he had become a liability over his ties to the killing of Mrs. Weaver. The demotion came just days after Mr. Freeh suspended FBI agent E. Michael Kahoe, after he admitted destroying records of Mr. Potts' involvement in authorizing a revised lethal-force order for the Weaver siege, including rules of engagement for FBI snipers.

Justice Department sources have said Mr. Kahoe was given immunity for his statements to investigators and suspended for a suspected lack of candor.

In August, Mr. Freeh suspended Mr. Potts and three others pending a criminal review of suspected wrongdoing in the siege. Also suspended were Danny O. Coulson, former deputy assistant director of the FBI's criminal division; Gale Evans, No. 2 agent at Salt Lake City; and Anthony A. Betz, No. 2 agent in Baltimore.

In a hastily scribbled note delivered yesterday to the subcommittee, the Justice Department said a conclusion reached by a department task force that Mr. Horiuchi's fatal shot violated constitutional guidelines was the task force's opinion and not the department's.

The note said the task force "did/does not speak for DOJ leadership, particularly on the question of whether the second shot was constitutional."

The task force, in a 542-page report, concluded that Mr. Horiuchi's shot failed to meet constitutional guidelines and "should not have been taken." It recommended that circumstances surrounding the shot be referred to the department's criminal division and reviewed for possible prosecution.

Out of A Cute
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The Washington Times
WEDNESDAY, SEPTEMBER 20, 1995

Clinton flips, flops, flips on means test

Aides deny he backs GOP plan

By Paul Bedard
THE WASHINGTON TIMES

MIAMI — White House officials yesterday scrambled to squelch President Clinton's surprise endorsement of the GOP plan to charge wealthy Medicare recipients more even as the president sounded conciliatory toward the Republican plan he just last week threatened with a veto.

In meetings with seniors here in South Florida, Mr. Clinton never raised the veto threat but said the GOP plan to cut $270 billion from the expected growth in Medicare spending was not "appropriate" if half would go to help balance the budget.

"You don't have to stick it to older people in this country," Mr. Clinton said in Jacksonville, Fla., before traveling here.

Speaking to seniors here later yesterday, he said, "I will work with anybody, any time, anywhere to fix the problems of the Medicare trust fund," which covers doctors' bills.

"But it is wrong to take more money from people whose average income is way below $20,000 to pay for a seven-year balanced budget and cuts in other areas for a big tax cut for people who don't need it. That is not right," said Mr. Clinton to cheers of "tell 'em" from some 300 seniors at the Point East retirement center here.

The White House claims the Republican plan will use half of the proposed savings in Medicare to bolster the trust fund and half to provide a tax cut for Americans.

Mr. Clinton has offered a plan that proposes Medicare spending cuts of $124 billion, but all would go to help the trust fund.

"Let's fix the trust fund, but let's don't dishonor our obligations across generational and income lines by pretending that we're fixing the trust fund when we're taking money from seniors to pay for a tax cut that is too large. That is not right," said the president.

AP

President Clinton, on a re-election campaign fund-raising tour, talks with residents of Martin Avenue in Jacksonville, Fla. With him are Jacksonville Sheriff Nat Glover and U.S. Attorney General Janet Reno.

> *"You don't have to stick it to older people in this country."*
> — *President Clinton*

In its attack on the GOP plan here, the White House has condemned one option to charge wealthy seniors higher Medicaid premiums, a position Mr. Clinton seemed to flip-flop on this week.

At a Philadelphia political fundraiser late Monday, he said: "Do seniors who have the ability to pay a little bit more have a responsibility to do it because they have very high incomes? I think you can make that case."

But yesterday aides said "nothing has changed"; the president hasn't backed away from his opposition to a "means test" for wealthy seniors. However, the aides noted that the president adopted a similar plan in his national health care insurance program that failed to win passage last year and warned reporters not to be surprised if he backs it again.

Mr. Clinton yesterday tried to turn the focus of the Medicare debate to the possibility of saving vast amounts of money simply by curbing waste and fraud.

"We are going to have to make some changes," he told the seniors.

On the second day of a five-day re-election campaign fund-raising tour of four key states, Mr. Clinton continued to reach out to Republicans to help him reform welfare, Medicare and Medicaid.

Mr. Clinton has dropped the harsh tone of attack he followed last week and instead charged that the GOP's plans are "not consistent with our values and doesn't make common sense."

But he did slap the partisan tone of both sides in Washington: "Tell the Congress and everybody else in Washington to throw away the partisan, political, extremist ideology and the rhetoric and get down to work on doing America's job for American's future."

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WEDNESDAY, SEPTEMBER 20, 1995

Death to woodpeckers?

"Despite nearly a quarter century of protection as an endangered species, the red-cockaded woodpecker is closer to extinction today than it was a quarter of a century ago when protection began." So says Michael Bean of the Environmental Defense Fund. The question for lawmakers now weighing Endangered Species Act reforms is how much more government help the woodpecker can take.

Not very much. Today North Carolina landowner Ben Cone is scheduled to testify about problems with the act at a hearing of House Resources Committee in an appearance significant for at least two reasons. First, family land owners who have observed firsthand the act's impact — land owners like Mr. Cone — somehow didn't make it onto the roster of witnesses testifying in recent Senate ESA hearings. Second, his experience is a perfect example of the perverse incentives that inform the existing statute.

For decades Mr. Cone's family has been managing some 8,000 acres in North Carolina for wildlife habitat. He's planted fodder. He's used controlled fires to burn off undesirable underbrush. He's used selective timber harvesting. And the animals — including the red-cockaded woodpecker — have moved in.

In 1990, Mr. Cone was in the process of harvesting more timber when a consulting biologist discovered the presence of some 29 red-cockaded woodpeckers. The U.S. Fish and Wildlife Service, which oversees enforcement of the act, decided that to protect the woodpeckers' habitat, Mr. Cone ought to set aside — hmmm, well, 1,121 acres seemed like a nice round figure. That means no timber harvesting in the restricted area.

Now the fair-market value of the land, including harvestable timber, is around $1.7 million. The value of the land with the restrictions is around $260,000. So Mr. Cone is out more than $1.4 million, which seems more than unfair given that when his father died, the family had to pay federal estate taxes on the full value of the land.

Quite naturally, Mr. Cone is less enthusiastic about wildlife habitat these days. He has taken to clear-cutting areas outside the restricted area to ensure that woodpeckers never settle there, an increasingly widespread practice that helps explain why Mr. Bean is concerned for their future. And he has filed suit in the U.S. Court of Federal Claims seeking compensation for the government's taking. Taxpayers may yet have to foot the bill for all the government's "help" here.

Reps. Don Young and Richard Pombo have introduced legislation to rein in land controls of the sort private landowners like Ben Cone are facing. Among other things, it would require compensation for any property owner whose property is devalued 20 percent or more by the act. Assuming he and others hit that threshold, the legislation could help.

But what happens to land owners whose land is devalued, say, 19 percent? And what happens to the offending woodpeckers? According to Mr. Bean, there is evidence "that at least some land owners are actively managing their land so as to avoid potential endangered species problems."

The Grassroots ESA Coalition, a group claiming 300 members representing 12 million people, is pushing hard for a deregulatory alternative. As mentioned in this space previously, it consists of incentives — such as tax breaks — for citizens who manage their land for wildlife habitat. Its chances in the current Congress are uncertain at best, alas. But in the long term, it could do as much for woodpeckers as property owners.

A scapegoat for Ruby Ridge?

Lon Horiuchi went up to Capitol Hill last week and pulled off a good imitation of Mark Fuhrman by taking the Fifth Amendment on most or all of the questions asked of him. Those questions mainly had to do with his exact role in the 1992 FBI siege at Ruby Ridge, during which U.S. marshals killed the son of white separatist Randy Weaver and an FBI sniper killed Mr. Weaver's wife, Vicki. The FBI sniper who did so was Mr. Horiuchi.

The killing of Mrs. Weaver occurred under "rules of engagement" that permitted (or possibly commanded) FBI personnel at the siege to shoot to kill any adult male carrying a weapon. The rules certainly violated standing FBI policy, which allows firing only when the life of an agent or the lives of others are in danger, and violated constitutional rights as well.

It is not clear who issued the rules of engagement, who formulated them or how FBI personnel on the scene understood them at the time. Those are among the questions a jury trial in Idaho, subsequent internal investigations at the FBI and the Justice Department and congressional hearings have been trying to find out. But what it looks like is that very high officials in the FBI authorized those rules and then destroyed evidence of their authorization when the blunders at Ruby Ridge for which they were responsible exploded in their faces.

Mr. Horiuchi, a professional sharpshooter for the FBI who is qualified to hit a quarter-inch target at 200 yards, says he was trying to hit Kevin Harris, a family friend who was trying to run back into the cabin once the FBI started shooting. Mr. Harris was armed at the time, but Mr. Horiuchi has said he took aim at the curtained window on the front door just in front of the running Mr. Harris and fired through the window with the purpose of hitting him. Instead, he hit Mrs. Weaver, who was holding the door open. There is a legitimate question whether Mr. Horiuchi could have seen Mrs. Weaver through the window or whether he could have missed seeing her, whether he should have fired at the window at all and whether he might not have been intending to hit Mrs. Weaver herself rather than the armed adult male he claims he was trying to shoot.

But whoever he tried to shoot and for whatever reason, there seems to be just too much attention being paid to Mr. Horiuchi. This paper recently reported that the Justice Department in a 542-page report that has not been published blames Mr. Horiuchi for firing an "unnecessarily dangerous" shot that violated constitutional guidelines and "was taken without regard for the safety of others." The report also targets Mr. Horiuchi for possible criminal prosecution. The report is probably one main reason why Mr. Horiuchi took the Fifth.

The report may be correct about Mr. Horiuchi; maybe he was reckless and maybe he should be prosecuted. But what it looks like is that the Justice Department and the FBI are trying to stick all the blame on him. The truth is that very serious errors, maybe even criminal errors, were made at Ruby Ridge. If Mr. Horiuchi is to blame, so are several other high-ranking FBI officials and agents, pre-eminently Larry Potts, who is alleged by some to have authorized the rules of engagement, but also others who destroyed evidence of that and, not least, FBI Director Louis Freeh, who gently reprimanded Mr. Potts while promoting him to the second-ranking position in the FBI.

If Mr. Horiuchi acted criminally, by all means prosecute him for it and bring on him the full burden of the law. But neither Justice nor Congress should let him hang alone as the scapegoat for higher-ups, who would be only too happy to have Mr. Horiuchi dangle in the breeze while they walk away without a scratch and the flaws in the FBI that led to the bloodletting at Ruby Ridge go uncorrected.

Florida seniors tell Clinton they are concerned about Medicare fraud, abuse By William Neikirk Chicago Tribune

MIAMI Trying to make political inroads in a key state, President Clinton came to Florida on Tuesday to paint Republicans' proposed Medicare cutbacks as extreme and irresponsible.

At an airport speech in Jacksonville, he said he wanted to fix Medicare without burdening older people.

``You don't have to stick it to older people in this country who barely have enough money to live on," he said.

But the trip to Florida illustrated Clinton's problems in differentiating himself from the GOP in the Medicare debate: He also would significantly reduce the program, although not as much as the $270 billion the GOP would cut over seven years.

Another problem for Clinton is that the seniors in Florida seemed to care less about Republican cuts in Medicare and more about cracking down on fraud and abuse and one of the GOP's main cost-saving proposals is a crackdown on Medicare fraud and abuse.

Nonetheless, his political team has high hopes that his attacks on the GOP will raise his standing in this state in the 1996 election. He lost Florida narrowly in 1992.

At a roundtable discussion and speech at the Point East Senior Center in North Miami Beach, Clinton found sympathy for his position that Republicans are cutting the program largely to finance their tax cuts, but seniors focused on the issue of fraud and abuse.

``We do not like or appreciate doctors and hospitals," Donald Herz, who participated in the discussion with Clinton. ``They are overcharging for services they do not perform. You can save us all bundles and bundles of money."

Rose Meyerowitz, 90, called Clinton ``a decent man, and all the terrible things the Republicans say about him are shameful." But, she added, ``what's killing us seniors is the price of doctors and hospitals, and fraud."

Clinton said he has doubled the number of prosecutions for Medicare fraud and abuse since he became president and tripled the number of FBI agents working on the problem. He cited a congressional study showing that as much as 10 percent of Medicare money may be eaten up by fraud and abuse.

But his main message, muted by the fraud issue, is that the GOP budget cuts will hurt the elderly who rely on both Medicare and Medicaid. Seventy percent of Medicaid recipients are senior citizens, he noted, most of them are in nursing homes.

Senate approves GOP welfare reform by overwhelming 87-12 vote By Steve Daley Chicago Tribune

WASHINGTON A historic Senate vote Tuesday to end welfare as Americans have known it set the stage for a fierce political battle with the House over how the nation will transform its government assistance programs for the poor.

By a startling 87-12 margin, the Senate bowed to the public clamor for changing the welfare system, recasting in more stringent terms the federal guarantee of cash assistance to the indigent and allowing states broad powers to administer welfare programs through block grants.

The Senate measure would enforce work requirements for welfare recipients within two years, dismantle a host of federal anti-poverty programs, including Aid to Families with Dependent Children, and place a lifetime limit of five years on public assistance.

``We're not fixing welfare, we're revolutionizing it," said Senate Majority Leader Bob Dole of Kansas, who brokered a bipartisan deal on the measure.

President Clinton expressed qualified support for Dole's approach. The bill now moves to a joint House-Senate conference committee. There lawmakers expect a bruising fight as broad differences in the two bills are reconciled.

An impassioned Sen. Carol Moseley-Braun, D-Ill., urged her colleagues ``not to take a giant step backwards." She cited evidence that two-thirds of the 14 million Americans on public aid are children and accused supporters of taking ``a Pontius Pilate approach to welfare reform, washing our hands of responsibility for poor children."

The heart of the matter facing a House-Senate conference panel will be the so-called ``family cap," a provision of the House bill that would deny additional assistance to unwed mothers who have more children while on welfare.

The cap, supported by social conservatives and groups such as the Christian Coalition that believe it will help curb illegitimate births, was stripped out of the Senate bill last week in a 66-34 vote.

Opponents of the family cap, including 20 GOP senators, argued that the prohibition punished children for the behavior of their parents, and insisted there was no evidence that such a measure would drive down out-of-wedlock births.

Conservatives led by Sens. Lauch Faircloth of North Carolina and Phil Gramm of Texas, another GOP presidential aspirant, are determined to put the family cap back into the conference report.

``I'm going to be working with House conferees to make sure we prevail," Gramm said Tuesday. ``If this bill doesn't have a provision in it for dealing with illegitimacy, then I'm not going to support the final product."

The House bill also prohibits welfare payments to unwed teen-age mothers.

Conservatives were also unhappy with a Senate amendment that added about $8 billion in child-care funding over five years, and with a compromise on the so-called ``maintenance of effort" issue, which requires states to continue at least 80 percent of current spending on cash assistance programs over the five-year life of the program. The House bill had no similar provision.

Sen. Tom Daschle of South Dakota, the Democratic leader, urged support of the compromise bill, telling his colleagues ``this is the best bill we can get in this Congress."

But, anticipating the conference and the pressures to move the bill closer to the House version, he told the Senate that ``if the conference bill is not very close to the Senate bill, I would oppose it and urge (Clinton) to veto it."

In Tuesday's voting, only 11 liberal Democrats and Republican Faircloth opposed the bill, which was hammered out during protracted negotiations between Dole and moderates in both parties. Sen. Mark Hatfield, R-Ore., was ill and did not vote.

(EDITORS: STORY CAN TRIM HERE)

Sen. Edward M. Kennedy, D-Mass., lashed out at the compromise legislation, dubbing it the ``let them eat cake" bill. The impact of the measure, he said, would be to ``push welfare recipients off the cliff and hope they learn to fly."

But Sen. Pete Domenici, R-N.M., and other lawmakers mocked those arguments.

``They're talking as if we had a welfare system that worked," Domenici said. ``It's time we try something new and different ... It's as noble as the experiment which has failed."

And Dole, who confounded critics in both parties who felt he would never get a welfare bill out of the Senate, heralded his party's effort.

``We are closing the book on a six-decade-long story of a system that may have been well-intentioned, but failed the American taxpayer and failed those it was designed to serve," he said.

Welfare reform was a key element of the House GOP's ``Contract with America" and, as the Senate voted, House Speaker Newt Gingrich of Georgia and an array of his

The Washington Times
TUESDAY, SEPTEMBER 19, 1995

Siege commander due to testify

FBI agent was punished for role in Ruby Ridge standoff

By Jerry Seper
THE WASHINGTON TIMES

FBI agent Eugene Glenn, on-site commander in the siege at Randall Weaver's Idaho cabin, will testify today before a Senate subcommittee looking into suspected government wrongdoing during the August 1992 standoff.

The panel is expected to ask about charges by Mr. Glenn that FBI officials mishandled an internal review of the Weaver siege to protect ex-Deputy Director Larry Potts. Mr. Glenn, former head of the FBI's Salt Lake City field office, has said the review was incomplete, inaccurate, and designed to "create scapegoats and false impressions."

In a May 3 letter to the Justice Department's Office of Professional Responsibilty (OPR), Mr. Glenn — who was censured, suspended and ordered transferred for his role in the siege — said facts "germane to the central issues" of the case were covered up. The OPR oversees investigations of suspected criminal or ethical misconduct by Justice Department employees.

Also scheduled to testify are FBI agents Charles Matthews and Robin Montgomery, two of Mr. Glenn's assistants at the Weaver site; FBI helicopter pilot Frank Costanza, a member of the bureau's hostage-rescue team, who took part in the standoff; and Deputy U.S. Marshal Duke Smith, an observer in the FBI chopper.

Mr. Glenn, who has declined comment, received the most severe of the sanctions ordered in January by FBI Director Louis J. Freeh against 11 agents and one lab official involved in the siege. Mr. Freeh said they failed to follow policy and procedure in the Aug. 22, 1992, shooting death of Vicki Weaver by an FBI sniper.

Three persons were killed in the siege, including Mrs. Weaver. A day earlier, Mrs. Weaver's son, Samuel, 14, and Deputy U.S. Marshal William F. Degan died during a shootout with deputy U.S. marshals.

In July, Mr. Freeh demoted Mr. Potts, the department's No. 2 official, saying he had become a liability over his ties to the killing of Mrs. Weaver. The demotion came just days after Mr. Freeh suspended FBI agent E. Michael Kahoe, after he admitted destroying records of Mr. Potts' involvement in authorizing a revised lethal-force order for the Weaver siege.

Justice Department sources have said Mr. Kahoe was given immunity for his statements to investigators and suspended for a suspected lack of candor.

In August, Mr. Freeh suspended Mr. Potts and three others pending a criminal review of suspected wrongdoing in the siege. Also suspended were Danny O. Coulson, former deputy assistant director of the FBI's criminal division; Gale Evans, No. 2 agent at Salt Lake City; and Anthony A. Betz, No. 2 agent in Baltimore.

Mr. Potts has denied approving revised deadly-force rules for the Weaver siege, although Mr. Glenn and Richard Rogers, former head of the hostage-rescue team, have challenged his recollection.

Mrs. Weaver was shot in the head by an FBI sniper as she stood in the doorway of her cabin holding her 10-month-old baby.

Deputy Attorney General Jamie Gorelick authorized a letter of censure for Mr. Potts. She said Mr. Potts was guilty of "management omissions" and failed to "follow through to ensure his intent with regard to the rules of engagement was properly reflected in the final rules."

A main concern of OPR investigators, according to federal officials, is whether Mr. Potts misspoke when he said he did not authorize a change in the FBI's rules of engagement to allow the hostage-rescue team to shoot any armed adult. Normally, FBI rules authorize agents to use deadly force only in their own defense or in defense of others.

In an appeal of the disciplinary measures ordered by Mr. Freeh, Mr. Glenn said Mr. Potts personally approved an order that deadly force could and should be used against armed men at the site. Mr. Glenn told investigators he spoke by phone with Mr. Potts a few hours before Mrs. Weaver was killed, was told the new rules of engagement had been approved and that he could act on them.

William L. Bransford, a Washington lawyer who represents Mr. Glenn, said the new rules were written by Mr. Rogers and approved by Mr. Potts. He said Mr. Potts, during an FBI review of the shooting after Mrs. Weaver's death, acknowledged that he had approved the new rules.

"I was telephonically advised at the time, I believe by Assistant Director Larry Potts, that the [rules of engagement] were approved as formulated and could be enacted," Mr. Glenn swore in his statement to Justice Department investigators.

The Washington Times

Differences prevent debate on bilingual education

By Carol Innerst
THE WASHINGTON TIMES

It was supposed to be a debate about the future of bilingual education, but supporters couldn't be persuaded to sit on the same panels with critics.

The result was separate, dueling conferences yesterday on a topic that has become a lightning rod for issues related to immigration, especially since Senate Majority Leader Bob Dole's recent announcement that he backs a law making English the official language of government.

Defenders of bilingual education — a teaching method that employs extensive use of native language instruction — got in their licks in the morning at a policy seminar sponsored by the Congressional Hispanic Caucus, Congressional Asian Pacific American Caucus, and 11 interest groups including the National Education Association.

Critics had their say in the afternoon at a session sponsored by Linda Chavez's Center for Equal Opportunity.

Christine Rossell, professor of political science at Boston University who is writing a book about bilingual education, told the afternoon group that "an all English classroom is not a panacea, and Transitional Bilingual Education is not a disaster." All the good teachers subvert the mandates and the bilingual theory that children must first become proficient in their native language, she said, and instead teach youngsters primarily in English.

Her recommendation for teaching children with limited English proficiency is "structured immersion" which respects children's native language and culture but doesn't require teachers to know their native language.

In researching her book, Mrs. Rossell found that most classes labeled bilingual education teach the youngsters in English if those youngsters happen to be almost any ethnicity except Hispanic.

"If they don't have black or brown skin, they will be taught in English," she said.

"I'm told the Russian kids can 'handle it,' " she said. "The belief is that Hispanic kids must be taught in Spanish."

Miss Chavez said she is not opposed to "two-way immersion programs" or to bilingual education, but believes that early access to English is the key to success.

Miguel Alvarado, a Los Angeles father of five Spanish-speaking children, told the group: "I have not studied about this, but I have my own experience on the subject. Trying to teach everything in two languages has slowed down their learning."

Sally Peterson, who teaches kindergarten in the Los Angeles Unified School District, said early in her teaching career she was "a total supporter" of bilingual education.

"It's a disaster now," she said. "Let's call this program what it is. It's not a bilingual education program. It's a Spanish development program."

Challenging some of the speakers at the afternoon session, Stephen Krashen, professor at University of Southern California and an authority on bilingual education, said complaints about bilingual education, such as the arbitrary placement of English-speaking children with Spanish surnames in programs, stem from the way the programs are executed.

"We're talking practice vs. theory," said Mr. Krashen, who had declined to participate in Miss Chavez's conference but was a panelist at the morning session.

"I was available. I decided not to do it," he said.

Rep. Toby Roth, Wisconsin Republican and sponsor of a bill that would end the mandate for bilingual education and foreign language ballots and make English the official language of government, said he now has 84 sponsors on his bill.

"Our biggest opposition has always been the politicians and the bureaucracy," he said.

F.B.I. Sharpshooter Refuses To Testify to a Senate Panel

By DAVID JOHNSTON

WASHINGTON, Sept. 12 — An F.B.I. sharpshooter invoked his Constitutional right against self-incrimination today in refusing to tell a Senate panel how he shot and killed a white separatist's wife during a bloody 1992 confrontation on a remote Idaho mountain.

The marksman, Lon Horiuchi, appeared before a closed session of the Senate Judiciary subcommittee and formally asserted his unwillingness to answer questions. His decision came after lawmakers refused to accede to a request by Mr. Horiuchi's lawyers to grant him immunity from prosecution in exchange for his testimony.

The committee's decision to bar the public from the proceeding spared Mr. Horiuchi and the Federal Bureau of Investigation from a scene the bureau had hoped to avoid — the embarrassment of an agent refusing to answer a Congressional committee's questions about a law-enforcement operation by asserting his Fifth Amendment rights against self-incrimination.

Senator Arlen Specter, the Pennsylvania Republican who is the subcommittee chairman, said outside the hearing room that lawyers for Mr. Horiuchi had asked the senators to grant immunity to the agent, a sniper for the bureau's Hostage Rescue Team.

But Mr. Specter said the committee had refused to grant immunity, fearing that such a step might interfere with any subsequent prosecution of Mr. Horiuchi, as it did in the Iran-contra affair when verdicts against officials in the Reagan Administration were overturned because the officials had been tried after their testimony to Congress under a grant under immunity from prosecution.

A county prosecutor in Idaho is investigating whether to charge Mr. Horiuchi and other agents with a crime stemming from the August 1992 shooting death of Vicki Weaver, the wife of Randall C. Weaver, the separatist whom Federal agents were trying to arrest when the standoff happened.

Mr. Horuichi, who testified in a criminal trial of Mr. Weaver in 1993, said that he did not intend to shoot Mrs. Weaver but was firing at a man as he tried to enter the door of the Weaver cabin. Mr. Horuichi fired through the partly open door, hitting Mrs. Weaver in the head.

The absence of Mr. Horiuchi is a blow to the committee's effort to investigate fully the swirl of unanswered questions about the incident on Ruby Ridge. Mr. Horiuchi's account of how he fired on the Weaver cabin remains a subject of intense dispute, along with his interpretation of the relaxed rules in effect for the operation.

Those rules permitted agents to shoot on sight any adult male outside the cabin at Ruby Ridge. The rules conflicted with longstanding lethal force policies that restrict agents from shooting except in life-threatening situations. Exactly who approved the rules is still unclear. Officials at the scene have said their superiors at the bureau's headquarters in Washington approved the change. Officials at headquarters have said that field commanders were responsible.

But Mr. Specter said the committee would go forward without the agent's testimony. "It obviously would have been better if we had that testimony," Mr. Specter said. He added that "the subcommittee will pursue the inquiry with other witnesses. We're going to get to the bottom of it."

Other Senators like Herb Kohl of Wisconsin, the subcommittee's ranking Democrat, said they were disappointed not to hear the marksman's story.

Later, in a public hearing, a United States marshal told the Senate panel said that a F.B.I. commander at the scene had hinted that his superiors in Washington were in contact with a top Justice Department official on the shoot-to-kill orders.

Michael Johnson, a marshal in Idaho, said he was inside the motor home used as the bureau's command post at Ruby Ridge. He overheard a conversation in which Richard Rogers, head of the Hostage Rescue Team, said that the discussion over the rules for the operation meant "now Terwilliger's involved in this thing," an apparent reference to George Terwilliger 3d, who was then deputy attorney general.

Mr. Johnson's comments represented a potentially significant disclosure because Justice Department officials have said that the F.B.I. did not consult them about the change in lethal force rules. Mr. Terwilliger said today that he was hiking in the Teton Mountains at the time and did not learn of the standoff until after the shooting of Mrs. Weaver.

Amtrak Seeks Gas Tax Share To End Subsidy

By MATTHEW L. WALD

WASHINGTON, Sept. 12 — Amtrak could soon manage without operating subsidies, as Republicans in Congress have insisted, if it could permanently keep a half cent of the Federal gasoline tax for its capital budget, its president promised today.

But the struggling passenger railroad's goal runs directly counter to the plan of the House committee with jurisdiction over Amtrak, where the chairman wants to take the gasoline tax off the budget entirely, so it can be used solely for roads and not be hoarded to make the Federal deficit look smaller. In addition, transit systems fear that the half cent could come out of their penny-a-gallon share of the 18-cent-a-gallon tax.

Amtrak decided early this year to cut 24 percent of its runs, but eight states chipped in enough money to reduce the cut to 15 percent. Even so, Amtrak reduced many 7-day-a-week runs to 3 or 4 days a week, in the process making itself what experts describe as the bare minimum of a national rail system.

But it has increased revenues over the last year, by raising fares and loading almost as many passengers into fewer trains, said the president, Thomas M. Downs. Amtrak will end the fiscal year at the end of this month with a small cash balance, after running $65 million short last year.

"We're not dead; we're alive," Mr. Downs said, although he acknowledged that more cuts were possible. "We're as vibrant as we've been in a quarter of a century."

A Senate bill would dedicate half a penny of the gasoline tax to Amtrak, which would raise $600 million a year. Amtrak's capital budget has ranged in the last few years from hundreds of millions of dollars to just $3 million, an amount Mr. Downs said was sufficient only to replace broken windows in stations. For the current fiscal year, Congress gave Amtrak $230 million for capital improvements, plus $200 million for the Northeast Corridor, which is also used by commuter lines serving New York, Philadelphia and Boston.

A coalition of automobile manufacturers, oil companies, trucking companies and other highway users argues that the gasoline tax should be used only for highways. And the chairman of the House Committee on Transportation and Infrastructure, Representative Bud Shuster, Republican of Pennsylvania, wants to pass legislation to allow Amtrak to save money by contracting out some work now done by unionized railroad employees, and to reduce severance pay and other protections for its employees.

THE NEW YORK TIMES, WEDNESDAY, SEPTEMBER 13, 1995

Computer Failures in Midwest Delay at Least 200 Airline Flights

By MATTHEW L. WALD

At least 200 airline flights were significantly delayed around the country yesterday after a 25-year-old air traffic control computer near Chicago and a second system both failed, the Federal Aviation Administration said.

The main computer, which normally handles nearly 10,000 planes a day through six Midwestern states, failed to restart correctly early in the morning, after it was shut down for repairs the previous night. Then a second computer also briefly failed, which forced controllers to hold Midwest-bound planes on the ground around the country.

The computer that would not restart was the same one that failed three times in July, also causing widespread delays. The Federal Aviation Administration decided last month to order an interim replacement, due in late 1997, to keep the system running until a permanent replacement can be installed.

No accidents were reported yesterday, but two planes, one cruising at 20,000 feet and the other climbing from 19,000 feet, came too close, within 3.5 miles of each other horizontally and 700 feet vertically, violating the standard 5-mile, 1,000-foot separation. The incident occurred near Ottumwa, Iowa, southwest of Cedar Rapids.

A spokesman for the controllers union, David M. Cottingham, said that a controller simply overlooked the planes under the strain of keeping aircraft separated without the information that the broken computer usually provides. "Under normal circumstances, the controller wouldn't even have considered himself to be busy," said Mr. Cottingham, but yesterday, he said, the controller had more than he could handle.

But a spokesman for the F.A.A., Don Zochert, said that the incident had been classified as an operational error, and that there was no evidence that it would not have happened anyway.

Enough controllers were on hand to provide two for each position, which is a normal practice in busy periods or when equipment fails, but there were not enough to allow breaks on a regular schedule. As a result, controllers routinely worked more than 2 hours at a stretch at their positions, which is supposed to be their limit, Mr. Cottingham said. "They don't have any extra people to call in," he said.

When the two planes came too close, an alarm sounded on the larger one, an ATR-72, which carries about 68 people. It had been climbing but the pilots put it into a dive. The other plane was what the F.A.A. calls a civil aircraft, meaning that it was not an airline plane.

The computer that would not restart properly, an IBM 9020e, is supposed to provide warning of impending conflicts, and can project a plane's flight path on the screen.

A more basic computer failed at 9:10 A.M. central time, one that, among other things, generates paper print-outs that controllers use to track planes, and lets them "hand off" control to other controllers as the plane moves from one jurisdiction to another. At that point, the F.A.A. ordered planes at airports around the country to stay on the ground rather than fly across the six-state region.

That lasted for only 20 minutes, but the 9020e was held out of service all day. Technicians eventually got it running but were not ready to certify that it was operating right, said Mr. Zochert; they were "satisfied with the stability" of the system without the 9020e, he said.

FBI Sniper Refuses To Testify

Agent Shot Wife Of Randy Weaver

By George Lardner Jr.
Washington Post Staff Writer

BY RAY LUSTIG—THE WASHINGTON POST

Henry Hudson, left, a former director of the U.S. Marshals Service, and Michael Johnson, former U.S. marshal for Idaho, are sworn in to testify at Senate subcommittee on terrorism hearings on the 1992 Ruby Ridge standoff.

The FBI sniper who killed Vicki Weaver at Ruby Ridge invoked his Fifth Amendment privilege against self-incrimination yesterday under questioning by a Senate subcommittee about the circumstances that led to the 1992 shooting.

Appearing in a brief executive session, the sniper, Lon T. Horiuchi, declined to answer the first question put to him by Sen. Arlen Specter (R-Pa.), the subcommittee chairman, and said he would take the Fifth in response to any others put to him.

According to a transcript made public later, one of Horiuchi's lawyers, Earl J. Silbert, said that the 12-year FBI veteran's silence ran "contrary to his every ingrained desire and instinct" and that he was invoking the privilege only because of "the present extraordinary circumstances" of the case.

An Idaho state prosecutor has been investigating possible criminal charges against Horiuchi and other FBI officials involved in the siege at the Ruby Ridge home of white separatist Randy Weaver. The prosecutor, Randall Day of Boundary County, has said, however, that he may be stymied by jurisdictional problems and he would like to see a special prosecutor appointed.

Increasingly a symbol of excessive federal law enforcement, the Ruby Ridge standoff began on Aug. 21, 1992, when a federal marshal was killed in a gunfight that also took the life of Randy Weaver's 14-year-old son, Sammy. Marshals were on a scouting mission as part of a long-range effort to arrest Weaver on a fugitive charge.

After the marshal was killed, the FBI's elite Hostage Rescue Team was promptly deployed under "rules of engagement" that amounted to shoot-on-sight orders regarding any adult male seen in the vicinity of the Weaver cabin.

The next day, Horiuchi shot and killed Vicki Weaver as she stood in the cabin doorway, holding her baby daughter in her arms. The sniper has testified in the past that he did not see her and was aiming for a Weaver family friend fleeing into the cabin for cover.

At yesterday's hearing, Horiuchi was "very solemn, very concerned, obviously uncomfortable," Specter said at a short news conference. "I think this is something that Mr. Horiuchi did not want to do."

Specter said he agreed to let Horiuchi appear in closed session because he had no wish to subject him "or anybody else to embarrassment." He said the subcommittee considered granting him immunity for his testimony, but decided against it.

The Justice Department is conducting a parallel criminal investigation of an alleged coverup by senior FBI officials concerning the bureau's conduct at Ruby Ridge, especially in regard to the rules of engagement, and has warned that any grants of immunity could hobble its work.

Sen. Herb Kohl (D-Wis.), the ranking minority member on the terrorism subcommittee, said he was "very disappointed" not to be able to obtain Horiuchi's testimony, but that "no negative inferences" should be drawn from his decision.

In opening testimony last week, Randy Weaver said he was convinced that the killing of his wife was no accident and that Horiuchi was aiming at her through the parted curtains of their cabin door. Sen. Patrick J. Leahy (D-Vt.) said the subcommittee had hoped "to give Mr. Horiuchi a full and fair opportunity to respond."

At the public session that followed, the former director of the U.S. Marshals Service, Henry Hudson, and the former U.S. marshal for the state of Idaho, Michael Johnson, told of their efforts to get Randy Weaver to surrender peacefully in the 18 months that preceded the standoff. They said they were rebuffed by the prosecutor assigned to the case, Ronald Howen, and were told that Harold Ryan, the chief U.S. District Court judge for Idaho, did not want to hear of their proposals.

Ryan issued a bench warrant for Weaver's arrest on Feb. 20, 1991, when he failed to show up in court for trial on charges of selling two sawed-off shotguns to an informant for the Bureau of Alcohol, Tobacco and Firearms.

Records show the Marshals Service had already started a fugitive investigation of the white separatist in early February 1991, even before he became a fugitive. Angry letters from Vicki Weaver, denunciations of Randy Weaver by disgruntled neighbors, and warnings from ATF officials, some of them false, apparently helped fuel the "anticipatory" investigation.

Hudson and Johnson said they were concerned about harm to Weaver's children and favored waiting for him to come off his mountain.

Hudson and Johnson said they had nothing to do with formulating the rules of engagement. But Johnson, who was in the command trailer at Ruby Ridge, said he heard two senior FBI agents—Gene Glenn and Richard Rogers—constantly talking on the phone with officials in Washington about the rules.

At one point, Johnson said he heard Rogers tell Glenn, "Now Terwilliger's involved in this thing."

That was a reference to the Justice Department's then-second highest ranking official, Deputy Attorney General George Terwilliger.

Terwilliger told a reporter last night that he was on vacation in the Grand Tetons at the time of Ruby Ridge and had no discussions with anyone in the Justice Department or the FBI concerning the rules of engagement or "anything else." He said he believed he left for vacation early on Aug. 22, 1992.

Johnson's testimony, however, suggested that information that should have been in the report of the Justice Department task force may have been deliberately kept out of it. He said he explicitly told FBI agents, who interviewed him in October 1993 for the task force, about the exchange concerning Terwilliger, but there was no mention of that in the FBI's official report of the interview.

Special correspondent Benjamin S. Abramson contributed to this report.

FOR MORE INFORMATION

To read The Post's recent three-part series about what happened at Ruby Ridge, see Digital Ink, The Post's on-line service. To learn about Digital Ink, call 1-800-510-5104, ext. 9000.

THE WASHINGTON POST
WEDNESDAY, SEPTEMBER 13, 1995

Health Agency on Critical List

Diverse Groups Fight to Spare Policy and Research Unit From Deep Cuts

By David Brown
Washington Post Staff Writer

The federal government's Agency for Health Care Policy and Research (AHCPR) has summoned to its defense a collection of interest groups frequently at odds with each other. Whether this will do the embattled agency any good is another matter.

Later this week, the Senate Appropriations Committee is scheduled to take up the budget for the agency, which runs the federal government's work in the important, but unsexy, fields of medical effectiveness and health services research. Early this summer, the House voted deeper cuts to AHCPR than to any other part of the Department of Health and Human Services (HHS).

AHCPR spends about $160 million a year studying the outcomes of common medical treatments and such sociological issues as differences in clinical practices among regions in the United States. One of the higher-profile activities of the six-year-old agency is its "clinical practice guidelines," which outline the optimal therapies for specific diseases, based on the review of published studies.

The House Appropriations Committee in July proposed a budget of $125 million for AHCPR, a figure that was reduced to $59 million. That level "will allow us to gradually shut down the agency," said Clifton R. Gaus, AHCPR's administrator.

Over the last month, organizations that represent doctors, nurses, specialists, generalists, chiropractors, professors, rural clinics, high-tech trauma centers, insurance companies, and large corporations have all expressed support for the agency. AHCPR's work, however, is pedestrian compared to the frontiers-of-science research that grabs headlines. Though an unusually diverse group, the agency's advocates have not caught the public or legislative imagination.

"Getting support for this kind of work has been a long-term problem," said Gail Wilensky, an economist who ran Medicare and Medicaid early this decade, and was a major health care policy advisor in the Bush administration. "People would rather treat this agency with benign neglect, which in the face of the attackers is very dangerous."

Among AHCPR's work is the National Medical Expenditure Survey, which produces a periodic snapshot of where Americans get health care, what kind of treatments they get, and how much they pay for it. While insurance companies and managed care organizations gather such data for themselves, only a government agency can get it for the nation as a whole.

"It's why we need a Census Bureau or need a Bureau of Labor Statistics," said William Roper, chief medical officer of Prudential Health Care Systems and former head of the Centers for Disease Control and Prevention. "Some people have said the government just ought to get out of this, that there's just no government role in health services research. I think that's a fundamentally mistaken proposition."

The agency spends a substantial amount of its budget on so-called "patient outcomes research teams" (PORTs), which study common medical problems—such as asthma, cataracts, prostate enlargement and low-back pain—for which there are many possible therapies but often little consensus about which works best. Researchers at various medical schools, on contract from AHCPR, review previous studies and extract data about outcomes that have not been previously gleaned. In a few cases, the agency has funded clinical trials to answer treatment questions.

The PORTs have spurred an emerging emphasis on what patients think about the treatments they get. That, in turn, has led to new research aimed at finding ways to help "consumers" evaluate treatment options, and to come up with more standard tools that researchers can use for measuring such crucial, though subjective, variables as "quality of life." Much of that work is being financed by AHCPR.

Like the PORTs, the agency's 16 clinical practice guidelines distill useful information from the vast medical literature, and present conclusions to both patients and practitioners. The work often requires AHCPR-appointed panels of physicians, nurses, psychologists, dieticians and statisticians to review and evaluate thousands of medical journal articles.

Many of the agency's supporters believe that AHCPR's guidelines are unusual in that its panels, by regulation, must include members from many health care disciplines.

"Nursing has had a significant and real input to the guidelines. There is no guarantee that is the case with organizations putting guidelines out," said Daniel O'Neal, senior policy analyst at the American Nurses Association.

The agency's critics argue that some of this work could be—and is being—done by both private industry and other branches of government.

"The agency is redundant and duplicative. As taxpayers, we would rather see tax money spent to fund other types of research that's not being done, or simply see the deficit reduced [by cutting AHCPR's budget]," said Neil Kahanovitz, a physician and president of the recently formed Society for Patient Advocacy.

"If the market needs the information, and in many cases it does, then it can be done better by the private sector," said Jeffrey Pierce, an analyst at Citizens for a Sound Economy.

But some free-market enthusiasts believe much of the work is unlikely to be done if AHCPR is cut drastically, or shut down. That is because data about outcomes and effectiveness, or conclusions drawn from a review of the medical literature, cannot be patented the way a new device or treatment can be. Many people believe it should not be proprietary information.

"It's the kind of information that is very hard to get funded [privately]," Wilensky said. "The information is a public good, and the best way to finance a public good . . . is through the federal government."

AT A GLANCE

AHCPR
Agency for Health Care Policy and Research

- Created by Congress in 1989
- Annual budget: $162.6 million
- Staff: 264 employees
- Stated goals:
  - Determine what works best in clinical practice
  - Help consumers make better informed choices
  - Measure and improve the quality of care
  - Improve the cost-effective use of health care resources

THE WASHINGTON POST

Inflation, dollar news ignite Dow

By David Craig
and Martha T. Moore
USA TODAY

The dollar closed above 100 Japanese yen Tuesday — the first time it's done that since January. And the Labor Department said inflation remains in check.

That double dose of good news sent the Dow Jones industrial average soaring to a new record and key interest rates tumbling to two-month lows.

Tuesday's news:

The dollar. By late in the day in New York, the dollar was trading at 101.10 yen, up from 99.98 yen Monday. Since touching bottom just below 80 yen in mid-April, the dollar has risen nearly 27%.

The buck's rebound reflects a weak Japanese economy and a benign inflation outlook in the USA, experts say.

But the dollar hasn't risen so much that U.S. exports may soon suffer because they'll be too expensive for foreigners, experts say. "We are still a very competitive supplier," says Nancy Kimelman, chief economist at investment advisers Technical Data.

Even at 100 yen, the dollar is still down 11% since the start of 1994 and 62% the past 10 years.

Inflation. Pulled down by a third straight drop in energy prices, wholesale prices fell 0.1% in August, Labor said. Those prices fell 0.1% in June and were unchanged in July.

"Inflation was buried a number of months ago, and as we used to say with Franco, it's still dead," Kimelman says.

The inflation news means interest rates could fall even further — whether or not the Federal Reserve decides to give them a downward nudge later this year, economists say. Markets will nudge them down. Today, Labor is expected to say consumer prices rose only slightly in August.

Markets. As bond traders cheered the inflation news, the yield on 30-year Treasury bonds fell to 6.50% from 6.59% Monday, lowest since July 6.

"The market is feeling okay about inflation, the big question is how quickly the economy is growing," says Matthew Alexy, bond market strategist at CS First Boston. For interest rates to drop sharply, he says Thursday's report on August retail revenue must show weakness: "If we get that kind of a report, then the (30-year yield) will be well on its way to 6.25%."

Tuesday's drop in rates helped push up the Dow Jones industrial average 42 points, to 4747.21. That tops its old record of 4736.29, set July 17. This month the Dow is up 3%.

One area that did rest was the red-hot Nasdaq market, which has been riding the surge in technology stocks. The Nasdaq composite, which Monday closed at its 47th record, eased 2 points to 1065.

THE NATION

Ruby Ridge FBI agent invokes the Fifth

By Sam Vincent Meddis
USA TODAY

An FBI sniper invoked Fifth Amendment protection Tuesday to avoid testifying about killing the wife of white separatist Randy Weaver.

Lon Horiuchi's decision to invoke his right against self-incrimination clearly disappointed a Senate panel investigating the 1992 shootout and 11-day standoff at Ruby Ridge in northern Idaho.

But Sen. Arlen Specter, R-Pa., committee chairman, said the panel will not be deterred from probing the case: "We're going to get to the bottom of it."

Hearings are expected to resume Thursday.

Justice Department officials said they could not recall another FBI agent taking the Fifth Amendment, an action usually associated with the bureau's targets, not its agents.

"It really does fly in the face of everything an agent is supposed to do," said Richard Scruggs, assistant to Attorney General Janet Reno. "It's a bad day for all of us."

Senators said Horiuchi, a 12-year FBI veteran, appeared to want to testify but was advised against it by his lawyer. An Idaho prosecutor is considering whether to prosecute Horiuchi in connection with the shooting of Vicki Weaver, 43.

Horiuchi was "very solemn, very concerned, obviously uncomfortable" when he declined to testify in closed session, Specter said.

In past statements, Horiuchi has insisted that he did not intend to shoot Vicki Weaver, killed by a bullet to the head as she stood behind the door of the family's remote cabin holding her 10-month-old daughter.

Horiuchi, a member of the FBI's elite hostage rescue team, testified at Randy Weaver's 1993 trial that he did not see Vicki Weaver, and was trying to shoot Kevin Harris, a Weaver family friend who was armed and running toward the cabin's door.

Randy Weaver testified last week Horiuchi must have seen his wife through the door's partly curtained window.

Jack Weaver, foreman of an Idaho jury that acquitted Randy Weaver of federal charges stemming from the standoff, says Horiuchi should face homicide charges.

"They went in there to shoot first and ask questions later," said Jack Weaver, who is not related to Randy Weaver.

The standoff began after Weaver family members in August 1992 stumbled on a reconnaissance team of federal marshals. The officers were observing Randy Weaver because he had failed to appear in court on firearms charges.

In the shootout and standoff that followed, Deputy Marshal William Degan, Randy Weaver's wife and his 14-year-old son, Samuel, were killed.

Horiuchi fired after FBI officials issued controversial shoot-on-sight orders, a directive that a Justice Department report called unconstitutional.

Baltimore mayor wins primary vote

By Carrie Dowling
USA TODAY

Kurt Schmoke, Baltimore's first black elected mayor, Tuesday won his Democratic primary battle with Mary Pat Clarke.

With Democrats making up 85% of Baltimore's registered voters, winning the primary is tantamount to winning the mayor's seat.

Schmoke, seeking a third term, garnered about 55% of the vote to defeat City Council President Clarke, who had 43%.

Clarke, 54, trailed Schmoke by only 4 percentage points before the primary. Voters were split along racial lines.

A weekend poll by Mason-Dixon Political/Media Research for The Sun and WMAR-TV found Schmoke had the support of 85% of registered blacks and 15% of whites, compared with Clarke's support of 85% of registered whites and 18% of blacks. The city is 60% black.

Clarke also won the endorsement of *The Sun*, the city's only major newspaper.

Clarke blamed Schmoke for all of the city's ills, including middle-class flight, job loss and inferior public schools. She assailed his inability to stop a crime rate that has risen 41% over the eight years he has been in office.

Her campaign theme: "If it's broke, fix it."

The (Baltimore) Sun

CLARKE: The challenger and City Council president, 54, blamed the incumbent for all the city's troubles.

By Perry Thorsvik, The (Baltimore) Sun via AP

THE INCUMBENT: Baltimore Mayor Kurt Schmoke cast his ballot Tuesday, hoping to serve a third term in office.

Schmoke, a Yale and Harvard-educated Rhodes scholar, who is a supporter of President Clinton, based his campaign in part on his ability to get state and federal aid.

But as the margin slimmed, he focused more heavily on black consciousness. His campaign literature sported the black, red and green of African nationalist colors and a commercial that featured actor Charles Dutton focused on black pride.

The strategy provoked a cynical response among some prominent members of the black community.

"If Schmoke had a record of helping blacks to advance ... he should have been using that record to convince blacks that a third term would be good for Baltimore," wrote the Rev. Peter Bramble in a front-page editorial in *The Baltimore Times*. "Because there is no record, they resort to black pride. Can we take that to the bank?"

Both candidates acknowledged that race was a factor in their campaigns.

"Race is an issue in this particular election," said Schmoke. "It's an issue, but it doesn't have to be the issue."

Election watchers said many black voters who became disillusioned with Schmoke were middle-class homeowners who were worried about rising crime and the public schools.

Ill. air traffic control system blinks out again

By Gary Fields
USA TODAY

The main computer at the Federal Aviation Administration's Midwest air traffic control center failed again Tuesday, delaying flights across the USA.

"Thankfully it did not occur during a peak travel time or a peak operation time," said Lisa Howard, spokeswoman for the Chicago Aviation Department.

Howard said some flights en route to Chicago were held at airports from 9:24 to 10:05 a.m. CT while controllers dealt with a backup computer system at the FAA center in Aurora, west of Chicago.

During the slowdown, two planes came within 3½ miles of each other near Ottumwa, Iowa. Planes usually are kept at least 5 miles apart.

By noon, the computer outage was causing delays of up to 45 minutes at O'Hare International, the world's busiest airport with 2,400 flights and 180,000 passengers a day. Operations were back to normal by 4 p.m. CT, Howard said.

It was the sixth major computer breakdown in the past year to disrupt air traffic over Illinois, Indiana, Michigan, Wisconsin, Iowa and Minnesota, where up to 9,500 flights a day are controlled by the Aurora center.

In July, Aurora controllers had to rely on the backup system three times in a single week. The FAA has said the older backup system is perfectly safe.

to embrace the provision, because the Democrats' amendment ``would have passed otherwise."

(Optional add end)

Republican senators had argued that by requiring states to continue to spend most of the money they now spend on assistance programs, the federal government was taking away states' incentives to create effective welfare reform programs that will move people into work.

``In my state, the people of Missouri spell reform R-E-D-U-C-E," said Sen. John Ashcroft, R-Mo., a former governor.

The proposed modification was a slap to Republican governors, who have lobbied consistently that states should be able to reap the financial benefits of cutting their welfare caseloads.

``Why should states moving clients from welfare into work slots have to maintain that same level of funding," said LeAnne Redick,
a spokeswoman for GOP Michigan Gov. John Engler ``You're almost assuming welfare reform isn't going to work."

Powell's Book Tour Raises Media Attention on Ex-General (New York) By Eleanor Randolph= (c) 1995, Los Angeles Times=

NEW YORK The four-star launching this week of retired Gen. Colin L. Powell's memoirs may move this season's presidential politics onto a new battleground.

With 950,000 copies of Powell's book, ``My American Journey," scheduled to appear in bookstores this weekend, some of the nation's top political journalists have been scrambling to read the 613-page work and interview its famous author. They have been nudging and scooping each other in daily skirmishes over Powell tidbits and giving the general and his autobiography front page headlines and top radio news and prime-time television spots.

Powell has not announced that he is running for president, mind you. Technically, he is only selling a book. But tacticians from other political camps can't help but notice how many of the nation's cameras and tape recorders are now aimed at Powell.

So is the book tour the political gimmick for 1996, the way the talk show circuit was in 1992?

``In the media age, it may be that Colin Powell is not going to New Hampshire; he's publishing a book," says Howard Fineman of Newsweek.

House Speaker Newt Gingrich, R-Ga., of course, is another example of a politician who has tried to ride the book circuit this prepresidential season. Sen. Bill Bradley, D-N.J., has redone the introduction to his 1976 basketball memoir and may be taking it on the road if he takes a shot at the presidency. Texas billionaire Ross Perot has a book on Medicare that follows him wherever he speaks and even former Vice President Dan Quayle is said to be working on a manuscript that could be just the thing for clarifying his ideas and values.

Previous political books were digested by the media as merely one slice of a candidate's background. Powell's book tour, by contrast, has the feel of a campaign launch. The tour ``is a sort of coming out party for me," Powell told Time magazine. ``The last two years I've done no interviews, no television, and people are wondering what Forrest Gump Colin Powell stands for."

Now he has begun to answer that question, revealing uniformly cautious and moderate views.

In an interview with Barbara Walters, which ABC News released in part Monday, Powell says that he supports a woman's right to have an abortion, although he would ``hope she would carry the child to term and then put the child up for adoption"; that he ``benefited from affirmative action" but dislikes quotas; that he supports gun control, although he owns guns, himself, and that he opposes organized prayer in schools but supports moments of silence.

(Begin optional trim)

To gain maximum publicity for such revelations, th general and his publishers at Random House have spe months of strategic planning, coupled with a few tactica adjustments in the last few days. The publicists have laid on everything from the obligatory television talk shows an star-studded New York media party to a book-signing tour that includes a Wal-Mart in Fort Worth, Texas.

Random House Publisher Harry Evans likened the wave of media attention to a kind of storybook miracle one that may be necessary for the publishing house to recoup the $6-million advance for the book. ``We planted the seed two years ago. Now, suddenly, it's Jack and the beanstalk."

The overnight growth of interest in Powell and his book is partly luck. For all Evans' pre-publication maneuvering, Random House could not have known two years ago that the press and public in late 1995 would be desperately searching for an inspiring new presidential candidate. But the publisher and Powell have also exploited this political vacuum in part by keeping Powell from saying whether his book launch is really targeting the White House.

(End optional trim)

Not revealing any political plans appears to be part of the Powell strategy. If he announces he would run, candidate Powell immediately would become a target for investigative reporters who ferret out embarrassing details in a potential president's background. If he says he isn't in the race, the general could become just another old soldier trotting around the country selling war stories.

Asked whether Random House advised Powell to keep his presidential plans a mystery, Evans said he told the general: ``I can't control your life, but from my point of view, I'd rather this not be seen as a political book and not be a platform for public office."

Recognizing that they had an increasingly ``hot" author, Random House last month also asked a number of those asking for advance copies of the book to sign elaborate confidentiality agreements prohibiting reporters from confirming any part of the manuscript with other sources or from disclosing ``either the terms or the fact" of the agreement.

Some reporters balked, particularly at efforts to stop them from checking the facts or some of Powell's assertions in the book.

After extended negotiations with Random House last week, both the Los Angeles Times and Wall Street Journal late last week were promised books in advance and interviews with the general. Both newspapers agreed to delay talking to sources until Sept. 11, but told Random House they would not keep the agreement secret and would check the book's assertions before publishing their stories.

The full range of orchestration by Random House and Powell has already hit a few sour notes. Time originally bought the first rights to publish excerpts starting Sunday, but Newsweek found a bootleg copy of the book and published a cover story a week early.

FBI Sniper Who Killed White Separatist's Wife Takes Fifth (Washn) By Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON The FBI sniper who killed the wife of a white separatist in the 1992 siege at Ruby Ridge, Idaho, invoked his Fifth Amendment privilege Tuesday and refused to describe to a Senate subcommittee the circumstances of the crucial event.

Sniper Lon Horiuchi took the Fifth Amendment after the Senate Judiciary subcommittee on terrorism refused to give him limited immunity from prosecution. Immunity for Horiuchi could have complicated criminal inquiries being conducted by the Boundary County, Idaho, prosecutor and the U.S. Justice Department.

Although Horiuchi was allowed to appear before the subcommittee in closed session, the image of an FBI agent relying on the Fifth Amendment is one that the bureau had hoped to avoid. The Senate is looking into the August 1992 Ruby Ridge shootout that resulted in the deaths of a deputy

blicans prefer to ``trust people to manage their own ey" rather than letting Washington dictate such sonal decisions as selecting health insurance.

But Rep. Henry Waxman, D-Calif., a Medicare expert, said medical savings accounts would hand millions of Americans thousands of dollars a year that they do not need while depleting program funds available for the sickest Medicare recipients.

Noting that about 70 percent of all Medicare outlays are spent by only 10 percent of the Medicare population, the longtime chairman of the House Energy and Commerce health subcommittee said:

``If you take the average amount that will be spent on everyone ... and then give people cash equivalents to that amount and say: `Go put it into a medical savings account,' you're going to be giving a lot of people money who don't need it ... And for those who are really sick, they're going to stay in the program and that's going be a very expensive program because we've segmented the market."

President, GOP Leaders Consider Plan To Avert Fiscal Impasse (Washn) By Doyle McManus= (c) 1995, Los Angeles Times=

WASHINGTON President Clinton and Republican congressional leaders agreed Tuesday to consider a short-term spending bill to keep the government running if they fail to agree to a new federal budget by the start of the fiscal year on Oct. 1.

Such a bill would avert what has come to be known as a ``train wreck" a fiscal impasse during which most of the federal government would have to stop operating until agreement was reached.

Clinton, House Speaker Newt Gingrich, R-Ga.,‡and‖Senate Majority ‡Leader‖Bob Dole, R-Kan., did not agree on the size or duration of a temporary spending bill a ``continuing resolution," in federal budget jargon but they agreed for the first time that it was the most likely way to avoid a messy fiscal crisis.

``We do have different priorities, but I think we can reach an agreement if we work on it," Clinton said as he opened a meeting with both Republican and Democratic congressional leaders in the Cabinet Room of the White House.

``We don't want any stoppage; we don't want to lay off government employees," House Speaker Newt Gingrich, R-Ga., told reporters after the hourlong meeting. ``I wouldn't be surprised to see a very short-term" stopgap resolution.

In a gesture toward compromise, Clinton proposed a temporary spending bill that would‡meet the‖Republicans' budget-cut targets but also allow the administration to preserve some programs the GOP wants to abolish.

Gingrich and Dole did not take up that offer, saying they want to pass as much of their detailed budget-cutting program as possible by Oct. 1. But they said they would consider a continuing resolution to cover anything they don't complete by that deadline.

``Our goal is to get as much work done as possible on appropriations," Gingrich said. ``We'll see what happens on Oct. 1."

``We may get lucky," Dole added.

According to Republicans and Democrats who attended the meeting, one increasingly probable scenario is this: By Oct. 1, Congress passes most of the 13 appropriations bills that provide spending for government operations; Clinton signs most of then, but vetoes two or three; and Congress passes a continuing resolution to cover the bills he vetoed, allowing debate on those issues to go on.

Clinton and Dole also agreed on another issue: More worrisome than a budget ``train wreck" is the prospect that conservative Republicans in the House might block an extension of the federal debt ceiling in November, potentially forcing the government to default on some loans.

Gingrich, whose most fervent followers have said they will block additional federal borrowing, did not respond when a reporter asked how he planned to solve the apparent impasse.

(Optional add end)

Treasury Secretary Robert E. Rubin has warned that a fiscal disaster could occur unless the debt ceiling is raised by Nov. 15, but a Gingrich aide said the speaker believes the administration is exaggerating the urgency of the problem.

With polls showing that most Americans want Clinton and the Republicans to work together on a budget, both sides appeared eager to strike conciliatory poses and to shift any blame toward the other.

Rep. Vic Fazio, D-Calif., who attended the meeting, said the main problem was the ``recalcitrance" of the new conservative Republicans who entered the House in 1994.

But Gingrich predicted that any impasse would likely be the work of ``left-wing senators," and said it was Clinton's task to move the Democrats toward a compromise.

Senate Leaders Agree to Revise Welfare Reform Blueprint (Washn) By Elizabeth Shogren= (c) 1995, Los Angeles Times=

WASHINGTON Under pressure from Democrats and moderate Republicans, Senate leaders agreed Tuesday to modify their welfare reform blueprint by requiring states to maintain a certain level of state contributions toward assistance programs.

The provision, which specifies that future state spending on welfare cannot fall below 80 percent of current levels, would prevent states from taking advantage of the new freedom they would receive under the GOP legislation by curtailing their own contributions and relying entirely on federal block grants to finance scaled-back welfare programs.

The accord was reached because moderate Republicans threatened to join Democrats to pass an even higher ``maintenance of effort" provision.

The compromise, which was reached at the weekly GOP lunch, showed how moderate Republicans can wield influence well beyond their numbers when they cooperate with Democrats.

The House bill, which was passed earlier this year, has no maintenance of effort provision.

Both plans would cancel the 60-year federal guarantee of cash assistance to poor mothers with children and give states lump-sum block grants so they can design and run their own programs for moving recipients from welfare to work.

The Senate plan is likely to face a final vote later this week.

In both chambers, the GOP blueprints have survived with only minimal changes by Democrats, so Democrats were eager to point to their successes Tuesday.

Senate Minority Leader Tom Daschle, D-S.D., said the maintenance-of-effort provision was a clear victory for Democrats, who had been defeated on many fronts as they attempted to amend the GOP plan to make the most dramatic overhaul the nation's welfare system in 60 years.

``(The GOP leadership) didn't want any maintenance of effort," Daschle said.

The president, Senate Democrats and moderate Republicans had warned that by failing to require states to maintain spending levels, the GOP plan would incite a ``race to the bottom" with states redirecting money that they used to spend on welfare for other expenses.

Sen. Olympia Snowe, R-Maine, a moderate, argued that without the provision ``we risk having nearly half of what is now spent on welfare siphoned off to other programs.

``That may mean that we won't have the kind of commitment toward child care or job training or education programs that are absolutely essential and necessary if we're going to make welfare reform work," she added.

A Republican staffer said the caucus had no choice but

al marshal William Degan, 14-year-old Sammy Weaver his mother, Vicki Weaver.

The unusual development came as the U.S. marshal in daho at the time of the siege suggested for the first ime in his testimony that a high-level Justice Department official had played a role in approving controversial shooting rules at Ruby Ridge. Moreover, ex-Marshal Michael Johnson said he had given that information to FBI officials who investigated the siege in 1993, but that it was not included in their report.

Johnson, describing the scene at an on-site command post as the FBI surrounded the Ruby Ridge mountain cabin of white separatist Randy Weaver, told of hearing Dick Rogers, commander of the FBI's hostage rescue team, complain that the proposed shooting rules had to be ``run" by ``Terwilliger." He also quoted Rogers, after a series of phone calls with officials in Washington as saying that ``now Terwilliger is involved in this."

At the time, George J. Terwilliger III was deputy attorney general, the Justice Department's No. 2 official. Johnson said that he later learned of Terwilliger's identity. Terwilliger, now in private practice in Washington, said he was on vacation at the time of the shooting ``without communication to anyone in the Justice Department. I had no conversation with anyone about the matters under discussion, including the rules of engagement," the formal name for the permissive shooting rules.

Under the controversial rules, FBI snipers were told that they ``could and should" shoot any armed adult male outside the Weaver cabin, instead of being governed by the FBI's standard rules, which permit agents to use deadly force only to protect their own lives or the lives of others.

(Begin optional trim)

Johnson mentioned Terwilliger in response to a question from Sen. Patrick J. Leahy, D-Vt., who asked if anything had been left out when he was interviewed on Oct. 12, 1993, by two FBI inspectors. The officials were questioning him for a Justice Department investigation of the Ruby Ridge incident.

Terwilliger, in a phone interview Tuesday night, said that he was puzzled why Leahy raised the matter because he had already told investigators for Sen. Arlen Specter, R-Pa., subcommittee chairman, that he was on vacation at that time.

Confirming that Terwilliger had spoken with the panel's lead investigator, a spokeswoman said: ``If he would like to come in and give his testimony, the committee would welcome it."

(End optional trim)

Specter said that the subcommittee may later ``revisit" the question of immunity for Horiuchi to testify, vowing that the investigation will ``get to the bottom" of the incident.

(Optional add end)

Specter described Horiuchi's demeanor at the closed session as ``very solemn, very concerned and obviously very uncomfortable. It was something he didn't want to do."

Horiuchi's lawyer, Earl Silbert, former U.S. attorney for the District of Columbia, told the subcommittee that his client's reliance on the self-incrimination privilege ``is contrary to his every ingrained desire and instinct, based on his 12 years of experience" as an FBI agent, but that he was following the advice of his two lawyers.

In the sharpest exchange at the open portion of the hearing, the panel's ranking Democrat, Sen. Herb Kohl, D-Wis., won acknowledgment from Johnson that law enforcement officers have an especially strong response to pursuing anyone suspected of a killing a fellow officer.

``It is in fact what occurs ... whether I like it or not," Johnson said.

Georgia Legislature Gives Up Attempt to Redraw Districts (Atlanta) By Eric Harrison= (c) 1995, Los Angeles Times=

ATLANTA The Georgia legislature, charged with redrawing congressional districts to eliminate racial gerrymandering, threw up its hands Tuesday and adjourned, leaving the issue to the federal courts to settle.

Legislators had spent four weeks grappling with the issue, which was thrust on them in June when the Supreme Court struck down the practice of making race the dominant factor in drawing district lines.

Predictably, what started out as a mandate to redraw a single oddly shaped district turned into a nasty, exhausting, racially charged free-for-all with the two political parties and black legislators scrambling to grab or hold onto all the power that they could.

Over the course of the special legislative session, white lawmakers tried to reduce the number of black districts from three to one, blacks threatened to form a third party, and the Democratic leadership tried but failed to weaken House Speaker Newt Gingrich by redrawing his district. In the end, all of the efforts at redistricting foundered because no faction had the political muscle to push a bill through without compromise.

``Compromise was possible and within reach, however I think the political will to give-and-take was somewhat lacking," said Rep. Cynthia McKinney , a Democrat, whose district was at the heart of the reapportioning struggle.

The battle over redistricting has national implications far beyond determining what Georgia's 11-member Congressional delegation will look like. It is a precurser of the volatile struggles expected to be played out across the South as states try to balance the court's demands against the requirements of the Voting Rights Act, which seeks to protect minority voting strength.

The way in which boundaries are redrawn in Georgia, Texas, Florida, North Carolina and other states where districts are being challenged could reduce minority representation in Congress, which now is at an all-time high. The battles could alter the partisan balance of power in Congress and also strain relations between black and white Democrats, as it did in Georgia.

House Speaker Tom Murphy, a Democrat, called the redistricting effort ``absolutely the toughest, meanest, most controversial session I've ever been through." There was concern that racial divisions from the session might linger for years.

House lawmakers cheered after casting a 102-50 vote to go home Tuesday afternoon. The Senate voted 40-13 to quit, then prayed for God to ``stir in us a new hope" that they will be able to work together on other issues next year.

``I hate to admit failure, but I don't know anything else to do," said Murphy as he ended the session.

(Optional add end)

The three-judge federal panel that originally threw out Georgia's 11th District had given the state until Oct. 15 to redraw Congressional boundaries. Now the court will redraw the map.

McKinney and some black lawmakers earlier had charged that white Democrats wanted to hand the task to the court as a way of avoiding the political consequences of approving a controversial map. While McKinney has questioned the impartiality of the judges, black lawmakers Tuesday finally voted with whites to adjourn after deducing that no map guaranteeing at least two majority black districts could pass the chambers.

``I'd rather let the courts draw the map than let the legislature pass a bad map," said Rep. Tyrone Brooks, president of the Georgia Association of Black Elected Officials.

Bill Would Guarantee 48 to 96 Hours in Hospital After Birth (Washn) By Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON The child born to Virginia Leigh Fallon of Petaluma, Calif., entered the world last year with heart and breathing problems, and after an extraordinarily difficult labor that ended only when doctors performed a Caesarian section.

Yet three days after the birth, the hospital under pressure to hold down costs discharged mother and son, even though baby Jesse had been diagnosed with a heart murmur and Fallon was, in her words, ``in continuous pain and physical distress."

Several days later, Fallon told a Senate committee Tuesday, Jesse was rushed to the hospital, where emergency heart surgery failed to save the boy's life. ``Why were my baby and I discharged after 72 hours when we were so obviously unfit to be released?" a tearful Fallon asked.

Unfortunately, members of the Senate Labor and Human Resources Committee said, Fallon's tragic experience was not unique. Health care providers, under growing pressure to cut costs, are discharging new mothers as quickly as possible and sometimes far too soon, in the opinion of many doctors and patients. In some cases, mother and child have been released from the hospital as soon as eight hours after delivery.

Faced with growing concerns over this national trend, a bipartisan group of 11 senators headed by Sens. Nancy Kassebaum, R-Kan., and Bill Bradley, D-N.J., are sponsoring a bill to guarantee mothers at least 48 hours of hospital recuperation with up to 96 hours for C-section patients.

The legislation may be a sign of things to come as the government, which is pressuring the health care industry to cut costs, intervenes to keep medical providers from taking steps Congress believes go too far toward compromising the safety of patients.

Opponents of such measures worry that if lawmakers take such precedent-setting steps, Congress will find itself involved in legislating health-care standards in a way few imagined in the drive to reform medical care.

Kassebaum, the labor committee chairman, says her legislation would ``ensure that mothers and newborns receive adequate care in the critical first few days following birth."

The measure is modeled after new state laws in New Jersey and Maryland.

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The bill has drawn support from prominent physicians' organizations but opposition from providers such as the Group Health Association of America. The Washington-based association, representing health maintenance organizations that include 51 million members, said Tuesday it opposes federal mandates for maternal care. Officials said most problems can be solved with good pre-natal and post-natal care, including technicians who visit mothers and babies at home.

Many federal lawmakers seem to favor the bill, but prospects for passage of the so-called Newborns' and Mothers' Health Protection Act and a similar House bill are unclear, especially since they are running up against the powerful health insurance lobby.

Some prominent physicians told Kassebaum's committee the potential consequences of discharging infants less than 48 hours after birth are still unknown. ``There is very little information in the medical literature about positive or negative effects of earlier neo-natal discharge," said Dr. Judith E. Frank, a neonatologist of Lebanon, N.H.

(End optional trim)

According to the American Medical Association, studies have shown that early release of infants can result in jaundice, feeding problems, respiratory difficulties and infections of the cord, ears and eyes.

Referring to baby Jesse's emergency open heart surgery and his last few days of life, which cost nearly $80,000, his mother asked, ``How much does one or two more days in a hospital cost?"

Marijuana Smoking by Age Group 12-17 Since 1992 (Washn) By Marlene Cimons= (c) 1995, Los Angeles Times=

WASHINGTON Marijuana smoking among young people age 12 to 17 has nearly doubled since 1992, a startling new trend that is due in part to an increasing perception by youngsters that pot can't hurt them, federal health officials said Tuesday.

The marijuana numbers, although far below the high reached in 1979, nevertheless indicate a reversal of the downward pattern of marijuana use that began in the early 1980s and continued to drop sharply until 1992.

Monthly marijuana use among 12- to 17-year-olds rose to 7.3 percent or 1.3 million teens in 1994, up from 4.0 percent in 1992 and 4.9 percent in 1993, according to the Household Survey on Drug Abuse, conducted by the Substance Abuse and Mental Health Services Administration.

In 1979 when the use of all illicit drugs was soaring in the United States 16.8 percent of that age group smoked marijuana.

The survey, based on a nationally representative sample of 22,181 people 12 and older, is the primary source of statistical information on the use of illegal drugs in the United States. For the purposes of the study, drug use was defined has having used the drug sometime in the month before the survey was conducted. The survey also examines alcohol and tobacco use.

The latest increase ``should serve as a profound wake-up call to parents," said Lee P. Brown, director of the White House drug policy office. ``Statistically, we call it an `uptick' in the numbers, but it makes me fear for the future of our children if we do not take effective action now."

The survey also found in that age group that the view of marijuana as dangerous had decreased.

``When teen-agers' perception of the harm caused by marijuana goes down, marijuana use goes up," said Health and Human Services Secretary Donna Shalala, speaking before an audience of local high school students.

Rejecting the notion that marijuana was benign, Shalala cited its physiological and psychological effects, including heart and lung damage, impairment of learning, memory and complex motor skills ``associated with driving a car or playing sports," she said.

(Begin optional trim)

Clinton administration officials used the opportunity to slam Republican congressional attempts to slash more than $700 million in federal drug prevention and treatment funds.

``We hope they remember that drug prevention is a national priority of the very same order as clean water, good roads and safe streets," Shalala said.

But Senate Majority Leader Bob Dole, R-Kan., responding to the statistics, accused the Clinton administration of having ``sat on the sidelines, transforming the war on drugs into a full-scale retreat."

He criticized the administration for de-emphasizing the interdiction effort, allowing the number of federal drug prosecutions to decline, and for a ``badly managed" effort against countries that are the source of drugs. ``It means leadership at the top," Dole said, ``starting with the president of the United States."

(End optional trim)

The survey also showed that underage drinking remains a problem, with 11 million drinkers between 12 and 20. Of these, 2 million are considered ``heavy" drinkers.

The survey found that, in an average month in 1994:

13 million Americans used illicit drugs;

10 million Americans used marijuana, making it the most commonly used illicit drug;

1.4 million Americans, or 0.7 percent of the population, used cocaine;

13 million Americans, or 6.2 percent of the population, had five or more drinks per occasion on five or more days in the month and;

60 million people, including 4 million adolescents age 12-17, smoked cigarettes.

The Washington Times
SEPTEMBER 13, 1995 ★

FBI agent takes Fifth at hearing on siege

Mrs. Weaver's killer stays mum

By Jerry Seper
THE WASHINGTON TIMES

FBI sniper Lon Horiuchi, who killed fugitive Randall Weaver's wife during a 1992 standoff at the couple's remote Idaho cabin, refused yesterday to testify before a Senate subcommittee, citing his rights against self-incrimination.

Mr. Horiuchi, who killed Vicki Weaver and wounded her husband and a family friend, Kevin Harris, with two shots from 215 yards, sought protection under the Fifth Amendment during a closed session of the Senate Judiciary subcommittee on terrorism, technology and government information, which is looking into the August 1992 siege.

In response to a question from Sen. Arlen Specter, panel chairman, on whether he would "describe the circumstances leading" to the shooting, Mr. Horiuchi re-

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plied: "I am sorry, sir, but on the advice of counsel, I respectfully decline to answer, in reliance on my Fifth Amendment right under the United States Constitution not to be compelled to be a witness."

The sniper, a West Point graduate, told Mr. Specter he would give the same response to any additional questions, according to a transcript released by the subcommittee.

The 14-minute session had been requested by Mr. Horicuhi's attorneys, Earl Silbert and Adam Hoffinger, after the panel rejected their bid for limited immunity for their client in exchange for his testimony.

"We can get the underlying facts without Mr. Horiuchi's testimony," said Mr. Specter, adding that the panel was "going to get to the bottom of" events surrounding the targeting of Mr. Weaver on weapons charges, the shooting deaths of his wife and son, the death of Deputy U.S. Marshal William F. Degan, and a possible FBI cover-up involving the rules of engagement that authorized Mr. Horiuchi's shot.

"We're going to pursue these facts wherever they lead, and we intend to be very determined about it," said the Pennsylvania Republican.

Also yesterday, Henry Hudson, former head of the U.S. Marshals Service, told the panel he suggested in March 1992 that, because of his concern for the safety of Mrs. Weaver and her children, a tactical approach employing snipers did not appear viable.

Mr. Hudson, former U.S. attorney in Virginia, said he asked federal authorities in Idaho to dismiss a pending warrant against Mr. Weaver and reissue it under seal. He said the ruse could have resulted in the safe arrest of Mr. Weaver when he came down from the mountain.

He said the plan was rejected even after he offered to fly to Idaho to explain it to federal authorities there.

Michael Johnson, a former U.S. marshal in Idaho, testified he believed an FBI tactical plan devised by agents at the site — including a change in the rules of engagement to allow a shoot-on-sight policy — was approved by bureau officials in Washington.

Mr. Johnson said he overheard several telephone calls by FBI officials at the site with bureau executives in Washington, who directed the siege.

The panel has focused, in part, on accusations that high-ranking FBI officials covered up actions in the Weaver case. Members want to know if FBI executives and others lied or destroyed papers during bureau inquiries into the siege.

The standoff, in a remote area near Naples, Idaho, began after Mr. Weaver failed to appear for trial on charges he sold two sawed-off shotguns to a Bureau of Alcohol, Tobacco and Firearms informant.

Mr. Horiuchi's refusal to testify was not unexpected. The Justice Department is conducting an investigation of the incident, including Mr. Horiuchi's role in the death of Mrs. Weaver. The department has said the fatal shot violated constitutional guidelines.

Randall Day, the Idaho prosecutor who quietly watched the panel hearings last week from a seat in the back of the room, also is looking into the incident and is considering filing charges against federal agents involved in the siege.

Those tentatively targeted, law enforcement sources said, are Mr. Horiuchi; Deputy U.S. Marshals Arthur Roderick and Lawrence Cooper, who were involved in the death of Mr. Weaver's son, Samuel; former Deputy FBI Director Larry Potts, who directed the Idaho siege; and Richard Rogers, former head of the FBI's hostage rescue team, who gave the green light for Mr. Horiuchi to shoot.

Mr. Day said last week he wants to know if the deaths "were justifiable, accidental or were the result of a violation of criminal law, which would be a homicide."

Mr. Horiuchi testified at the Weaver trial that he shot Mrs. Weaver in the head as he was trying to shoot Mr. Harris. At the time, Mr. Weaver, Sara Weaver, then 16, and Mr. Harris were running to the cabin. Mrs. Weaver stood in the doorway holding her 10-month-old daughter, who was not hurt.

Murder charges against Mr. Roderick and Mr. Cooper would relate to the shooting death of Samuel, 14, the sources said. The boy was shot in the back Aug. 21, 1992, the day before his mother died.

The teen-ager died while trying to run away from a team of six deputy marshals, according to federal records. The marshals killed Samuel's dog, then fired at the boy when he shot several times in their direction with a Mini-14 rifle. During that gunfight, Mr. Degan also was killed.

Mr. Harris testified he shot Mr. Degan, saying he returned fire after seeing the marshals shoot Samuel. A federal jury ruled that Mr. Harris acted in self-defense and rejected a government charge that he and Mr. Weaver had conspired to provoke a confrontation with federal officers.

Mr. Specter said after the closed hearing that Mr. Mr. Horiuchi's demeanor as "very solemn, very concerned, obviously uncomfortable."

"I think this [take the Fifth] is something Mr. Horiuchi did not want to do, and he was advised by counsel to do it," Mr. Specter said, adding that he was "disappointed" with the decision.

Sen. Herb Kohl, Wisconsin Democrat and the panel's ranking minority member, agreed.

Mr. Specter said the panel rejected limited immunity because "we are not going to establish a pattern of granting immunity or to start any sort of a chain reaction."

The Washington Times
SEPTEMBER 13, 1995 ★

No party in store as Powell comes out

Positions on issues leave options open

By Paul Bedard
THE WASHINGTON TIMES

A1

Retired Gen. Colin Powell has finally come out of the closet with his positions on the politically hot issues of the day, and he's no longer everybody's hero.

Just one day after the ballyhooed potential presidential candidate cut a firm middle path on issues from affirmative action to abortion to gun control, Democrats and Republicans ganged up to rain on "Powellmania."

NEWS ANALYSIS

Comparing the before and after of Gen. Powell, Republican political consultant Craig Shirley said, "It's the difference between the woman you want to marry and the woman you propose to."

He added that "neither party fits for him. . . . He's cut a middle-of-the-road path, but it's not a path to the nomination of either party."

From the Democratic side, longtime party adviser Ted Van Dyk said "no one questions his quality or competence." But he added that Mr. Powell, chairman of the Joint Chiefs of Staff under President Bush, doesn't have a chance as a Democrat.

"His best chance is as an independent," he said.

Just weeks ago, some national polls found he is the candidate to beat in the presidential race. A new California Field Poll showed the general besting President Clinton 47 percent to 41 percent.

Despite predictions that Gen. Powell's support would plummet once he ended the mystery of his political positions, the media hype surrounding the Friday release of his autobiography has sparked renewed interest in his potential candidacy and led many leading pundits to declare him presidential timber, mostly in the Republican Party.

"Powell, I think, could appeal to conservative primary voters on the basis of his character and leadership, and to moderate Republican primary voters on the basis of his views," said William Kristol, editor of the new conservative magazine the Weekly Standard.

But the frenzy associated with the "Powell Potential," as dubbed by columnist Ben Wattenberg, began to flare out yesterday.

"It's simply a thirst for the new. It shows how bored people are with the current crop of candidates," Mr. Van Dyk said.

"Now the sniping begins," declared former Pentagon official and Republican analyst Jed L. Babbin, a Washington lawyer.

The cloak on Gen. Powell's views has been lifted thanks to excerpts from an ABC-TV "20/20" interview scheduled to be aired Fri-

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day. He is pro-choice, is for gun control, supports the death penalty, favors affirmative action but not quotas and is against organized prayer in schools.

"Colin Powell offers us little," said a spokeswoman for the conservative Family Research Council. Officials at both that group and the Christian Coalition said that Gen. Powell would "disappoint a large number of people" with his pro-choice position on abortion.

The National Rifle Association is also displeased with his endorsement of a waiting period for handgun purchases.

"We are disappointed in his comments," said NRA spokesman Tom Wild.

Asked in the "20/20" interview if he was a Democrat or Republican, Gen. Powell shrugged — a display that appalled some Republicans.

"Deep in my heart, I am neither at the moment. There are some aspects of the Republican Party that I think are right on and I champion — free enterprise, get the government out of your life as much as possible, try to reduce the tax burden. And you would find me comfortable in any Republican setting as we talked about issues like that," Gen. Powell said.

"But on other issues, social issues, I'm a product of my background. I think the government does have a role to play in making sure that those of our citizens who are most in need, who are hurting, are taken care of. And so the challenge is to find the right balance. So I have not been able to find a perfect fit in either of the two existing parties," said the first black to head the military.

The general said he'd go Republican if the upcoming book tour convinced him he could win in 1996. "The easier way to do it, I think, would be as a Republican."

But maybe not. ABC interviewer Barbara Walters asked if he would challenge Mr. Clinton in Democratic primaries. "At this point, I don't think I should rule out anything," said the general, who is best known as U.S. military leader during the Persian Gulf war.

Mr. Babbin said: "It appears he belongs in the Pete Wilson-Nelson Rockefeller wing of the party, not the Phil Gramm-Pat Buchanan wing, the only one that can win. . . . He's George Bush in uniform. He's not sufficiently polarizing to win."

At the White House, where Mr. Clinton offered the retired general a number of jobs, the president's spokesman said that Gen. Powell probably isn't welcome in today's conservative Republican Party.

"I wonder how easy it would be for him to advance those types of ideas within a Republican presidential primary process," said spokesman Michael McCurry.

"But General Powell is an enormously impressive figure and might carry those ideas well and thus demonstrate that a form of liberal Republicanism that has had a proud tradition in that party . . . is alive and well. I didn't think it was alive, but maybe it is," he said.

Nevertheless, the White House is watching the political evolution of Gen. Powell and the public's reaction to his book tour.

"I think we're waiting for the sequel. . . . It sounds like it will be an interesting read, but what's really most interesting is what type of epilogue there will be in the second edition," Mr. McCurry said.

Judge sees 'problem' in policy on gays

'Don't ask' doesn't jibe with Congress

By Rowan Scarborough
THE WASHINGTON TIMES

A1

A federal appeals court judge yesterday said the Clinton administration has a "problem" in defending its "don't ask, don't tell" regulation on homosexuals in the military because the policy does not match the intent of Congress.

The judge's remarks, at a hearing on the dismissal of a homosexual Navy officer, bolstered complaints from conservatives. They claim Clinton officials wrote a loophole-filled policy that does not dovetail with a 1993 congressional ban on homosexuals serving in the armed forces.

"I think you've got a problem in the government's case," Judge J. Michael Luttig said after Deputy Solicitor General Edwin Kneedler argued that the 1½-year-old policy is constitutional.

Judge Luttig said the administration attempted an "end run"

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around Congress in writing the policy. And when Mr. Kneedler noted that the Pentagon, not the Justice Department, wrote the regulation, the judge said, "You're stuck with it now."

The case is the first challenge to "don't ask, don't tell" to be argued orally before an appeals court and thus is a leading contender to become the case on which the Supreme Court votes to support or strike down the policy.

The judge's criticism came as Mr. Kneedler was defending what conservatives consider the policy's main flaw: It does not bar people from serving based on their sexual orientation. But it allows the military to discharge a person who discloses his or her orientation as homosexual. The policy argues such a pronouncement is evidence the person is likely to engage in homosexual conduct, which is grounds for discharge.

The 1993 law, however, makes no mention of "sexual orientation." It essentially continues the Pentagon's long-standing policy of excluding homosexuals on grounds that they would harm unit cohesion. The law was written by conservative senators who thwarted President Clinton's bid to lift the ban completely.

Arguments yesterday before a three-judge panel of the 4th U.S. Circuit Court of Appeals sitting in Alexandria centered on the policy's murky tenets.

A Navy board voted to discharge Lt. Paul Thomasson, 32, after he informed an admiral in writing that he is a homosexual. Lt. Thomasson, who was discharged June 15, did not admit to homosexual conduct. But at a board hearing, he also did not specifically rebutt the policy's presumption that he does engage in such acts.

Allan Moore, Lt. Thomasson's attorney, told the three judges the policy violates the Constitution's guarantees of free speech and equal protection.

He said discharging Lt. Thomasson for stating his sexual orientation "is an Orwellian concept."

"We know Lieutenant Thomasson is law-abiding," he said. "We know Lieutenant Thomasson did not break the rules."

But Mr. Kneedler said a statement proclaiming homosexuality is tantamount to saying you have a propensity to engage in conduct.

"It's a common-sense operation [for the military] to say, 'What did you mean by the statement?' " he said. ". . . The statement triggers the process but does not guarantee a result."

He said that of 20 board hearings to date, three officers were able to convince boards that they did not plan to engage in homosexual conduct and were retained.

Judges M. Blane Michael and Diana Motz seemed skeptical of the government's argument.

"Isn't it awfully dangerous to link speech and propensity?" asked Judge Michael.

Some conservatives who favor an outright ban are hoping the courts will strike down the "don't ask, don't tell" policy but leave the law intact.

"We have to get rid of the policy because the policy is creating cases like the Thomasson case," said Robert McGinnis, a retired Army colonel and an analyst at the Family Research Council.

"You have an incompatibility between the law and the regulation, and its the regulations that are creating these kinds of cases," he said.

Two challenges to "don't ask, don't tell" have reached the appellate level — Lt. Thomasson's case and a six-plaintiff suit, Able vs. the Clinton administration.

In Thomasson, District Judge Claude Hilton of Virginia upheld the policy.

In Able, District Judge Eugene Nickerson in Brooklyn said it was unconstitutional. A federal appeals court in New York is due to hear oral arguments in that case later this year.

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SEPTEMBER 13, 1995 ★

Waco and Ruby Ridge: The real story

By James Simpson

To the extent the Waco and Ruby Ridge hearings have identified flawed procedures and problem agents and supervisors, they have been illuminating and beneficial. These tragedies, however, are only the most egregious examples of an increasingly widespread pattern of federal law enforcement abuse of U.S. citizens, whose crimes, if any, have not warranted the massive force leveled against them. Instead of simply asking what happened at Waco and Ruby Ridge, congressmen must ask what underlying factors have created this atmosphere for abuse and then take steps to change them.

Because of its limited and controversial mission, ATF has always struggled for its place in the federal law enforcement community and has seldom received the generous budgetary treatment lavished on the FBI and other law enforcement agencies. Almost disbanded by the Reagan administration, the agency fought tooth and nail throughout the 1980s to regain legitimacy. ATF's subordinate status in large part explains its decision to carry out the now famous Waco raid. They were desperate to be recognized.

With the election of an anti-gun president in 1992 and a democratic majority still reigning in both houses, ATF saw an unprecedented opportunity. By conducting a dramatic, successful raid against "child molesting gun nuts" the agency hoped to gain a public relations coup that would bring it long-sought recognition (and bigger budgets) in one fell swoop.

The trouble is, this kind of political calculus is not atypical. Federal agencies are given their mission through congressionally enacted legislation. An agency's success at this mission is evaluated every year in appropriations hearings and rewarded or punished accordingly. Agencies thus gear their activities to have the highest impact in budget deliberations and mold them to harmonize as much as possible with the political philosophies of their congressional paymasters.

Conservatives have called for the dissolution of ATF. It should be obvious this is not the answer. The enabling legislation for the firearms enforcement mission of ATF is primarily the 1935 National Firearms Act and the 1968 Gun Control Act. Disbanding ATF will not remove these enforcement authorities from the books and as long as they exist, some entity will have to enforce them.

The answer is not transferring legislative authority somewhere else for some other agency to abuse. The answer is rewriting the legislation. The problem is that gun laws focusing on technical aspects of gun ownership, such as weapon configuration (e.g., a semi-automatic weapons ban) or registration (e.g. the Brady Bill) create an inherent potential for abuse of ordinary citizens.

Most field agents want to go after criminals, but to win in the budget process, managers want statistical results. The number of arrests is much more important than the quality of arrests — big numbers impress members of Congress. Furthermore, the national media and the Washington political class, including most Democrats on the appropriations committees, are hostile to gun owners. Among liberals, targeting gun owners is even politically chic; and younger agents increasingly reflect the liberal bias of criminal justice programs at American universities. Finally, law enforcement is increasingly frustrated by the legal system's road blocks to prosecuting real criminals. All these factors conspire to make gun owners an easy target for hostile law enforcement action, regardless of which agency has the mission.

Recently passed gun control legislation — the Brady Bill and the misnamed "Assault Weapons" ban — goes even further to ensure that more law-abiding citizens will be targeted. For example, by leaving the definition of "assault weapon" deliberately vague, the ban gave ATF latitude to make huge segments of the population felons overnight, simply by making definitional changes to the regulations.

The only way to effectively remove incentives for abuse is to acknowledge the futility of gun laws that focus on the weapon rather than on criminal behavior. It is widely recognized by law enforcement (even ATF) that few crimes are committed with legally obtained firearms and few criminals pay attention to firearms laws. In fact the opposite is true; criminals deliberately avoid the legal system. There is a black market in firearms that easily circumvents the best efforts of law enforcement and always will. The correct answer is punishment of criminal behavior.

For example, the 1984 Armed Career Criminal statutes impose stiff penalties on career criminals for possession or use of firearms in commission of crime. ATF created the "Achilles" program to take advantage of these statutes. Since the mid-1980s, the agency has locked away thousands of hardened criminals for long fixed sentences. The program was so successful it motivated the Justice Department to initiate a sister program known as "Triggerlock".

I am no opponent of federal law enforcement. I have met many ATF agents and do not think the vast majority are "storm troopers" or even incompetent. While there are obviously bad apples, most simply do their job. When focused in the right direction, as with "Achilles," ATF has been very effective.

The only way to insure agents do the job right is to give them the right job to do. This is where Congress bears the ultimate responsibility, and they can do a number of things:

- Revise laws governing federal employment to give managers greater latitude in dealing with problem employees.
- Repeal the Brady Bill and Assault Weapons Ban.
- Repeal or at least rewrite the 1968 Gun Control Act and the National Firearms Act.
- Strengthen statutes that punish criminal use of firearms and remove procedural roadblocks to swift and effective prosecution.

This Congress should bite the bullet and reform the gun laws so that they focus on criminal behavior, rather than serving to demonize gun owners, as they do now. If they don't, Waco and Ruby Ridge will be just the beginning.

James Simpson, an Arlington businessman, is a former analyst at the Office of Management and Budget. From 1990 to 1993, he oversaw the budget for the Bureau of Alcohol, Tobacco and Firearms and other Treasury law enforcement agencies.

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Why judicial term limits won't solve anything

By Thomas L. Jipping

Disgust at out-of-touch public officials made the term limit movement almost inevitable. Disgust at the increasing political activism of federal judges is likewise well-grounded. But those, such as Pat Buchanan at the Christian Coalition last Saturday, clamoring for judicial term limits make the very error that lies at the heart of the judicial activism they are reacting against.

The Founding Fathers sought to separate the judicial from the political branches; treating judges even more like politicians could not be more at odds with what they intended. The Founding Fathers had it right and, rather than disrupting the separation of powers they built into the Constitution, the answer is to choose judges committed to judicial restraint rather than political activism.

There is much to lament in the decisions of judges these days. In 1973, for example, the Supreme Court created a right to abortion that simply does not exist in the Constitution and has been issuing abortion regulations ever since. This despite a Constitution that guarantees a right to life that the Declaration of Independence affirms is endowed by God himself. And in doing so, the court declared that the actual living preborn offspring of human beings are not persons within the meaning of the Fourteenth Amendment, while previously ruling that an imaginary legally fictitious entity called a corporation is such a constitutional person.

In 1981, the Supreme Court declared it unconstitutional to post a copy of the Ten Commandments on a public classroom wall. The court issued that decision in a courtroom where the Ten Commandments are chiseled in stone in two separate places. In 1992, the court declared that requiring students to stand once a year for a 60-second invocation at a public school graduation is unconstitutional. The court issued that decisions minutes after those in attendance were required to stand, as they are for each court session, for the invocation "God save the United States and this Honorable Court."

When looking for the constitutional meaning they must apply in individual cases, judges can either stay inside the Constitution and determine the meaning the framers established or go outside the Constitution and derive the meaning from the prevailing political culture. These and so many more modern decisions are examples of judicial activism, that is, judges deriving constitutional meaning from the political culture rather than from the Constitution's framers. Activist judges, acting more like policymakers, have blurred the critical distinction between law and politics. The result is perhaps the greatest threat to liberty, namely, elimination of the rule of law.

The Founding Fathers sought to maintain this distinction between the judicial and the political in both form and substance. First, the Constitution prescribes a formal, structural separation. Once the Senate gives its consent to their nomination by the President, federal judges can serve for life, or at least during good behavior. Congress cannot reduce judicial salaries. Members of Congress must wait to serve in the judiciary if they had voted to increase judicial salaries. While there have been 104 two-year Congresses in which thousands of individuals have served, there have only been 108 Supreme Court Justices.

Second, as Alexander Hamilton wrote in The Federalist No.78, the Founding Fathers expected that the judiciary would be the least dangerous branch because it would only use judgment rather than will. This means they would decide legal questions, not political issues. They would apply meaning already established for constitutional provisions by the framers to new cases, thus preserving their role as judges while ensuring the Constitution stays relevant for successive generations.

Exercising political will rather than judicial judgment, however, judges have decided cases based on winners and losers rather than the rule of law. Members of the legislative and executive branches are elected, responsible to the people, and make political decisions based on results. Members of the judicial branch are unelected, manifestly not responsible to the people, and make legal decisions based on the law. The modern notion of judges representing certain constituent groups or defending social interests is perverse and directly contradicts the maxim "Equal Justice Under Law" heralded on the Supreme Court building facade. It also violates the judicial oath to do justice without regard to persons. The big loser, of course, is our right to govern ourselves in a representative democracy under a written Constitution.

The courts are clearly not playing the role that the Founding Fathers expected. They are exercising will rather than judgment, preferring to be politically correct rather than judicially correct. What went wrong? The second, substantive, safeguard of liberty anticipated by the Founding Fathers — the appointment of individuals committed to judicial restraint — has clearly faltered. The president and the Senate, the two players in the judicial selection process, have been derelict in their constitutional duty and have violated their oath to support and defend the Constitution of the United States.

If the problem, however, is that one of the two judicial safeguards of liberty established by the Founding Fathers has faltered, the solution surely cannot be to eliminate the other one. If the problem is that the judiciary has become politicized by the president and the Senate using political rather than legal criteria in selecting who will occupy judicial posts, the solution can hardly be to treat judges even more the way we today want to treat politicians. If the problem is that the substantive barrier between the judicial and the political branches has eroded, it is absurd to think that the solution must be to erode the structural barrier as well.

Politicians must be in touch with and responsive to the people. Judges must, in a sense, be out of touch with and unresponsive to the people. Judges have the power to determine the meaning of the Constitution and, therefore, the power to determine the meaning of liberty itself. One shudders to think what would happen if those same judges were even more responsive to the shifting winds and sands of public opinion and the political culture. Some judges, even among members of the Supreme Court, already cast too plaintive a glance at the political culture's elites and, anxious for their approval, bob and weave and adjust their decisions accordingly.

The transformation of law to politics has been the agenda in the law schools for decades. The deliberate transformation of the judicial selection process to emphasize political positions and outcomes rather than judicial philosophy occurred in 1987 with the Senate's rejection of the Supreme Court nomination of Robert Bork. The solution is to restore the substantive judicial safeguard of liberty by reversing this trend and appointing individuals committed to judicial restraint. Those who seek instead to remove the structural judicial safeguard of liberty by treating judges even more like politicians through imposition of such things as term limits could not be less faithful to what the Founding Fathers intended.

Thomas L. Jipping, J.D., is director of the Free Congress Foundation's Judicial Selection Monitoring Project.

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PAUL CRAIG ROBERTS

Over the edge with justice

Every passing day brings new reasons to be cynical about those in government and their attitude toward justice. Here are a few of the latest outrages.

Clinton crony and Arkansas Democratic Party operative Henry Woods used his federal judgeship to throw out Whitewater indictments brought by Independent Counsel Kenneth Starr against the Arkansas political establishment. This tells me that the situation is so dicey for the Clintons and their friends that Henry Woods feels compelled to misuse his judgeship to obstruct justice. If Gov. Jim Guy Tucker and others are as innocent as they claim, there would be no point in Judge Woods raising so many eyebrows with what legal experts call a highly unusual ruling of questionable legality.

The Republicans don't score any better: 2½ years after the FBI and the Bureau of Alcohol, Tobacco and Firearms assaulted the Branch Davidians in Waco, Texas, with tanks, banned chemical weapons and machine guns, resulting in the deaths of 85 people, including 20 children, the House of Representatives finally got around to hearings. But when "law and order" conservatives looked into the eye of massive illegal behavior by federal agents, they blinked, fearful of discrediting law enforcement agencies.

The Democrats and President Clinton seized the opportunity to focus on Davidian leader David Koresh's personality and implied that the Davidians brought it all upon themselves — and may have deserved what they got. Not a single person among those responsible for the gratuitous deaths of so many people was held accountable.

Three years after Randy Weaver's child and wife were killed by federal agents — his boy was shot in the back by a U.S. Marshall and his wife was shot in the head by an FBI sniper — the Senate has finally gotten around to hearings.

Randy Weaver described his illegal entrapment, which led to the death of his wife and son, but the senators found the gross criminal behavior of U.S. law enforcement agencies too scary to confront. Patrick Leahy, Vermont Democrat, warned we must not "demonize the actions of those who serve in law enforcement."

Herb Kohl, Wisconsin Democrat, quickly avowed that "none of us here today — Democrat or Republican — wants to weaken or demoralize federal law enforcement." Rather, "we need to do what is necessary to restore" confidence in the FBI, BATF and Marshals Service.

If Gov. Tucker and others are as innocent as they claim, there would be no point in Judge Woods raising so many eyebrows with what legal experts call a highly unusual ruling of questionable legality.

Diane Feinstein, California Democrat, responded to Mr. Weaver's description of the mayhem committed against his family by asking if he had any swastikas. In other words, like the folks at Waco, he got what he deserved.

Even Idaho Republican Sen. Larry Craig, whose persistence caused the hearing to be held, said the reason for the hearings is to "start the healing process" and "rebuild that critical public trust" in federal police.

Only Iowa GOP Sen. Charles Grassley was able to state the obvious: "Law enforcement now cross-trains with the military's elite special operations forces," and "the militarization of the FBI" has imbued law enforcement with "the military mission — to kill first."

Every federal agency seems to have been militarized. A herb farm in California with $20 million in annual sales and 500 employees was raided last October by 70 flak-jacketed armed troops from the FBI, Environmental Protection Agency, U.S. Coast Guard and Army Corps of Engineers. The FBI looked at a commercial farm and saw a gun-toting religious cult. Unable to admit yet another mistake, the government is trying to seize the farm's land on trumped-up charges.

Well, at least Bob Packwood was bounced from the Senate. Can we take satisfaction that justice was done to this sexual harasser?

Afraid not. Mr. Packwood couldn't tell the difference between women who threw themselves at him and those who did not. But removing a senator is a serious matter. Mr. Packwood is the first senator to be forced out without a criminal conviction, and he was denied two basic protections of our legal system. He was charged on the basis of the retroactive application of a new standard, and he was not permitted to confront his accusers.

Mr. Packwood's colleagues didn't want to anger feminists by holding a public hearing where the accusers could be confronted, like Anita Hill, by opposing testimony and have their credibility impugned with information about their private sexual behavior. The women's movement needed a victim to prove its political clout, and the Senate pandered to the organized interest. What Sen. Mitch McConnell calls "a victory for political rectitude" is just business as usual.

Paul Craig Roberts is a columnist for The Washington Times and is nationally syndicated.

Reinventing human rights as a non-priority

By Chris Gersten

A move is afoot at the State Department to downgrade the human rights department, known as the Department of Democracy, Rights and Labor (DRL), which could reduce the role of human rights in setting U.S. foreign policy.

In 1976, Congress, motivated by concern for human rights abuses around the world, enacted legislation creating a coordinator of human rights in the State Department, later upgraded to assistant secretary. Congress required that the department prepare reports on the human rights record of recipients of American foreign aid and submit the reports to Congress annually. The State Department has since expanded this list to include every country in the world.

These reports have been drafted by the American Embassy in each country and submitted to DRL, which has had responsibility for shepherding the reports through the State Department. The regional bureaus, such as the Africa, Latin America and European bureaus, have their input, but DRL has had overall responsibility.

In recent years, embassy staff and the regional bureaus have been unhappy with the lead role DRL has played in editing and overseeing the production of the country human rights reports. Developing the reports is often tedious, requiring prolonged negotiations between DRL and the embassies and regional bureaus. The embassies and regional bureaus have daily contact with the host countries the reports are written about. Embassy personnel are often accused of having the interests of the host nation, instead of U.S. interests, as their top priority. Some embassies and regional bureaus have been embarrassed by the harsh criticism of human rights abuse correctly leveled by the country reports.

Now, under the secretary of state's Strategic Management Initiative, part of Vice President Al Gore's "reinventing government" project, several proposed changes could diminish DRL's role and water down the country human rights reports. First, under the proposed changes, the number of country reports written annually would be drastically reduced. The overwhelming number of countries would have the same report reissued year after year to reflect changes in human rights. This is the current policy for a few stable democracies such as Belgium and Switzerland. Instead of a serious annual analysis of human rights status, the department would use the 1994 report as the basis for a modest update each year. Most countries would fall into this category, perhaps even human-rights-abusing nations that the State Department may not want to embarrass with reports detailing human rights abuses.

In 1994 DRL submitted over 190 country reports. If the reforms go through, this number will slip to two or three dozen nations that will warrant a full human rights review. According to Amnesty International, Freedom House and other respected human rights monitoring groups, well over 80 countries engage in serious human rights abuse such as imprisonment and torture of political prisoners, election fraud and conducting military operations against civilians.

The second proposed change would shift responsibility for shaping the reports, once they arrive from the embassies, from DRL to the regional bureaus. The proposed change conforms to one of the key concepts in Mr. Gore's reinventing government — "teamwork." Under the new team concept, DRL's role would be to set overall guidelines for the report structures but not to shepherd the reports through the State Department and not to have final say over the content of the reports.

These changes fly directly in the face of congressional intent. Congress created the office of human rights coordinator separate from the American embassies and the State Department's regional bureaus so that the human rights reports would be divorced from the day-to-day relationships that embassies and regional bureaus must maintain with individual countries. Congress wanted to create an office that did not do business with other nations so the human rights reports would be objective in their analysis of human rights policy.

The proposed changes would also downgrade DRL by reducing the number of deputy assistant secretaries and the size of the staff. DRL would act as a resource center for embassies and regional bureaus.

The State Department is proposing these changes at a time when our government should be putting pressure on all human rights abusers. All nations must know that the United States will continue to write about and disseminate information about countries that violate the human rights of their citizens.

It is ironic that such a reduction in the scope of human rights reports and the influence of DRL should take place during an administration that promised to make human rights the centerpiece of its foreign policy.

Chris Gersten was director of the Office of Refugee Resettlement in the Department of Health and Human Services from 1989 to 1993.

FBI sniper refuses to testify about shooting of Vicki Weaver By Linnet Myers Chicago Tribune

WASHINGTON An FBI sharpshooter who could possibly face charges as serious as murder took the Fifth Amendment Tuesday when senators asked him about the day he shot and killed Vicki Weaver in Ruby Ridge, Idaho.

The move by sniper Lon Horiuchi came after an Idaho prosecutor asked Attorney General Janet Reno to reconsider filing federal civil rights charges against him and others involved in the 1992 incident, said the prosecutor, Randall Day of Boundary County.

A Justice Department source said Reno was reviewing the request, which Day made when he and Reno met Friday.

Day has been investigating the matter for possible state violations as well, which could include murder charges against Horiuchi.

Horiuchi killed Vicki Weaver, the wife of white separatist Randy Weaver, during the FBI standoff.

``I am sorry, sir, but on the advice of counsel, I respectfully decline to answer," Horiuchi said when Sen. Arlen Specter, R-Pa., questioned him in a closed session of the Senate's terrorism subcommittee, which later released a transcript of his appearance.

A federal task force recommended last year that the Justice Department consider prosecuting Horiuchi for the shot that hit Vicki Weaver in the head, killing her as she held her baby daughter in her arms.

But the department's civil rights division declined to prosecute, said Richard Scruggs, assistant to Reno.

``Under the facts as presently known, it'd be difficult if not impossible" to prove criminal charges, said Scruggs. He acknowledged, though, that ``the final facts aren't in yet."

Day said he made the request hoping that further evidence would be revealed now that the Justice Department had reopened its investigation, in light of charges that FBI officials destroyed documents vital to the case.

When Horiuchi fired the deadly shot, he was following orders later determined to be unconstitutional that told FBI agents that ``deadly force can and should be employed" against armed adults at the Weaver home.

Federal agents started pursuing Weaver after he failed to appear in court on charges that he sold two sawed-off shotguns to an undercover agent. Weaver's teen-age son and a U.S. marshal were killed in a shootout that began when marshals conducted surveillance on the property.

Horiuchi shot Vicki Weaver the next day. In testimony at Weaver's trial, the sharpshooter said he hit her by accident while aiming at Kevin Harris, a family friend who had been holed up with the Weavers.

That has been challenged by Weaver's defense lawyers, who asked Day to conduct the criminal probe.

Horiuchi was such an expert shot that ``at 200 yards, shooting a dime would be no challenge to him," said Garry Gilman, one of Weaver's attorneys, in a phone interview. That was about the distance Horiuchi was from Vicki Weaver when he fired.

``I'm talking about homicide," said Gilman. ``This is homicide."

He said, ``the whole nation should be upset" that Horiuchi refused to testify and therefore couldn't be questioned about the exact orders the FBI gave him before he pulled the trigger.

``I want to know what was said to those snipers. ... There has to be accountability for these killings. If not, you have a nation afraid of the FBI," said Gilman.

Senators, too, expressed disappointment, but said they respected Horiuchi's right against self-incrimination. The hearing on the incident will continue Thursday.

NATO tries to turn up pressure as Bosnian Serbs continue to resist By Terry Atlas Chicago Tribune

WASHINGTON NATO warplanes intensified their attacks Tuesday against Bosnian Serb military positions, but there was little evidence that the West's formidable muscle was breaking the Serbs' legendary will in Bosnia-Herzegovina.

The allied aerial assault blasted rebel installations close to the Bosnian capital even as U.S. and European diplomats prepared for renewed efforts to negotiate an end to the brutal Balkans war, now in its 40th month.

As its air campaign enters a third week, NATO is trying to heighten pressure on the Bosnian Serbs by expanding its list of military targets and boosting firepower, possibly with the addition of U.S. Air Force F-117A Stealth fighters.

The U.S.-led air strikes, sparked by August's deadly Bosnian Serb shelling of a Sarajevo marketplace, are the West's most forceful intervention in the Bosnian conflict. But strains are starting to show within the alliance, where France and Italy are raising concerns, and from Russia, which Tuesday blasted the West's bombing as ``genocide" against the Serbs.

Meanwhile, some military experts such as retired U.S. Army Maj. Gen. Edward Atkeson have expressed doubt that the allied bombing will force the Serbs to withdraw their big guns from the hills overlooking Bosnia's capital.

The initial phase of the Persian Gulf War, with air strikes far greater than anything contemplated for Bosnia, showed the limitations of bombing alone to force a determined adversary to back down.

``Air power alone can break things and kill people, but it cannot make an opponent change his mind if he's really serious," said Atkeson, a former senior intelligence analyst now at the private Institute for Land Warfare.

NATO warplanes have flown some 3,200 sorties as part of ``Operation Deliberate Force" and have struck targets such as ammunition dumps, communications and control centers, and parts of the Bosnian Serb air defenses system.

Secretary of State Warren Christopher said Tuesday the bombing would continue until the Serbs yielded to United Nations demands to withdraw their tanks and artillery from around Sarajevo, permit free passage of U.N. aid convoys and end attacks against the remaining U.N.-declared safe areas.

The idea is to raise the cost of defiance, but not to weaken the Serbs so much that the predominantly Muslim Bosnian government is encouraged to seek a military victory rather than a negotiated settlement.

``The NATO role here is not to try to tip the balance in a war," said Pentagon spokesman Kenneth Bacon. ``It is trying to win a peace agreement."

Some military analysts, however, question the strategy on at least two grounds.

First, they note it is uncertain whether NATO's carefully limited air strikes will have the anticipated effect.

Bosnian Serb army commander Ratko Mladic, his own standing bolstered by defying NATO, contends he can't withdraw Serb artillery from the heights around Sarajevo because of fears of revenge attacks by Bosnian Muslim forces. Whether or not that's true, the Serbs so far have been willing to endure NATO's punishment.

Second, some analysts question whether NATO can sustain its approach.

``This strategy ... assumes they are going to have time to carry it out," said former Air Force planner Robert Gaskin, now at the private group Business Executives for National Security. ``But we know that the allies are already starting to get antsy; we know Russia is making all

kinds of noises."

(EDITORS: STORY CAN TRIM HERE)

Indeed, NATO has a growing Russia problem. On Tuesday the Kremlin accused NATO of killing Serb civilians, including children. Boris Yeltsin's government, in its most strongly worded objection to date, said NATO's action threatened ``the current generation of Bosnian Serbs, who are actually facing genocide."

In response, State Department spokesman Nicholas Burns said, ``NATO has gone to enormous lengths over the last two weeks to minimize civilian casualties during this phase of the air war. ..."

Concerned about the growing rift, the Clinton administration is sending presidential confidant and top Russia expert Strobe Talbott, the deputy secretary of state, to Moscow this week to try to smooth over the differences and to prepare for a Clinton-Yeltsin summit next month.

Britain, with a nod from Washington, is floating the possibility of
a negotiated compromise in which the Serb weapons would be withdrawn as part of a cease-fire that includes some type of protection for Serbs in the area.

Evidence that the NATO bombing may be politically unsustainable may give the Bosnian Serbs reason to believe they can outlast the West.

Trying to put the best face on the standoff, Pentagon spokesman Bacon asserted that the bombing had achieved two of the U.N. goals ``in a de facto way": The Bosnian Serb military, now preoccupied with surviving, have largely stopped shelling Sarajevo, and they have permitted U.N. food convoys to reach the long-besieged Bosnian capital.

Still, there is the problem of the big guns, which the Serbs have concealed in the heavily wooded hills and could pose a renewed threat at any time.

The Pentagon had little success in the desert finding Iraq's mobile Scud missile launchers during the Gulf War, and so far has avoided targeting Serb tanks and artillery around Sarajevo.

Instead, NATO has concentrated on fixed targets such as ammunition dumps and transportation hubs such as bridges that are less risky to go after. But NATO soon will run out of easier targets, prompting a decision whether to broaden its air war or ease up on the Bosnian Serbs.

U.N. women's conference attendees agree women must have equal education, but ask who will pay for it By Uli Schmetzer Chicago Tribune

BEIJING Everyone at the U.N. Conference on Women agrees that women must have access to equal education and equal economic opportunities. But who will pay for it?

Delegates from poor nations are telling their sisters from rich nations that the deliberations here are meaningless unless advanced nations commit funds to their cause. Bankers agree the gap between the program and funds available now is enormous.

Sarla Gopalan, India's Secretary for Women and Child Welfare, suggested that .7 percent of the gross domestic product of the developed nations would do nicely. She was loudly applauded.

But there was a more cautious response by delegates from affluent nations who have advocated the need to offer women small business loans and access to higher education as the best remedies for poverty and dependence on male providers.

The developed nations, including the European Union, took their cue from Donna Shalala, U.S. Secretary of Health and Human Resources, who bluntly said Washington's coffers are empty.

``It is clear to anyone who reads the American papers about what's happening to our budgets that we are not going to have additional resources to add," Shalala said.

The debate over how to fund the ambitious Beijing Platform of Action, a blueprint for women's rights over the next decade, is dogging the final days of the United Nations conference that ends Friday.

African delegates warned Tuesday that unless the rich help the starving poor, the latter soon would be migrating to the developed nations in greater numbers.

``We appeal to your human conscience in the name of justice and equity to restore the equilibrium of wealth," said Marie Avemeka, Congo's Minister for Women and Development.

But a European Union statement said it would be a mistake to link additional funds to the conference targets and suggested the developing world help itself by cutting budget deficits and embarking on more sound free-market economic policies.

Western governments have become more cautious in pledging financial assistance after most of them failed to deliver on promises made at the 1992 Earth Summit in Rio de Janeiro.

The funding debate isn't the only issue still hanging over the conference, which must accommodate the ethnic, religious and cultural views of 189 member nations before it can issue its Platform of Action on women's rights.

Delegates said they have worked out compromise language to give a balanced say to both parents and children regarding decisions on contraceptives and sex education. And the conference has managed to include a provision asking some governments to reconsider laws that punish women who submit to illegal abortions.

``It was a step forward from Cairo," said Jacqueline Jackson, chairwoman of the U.S. Planned Parenthood Association. ``It gives women the right over their bodies, free of coercion and violence,"

Jackson conceded, however, that most Arab countries probably would register their reservations when the issue comes up at the plenary session Friday. Most Muslim nations also are expected to voice opposition to granting women inheritance rights, something that often is reserved exclusively for men in their countries.

Former U.S. Rep. Geraldine Ferraro, D-N.Y., a member of the U.S. delegation, pointed out that while the Action Platform document won't be binding on governments, it will give women a collective basis for negotiating at home on women's issues.

But not all governments will be receptive. On Tuesday, China's foreign ministry spokesman, Chen Jian, said his country won't abandon its one-child policy despite a declaration by the Women's Conference that it violates a woman's right to decide her sex life free of coercion and violence.

``It's a necessity, not a luxury," Chen said of the one-child policy. ``There is no chance for it to change."

Chinese authorities have been accused of forcibly sterilizing women and forcing them to undergo abortions, sometimes five to seven months into their pregnancies.

Although 130 questions remain to be resolved before the final document can be submitted to a conference plenary session, many of the opposing blocs already have declared victory.

The Vatican and Islamic nations claimed that ``radical" elements have failed in their attempt to include language further liberalizing women's sexual rights, including greater access to abortions. But liberals said they in fact had succeeded, citing, among others, a clause calling on some governments to review their policies of punishing women who seek illegal abortions.

For the last two days there also has been a deadlock over four references to ``freedom of sexual orientation."

Effort to cut immigration gets boost from commission By David LaGesse Dallas Morning News

WASHINGTON A move to slash legal immigration received a timely prod Tuesday from the Commission on Immigration Reform, which released a lengthy analysis to back its controversial call for cuts in the number of foreigners allowed to enter this country.

The House Judiciary Committee next week is scheduled to consider cutting legal entries by more than 30 percent as part of a far-reaching immigration bill. The legislation is beginning to draw vocal opposition, including more than three hundred immigration advocates who traveled to Capitol Hill this week hoping to stall the fast-moving effort.

The immigration commission, headed by former Rep. Barbara Jordan of Texas, said in June it favored cutting legal entries from 800,000 a year to 500,000.

``The legal immigration system is broken and needs to be fixed," said Susan Forbes Martin, the commission's staff director.

The commission did not set out to cut legal entries, but wanted to give greater emphasis to certain categories such as spouses and children of U.S. residents, she said.

``The numbers derive from our priority setting," she told reporters Tuesday.

The commission's proposals helped open the door for fast congressional action, said Rep. Lamar Smith, R-Texas, adding that he welcomed the timing of the commission's analysis.

``They already deserve a lot of credit for breaking the ice," said Smith, chairman of the House Immigration Subcommittee and author of its comprehensive legislation.

Smith's bill also seeks to stem illegal entries, drawing criticism from immigration advocates.

``This bill is far too broad," said Cecilia Munoz of the National Council of La Raza, a Hispanic issues group. ``We deserve a better debate on the different issues of legal and illegal immigration."

Cuts to legal immigration shouldn't be used as a ``magic bullet" to resolve widespread complaints about undocumented workers, said Frank Sharry, executive director of the National Immigration Forum. ``They've misfired if that's the way it goes," he said.

Congress needs more time to consider complex issues in legal immigration such as temporary workers, refugees and family reunification, immigration advocates say.

To make their point, they brought scores of immigrants and refugees to Capitol Hill this week, including Lourdes Rivera of Duncanville, Texas.

The bill might force Ms. Rivera, a 24-year-old marketing professional, to return to Mexico though she has lived in the United States since 1983 and her mother is a U.S. citizen, she told reporters at a Capitol Hill news conference.

The House bill would deny visas to adult children of U.S. citizens. ``This bill is telling me that I would be separated from my family," Ms. Rivera said. ``Mine is just one of many families that would be torn apart."

FBI agent who killed separatist's wife takes the Fifth By David Jackson Dallas Morning News

WASHINGTON The FBI sniper who killed the wife of white separatist Randy Weaver declined to answer questions Tuesday from a Senate subcommittee, invoking his Fifth Amendment right against self-incrimination.

Senators and Justice Department officials took pains to say Lon Horiuchi wanted to testify, but his attorney advised against it because of an investigation by a county prosecutor in northern Idaho.

``I think the Fifth Amendment is very often misunderstood," said Sen. Dianne Feinstein, D-Calif. His refusal to testify should not be considered an admission of guilt, she said.

Horiuchi, who has said he accidentally killed Vicki Weaver while aiming at her armed friend, spoke in private with the Subcommittee on Terrorism, Technology and Government Information.

The subcommittee is holding hearings on the entire 1992 incident at Ruby Ridge, Idaho, where a shootout took the lives of Deputy U.S. Marshal William Degan and the Weavers' 14-year-old son, Samuel.

Sen. Arlen Specter, R-Pa., the subcommittee chairman, permitted Horiuchi to take the Fifth privately to avoid a public ``spectacle." He also said the subcommittee refused to grant Horiuchi legal immunity, meaning his testimony could have been used against him in any subsequent trial.

Specter said the inquiry would continue despite Horiuchi's refusal to testify. However, some subcommittee staffers and Justice Department officials fear taking the Fifth could become a trend.

The subcommittee also wants to talk to five FBI officials who are under criminal investigation over allegations of covering up the controversial ``shoot on sight" orders that Horiuchi acted under.

The Ruby Ridge incident began when Weaver refused to appear in court to answer weapons charges. Weaver, in testimony before senators last week, accused Horiuchi of shooting intentionally at his wife, an assertion FBI officials vehemently denied.

Weaver and friend Kevin Harris were tried in 1993 for murder in connection with Degan's death, but the jury acquitted them both. The jury did convict Weaver for his failure to appear, and he remained in jail until December 1993. He now lives in Iowa.

Randall Day, the local prosecutor who is investigating the Ruby Ridge matter, said his inquiry had been delayed by the state trial and subsequent federal inquiries. That includes the current coverup investigation by the U.S. attorney in Washington; five FBI officials, including recently demoted deputy director Larry Potts, are under suspension pending completion of that investigation.

NATO attacks fail to force Serbs to withdraw artillery from Sarajevo By Gregory Katz Dallas Morning News

BERLIN NATO warplanes bombed ammunition depots and other military targets outside Sarajevo on Tuesday, but again failed to persuade the defiant Bosnian Serbs to withdraw their heavy artillery.

The two-week-old bombing campaign has thus far failed to lift the siege of Sarajevo, raising the prospect that "Option 3" which calls for attacks on Serb power plants, transportation hubs and other facilities may be implemented.

The escalation plan calls for a crippling of the Bosnian Serb infrastructure in raids likely to produce civilian casualties because targets would not be limited to military installations. It would have to be approved by NATO's political council and by top U.N. officials.

The course is fraught with danger because Russia on Tuesday mounted its harshest attack on the NATO raids and the use of Option 3 would fly in the face of President Boris Yeltsin's demand that the air raids be suspended.

The Bosnian Serb leadership has also indicated that it may pull out of the peace talks that opened in Geneva last week if the bombing intensifies.

Paul Beaver, Balkans specialist with the Jane's Sentinel military analysis institute in London, said the use of Option 3 could backfire by further antagonizing the Russians while hardening the Bosnian Serb position and sabotaging the already shaky peace process.

"With Option 3, it is close to a total war against the Serbs," he said. "The Americans are pressing for it, but the Europeans are not convinced. The Serbs were pressured this way by bombs in 1941, but it didn't work then and it may not work now. It is looking dangerous."

He said the use of Tomahawk cruise missiles Sunday and the U.S. decision to send radar-evading Stealth bombers to the region are signs of further escalation of a campaign that so far has not succeeded.

The U.S. plan to send Stealth bombers to NATO air bases in Italy has been snagged by resistance from the Italian government. A NATO spokesman said Tuesday evening that the issue will have to be resolved by political negotiations.

The NATO campaign has already led to a diplomatic confrontation with Russia. Yeltsin's diplomats Tuesday circulated a draft proposal at U.N. headquarters in New York that would call for a suspension of the air raids. And his government released a statement in Moscow accusing the West of "genocide."

"Despite numerous protests, the NATO command is continuing to carry out bomb and rocket strikes against the Serb positions in Bosnia," the Kremlin statement said. "As a result of this action, innocent civilians, including the most defenseless of them all, the children, are getting killed."

Russian officials announced plans to increase humanitarian aid to the Bosnian Serbs and called the U.S.-led attacks part of a plan for world domination.

Alexander Kalavrakov, an analyst with the U.S.A.-Canada Institute in Moscow, said the Russian government has wide public support for its hard line against the NATO raids.

"NATO has become a participant in the war, and I'm strongly afraid that the Bosnian government troops will now attack the Serbs because of the way the Serbs have been weakened by the NATO strikes," he said.

If this happens, he said, it is possible Russia will be compelled to give military aid to the Bosnian Serbs because of internal political pressures facing Yeltsin and his inner circle.

"It could be very dangerous," he said. "You could have Russian cargo ships stopped by NATO, or Russian supply planes attacked by NATO interceptors."

The diplomatic support of Russia and the possibility of military aid is believed to be one reason that Serb military commander Gen. Ratko Mladic has been unwilling to pull back his big guns from the mountains surrounding Sarajevo.

He also has complained to Lt. Gen. Bernard Janvier, the U.N. military commander, that withdrawing the more than 300 weapons would leave Serb-held towns vulnerable to attack by Bosnian government forces.

NATO commanders maintain it is not practical to target individual weapons because they are easily moved and are concealed in mountain hideouts that are difficult to spot from the air.

NATO already has quietly escalated the air campaign. When it began two weeks ago, warplanes struck 25 targets in the Sarajevo area, including arms depots, communications centers, weapons maintenance facilities, air defense missile sites and radar installations.

Damage was significant, but the Bosnian Serbs were able to use a four-day break in the bombing to rebuild key communications centers and parts of the vital air defense systems, U.N. officials said.

The air campaign resumed Sept. 5 and the target list was widened to include bridges, roads and communications lines in eastern Bosnia, said U.N. spokesman Lt. Col. Chris Vernon. The goal was to cut Serb supply lines used to support the siege of Sarejevo.

When that tactic did not convince the Serbs to withdraw, cruise missiles were used against air defense systems in northwest Bosnia's Banja Luka region to clear the way for NATO fighters to attack targets deep in Serb-held territory.

Despite the mounting doubts about whether the air campaign will meet its objective, NATO and U.N. officials have remained steadfast that the bombs will continue to fall until the Serbs pull back.

U.N. spokesman Alexander Ivanko said in Sarajevo on Tuesday that the use of NATO airpower has "suppressed" Bosnian Serb attacks on civilians in Sarajevo. A road into the city has also been opened by U.N. peacekeepers, easing the chronic food shortage.

"Everyday, about 1,000 tons of consumer goods and food are coming into the city," he said. But he conceded that the Bosnian Serb threat to the city remains in force.

Some analysts in Germany, which has sent fighter planes to Bosnia in the country's first military action since the Nazi era, believe that a further expansion of the raids is needed.

"If NATO stops its attacks today, then nothing has been gained," said Werner Kaltefleiter, director of the Institute for Security Politics in Kiel, Germany. "The only answer to Serb aggression is the use of force until the Serbs realize their military power is not worth anything any longer and as a consequence accept a peaceful solution."

He said civilian targets will have to be bombed under the Option 3 plan, but that civilian casualties can be kept to a minimum.

The Bosnian Serbs may withdraw from the peace talks in Geneva as a result, but they will return in several weeks because they will have no other options, he said.

It is also possible that a NATO decision to use Option 3 would alter the military balance of power so significantly that the Bosnian government would decide to pull out of peace talks and seek a victory on the battlefield.

No date has been set for the resumption of the U.S.-brokered peace talks among Bosnia, Serbia and Croatia that led to a preliminary agreement last week.

The international Contact Group which consists of Russia, the United States, Germany, Britain and France will meet in Geneva this week.

The Washington Times
FRIDAY, SEPTEMBER 15, 1995

Snipers urged to come clean

Senator doubts 'convoluted' story

By Jerry Seper
THE WASHINGTON TIMES

Sen. Fred Thompson yesterday suggested that eight FBI snipers who testified before a Senate subcommittee looking into a government standoff at Randall Weaver's remote Idaho cabin may have "shaded" their testimony to fit with the bureau's "party line" in the deadly 1992 siege.

The Tennessee Republican, a former federal prosecutor, said the snipers — stationed in four positions around the cabin when Mr. Weaver's wife, Vicki, was killed — had come up with a "complex, convoluted" story to justify the Aug. 21, 1992, fatal shooting.

"You're not supposed to be practicing lawyers or carry around a copy of the Constitution, but you've offered a lot of complex, convoluted explanations to avoid saying that you were told you should shoot anyone outside that cabin," Mr. Thompson said.

"My advice to you would be to tell it like it is, don't try to shade it down. People always get into trouble because of what happens after the event," he said, adding that "all this fits with the party line that's coming out of the FBI."

Mr. Thompson's comments related to testimony by snipers Roger Love, Mark Tilton, Christopher Whitcomb, Dale Monroe, Edward Wenger Jr., Warren Bamford, Jerome Barker and Christopher Curran that the fatal shot came only after they feared Mr. Weaver or family friend Kevin Harris was going to shoot at an FBI helicopter overhead.

The snipers, members of the FBI's hostage rescue team, testified they believed the fatal shot — taken by team member Lon Horiuchi, who has refused to testify before the panel — was justified under existing FBI deadly force rules and had nothing to do with special rules of engagement in effect at the time.

Mr. Thompson, along with subcommittee Chairman Arlen Specter, Pennsylvania Republican, and Sen. Herb Kohl of Wisconsin, the ranking Democratic member, expressed frustration with the snipers, suggesting that the shot should not have been taken.

FBI Director Louis J. Freeh has said an internal investigation found no wrongdoing by the agents at the site and that Mrs. Weaver died under the FBI's existing deadly force policy — which allows agents to fire when they or others are in imminent danger.

Mr. Freeh has since described the special rules of engagement during the Weaver siege as unconstitutional, vowing that they will never be used again. The rules, given to the snipers during two separate briefings before they assumed positions around the cabin, said any armed adult at the site "could and should" be shot.

Mr. Horiuchi, who shot Mrs. Weaver at a distance of 215 yards while attempting to hit Mr. Harris, took the Fifth Amendment against self-incrimination during a closed door session before the Senate Judiciary subcommittee of terrorism, techology and government information earlier this week. He is under inmvestigation for possible criminal charges by state prosecutors in Idaho.

Mrs. Weaver was hit in the head as she stood behind the cabin's door holding her 10-month-old daughter. The same bullet hit Mr. Harris in the shoulder. Mr. Horiuchi is the only one of the snipers who took a shot during the incident.

Mr. Horiuchi has said he did not see Mrs. Weaver at the time of the shot. Mr. Weaver, in testimony two weeks ago, said he believed his wife had been purposely targeted by the FBI.

A day before Mrs. Weaver's death, her son, Samuel, and Deputy U.S. Marshal William F. Degan died in a shootout near the cabin, located near Naples, Idaho. The Degan death prompted a call to the hostage rescue team, which arrived the next day — taking a position on the mountain at about 5 p.m.

During yesterday's session, the snipers said they saw Mr. Weaver, Mr. Harris and Sara Weaver, then 16, move from the cabin to a shed on the property and that all were carrying weapons. Several said it appeared that Mr. Weaver was positioning himself to shoot at the FBI helicopter.

At that point, Mr. Horiuchi took his first shot, hitting Mr. Weaver in the back.

Only one of the snipers testified that he saw the helicopter, although he was not sure where it was at the time of the first shooting.

The snipers also testified that after Mr. Horiuchi's second shot, which hit Mrs. Weaver, they heard the sounds of a woman scream for several seconds.

"I heard a . . . shot, and heard an adult female's voice screaming hysterically," said Mr. Curran. "That only lasted a few short moments and after that there was silence. I heard nothing further."

At the time of the Degan death, Mr. Weaver — a white separatist — was wanted for selling two sawed-off shotguns to an undercover federal informant.

Family conflicts need gentler courts

Study critical of adversarial system

By Joyce Price
THE WASHINGTON TIMES

An ad hoc commission, in a report to Congress and President Clinton, is recommending a "less adversarial" court system to handle family conflicts and the use of "less adversarial" terms for "custody" and "visitation."

The recommendations are in a draft report prepared for the U.S. Commission on Child and Family Welfare. The 15-member panel, which was set up nine months ago with $250,000, has considered the draft the past three days at meetings in Arlington.

Commission Chairman Mary Cathcart yesterday strongly denied reports that the panel is taking final action on the report.

"There won't be final recommendations till the report is written or agreed to," she said, acknowledging that the commission had "agreed to some ideas" in the draft.

One such idea, Commissioner Bill Harrington said, is a proposal urging states to adopt a "structure of unified family court systems for handling all issues related to the family."

"We want judges permanently assigned to family court who care about families and kids," Mr. Harrington said. Now, he said, no more than "10 to 15 states have family court systems of some sort."

He said the commission also has endorsed replacing the terms "custody" and "visitation" with the "less adversarial" phrase "parental responsibilities" for deciding parental roles in the care, upbringing and living arrangements of children.

Mr. Harrington, president of the American Fathers Alliance, a coalition of 280 fathers groups, said the panel has endorsed these proposals in the draft report:

- Developing a uniform system for the interstate enforcement of child custody, similar to the child-support system.
- Using "parenting coordinators" to deal with cases of unmarried parents or parents in high-conflict situations.
- Requiring states to impose mandatory mediation of parental rights and responsibilities. Such mediation would have to occur before any court rulings on such issues.
- Helping states develop "mandated parenting plans," or contracts that set forth specifics of parents' rights and responsibilities, to be issued in all divorces involving children.

Ms. Cathcart, a former executive with a battered women's project in Maine, said she could not confirm that the commission approved all those "concepts."

The panel was mandated by the Child Support Recovery Act of 1992 and is composed of congressional and presidential appointees. When the panel was announced, member Carol Statuto Bevan, who was appointed by former House Minority Leader Robert H. Michel, Illinois Republican, questioned the body's validity because 11 of its 15 members were appointed by congressional Democrats.

Mr. Harrington said that, until yesterday, he had had difficulty getting the views and concerns of fathers taken seriously by many on the commission.

"All eight of the women [on the panel] are feminists, and five are fairly militant," he said.

But he hailed a "breakthrough" yesterday when James C. Dobson, president of Focus on the Family, demanded that the importance of fathers be recognized in the panel's report.

"A large part of the report will be dedicated to a recognition of the positive role of fathers," Mr. Harrington said.

Other proposals, described as "recommendations" in the draft, call for:

- Maximizing the availability of competent lawyers to represent parents and children in family disputes.
- Modifying the U.S. tax code so it provides greater support for families.

Kristi Hamrick, spokeswoman for the Family Research Council, said the pro-family movement could endorse many of the concepts in the draft report. But she said she wonders who would pay for the "parenting coordinators" and the extra lawyers.

The Washington Times
FRIDAY, SEPTEMBER 15, 1995

Unanimous House vote backs buying in private-sector style

By Ruth Larson
THE WASHINGTON TIMES

The House yesterday unanimously approved sweeping changes to the government's purchasing system, making it more like the private sector and giving government managers more leeway in selecting qualified bidders.

By a vote of 423-0, with 12 members not voting, the House passed the Federal Acquisition Reform Act of 1995, Congress' latest effort at slicing through the jungle of red tape that has slowly strangled the federal purchasing system.

On Wednesday, House Speaker Newt Gingrich, Georgia Republican, blasted the long and arcane process, calling the federal purchasing system "one of the most inefficient things the federal government does."

Rep. William F. Clinger, Pennsylvania Republican and the bill's co-author, said it "dramatically reduces the amount of paperwork and regulatory overkill" that adds an estimated 20 cents to every dollar the government spends on federal contracts.

"We shouldn't have $500 hammers — we should be more like a business," he said during Wednesday's floor debate.

The government buys more than $200 billion in goods and services every year, from from aircraft carriers to copiers. Under current rules, suppliers must keep detailed cost and certification records on every element of commercially available items, something virtually unheard of in private industry.

Increasing numbers of companies are declining to bid on lucrative government contracts because they simply cannot afford to confront the maze of requirements.

The bill eliminates cumbersome paperwork requirements and encourages the government to buy commercial items, rather than asking suppliers to manufacture items specially for the government.

One of the few areas of contention is the concept of "full and open competition" for federal contracts.

Supporters argued that all firms would continue to have access to federal contracts, but that government officials would be able to winnow out companies whose bids did not meet their requirements, much as purchasing officers do in private industry.

Democrats charged the provision would exclude small businesses from getting government contracts in favor of larger, more established businesses.

"This will undermine the basic principles of free enterprise," said Rep. Cardiss Collins, Illinois Democrat. Her amendment requiring "full and open competition" was defeated 239-182.

The bill also eliminates a tax imposed on sales of U.S. military equipment to foreign governments. The tax tended to hamper the international competitiveness of U.S. products.

Finally, the measure consolidates 13 dispute-resolution boards into two — one at the Department of Defense, the government's single largest purchaser, and one at the General Services Administration.

Congressional panels probe use of U.S. data in Russia-Iran deal

By Bill Gertz
THE WASHINGTON TIMES

The House and Senate intelligence oversight committees are investigating whether secret U.S. data supplied to Moscow on Iran's nuclear program has been compromised, after disclosures of new links between the Russian and Iranian spy services.

CIA Director John Deutch said after a speech to the National Press Club on Tuesday that he is concerned about Russian intelligence training provided to five agents of Iran's Ministry of Intelligence and Security (MOIS). He did not elaborate.

The training was revealed by U.S. intelligence officials and reported Monday in The Washington Times.

The links have raised concerns about growing relations between Russia and Iran, especially Russian support for MOIS agents, who have been tied to international terrorist groups.

The Russia-Iran intelligence connection also has raised fears within the U.S. government about the possible compromise of CIA intelligence that was provided to Moscow in the spring on the Iranian nuclear program. The intelligence was intended to show Iran's drive for nuclear arms and persuade Moscow to cancel its sale of nuclear reactors to Iran.

Members of the Senate Intelligence Committee have asked the CIA to show the panel all the information supplied to Moscow on covert Iranian efforts to acquire nuclear technology and equipment, congressional sources said.

"The committee is looking into this," a senior aide on the committee said.

"In general, whenever you establish a liaison relationship with a foreign government, it raises our concern about what other relationships that government has with other governments, and what we have gained and what we have lost as a result," the aide said.

Rep. Robert K. Dornan, California Republican and chairman of the House Intelligence subcommittee on tactical and technical intelligence, said he has asked for intelligence briefings on the Russia-Iran ties and whether CIA secrets were compromised.

Mr. Dornan said he is concerned because the Iranian intelligence service is a major backer of terrorist groups. "The Iranians are into everything," he said.

Sen. Jon Kyl, Arizona Republican and a member of the Intelligence Committee, said he asked the panel to look into whether U.S. intelligence on Iraq's nuclear program was compromised and how to ensure U.S. secrets shared with foreign governments are secure.

"I am very concerned about reports that the Russians may be sharing American intelligence information with the Iranians," Mr. Kyl said.

Asked about the Russian intelligence support to Iran, Sen. Jesse Helms, North Carolina Republican and chairman of the Senate Foreign Relations Committee, said: "I better not comment on that because what I know is classified. I don't know why it's classified."

"I'm not anti-Yeltsin, but I think he's wrong as hell on this," Mr. Helms said.

New intelligence sharing between Moscow and Tehran highlights what Mr. Dornan said appears to be a rift between Russian President Boris Yeltsin and his power ministries, such as the intelligence and security services.

The Russian president does not appear strong enough to keep those bureaucracies in line, Mr. Dornan said.

"With each passing day, we see the gulf widening between Yeltsin and a separate government being formed by people like Yevgeni Primakov," director of the Russian Foreign Intelligence Service, Mr. Dornan said. "They're creating a separate government."

U.S. intelligence officials said the new ties were hammered out during meetings in Moscow in July between Mr. Primakov and Ali Fallahiyan, Iran's intelligence minister, and followed a February visit to Tehran by Mr. Primakov, a hard-line Communist and Middle East specialist for the Soviet government.

Five MOIS agents began receiving training in the latest spy techniques last month under the auspices of the Russian Interior Ministry, the officials said.

ne of the first black women on the force. His siblings re all employed. He worked in a rock quarry, then as a cabinet-maker, and then served in the Army, where he repaired computers and missile radar systems.

He is also more educated than most, having spent two semesters in college. He says he liked school, but was never serious about it. ``I'm an intelligent person," he says, ``but I never valued my intellect."

(End optional trim)

Gary Moncher, Patten's vice president, directed the program, and he was struck by the eagerness of Walker and the others. He is a crusader of sorts, in a conservative gray suit and black wingtips, and he found working in the prisons seductive. Before long, he began seeing for himself what researchers in prison education had found. Two inmates completed their degrees at Patten after they were released. Others found good jobs.

``That prison program gave me new life," Moncher says now. ``Every faculty member I sent said, `Send me back again.' The psychic reward of being there was phenomenal."

Of course, someone had to pay for all this. That someone was the taxpayers.

In 1965, at the urging of Sen. Claiborne Pell, D-R.I., the federal government established the Pell grant program to help finance college education for the indigent. No one knows when incarcerated students first began availing themselves of the money; the Education Department did not begin tracking inmate applications until two years ago, when controversy began brewing in Congress.

The prisoners' share of the program was small. The 27,000 who received Pell funds in the 1993-94 academic year comprised fewer than 1 percent of recipients. The government spent $35 million on them, as compared to $6 billion for the entire program.

Sen. Hutchison argued that criminals were taking away grant money from ``the honest and hard-working." That is not true, says Longanecker, the assistant secretary for education. Pell grants are an entitlement program. That means that anyone who eligible is approved. If applicants exceed the department's budget estimates, the government has traditionally allocated more money.

When Congress' intentions became clear, Moncher, the Patten College vice president, tried to save his program. He got a cold, fast lesson in political realities.

``I wrote 45 letters or so," he says. ``I got one phone call from Sen. Ted Kennedy's office from an aide who said he would look into it. I got a form letter from (Sen.) Dianne Feinstein (D-Calif). I was very disappointed, to tell you the truth. I found out there wasn't a whole lot of concern about offering educational opportunities to inmates."

FBI Snipers Cite Helicopter Safety in Ruby Ridge Siege (Washn) By Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON FBI snipers Thursday defended their actions
at the 1992 Ruby Ridge siege where a white separatist's wife was killed, contending that danger to an FBI observation helicopter from armed men outside the separatist's cabin justified opening fire.

But skeptical senators questioned whether permissive shoot-to-kill orders and exaggerated information about the threat of Randy Weaver led to an overreaction.

Dale R. Monroe, the partner of FBI hostage rescue team leader Lon Horiuchi who fired the fatal shot said he was preparing to fire but didn't only because Horiuchi fired first.

Horiuchi invoked his Fifth Amendment protection against self-incrimination Tuesday after the Senate Judiciary subcommittee on terrorism refused to give him limited immunity from prosecution.

``We don't have Mr. Horiuchi here," Sen. Arlen Specter, R-Pa., subcommittee chairman pointed out to underscore the importance of the snipers' testimony. ``You are as close as we have."

The Senate panel is trying to determine what took place at Ruby Ridge on Aug. 21-22, 1992, when deputy U.S. marshals seeking to arrest Weaver for failing to appear on illegal gun sale charges led to a confrontation in which deputy marshal William E. Degan and Weaver's 14-year-old son, Sammy, were killed. The FBI's hostage rescue team then was called in, and Weaver's wife, Vicki, standing behind a cabin door, was killed by a shot that Horiuchi has testified previously that he fired at one of the men running to the cabin.

To some government critics, Ruby Ridge has become a symbol of law enforcement excesses.

But Monroe seemed to speak for his colleagues when he opened his testimony challenging the label of ``trained killers" given to the team last week by Randy Weaver's lawyer Gerry Spence. ``We are trained to save lives," Monroe said, noting that Congress commended the unit for its rescue of hostages without firing a shot at the 1991 Talladega, Ala., federal prison riot.

``The trained killer accusation is unfair to all dedicated agents and to the widow of U.S. Marshal William Degan," Monroe said.

The snipers' testimony was in line with the conclusion of FBI Director Louis J. Freeh last January that they were acting in accord with the bureau's standard deadly force policy that allows agents to fire to protect themselves or others from grievous bodily harm or death.

``I would encourage you to just tell it like it is, don't try to shade it," Sen. Fred Thompson, R-Tenn., told the eight sniper witnesses sitting side by side behind a long witness table. ``All of this fits pretty neatly with the party line that's coming out of the FBI right now."

Monroe said he saw two men Weaver and his friend Kevin Harris
running into the cabin when Horiuchi fired his second shot, the one that struck Vicki Weaver.

Specter asked how the second shot could be justified under the standard deadly force policy, because the men were running into the cabin. He noted that a Justice Department task force had found that shot unconstitutional, a finding that was disputed by the department's internal watchdog unit and by its civil rights division and with which Monroe said ``I totally disagree."

Monroe said he believed the helicopter to be in danger whether the rifle-carrying men were in or outside the cabin. In fact, he contended the threat was ``heightened" if they gained entry into the cabin because the FBI knew there were children inside.

(Optional add end)

Sen. Herbert Kohl, D-Wis., the panel's ranking minority member, disputed the claim that the standard deadly force policy was in effect on Ruby Ridge, citing the Oct. 28, 1993, testimony for the department task force by sniper Edward C. Wenger Jr.

``My understanding of the rules of engagement was that if I saw an armed adult male outside the residence, I was to use deadly force against that individual," Kohl said, reading from a transcript of Wenger's testimony.

``Not `I should or I might or I could' but `I was to use deadly force' and those were your words," Kohl said.

``I don't ever recall saying that," Wenger said.

Judge Won't Step Down in Trial of Bombing Suspects (Oklahoma City) By Richard A. Serrano= (c) 1995, Los Angeles Times=

OKLAHOMA CITY In a blow to both the prosecution and defense, a federal judge tossed aside mounting pressure and refused to step down Thursday in the trial of Oklahoma City bombing suspects Timothy J. McVeigh and Terry L. Nichols.

U.S. District Judge Wayne E. Alley also ordered the trial to begin May 17 at the federal courthouse in Lawton,

Okla. a decision bound to please federal prosecutors who want to keep it in Oklahoma, but one the defense found deeply disturbing.

Alley, a former Army brigadier general who was appointed to the federal court 10 years ago by President Reagan, dismissed allegations from defense attorneys and government lawyers that he and the other seven federal judges here had a conflict of interest.

In an unusual stand of solidarity, the defense and prosecution cited the heavy damage that the bombing of the Alfred P. Murrah Federal Building caused to the U.S. District Courthouse across the street, as well as the fact that many of the federal workers killed in the explosion were friends and relatives of courthouse employees.

But, said Alley, ``I have no knowledge of facts disputed in this case. And I do not harbor and have never exhibited bias or prejudice against" McVeigh or Nichols.

He said he was ``unaware" of any funerals that members of his staff may have attended after the deaths of 169 people in the April 19 blast. He said the injury to one of his staffers ``did not require any medical treatment." And he said he had ``no personal or collegial relationship with any of those individuals killed in the Murrah building bombing."

Although Alley's conclusions about himself demonstrate the wide latitude of federal judges, defense attorneys nonetheless were stunned at his findings.

Nichols' attorney said he will file a prompt appeal with the 10th Circuit in Denver asking that Alley be replaced and a change of venue be granted that precludes the trial from anywhere in Oklahoma.

``I want this case tried once and tried fairly and tried in a fair forum," said Michael Tigar, the Austin, Texas, attorney who is representing Nichols. ``That is what will result in the vindication of Terry Nichols."

Stephen Jones, an Enid, Okla., attorney who represents McVeigh, said he will weigh whether it is prudent to challenge Alley's decision to stay on the case. Right now, he said, he is more concerned about the change-of-venue issue, and he is worried that if the trial is held in Oklahoma, it could become nothing more then a show of local ``boosterism" against his client.

(Begin optional trim)

Jones said a trial in Oklahoma could be attacked later by outside observers who might see it as a legal vendetta against the defendants. He said an Oklahoma trial could, as has happened with allegations of federal law enforcement misconduct in the Ruby Ridge, Idaho, and Waco, Texas, incidents, lead to similar concerns here.

``We do not want Congressional hearings about this trial," Jones said. ``We do not want an Oklahoma City-type incident in retaliation for this trial. What we want is an acceptance of the verdict of the real jury the American people."

``This is not," he added, ``a case about Oklahoma pride."

(End optional trim)

Government prosecutors here, including assistant U.S. Attorney Steve Mullins, their chief spokesman here, did not react to the judge's ruling.

(Optional add end)

In defending his decision to try the case in Lawton, the judge said he agreed with defense attorneys that the Oklahoma City federal courthouse is ``too close to the bombing target, the Murrah building."

He also said that jury selection from a pool of Oklahoma City area residents ``would be chancy."

In contrast, he said, Lawton is convenient for local witnesses and spectators and also far enough to provide a trial that would be ``detached and dispassionate" from the still-enveloping grief and mourning in Oklahoma City.

``I have tried cases in Lawton and from those experiences have formed a high regard for the qualities of jurors in that area," the judge said. ``They have been solid and good people who undertook their juror responsibilities in the spirit of public duty soberly performed."

Administration Ponders on How to Slow Media Consolidation (Washn) By Jube Shiver Jr.= (c) 1995, Los Angeles Times=

WASHINGTON Amid mounting concern that the recent wave
of media mergers will dangerously diminish competition in key segments of the communications industry, the Clinton administration is considering a variety of tactics to slow the decadelong trend toward media consolidation.

It's unclear whether any of the measures now being weighed would seriously threaten Walt Disney Co.'s proposed acqusition of Capitol Cities/ABC Inc., Westinghouse Electric Corp.'s bid for CBS Inc., or Time Warner Inc.'s expected bid for Turner Broadcasting System Inc.

But a hotly contested effort to overhaul the United States' telecommunications laws may fall victim to a political backlash against the mega-mergers, and officials at both the Federal Communications Commission and the Department of Justice have indicated that they may yet challenge one or more of the recent deals.

``This is an issue that everybody in the administration, from the Commerce Department and Justice Department to the vice president and president have all become concerned about," said Larry Irving, assistant secretary of commerce for telecommunications. ``This is right in people's faces on television and in (the) newspapers they read. ... In a democracy, where the media is how people get information, I don't think any of us want to see all of these outlets owned by one or two people."

At the White House, Vice President Al Gore, an influential voice on communications policy, is urging President Clinton to veto the long-awaited telecommunications bill, which has been passed in different forms by both the House and the Senate and now awaits reconciliation of the two versions. Among many other things, the bill would loosen rules on media concentration.

At the Justice Department, antitrust chief Anne K. Bingaman this week cited ``a level of unease in the country about the pace of telecommunications mergers." While Bingaman's record in re-invigorating the antitrust division is mixed and most experts say she is unlikely to move against the media mergersthe department on Wednesday requested additional information from Disney and Capitol Cities about their proposed transaction.

At the Federal Communications Commission, meanwhile, there are worries that the proposed Time Warner/Turner Broadcasting merger could be anti-competitive. One source said the agency was focussed on the tight relationship the deal would create between Time Warner and Tele-Communications Inc. (TCI would be converting its 21 percent stake in Turner into approximately 9 percent of Time Warner.)

Together, Time Warner and TCI reach more than 40 percent of the nation's cable subscribers, and Federal rules prohibit any one operator from reaching more than 30 percent. Even if TCI were to reduce its voting stake in Time Warner to less than 5 percent, as it has discussed, the FCC would still be concerned about the concentration of cable systems.

The agency is also said to be worried about the biggest cable carriers having control over the most popular programming, and possible granting one another preferential rates. Already, Malone is said to be demanding long-term contracts at favorable rates for Turner channels, including the Cable News Network.

(Optional add end)

Administration officials and industry sources say

The Washington Times
FRIDAY, SEPTEMBER 15, 1995

COMMENTARY

CORD MEYER

Macedonia, Greece come to terms

After last-minute attempts to reconsider by some Greek officials, the foreign minister of Macedonia, Stevo Crvevkovski, and Greek Foreign Minister Karolos Papoulias signed in New York this week in the presence of U.S. officials an agreement to lift the 18-month-old Greek blockade on the flow of trade from Macedonia through Northern Greece to the sea.

Critical to this hopeful outcome was a long process of tense negotiation between Macedonian and Greek diplomats on the issues that have long divided the two countries.

The Washington Times

In the end, President Kiro Gligorov of Macedonia agreed to change his flag and adapt his country's constitution, while the Greeks agreed to postpone to some future date the settlement of the name issue. In return, Athens has agreed to lift the Greek veto on Macedonian membership in the Organization for Security and Cooperation In Europe (OSCE) and to withdraw its opposition to economic assistance from the European Union.

In this successful negotiation, there is enough credit to go around. Greek Prime Minister Andreas Papandreou stood fast against last-minute attempts by Greek nationalists to sabotage the agreement. Mr. Gligorov and his foreign minister made cautious compromises that now open the way to the early appointment of an American ambassador to Macedonia — and approval of a substantial package of U.S. economic assistance. On the American side, Assistant Secretary of State Richard Holbrooke is given credit by the Macedonians for his role in the recent negotiations, and in Washington Alexander Vershbow played a key part as special assistant to the president.

President Clinton deserves credit for having understood from the outset the critical role that Macedonia plays on the Balkan chessboard. He moved early and decisively to keep a contingent of 550 American troops with the U.N. force on Macedonia's border with Serbia as a trip wire. By pushing the Greek and Macedonian negotiators to resolve their complex disagreement, he has improved the chances of success.

But if any single individual deserves credit for preventing the Bosnian war from expanding into the Southern Balkans, it is probably Mr. Gligorov. He has consistently restrained his own more extreme nationalists while at the same time being firm in his refusal to give in to the heavy pressure of the Greek blockade. But this political courage and tenacity has had its economic costs. The combined impact of the Greek blockade and the U.N. sanctions against Serbia has dealt Macedonia a double blow.

Now that the Greek blockade has been lifted, it is time for the United States to act quickly and decisively to improve the conditions of life in Macedonia. In a gesture of confidence in Mr. Gligorov's economic management, the World Bank has recently agreed to an additional $200 million in aid, and World Bank Director Rachel Lomax has reported that Macedonia has made "great progress on economic reform since 1994, despite severe external circumstances." With this kind of approval from international financial authorities, the Clinton administration should be able to provide the kind of help that is needed as fall and winter approach.

In addition to dealing with Greece and Serbia, Mr. Gligorov has had to cope with the reality of a large Albanian minority of 23 percent inside Macedonia. Having established the exact size of this minority by an accurate census, Mr. Gligorov has attempted to deal constructively with its legitimate complaints. He has moved to define the problem in a government report, "National Minorities in the Republic of Macedonia." He is committed to improving access to Albanian language training and education.

The president of Albania, Sali Berisha, is in Washington this week on an investment mission. He and Mr. Gligorov enjoy a good working relationship, and he has moved rapidly to privatize the Albanian economy. With a growth rate of 6 percent, the Albanian leader is doing all he can to reduce an unemployment rate of more than 25 percent. There is friction between Greece and Albania over the treatment and schooling of Greeks in Albania, but no such friction with Mr. Gligorov.

Finally, Mr. Gligorov faces on his border a threat to the region and to the stability of Macedonia. It is the Serb-controlled province of Kosovo. With a 9-to-1 Albanian majority, the Kosovars have informally elected their own president, Ibrahim Rugova, but the Serbs in Belgrade effectively control the province with their army and police. Tensions are high as the Serb government threatens to resettle Serb refugees in overcrowded Kosovo.

In this tense situation, Mr. Gligorov can be counted on to act with intelligent restraint. The West has been lucky to have him in Skopje at this critical time.

Cord Meyer, a specialist in foreign affairs, is a columnist for The Washington Times.

CHRISTOPHIR KERR

Flawed process that led FBI's Ruby Ridge inquiry astray

The Ruby Ridge cover-up presents the greatest institutional challenge to the FBI since the Church Committee hearings in the mid-1970s. Director Louis Freeh, a former federal judge, prosecutor and FBI agent of renowned integrity and ability, found himself "shocked" by the "flawed" internal investigation. Some FBI agents hope that the ongoing hearings, chaired by Sen. Arlen Specter, will spend some time on the FBI's process that made this flawed investigation not just possible — but predictable.

The real and imagined abuse of the J. Edgar Hoover era described 20 years ago for another Senate committee had for decades before provided raw material for FBI agents' dark humor. Similarly, few in the ranks were surprised to learn that the recent Ruby Ridge inquiry was "fixed." It has been an open secret for years that, although the bureau rightfully prides itself in its fair and professional prosecution of criminal and counter-intelligence investigations, its internal investigations are generally run backward. The facts are often "developed" to support a predetermined outcome. In the perhaps apocryphal exhortation attributed to J. Edgar Hoover, "Fire that man! No. Get the facts. Then fire him!"

The recent turn of events, featuring press accounts of shredding and an alleged cover-up, brings to the fore two fundamental structural defects in the bureau's internal inquiry process:

First, these probes are run by officials in the career path, a relatively insular, "close-knit" group, in what is really a very small agency. Many of those who choose career advancement have historically been beholden to an "Old Boy Network" that takes care of its own in matters large and small. Friendships and alliances often preclude objectivity in cases that touch members of the club, their associates, or more frequently, merely their instinctive judgments. Imagine the likely result if the old Rose Law firm assigned a junior associate to investigate alleged misconduct by Vincent Foster, then present the case to Webster Hubbell for recommendations, with adjudication by Hillary Rodham Clinton.

And if these incestuous entanglements alone were not enough to taint any internal inquiry at the bureau, add the fact that thanks to J. Edgar Hoover accused FBI agents have *no* rights. They have no right to confront or even see the evidence against them, let alone know the identities of their accusers. They have no right to counsel. Not even a limited right to compel evidence on their behalf. No right to a hearing. And no appeals.

This sets each FBI agent apart from every other law enforcement officer in the country, every member of Congress, and every other employee of the Justice Department from senior attorney to file clerk.

It also serves to make the bureau's internal investigations very one-sided affairs. Just ask Eugene Glenn, the courageous agent-in-charge, who finally after three years of being stonewalled in this impossible internal process, took his case to the chief of the Justice Department's Office of Professional Responsibility (OPR), Michael Shaheen. Without this, the emerging truth would still be at the bottom of the shredder.

Few outside the bureau doubt Mr. Freeh and his general counsel, Howard Shapiro, wanted the facts to come out the first time around. Such a result was at best unlikely given a system that so perfectly facilitates bureaucratic manipulation. They found themselves blindsided by a system, which is an enduring relic of an autocratic Mr. Hoover, for whom the one unpardonable sin was "embarrassing the bureau." It is a system interwoven with conflicts of interest and an almost total lack of what passes for due process anywhere else in government.

Randy Weaver at the Ruby Ridge inquiry.

Many FBI agents will consider Mr. Specter's hearings a missed opportunity if those who oversee the bureau focus on the errors in judgment of a few, mostly well-meaning public servants, at the expense of examining a process that is badly in need of an overhaul.

Christophir Kerr is an FBI agent with 23 years of service and an executive board member of the 7,000-member FBI Agents Association. Mr. Kerr does not speak for the FBI.

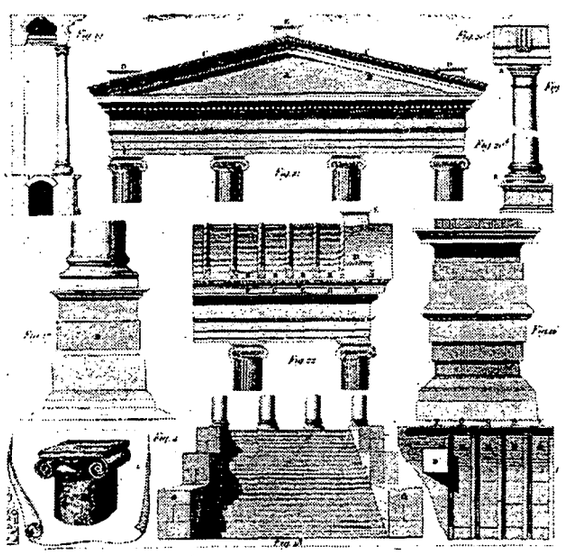
The Washington Times
FRIDAY, SEPTEMBER 15, 1995

The art of collective remembrance

By Frederick E. Hart

The creation of a major national monument, such as the proposed World War II memorial, is by its nature in a democratic society a sometimes torturous process — including the first step of selecting an appropriate site. Each site one considers has its own limitations that will inevitably dictate the scale and configuration, hence the character, of what is placed upon it.

Some sites are the perfect setting for mass and verticality, others require a subdued and understated presence. In the case of siting a new memorial in the monumental core of Washington, how the site is located in relation to other monuments is critical to how the proposed commemorative is viewed in the context of history.



A commemorative event of major national importance should have a site that is placed in equal physical relation to other major monuments in a way that clearly emphasizes its equal importance. Yet site selection for the World War II monument has proceeded willy-nilly, with little public review or debate as to how the chosen sites will dictate the character, the mass or the spirit of the final work. None of the sites which have been recently considered for the World War II Memorial are truly appropriate for what the White House World War II Memorial Advisory Board has declared the "defining national event of the 20th century."

The site currently being hurried through the approval process, the entry plaza at Constitution Gardens, is a lovely setting, but it is inherently unsuitable for a monument to an event of this importance. It is off to itself, off axis in what was designed and built as an informal garden, deliberately meant to be a respite to the mass and formality of the Mall. It is a site where a truly heroic monument cannot be placed. A degree of mass and verticality are the key elements in making a monument that attempts to raise our spirits to something higher than ourselves. They are the essential ingredients of all the great monuments in history; without them, true impact is lost.

Frederick E. Hart is a sculptor. His works include the three servicemen sculpture at the Vietnam veterans Memorial and "The Creation" at the National Cathedral. He served on the Fine Arts Commission under Ronald Reagan.

How would the Washington Monument look lying on its side? How inspiring would the Statue of Liberty look if she were six feet tall stuck off in the bushes?

The likely solution of the Constitution Gardens site is yet another version of the current cliched and timid trend towards the "understated" monument. Generally, this is a heavily landscaped area with a bare minimum of vertical intrusions , if any, such as statuary or inscriptions. The big payoff in this kind of treatment is usually an area for "quiet contemplation." This solves the problem of making an artistic statement which might offend someone — who can argue with a goldfish pond? It's a treatment generally favored by designers who have neither the vision nor the courage to make a bold statement. But proponents of the Constitutional Gardens site are favoring this sort of treatment and are opposing a heroic monument because the various commissions involved are opposed to "glorifying war." As Josh Finberg of the General Services Administration says, "war never has been and should not become the centerpiece" of the Mall's display.

Who wants to glorify war? Who wants to glorify killing and destruction? It is poppycock reasoning to confuse glorifying war with glorifying the valor and sacrifice of those who fought in an unwanted conflict thrust upon them. What we must glorify through the majesty of our monuments is the values and ideals of a great nation whose people came together in one of the nation's finest hours, and who offered up their lives to defeat the ruthless aggression of determined and relentless forces of tyranny. The valor and the nobility of spirit of that generation of Americans who fought should be boldly and eloquently commemorated in stone and bronze and lettered in gold — so that generations to come will not only honor them, but will have their example set before them for all time.

This must be a great monument equal to the greatness of the event itself, and it should be located in an axial way to the primary national monuments in the monumental core. As the Washington and Jefferson memorials speak to the 18th century and the American Revolution, so does the Lincoln Memorial speak to the 19th century and the Civil War. So must the World War II Memorial speak to the 20th century. Truly, World War II deserves an unabashedly glorious monument to an indisputably heroic event of supreme national importance.

There is, in fact, one remaining major site available that is on a symmetrical axis with the monumental core and is a grand, open and unimpeded space allowing the building of a great monument equal in stature to the Lincoln Memorial, the Washington Monument, the Capitol and the Jefferson Memorial. This site is the large traffic circle on the western side of the Memorial bridge (this area is, in fact, part of the District of Columbia and is within Area I of the monumental core).

This is the preeminent entrance to the National Capitol. It is also the ceremonial entrance to Arlington Cemetery, the Tomb of the Unknown, and the Women's Military Memorial. The site is beautifully framed by the classical architecture of Arlington Memorial Bridge and the entrance to The Avenue of Heroes leading into the cemetery. How fitting that the national monument to World War II would serve not only as a gateway to the capital but also to Arlington Cemetery. One of the unique and highly desirable features of this site, which none of the other sites being considered have, is the availability of adjacent lands for auxiliary services. Parking, visitor center, food service, auditorium, restrooms and particularly a museum of World War II could be built in the immediate area, radiating from the main symbolic event — the monument itself. Traffic flow and pedestrian access are soluble problems. There is an existing metro stop close by. A great monument placed here would be seen for miles in all directions, and as the gateway to the city, would be the first experience of monumental Washington to most visitors arriving by land, air and water. As the gateway, a great commemorative arch adorned with the references to the events of the war and images of the people who fought it would be a spectacular solution. Washington is the only major western capital that does not have a great commemorative arch.

Throughout history, most of the great accomplishments of art reflect that the elements of greatness, whether it be a Hindu shrine, a Buddhist temple, a baroque church or the classical works of Greece or Rome, were realized because of the dedication of their builders to epitomize, illustrate and perpetuate the highest values of their civilizations.

As Tolstoy said, "Art is not one of the higher purposes, it is simply a unique instrument in embracing them collectively." Selecting a site, design and construction are all instruments in stating, in stone and bronze, the higher purpose America rose to defend during World War II.

Lest anyone mistake this for glorifying war, perhaps the words spoken by Franklin Roosevelt in 1940 should be boldly and deeply carved into the face of this monument:

"We, too, born to freedom, and believing in freedom, are willing to fight to maintain freedom. We, and all others who believe as deeply as we do, would rather die on our feet than live on our knees."

House Republicans' medicare reform plan unveiled in outline By Steve Daley Chicago Tribune

WASHINGTON Amid some of the harshest partisan rhetoric in recent memory, House Republicans on Thursday introduced the outlines of their seven-year plan to revamp the Medicare system.

The GOP plan, which claims a savings of $270 billion over the next seven years, was sketched out in a four-page document made public as congressional Republicans celebrated their stated commitment to saving the nation's health-insurance system for the elderly from insolvency.

GOP sources admitted many of the key details of the legislation were not complete and would be unveiled beginning next week, when the complex language in the bill is drafted.

Republicans insist that their plan, when written into law, would cost seniors only $7 more a month than they would have paid under President Clinton's budget proposal.

The GOP plan would allow seniors to keep their current coverage with no increase in co-payments or deductibles while encouraging older Americans to enroll in private health-maintainance organizations.

House Speaker Newt Gingrich told a ‡jointllHouse Senate GOP meeting Thursday that their mission was to ``save Medicare this year."

``We are attempting to provide leadership to a country in trouble," the speaker told his cheering colleagues.

Democrats fired back, accusing the Republicans of manufacturing a ``stealth plan" that would punish seniors while providing the wealthiest Americans with $245 billion in tax cuts.

``The Republicans are scaring people because the people understand they are going to wreck Medicare," said House Democratic Leader Dick Gephardt of Missouri.

``They don't want Medicare costs increased by $1,000 a person. They don't want to lose the choice of their doctor. This (GOP) crowd is extreme. They are way out there."

Republicans continually point to a report last spring by the Board of Trustees of the Medicare hospital program maintaining that the trust fund will be exhausted by the end of the century.

And they stress that, under their proposal, Medicare would pay, on average, $4,800 per person next year and $6,700 per person in 2002.

The new GOP plan would mandate that seniors continue to pay 31.5 percent of the cost of their doctor's visits and medical tests. Current law says that premium will drop to 25 percent next year, and further after 1998.

In what Republicans call ``affluence testing," the plan would phase out Medicare Part B (doctor's visits) subsidies for seniors with incomes above $75,000 for individuals, and $150,000 for couples.

Seniors also would be allowed to establish tax-free medical savings accounts, which could be used to pay for routine medical expenses or to purchase long-term care.

And, in a program dubbed Medicare Plus, seniors could turn to private companies that might offer fiscal incentives to leave Medicare. Those incentives might come in the form of expanded benefits or prescription-drug discounts.

The private plans would have to offer health benefits comparable to traditional Medicare, where 37 million Americans are beneficiaries.

GOP lawmakers could only speculate as to how many seniors would move into lower-cost health-maintainance organizations, a stated goal of most Medicare reformers. Currently, about 10 percent of Medicare recipients are in managed-care programs.

The cautious rollout of the GOP plan, and the defensive rhetoric of Republican politicians, reflect the perilous nature of proposing broad changes in one of the nation's most popular, and sacrosanct, programs.

``Medicare is the one issue the Left believes they can lie about and demogogue and scare ..." Gingrich said, characterizing Democrats as ``totally morally bankrupt."

``They are reduced," the speaker said, ``to scaring 85-year-olds."

President Clinton responded to Gingrich's talk of morality, saying, ``If they're going to talk about what morality requires, morality requires them to tell the truth to the American people."

The Republican summary did not make clear where the bulk of the Medicare savings would be found, and, for example, offered no detail on what changes in the formula for ``affluence testing" might mean for wealthier seniors.

``Until the bill is voted on, everything is subject to change," said a GOP leadership aide.

Clinton has proposed $124 billion in Medicare savings through slowing the rate of program growth, but has not offered any details on reaching those savings.

(EDITORS: STORY CAN TRIM HERE)

On a long and difficult day for congressional Republicans, Gingrich seemed to personalize the Medicare debate, which is certain to carry through next year's presidential election.

``On bad days, President Clinton is a left-wing Democrat ..." Gingrich said. ``On good days, (he) is a moderate, centrist Democrat eager to work with us ... But on no days is he leading."

Clinton's allies accused Republicans of playing ``hide-and-seek" on the issue, mocking a party which a year ago savaged the administration for writing their national health-care proposal in secret.

``There is no plan," Gephardt said. ``For another day, there is no plan. There hasn't been a plan for six months and there is no plan now."

``Mr. Gingrich can't tip-toe around the facts," said Sen. Byron Dorgan, D-N.D.. ``His party has never liked Medicare and now they want to start taking it apart so they can save money to give the affluent in America a very large tax cut."

Republicans must find $1 trillion in savings over seven years in order to keep their balanced-budget promise, and fund their proposed tax cuts. To reach that goal, they must find $542 billion in savings from Medicare and Medicaid.

The Senate Finance Committee will unveil its outline for Medicare reform on Friday, with a bill scheduled to be written starting on Tuesday.

FBI sharpshooters say shooting that killed Weaver's wife was justified By Jan Crawford Greenburg Chicago Tribune

WASHINGTON Several FBI snipers who surrounded Randy
Weaver's mountain cabin in Ruby Ridge, Idaho, three years ago said Thursday that a colleague was justified in firing a shot that killed Weaver's wife.

And two of the sharpshooters said they were about to fire their weapons when agent Lon Horiuchi pulled the trigger of his rifle. Horiuchi's partner, said he, too, would have fired his weapon if he had a better view.

The sharpshooters, testifying before a Senate subcommittee investigating the deadly standoff, said the shooting on a dark and drizzly night in August 1992 was justified because Horiuchi was aiming for Weaver family friend Kevin Harris.

The subcommittee has heard testimony that Harris was running into the cabin when Horiuchi fired. But the agents said Harris was armed and appeared to threaten either the sharpshooters or a helicopter hovering nearby.

That threat, the agents said, was reason enough to use deadly force under the FBI's policy. The policy authorizes agents to use deadly force if they feel it is necessary to defend their lives or the lives of others.

``At the time, with his rifle the way it was, with his previous conduct he had exhibited just seconds before, the threat was still immediate," said Dale Monroe, Horiuchi's partner, who was lying in the brush an arm's length away when Horiuchi fired the fatal shot.

But Republican senators immediately questioned the agents' explanation. The Senate Judiciary Subcommittee is investigating whether authorities used improper force at Ruby Ridge, where a U.S. Marshall and Weaver's 14-year-old

son were also killed in a standoff with Weaver.

If the policy authorizes the shooting at Ruby Ridge, said Sen. Charles Grassley, an Iowa Republican, then ``we're going to continue to have future Ruby Ridges" unless the FBI changes not only its rules but ``its culture."

And Sen. Arlen Specter, the Pennsylvania Republican who is chairing the subcommittee, read from a Supreme Court case that said deadly force was inappropriate unless the threats were ``immediate."

Specter, suggesting that Harris posed no immediate threat, said the agents' interpretation was legally incorrect.

Weaver's wife, Vicki, was killed Aug. 22, 1992, as she stood inside the family cabin holding her baby daughter.

Horiuchi's shot first struck and injured Harris, who was on the porch of the Weaver cabin. The bullet then traveled through the cabin's front door and hit Vicki Weaver.

Horiuchi, who is under a criminal investigation, took the Fifth Amendment and refused to testify before the committee.

The Justice Department has said his fatal shot was ``unnecessarily dangerous and should not have been taken." FBI Director Louis Freeh has supported the sharpshooters but said special rules they received before taking up their positions around the cabin were unconstitutional.

Those rules are at the heart of the investigation being conducted by the Subcommittee on Terrorism, Technology and Government Information. The subcommittee is trying to determine whether the sharpshooters operated outside standard FBI policy at Ruby Ridge and instead followed ``shoot-on-sight" rules, which were drafted by their superiors.

McVeigh talk with authorities without lawyer not expected to hurt case By David Jackson Chicago Tribune

CHICAGO Oklahoma City bombing suspect Timothy McVeigh did not have a lawyer present when he spoke briefly to authorities two days after the April 19 blast, but McVeigh's attorneys maintain that he said nothing incriminating and legal experts said it did not appear that the government's case was damaged.

McVeigh said ``nothing inculpatory" in the conversations, his attorney Rob Nigh maintained.

Also on Thursday, the judge in the case rejected requests from both defense and government lawyers that he turn the trial over to a judge in another district, according to the Associated Press.

Instead, U.S. District Judge Wayne Alley ruled that he would preside over the trial but move it about 90 miles away, to Lawton, Okla., a military town near the Texas state line, the AP reported.

Alley set the trial for May 17, AP said.

McVeigh was first questioned by authorities while he was being held on traffic and weapons violations in the Noble County Jail in Perry, Okla., about 63 miles north of Oklahoma City. He had been unable to secure a local lawyer.

McVeigh told federal agents he assumed they wanted to talk to him about ``that thing in Oklahoma City," a statement that ``at first blush suggests he knew more than he should have," Nigh said.

But Nigh said it was common knowledge in the jail that investigators were inquiring about the Oklahoma City blast.

``Everybody in that jail knew why they were there. The whole world knew why they were there."

McVeigh's lawyers said it appeared he made the statement before he was given a so-called ``Miranda" warning. Under court rules, a criminal suspect must be told that he has a right to have an attorney present, that he can remain silent and that anything he says could be used against him in court.

Federal prosecutors could not be reached for comment Thursday.

McVeigh's statement could be excluded from the trial if he made it under direct interrogation, but is likely to be allowed if he simply volunteered it to authorities before any questioning began, legal experts said.

McVeigh was arrested near Perry about an hour after the blast on charges of unlawfully carrying a weapon, transporting a loaded firearm in a vehicle, failing to display a license tag and having no insurance.

On April 21, when he appeared at a bail hearing on those charges, transcripts reveal McVeigh was asked at least one question ``without an administration of the Miranda warnings," Nigh said.

Noble County prosecutor Mark L. Gibson asked McVeigh if he was right-handed, and McVeigh said he was.

McVeigh's attorney Stephen Jones told reporters that the question was an improper attempt to determine if McVeigh fit the FBI's description of the alleged bomber.

But Gibson said he merely asked the question so that a jailer could undo one of McVeigh's handcuffs and allow him to sign court papers.

Legal experts said that if a judge found McVeigh's Miranda rights were violated in that instance, he would bar only the statements McVeigh made at that time.

``I don't think it would have great ripple effects," said University of Chicago Law School professor Albert Alschuler.

McVeigh's attorneys will likely seek to have McVeigh's comments excluded from trial, but Nigh said it might be ``some time in the next several months" before they file legal papers.

McVeigh, 27, and his former Army buddy Terry Nichols, 40, are charged with conspiracy and murder in the blast that killed 169 people and injured more than 500. Both have pleaded not guilty.

THE WASHINGTON POST
FRIDAY, SEPTEMBER 15, 1995

FBI Snipers Testify That Ruby Ridge Shooting Was Justified

A1 By George Lardner Jr.
Washington Post Staff Writer

Bristling at being called "trained killers," eight FBI snipers yesterday defended the shot that killed Vicki Weaver at Ruby Ridge and contended it was justified under long-standing FBI rules that are still in effect.

Testifying before the Senate subcommittee on terrorism, the sharpshooters said they felt the Weavers posed a "continuing" threat to an FBI helicopter at the time the fatal shot was fired even though the Weavers and a family friend had their backs turned and were fleeing for the safety of their Idaho mountain cabin.

The outspoken testimony was the first public defense by FBI agents who were involved in the deadly siege at Ruby Ridge. The incident has brought the bureau under severe public criticism and led the Justice Department to initiate a criminal investigation of possible obstruction of justice by top FBI officials.

The harsh scrutiny of Senate hearings, now in their second week, has been compounded by criticism of the bureau on other fronts, including allegations from an FBI explosives expert that the bureau's renowned crime laboratory offered misleading or fabricated evidence in some high-profile criminal cases. The expert has been called to testify next week in the O.J. Simpson murder trial by defense attorneys who plan to challenge the quality of FBI lab work.

The first witness yesterday was FBI agent Dale Monroe, who said he would have fired too if he had had the chance. He acknowledged that "I never did see the helicopter," but said he "knew it was there" and "I believed the threat was still there."

Evidently perplexed, several senators voiced concern that the snipers said they were on an "observation" mission at the time and that the Weavers had not been given a chance to surrender. No shots were fired at the helicopter at any time during the 11-day

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RUBY RIDGE, From A1

siege three years ago in Idaho's rugged Selkirk Mountains.

One of the snipers, Christopher Curran, said the Weavers "preempted that surrender announcement" by pointing their rifles skyward on a brief excursion outside their embattled cabin.

The senators said they did not see how the shooting could be justified under the FBI's deadly force rules. If the snipers feel that way, Sen. Charles E. Grassley (R-Iowa) said, "we've got a subculture here that needs to be changed."

Under FBI rules, agents may use their weapons only to protect their lives or the lives of others if they feel they are in danger of death or serious bodily harm.

"I think we have a substantial disagreement and maybe a substantial problem," Sen. Fred D. Thompson (R-Tenn.) told the eight snipers, all members of the FBI's military-style Hostage Rescue Team. Subcommittee Chairman Arlen Specter (R-Pa.) warned that legislative action may be necessary.

The sniper who killed Vicki Weaver, Lon Horiuchi, refused to testify in a brief appearance before the subcommittee Tuesday, invoking his Fifth Amendment privilege against self-incrimination. A county prosecutor in Idaho is investigating the possibility of criminal charges against Horiuchi and other FBI officials involved in the bloody, August 1992 standoff.

The Justice Department recently agreed to pay Randy Weaver and his daughters $3.1 million to settle wrongful death claims, but the snipers who appeared yesterday, all members of Horiuchi's "Blue Team," offered no apologies. All but one of them were accompanied by lawyers provided, Specter said, by the Justice Department.

Monroe, who was Horiuchi's partner, began by taking issue with Weaver's chief defense lawyer, Gerry Spence, who last week called them "trained killers."

"We are not," Monroe protested. "We are trained to save lives."

At Ruby Ridge, the snipers were given unprecedented shoot-on-sight instructions on Aug. 22, 1992, hours before they were deployed. Under these "Rules of Engagement," they were told that they "could and should" use deadly force against any armed adult male seen in the vicinity of the Weaver cabin.

Yesterday, however, the agents played down the importance of the instructions and portrayed themselves as trained professionals who would always make the final decisions and would regard normal deadly force rules as paramount.

Sen. Herb Kohl (D-Wis.) expressed exasperation, especially in light of prior statements by some of the snipers to Justice Department and FBI investigators. Kohl said one of the agents, Edward C. Wenger Jr., stated in 1993 that if he saw an armed adult outside the cabin, "I was to use deadly force against that individual."

"I don't ever recall saying that," Wenger said yesterday. He said the rules of engagement "never said 'must.'"

Kohl pointed out that a special Justice Department task force review of the Ruby Ridge incident found the rules of engagement were unconstitutional and the shot that killed Vicki Weaver was illegal and unjustified.

Monroe said he didn't agree. In any case, he maintained, "the rules of engagement were in no way a directive . . . in no way an order to use deadly force."

The siege started on Aug. 21, 1992, when federal marshals on a surveillance mission, as part of a long-range plan to arrest Weaver on a fugitive warrant, were chased by one of the Weaver dogs. One of the marshals shot the dog in the back and in the ensuing gunfight another marshal, William Degan, and Weaver's 14-year-old son, Sammy, were killed.

The snipers arrived the next day and had just taken their positions when Randy Weaver, his daughter, Sara, and family friend Kevin Harris came out of the cabin; Weaver said he wanted to take a last look at his son, whose body had been placed in an outlying shed.

Horiuchi shot Weaver in his upper back shoulder as he switched his rifle to his left hand and reached up with his right to unlatch the shed door. The helicopter, according to other evidence, was whirling down the mountain by then, making a landing approach at the FBI staging area.

When the three fled for the cabin, Horiuchi said he took aim at Kevin Harris and fired just as he reached the door. The bullet killed Vicki Weaver as she was holding the door open, her baby daughter in her arms, and then hit Harris. Horiuchi said in 1993 trial testimony that he realized someone was behind the door, but was aiming at Harris, not "at the individual behind the door."

Monroe said he felt the helicopter was still in danger. "I believe the second shot was as justified as the first," he testified. "In my opinion, the clear threat of death had been exhibited. It was ongoing."

Under questioning, however, none of the agents could say where the helicopter was when the shots were fired.

Special correspondent Benjamin S. Abramson contributed to this report.

Senate Adds Child Care, Tougher Work Rules to Welfare Bill

By Barbara Vobejda and Judith Havemann
Washington Post Staff Writers

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In a day of intense deal-making, the Senate adopted major changes to its pending welfare legislation, including adding funds for child care and approving tougher work requirements to gain bipartisan support for a measure that would transform the nation's system of aiding the disadvantaged.

But after passing a flurry of amendments, the Senate, which had been scheduled to vote on the bill yesterday, unexpectedly agreed to postpone the final vote until Tuesday.

Among the key agreements was a major concession by Majority Leader Robert J. Dole (R-Kan.) to add $3 billion to the bill for welfare mothers who go to work.

Democrats and moderates have insisted that the fundamental goal of the legislation—moving millions of welfare recipients into the work force—was doomed unless Congress provided sufficient funds for day care.

"Child care is the linchpin of successful welfare reform," said Sen. Christopher J. Dodd (D-Conn.), who came within one vote of adding $6 billion for child care this week.

After Dole's agreement to add $3 billion to the bill, which already contained $5 billion to be spent over five years, Dodd said he had moved from the "no" column to the "undecided."

"I originally wanted a higher figure, but [Dole's] is one I can live with," he said. Earlier, Dodd had said the child-care issue was pivotal in drawing the support not only from Democrats but the White House.

"The president would like to have a bill he could sign," Dodd said.

As the Senate worked through a series of amendments late into the night, moderate Republicans and Democrats forced several major concessions.

Dole offered Democrats and the White House a bonus to states that are most successful at moving welfare parents into unsubsidized jobs and an emergency fund for states that need help because of a recession or increase in poverty.

Republicans also agreed to increase to 20 percent the proportion of welfare recipients states can exempt from working because of "hardships," including low skills or other circumstances.

The majority leader agreed to strip from the welfare bill provisions affecting job train-

See WELFARE, A17, Col. 1

WELFARE, From A1

ing. Sen. Edward M. Kennedy (D-Mass.) had argued that, by including job-training provisions in the welfare block grant, there would be no assurance that funds earmarked for specific groups of displaced workers would be spent on those groups.

Under pressure from conservatives, Dole also added funds to provide "abstinence education."

Sen. Phil Gramm (Tex.), Dole's main rival for the Republican presidential nomination, said the additional funding tacked onto the bill yesterday would leave it at least $11.5 billion short of the figure Republicans had promised to cut from welfare in order to meet their budget targets.

"This bill is going to make it very difficult for the Senate . . . to meet its reconciliation goals," he said.

The legislation would replace scores of federal welfare programs with lump-sum payments, known as block grants, to the states. Yesterday, senators made numerous changes, among them adding a provision sponsored by Sen. Dianne Feinstein (D-Calif.) to make paternal grandparents responsible for child support for needy children of minor parents.

Sen. Richard C. Shelby (R-Ala.) succeeded, 93 to 5, in adding a tax credit for adoption expenses.

Senators also approved an amendment offered by Sen. Carl M. Levin (D-Mich.) to require able-bodied welfare recipients to find jobs or enter training within six months of receiving benefits.

If they can't find jobs, they must enter community service work.

The Dole bill, like the measure approved by the House in March, required welfare recipients to go to work after two years.

The decision to put off the vote until next week ran counter to Dole's earlier insistence that the Senate wrap up action on welfare by yesterday.

He had threatened to fold the bill into the omnibus reconciliation legislation scheduled for action in October if senators could not work out their disagreements.

But late last night, when it became clear that members were wearing down, Dole suggested that the Senate continue debating amendments today and into next week.

"I have my wife at home waiting for me and my little dog Billy," said Sen. Robert C. Byrd (D-W.Va.), appealing to other senators to abandon some of their amendments.

"People are tired," Dodd said.

Indeed, Dole admitted that he had failed to grasp the importance of an amendment by Sen. Bill Bradley (D-N.J.) that would have forced states to guarantee benefits to eligible residents. In a hurry to move action along, Dole cut off Bradley's description of the provision and suggested that it be accepted by voice vote.

Later, Dole said he realized he had unwittingly accepted a new entitlement, the antithesis of the Republican welfare philosophy. He said he would move to strike the Bradley provision.

Republicans predicted that they were headed for a victory on the legislation.

"This is historic enough for people to want to vote on it," said Sen. Don Nickles (R-Okla.).

And Democrats said the bill would be easier to support because of the changes in the past few days.

"It's a better product," said Sen. John Breaux (D-La.), who had co-sponsored a Democratic alternative that failed last week.

The child-care issue emerged as a major stumbling block when members could not agree on how much to set aside to guarantee that states would have sufficient funds to answer the mammoth increase in demand expected if the welfare bill is enacted.

The bill would require states to put half of their welfare recipients into jobs by 2000. Sixty percent of welfare families include children under the age of 5.

Like the version the House approved, the Senate bill would end the 60-year-old guarantee of cash support for poor Americans. While the legislation raced through the House, where it passed on a largely partisan vote, the Senate has been stymied for months because of disagreements among Republicans.

At the heart of the debate has been how far the bill should go in curtailing benefits as a way of discouraging out-of-wedlock births. While Democrats and moderate Republicans argued that such provisions would punish innocent children, conservatives insisted that unwed births would drop if some of the federal benefits were eliminated.

On Wednesday, senators voted overwhelmingly to defeat a ban on the use of welfare funds for unmarried teenage mothers and to remove from the bill language that would have denied additional benefits to mothers who have more children while on welfare.

But an effort to remove another conservative measure, an "illegitimacy bonus" for states that reduce out-of-wedlock births, was defeated yesterday, 63 to 37.

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FINAL

'Megan's Law' Reactivated, With Offenders' Protections

Prosecutors' Decisions Subject to Challenge

By ROBERT HANLEY

TRENTON, Sept. 14 — After nearly seven months' delay for legal challenges and court rulings, New Jersey has reactivated "Megan's Law" and is resuming evaluation of about 2,100 sex offenders subject to the law's new community-notification provisions, officials said today.

Attorney General Deborah T. Poritz said her office had given the state's 21 county prosecutors new guidelines to assess an offender's risk of committing another sex crime and to determine how broadly information about the offender's presence can be circulated.

She said she expected some prosecutors to finish their assessments and inform offenders of the findings within two weeks. But she said, community notification must await the offenders, who as the result of a July State Supreme Court ruling have the right to challenge the assessments.

That ruling upheld the constitutionality of the law but gave each offender covered by it the right to contest a prosecutor's classification of him as being at low, moderate or high risk of committing another sex crime. Offenders have two weeks to make their appeals.

To quicken the appeals process and get information to the public faster, Ms. Poritz asked the high court today to set a 40- to 45-day deadline for the resolution of any challenges.

The law is named after Megan Kanka, who at the age of 7 was raped and murdered near her home in Hamilton Township, N.J., in July 1994. A neighbor twice convicted of sex crimes has been charged with her killing. Neighbors did not know of his past when he moved onto the Kankas' block.

Megan's mother, Maureen, who was with Ms. Poritz at a news conference today, expressed satisfaction with the new guidelines.

"I'm glad," Mrs. Kanka said. "I'm really glad because I think it'll bring the awareness out."

Ms. Poritz said the law was being revived despite a Federal Court ruling on Feb. 28 that found it unconstitutional in certain circumstances. The judge, Nicholas Politan, held then that in the case of offenders convicted and sentenced before the law was passed last October, the law's community-notification provisions constituted improper additional punishment.

In practical terms, Ms. Poritz and her aides say, Judge Politan's decision covers only the convicted offender who challenged the law. Thus, the state is free to start applying the law again to everyone except a handful of others with challenges pending in Federal court.

She said she had written Judge Politan, as well as the Federal Court of Appeals for the Third Circuit in Philadelphia, about New Jersey's resumption of the law.

"We haven't heard from anyone in the Federal courts as of this date," she said, adding that she has taken the lack of a response as a signal to proceed.

The State Supreme Court's July ruling also imposed limits on the breadth of community notification. Although that decision upheld the law's constitutionality and differed with Judge Politan's finding that it dispensed unconstitutional extra punishment, it said the law impinged on offenders' privacy rights.

Because of that, the court threw out provisions for communitywide notication of an offender's presence; for instance, it prohibited alerts issued in municipal meetings or posted on the front doors of town halls. It also appealed to news organizations not to disseminate the names of offenders deemed to be at moderate or high risk of committing new crimes. (As for low-risk offenders, only relevant law enforcement organizations can be notified of their presence.)

Under the July ruling, and the new state guidelines, notification about those considered moderately at risk can be made only to institutions that care for children and women and are "likely to encounter" the offender, including schools, licensed day-care centers and camps. Under the ruling, organizations considered "likely to encounter" the offenders are those located "in close geographic proximity" to their homes, job sites or other regularly visited places.

Delay in notifying a community of an offender's presence.

As for offenders considered at high risk of committing new crimes, in addition to notifying groups that care for children and women, the authorities are permitted to notify members of the public "likely to encounter" the offender, including immediate neighbors.

From late December, when prosecutors started the risk assessments, to late February, the time of Judge Politan's ruling, the guidelines were criticized as too subjective. Critics said a prosecutor in one county could classify an offender as at moderate risk while a prosecutor in another, using the same information, could consider him at high risk.

Under the new system, prosecutors must apply a strict numerical ranking to each of 13 criteria. The most serious of the criteria include the degree of force used in the sexual crime, the type of sexual contact and the age of the victim.

Forty-three offenders were considered at moderate or high risk under the old system and were subject to notifications that are now illegal under the State Supreme Court's July ruling. Ms. Poritz said she believed those cases were not subject to re-evaluation under the new guidelines.

THE NEW YORK TIMES, FRIDAY, SEPTEMBER 15, 1995

Before Skeptical Senators, 8 F.B.I. Agents Defend Tactics in Idaho Shootout

By NEIL A. LEWIS

WASHINGTON, Sept. 14 — Appearing before a skeptical and sometimes incredulous Senate panel, eight agents from the Federal Bureau of Investigation today defended the procedures they used in a deadly standoff in 1992 with a white separatist that ended with the killing of his unarmed wife.

All eight members of the F.B.I.'s Hostage Rescue Team were on the Idaho mountaintop known as Ruby Ridge in August 1992 where they had been dispatched to help arrest Randy Weaver, who was holed up in his cabin with his family.

The day before they arrived in Idaho, there had been a shootout with Mr. Weaver and the United States Marshal's service that left one marshal and Mr. Weaver's 14-year-old son dead.

In their testimony today, the F.B.I. agents, part of a special sniper-observer unit, painted a portrait of a quasi-military unit poised and ready to use deadly force when they arrived at the site.

The ninth member of the sniper unit and its leader, Lon Horiuchi, did not appear today. Mr. Horiuchi, who fired the shot that killed Vicki Weaver as she stood in the doorway of the cabin while holding her 10-month-old baby, invoked his Fifth Amendment right against self-incrimination and refused to testify.

But Mr. Horiuchi's partner, Dale Monroe, who stood with him on the ridge that day, told the Senate panel that it was appropriate for Mr. Horiuchi to have tried to kill anybody near the cabin who was armed because they were threatening an F.B.I. helicopter circling nearby.

"We were concerned for the safety of the crew," Mr. Monroe testified. He said that Mr. Weaver and others were seen pointing their rifles at the sky. Mr. Horiuchi has said that he was aiming at an armed man when he accidentally killed Mrs. Weaver who was standing behind the cabin door.

At issue in the hearings before the Senate Judiciary subcommittee is how the agents changed the guidelines by which they were allowed to fire weapons.

Bureau guidelines on deadly force allow agents to fire at a person only if they or someone else is in imminent danger of bodily harm.

As the Hostage Rescue Team flew to Idaho, officials adopted looser rules of engagement that allowed the snipers to shoot to kill any armed male in and around the Weaver cabin.

Under questioning from Senator Arlen Specter, Republican of Pennsylvania and the subcommittee chairman, each of the eight gave minute-by-minute accounts of what they observed that afternoon. All the accounts had common elements of seeing three people run out of the Weaver cabin and shortly afterward run back. As they were running back, a shot was heard and then a second as a man tried to duck inside.

All the accounts ended with an identical chilling description of how each man heard a woman screaming in agony for a few moments after the second shot, followed by silence.

The eight members who testified today all said that they thought Mr. Horiuchi was justified in firing at the armed man. Two snipers said they were getting ready to fire themselves when Mr. Horiuchi fired his rounds first.

"I was trying to get a clear shot at the time," testified Christopher Whitcomb. Edward C. Wenger Jr. said, "The only reason I didn't fire was because agent Horiuchi shot first."

Mr. Monroe said that the second shot of Mr. Horiuchi was justified because the men rushing back to the cabin would continue to present a danger to the helicopter even after going back inside.

Senator Specter expressed amazement that Mr. Monroe or the other agents would try to justify the second shot. "I think that's just wrong," he said. "The threat has to be imminent," he said.

THE NEW YORK TIMES, FRIDAY, SEPTEMBER 15, 1995

An Exam for Home Health Care

A Way to Cut Hospital Costs, or a System Out of Control?

By MILT FREUDENHEIM

Milagros Palacios has been in and out of New York City hospitals for the last two years for emergency treatment of a perforated intestine. Each time she is admitted, she says, medical personnel tell her they don't expect her to live.

So far, though, the 62-year-old former medical secretary has just kept going. Each time, she has been discharged to resume her life in her Washington Heights apartment. But because she can't keep solid foods down, a condition that has reduced her frame to a frail 85 pounds, she requires several visits each week from nurses and aides who help with intravenous feeding and change her bandages.

Not so many years ago, Mrs. Palacios, who also suffers from neuromuscular weakness, would probably have been consigned to a nursing home or forced to endure long-term hospital stays. But, with the boom in home health care over the last six years, she gets the services she needs for a fraction of the cost — $2,411 a week, paid in full by Medicare, compared with an estimated $8,400 that a hospital would charge.

Some people would say her case and others like it represent a victory in the country's war on surging health care costs. But there is just one problem: There are too many Milagros Palacioses in the United States.

For the last several years, home health care has been the fastest-growing segment of the fast-growing health care industry. Since 1985, the number of people receiving care in their homes from Medicare, the main payer, has more than doubled, to 3.5 million from 1.6 million. Critics have attacked the spiraling growth in costs, contending that home health care has moved beyond its original mission of rehabilitating hospital patients and taken on people with chronic illnesses who may need care for months or even years.

And, with Americans living longer lives and the first of the baby boomers hitting their 50th birthdays, these critics say the costs will only balloon further unless action is taken to restrain them.

Already, a political debate is shaping up on the best way to do that. The Clinton Administration is focusing on ways to limit payments to some providers of home services. Impatient Republicans in Congress, meanwhile, are advocating sterner measures, including a proposal before the Senate Finance Committee that would require home care recipients to pay 20 percent of the bills, the same share they contribute to hospital and physician charges. Backers say such measures would save $20 billion over seven years.

At the same time, Federal law enforcement officials are trying to cut costs another way — by attacking fraud. Recently, the Federal Government assigned 350 F.B.I. agents and designated $24 million to root out health care abuses, starting with the home care and nursing home indus-

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tries. In the private sector, insurers and health maintenance organizations are stepping up their efforts to restrain home care expenses.

Moving to head off the budget-cutters in Congress, Medicare is preparing to announce reductions of $70 million to $400 million from the $1 billion it spends annually to provide oxygen for patients with breathing problems. "There is no question that we are paying substantially more than anyone else" for these services, said Bruce C. Vladeck, the head of the Health Care Financing Administration, which runs Medicare. He said payments for similar though not identical care by the Veterans Affairs Department were "about half" of Medicare's rates.

Senator Tom Harkin, Democrat of Iowa, provided one example at a Senate Appropriations subcommittee hearing last November. Medicare pays a company $280 a month to provide oxygen in the home to a victim of emphysema or other lung diseases, while Veterans Affairs pays only $126 a month, he said.

More broadly, Mr. Vladeck said Medicare should establish predetermined fees for each type of home health treatment to replace open-ended, fee-for-service payments. Companies that already compete for the business of health maintenance organizations generally support this approach, which has been used for hospitals since the early 1980's. But it may take several years to develop it for home care.

The home health care industry is not sitting still in the midst of all this activity. Big publicly traded companies are rushing to cut their dependence on Medicare business and create national networks to bid for big contracts with private insurers and employers. More to the point, they are also trying to tell budget-cutters in Congress that stomping too hard on home care payments may backfire, forcing sick people to stay longer in hospitals.

The number of companies providing home services — including giants like **Apria Health Care** Group, the **Coram Healthcare** Corporation and the **Olsten** Corporation, as well as thousands of small, mom-and-pop companies and nonprofit community agencies — has increased by nearly 50 percent in the last five years, to more than 17,000, with total revenue nearly doubling to $27 billion from $15 billion in the same period, according to Government and industry estimates.

While $27 billion might sound like a lot of money, the companies argue that they have probably saved the nation many times that amount in hospital bills. Indeed, they point out that their house calls typically cost one-tenth of the average $900-a-day hospital stay.

"There's only one goose that can lay a golden egg as far as savings, and that's home care," said Tim Aitken, the president of Apria. "It's possible they will shoot the goose and the industry will not grow at all."

The industry also argues that strict observance of Medicare rules would safeguard the system against abuses. To get home care, a patient must be homebound and must require skilled nursing, not just custodial services. The patient must also require only intermittent visits, not constant surveillance.

If the industry feels threatened, Medicare recipients and their advocates are no less dismayed by a Republican effort to pass some of the cost on to consumers. Carol Raphael, president of the Visiting Nurse Service, a nonprofit agency, deplored the cost-sharing proposal. "A 20 percent co-payment for home care would be a regressive sick tax on the most vulnerable and disabled Americans," she said.

Mrs. Palacios, the former medical secretary, said she could not afford to pay 20 percent of the Medicare bill, or $482 a week. "I don't know what I could do," she said, "I would just die, I suppose."

To be sure, taxpayer-financed Medicaid programs would pick up the slack for the indigent, so some of the savings under the Republican plan would eventually be lost.

One cause of the surging costs is the vastly improved technology that has made new types of care possible at home, and has put increasing numbers of older, sicker patients on life-support services like oxygen, drugs and nutrition for months at a stretch. The big users are often physically fragile, impoverished women in their 80's, according to Marilyn Moon, an economist with the Urban Institute, a nonprofit research center in Washington.

While politicians debate policy, law enforcement officials are going after cheaters. "The publicly traded companies learned the hard way that it does not pay to provide substandard services," said Richard Kusserow, a former inspector general of the Department of Health and Human Services. "But many small mom-and-pop operators feel they are below the radar screen and continue with questionable practices. Most law enforcement has been against the larger companies."

A Federal audit in Florida found that one in four claims to Medicare from home health agencies were for unnecessary services including "visits" that were never made. A 1994 report by the Senate Committee on Aging estimated that 10 percent of all health charges were fraudulent. By that measure, Medicare, which expects to spend $14.5 billion on home care this year, may lose $1.5 billion to fraud.

The first big home care casualty was the **Caremark** Corporation, which paid a $161 million settlement and pleaded guilty to Federal felony charges involving kickbacks to doctors who persuaded parents to enroll their children in Medicaid-financed Caremark growth hormone programs in their homes.

Last Monday, Coram, which bought most of Caremark's home care business in April for $309 million, filed a $1.5 billion lawsuit against Caremark. Coram said Caremark had failed to disclose the extent of its legal problems and overestimated its 1994 revenue before the deal in April. In a statement, Caremark said, "We disagree strongly with the allegations."

The Federal Bureau of Investigation and the Justice Department are still investigating doctors accused of participating in the Caremark growth hormone program. Although Coram is cooperating with the authorities and tightening its controls over employee behavior, the fallout from the case is hurting business, especially with managed care plans that are big customers for home health services.

"Managed care providers are not going to trust you unless you come to them with absolutely clean hands," said Larry Watts, a Coram vice president in charge of compliance with legal and quality standards.

The Washington Times
THURSDAY, SEPTEMBER 14, 1995

Report faults U.S. attorney for interfering in Idaho siege

Marshals wanted to end deadly standoff peacefully

By Jerry Seper
THE WASHINGTON TIMES

A Justice Department report says federal prosecutors in Idaho derailed efforts by the U.S. Marshals Service to peacefully resolve a government siege involving fugitive Randall Weaver, describing their motives as "erroneous, rigid, deceptively incomplete and disingenuous."

The department, in a 542-page report that has not been released publicly, said that despite "many alternative plans designed to capture Weaver, but to do so without harming Weaver, his family or the arresting officers," marshals were thwarted in every attempt by the U.S. Attorney's Office in Boise.

Former U.S. Attorney Maurice Ellsworth yesterday denied the accusations, saying he worked with the marshals in an effort to bring the matter to a safe conclusion. He called the charges "ridiculous and politically motivated."

"I think the administration is trying to cast blame on a previous administration or a previous U.S. attorney, and it certainly is easy to cast blame on something that did blow up," he said. "But we were very cooperative to the extent we could be."

Ronald Howen, the assistant U.S. attorney who handled the Weaver case, declined comment, saying he had not seen the report. Still a prosecutor in the Boise office, he referred further inquiries to the Justice Department in Washington.

Mr. Ellsworth, now in private practice in Boise, is scheduled as a witness tomorrow before a Senate subcommittee looking into the Weaver standoff. Today, the committee will hear from FBI snipers involved in the siege.

The report said the U.S. Attorney's Office in Boise "did not appreciate the difficulties" facing the marshals and made no effort to assist them "in devising a peaceful solution to the problem."

Written by lawyers from the Justice Department's office of professional responsibility and the criminal division, it concluded that Mr. Ellsworth and Mr. Howen "did little, if anything" to help bring the siege to a peaceful end.

"To the contrary, in more than one instance, they made decisions or took actions that made the marshals' task more difficult," the report said.

Samuel Weaver, 14, and Deputy U.S. Marshal William F. Degan, the agency's most highly decorated officer, were killed in a shootout near the cabin during a reconnaisance mission. A day later, Vicki Weaver died after being shot by an FBI sniper, who also wounded Mr. Weaver and family friend Kevin Harris.

The Senate Judiciary subcommittee on terrorism, technology and government information, headed by Sen. Arlen Specter, Pennsylvania Republican, is trying to determine what happened in the case.

Five deputy marshals involved in the Aug. 21, 1992, shootout that claimed the lives of Samuel and Mr. Degan, the father of two children, also are scheduled to testify tomorrow. Mr. Degan's widow, Karen, is expected to attend the hearing as an observer.

According to the Justice Department report, Mr. Howen halted efforts by the marshals to negotiate with Mr. Weaver concerning his possible surrender.

The report said the agency began discussions with Mr. Weaver through intermediaries in October 1991 and had exchanged terms of surrender with him. Michael Johnson, U.S. marshal in Idaho at the time, said Mr. Weaver was looking for assurances that his property would not be seized and that his family would not be injured; he also wanted apologies from the Bureau of Alcohol, Tobacco and Firearms and the Boundary County, Idaho, sheriff.

The report said Mr. Howen "directed" the marshals to end negotiations, saying Mr. Weaver was represented by legal counsel and that contacts with him were prohibited.

"We find Howen's decision was erroneous and unduly hampered the marshal's efforts," the report said, noting that prosecutors ignored the fact that Mr. Weaver had not talked with his attorney, Everett Hofmeister, since his arrest nine months earlier.

"Despite these clear indications that Weaver did not want Hofmeister's services, Howen adopted a rigid approach to the issue," the report said. "Moreover, Howen never spoke with Hofmeister about the matter or explored whether Hofmeister would consent to the contact by the Marshals Service."

The report said Mr. Howen was "apparently unwilling" to explore alternatives that might have led to discussions with Mr. Weaver. "Given the gravity of the situation," options that might have promoted a dialogue "should not have been disregarded," it said.

The report said Mr. Ellsworth and Mr. Howen "refused to discuss" a proposal by Henry Hudson, then head of the Marshals Service, that the Weaver warrant be withdrawn and reissued under seal in a ruse to safely end the siege. The report questioned their "judgment" in rebuffing the Hudson plan to "break the yearlong impasse."

Mr. Ellsworth described the plan as "stupid" and said it would not work, noting that Mr. Weaver had been tricked once in his initial arrest and had vowed not to be fooled again after his failure to appear in court.

The Washington Times
THURSDAY, SEPTEMBER 14, 1995

President warns Republicans not to tamper with crime law

Notes 1994 measure has put repeat felons behind bars

By J. Jennings Moss
THE WASHINGTON TIMES

ELKRIDGE, Md. — On the one-year anniversary of the Democrats' anti-crime package, President Clinton yesterday announced a new program to prevent gun violence among young people and warned Republicans not to try to rewrite the previous Congress' legislation.

At the event near Baltimore, Mr. Clinton sought to cast himself as a crime fighter and congressional Republicans as willing to compromise on crime control to balance the budget.

"Today, there are those who, in the name of a balanced budget, would go back on all this progress," Mr. Clinton said to students and others at Mayfield Woods Middle School.

He noted that the crime bill he signed last year sends those convicted of three federal felonies to prison for life, bans semiautomatic assault weapons and calls for 100,000 more police on the nation's streets. So far, federal funds have been authorized for 25,000 new officers.

As part of the "Contract with America" that helped get them elected last November, House Republicans promised a rewrite of the Democrats' crime bill to give local governments more control over how they spend federal police dollars.

The House in February passed a new crime bill, which includes a series of tougher penalties and takes away a number of social programs Democrats said would prevent crime. But the Senate has yet to consider an anti-crime package and may not take it up until next year.

Republicans now are grappling with how to pass fiscal 1996 spending bills that will gain Mr. Clinton's approval and allow them to balance the budget within seven years. While not mentioning deficit reduction and crime control in the same breath, Mr. Clinton and fellow Democrats have tried to convince the public that Republicans will risk one for the other.

For example, Maryland Gov. Parris Glendening, addressing the same crowd as Mr. Clinton, said his state could lose $32 million next year for a program designed to keep drugs out of schools.

"I know we must cut the deficit, but we must be responsible with the cuts that we make," Mr. Glendening said.

Mr. Clinton's other intention yesterday was to show his concern for statistics that show that gun violence among young people is increasing as is marijuana use among teen-agers.

"The other day, there was a survey of teen-age gang members in which two-thirds of them said they felt justified in shooting someone who treated them with disrespect. If the president took that action, we'd be out of bullets in the country," Mr. Clinton said.

To combat this trend, Mr. Clinton and Attorney General Janet Reno announced that 10 cities would get awards of up to $1 million to allow them to develop specialized community policing programs.

Baltimore will get a grant to help fund a program assigning 24 officers to special teams in two areas with high truancy rates and gang problems. Richmond will get funding for a strategy assigning personnel to open-air drug markets, school grounds and surrounding areas as a way to stop youth violence.

Commenting on a recent study that said marijuana use among teen-agers had nearly doubled in more than three years, from 4 percent to 7 percent, Mr. Clinton said: "It's wrong. It's illegal. It's dangerous. It's a horrible first step and we have got to turn that number around."

Patch delay pains Pennsylvania

Three congressmen question FDA's unexpected action

By Joyce Price
THE WASHINGTON TIMES

Three U.S. congressmen have raised concerns that the Food and Drug Administration was overzealous in blocking the sale of an over-the-counter pain patch.

Reps. George W. Gekas, Robert S. Walker and Bill Goodling, Pennsylvania Republicans, questioned "recent FDA regulatory activity" involving the LidoPain Patch.

The Pennsylvania congressmen told FDA Commissioner David Kessler they believe it is "difficult to discern any sense of a coherent regulatory agenda in the FDA's action against American Pharmed," the U.S. company that markets the German-made patches.

They said they are "troubled" given the "extremely minor public health concerns at stake" and the "economic hardship" the FDA's action could cause the company and its employees. The firm's national sales office is in Harrisburg, Pa.

The patch was developed as a treatment for pain caused by chronic musculoskeletal disorders. Anesthetic lidocaine, the patch's active ingredient, "is one of the oldest topical analgesics in use today" and one of the safest, the congressmen said in their letter to Dr. Kessler.

They pointed out that the LidoPain Patch contains "lidocaine at a level that the FDA has determined to be safe and effective."

Wendy L. Kauffman, the firm's national marketing administrator, said the LidoPain Patch "has been brought into this country for distribution since November." There were "no customs or FDA problems until June 5," she said.

"On that date, an overzealous FDA inspector, filling in for the regular inspector — who had routinely released several previous shipments — determined that a shipment of LidoPain Patches that arrived at JFK Airport constituted a 'new drug' and required a new drug application."

In other words, the inspector concluded that the patches had not gone through the proper approval process and were illegal. She ordered the shipment detained, and it remains in detention.

"No reasonable legal justification for the detention has been provided ... by the FDA," the company said in a statement. Meanwhile, it said, supplies of the LidoPain Patch have been cut off to the more than 12,000 pharmacies that had been receiving it.

"It's Kessler and his little Gestapo" at work, said Gerald Correll of Pikesville, Md., who sold the patch in five states.

Teresa Munk, the company's general manager, said: "FDA's arbitrary action at Kennedy Airport ... is not only a serious blow to consumers ... but it is a grievous, if not fatal, blow to the economic future of our company."

The patch is produced in Germany by Lohmann Therapie-Systeme, which developed the first nicotine and nitroglycerine patches. In 1993, LTS invested $50 million in a pharmaceutical manufacturing plant in West Caldwell, N.J., where nicotine patches are made and where production of the LidoPain Patch was to have begun later this year.

Since the mid-1970s, FDA approval of many over-the-counter drugs has been handled through a "monograph" process that does not require all the costly clinical trials required for approval of prescription drugs.

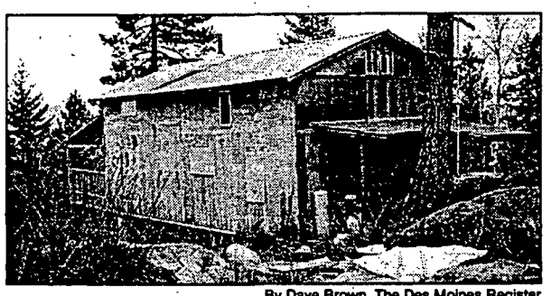
But the FDA argues that patch products did not exist when that system took effect Dec. 4, 1975. Brad Williams, director of the division of drug labeling and nonprescription drug compliance at the FDA, said the "patch dosage form is an issue" in the agency's decision to bar importation of the product.

"We're not saying it's a health hazard if you put lidocaine under a patch, but we don't know because it didn't exist" when the monograph program was set up, he said.

USA TODAY · THURSDAY, SEPTEMBER 14, 1995

Ruby Ridge: Symbol of government intrusion

By Mark Potok
USA TODAY



By Dave Brown, The Des Moines Register

IN RUBY RIDGE: The cabin where the clash occurred sits empty.

NAPLES, Idaho — Up on Ruby Ridge, the tracks left by the armored personnel carriers have almost disappeared.

The wind sighs through the Douglas firs. And the sound of gunfire is gone.

It's been more than three years since a deadly standoff here between almost 400 federal agents and white separatist Randy Weaver.

And, as a Senate subcommittee concludes hearings this week into the 1992 incident, Weaver's lonely plywood cabin sits empty, looking out on a near-perfect landscape.

Here, in Idaho's idyllic panhandle, most people see the clash — which left Weaver's wife and 14-year-old son and a federal marshal dead — as a symbol of a government run amok. They compare it to the 1993 Branch Davidian siege near Waco, Texas, where at least 80 cultists died.

Most have never seen the Weaver cabin; to them, it is merely a symbol.

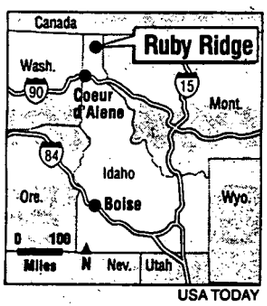
But to Jackie Brown, it is a haunted house.

"You don't ever forget," says Brown, 34, who crossed a bullet-pocked no man's land to the cabin to help Weaver tend to his dead wife, who'd been slain by an FBI sniper. "Two people had been shot, and one had bled to death, so that kind of gives you a picture. There was blood everywhere."

Like most neighbors, Brown is glad official Washington is finally taking a hard look at the events on Ruby Ridge. Unlike many of them, she's highly skeptical the hearings will produce any meaningful change.

"I'm glad to see it's finally reached the point it has," says Brown, who was the closest friend of Vicki Weaver, Randy Weaver's slain wife. "But I'm withholding judgment, because talk is cheap."

The hearings have produced high drama, with Randy Weaver testifying how his family was destroyed before his eyes. The hearings have highlighted anti-government feeling in this part of the country, which is about 80% government-owned. And they have depicted sometimes incredibly sloppy law enforcement work.



USA TODAY

The case began when Weaver offered to sell two sawed-off shotguns to an informant for the Bureau of Alcohol, Tobacco and Firearms. It culminated in August 1992, when a federal marshal shot the Weavers' dog, prompting a gunfight that left Sammy Weaver, 14, and Deputy Marshal William Degan dead.

Vicki Weaver was killed by a sniper as she stood behind the cabin door, holding the couple's 10-month-old daughter. Randy Weaver and a friend, Kevin Harris, were wounded.

Randy Weaver is disliked by some of his neighbors. He revealed his racial-separatist views during a losing campaign for sheriff in the late 1980s and possessed, they say, a nasty streak and a love of guns.

The Idaho Statesman

WEAVER: Disliked by some neighbors, admired by others

But he is admired by some. After all, this part of the country is home to the Aryan Nations, a virulent neo-Nazi group; Louis Beam, who once headed the most powerful Ku Klux Klan organization in Texas; and a number of other right-wingers who see the Pacific Northwest as the homeland for American whites.

"Randy didn't go to my church," says Chuck Sandelin, a Baptist minister who preached at the funeral for Vicki and Sammy Weaver. "But if they can shoot Randy's wife and son, they can shoot mine."

Some say the government isn't entirely to blame.

By Dennis House, AP

'YOU DON'T EVER FORGET:' Neighbor Jackie Brown helped Randy Weaver tend to his dead wife during the assault.

"People feel there's enough blame to go around, but it was Weaver's responsibility to resolve it, and he didn't do it," says Earl Berwick, standing behind the counter of the Naples general store, post office and gas station.

"The town is ashamed," says wife Linda Berwick. "Instead of having good news written about it, it was slam-dunked by a stupid act. I don't know what the fascination (among visitors) is."

Harlan Brown, 68, who moved to Naples (population, 130) from Utah three years ago, says some believe that Weaver invited catastrophe. But, he says: "I haven't talked to anybody sympathetic with the government."

Today, it's almost impossible to reach the Ruby Ridge cabin. The road is steep, rutted and, eventually, private, with a wire cable stretched across. Neighbors warn visitors that almost everyone here is armed.

If there is an overwhelming sentiment here, it's less about Randy Weaver than about the town of Naples. People are sick of the spotlight.

"Leave us alone, leave us damn alone," says Kaylee Keller, 63, a retired physician who lives in nearby Sandpoint. "We're just tired of the media. You're rude and bothersome, and we came to Idaho to be alone."

To Scott and Kim Dodge, the results of the standoff comes down to personal experience.

The couple was kicked out of their Ruby Creek Road home by the FBI as the standoff got under way, and were told they would be reimbursed. But, says Kim, it took a year's letter-writing to get paid for motel costs.

Agents acted like "everybody here was guilty until proven innocent," says Scott Dodge, 31. "It changed the whole community's feelings about the federal government."

THE NATION

For Farrakhan, a lot rides on men's march

Louis Farrakhan's Million Man March on Washington on Oct. 16 could give the Nation of Islam leader — known for his black separatist views and fiery oratory — credibility and political clout.

By Desda Moss
USA TODAY

Nation of Islam leader Louis Farrakhan, admired among blacks for his message of self-reliance but denounced by some critics as anti-Semitic, could emerge as a political force if he's successful in organizing his Million Man March on Washington Oct. 16.

At a time when black men are disproportionately unemployed, imprisoned and alienated, Farrakhan's goal is to encourage them to take responsibility for themselves and their families.

And, in a move heavy with political potential, each marcher must register to vote.

"This march is a very first real step in assuming responsibility for what happens in our communities, in our families and in our homes," says Rep. Kweisi Mfume, D-Md. "It is also a first step in taking responsibility for what happens politically in this country."

African-Americans who don't participate in the march are being asked to mark Oct. 16 as a "Day of Absence" by staying home from work, not shopping and registering to vote.

"It will show America what it would be without us," says Askia Muhammad, a member of the Nation of Islam and former editor of *The Final Call*, the group's biweekly newspaper. "Think what that would mean: On Capitol Hill, members of Congress won't get fed if black people stay home."

Support is building from a broad array of black organizations, from fraternities and sororities to professional and civic groups, even though all involved do not consider themselves Farrakhan's allies.

"It is much larger than Farrakhan or (national march coordinator Benjamin) Chavis or any existing leadership. It's a drive to rejuvenate a movement for self-determination," says Joe Certaine, Philadelphia city official and a march organizer.

Chavis, the former executive director of the NAACP, is Farrakhan's principal ally in organizing the event. Chavis came under fire for his ties to Farrakhan even before he was ousted last year in a sex and money scandal.

But the march could boost Farrakhan's credibility. "It is a way of going to the people to gain legitimacy," says Howard University African studies professor Sulayman Nyang. "Black leaders will have to recognize him if the people they represent endorse him."

Other plans:

▶ Creating a national data base with names, addresses and e-mail sites of marchers and supporters that will be used for future mobilizations.

▶ Establishing a national political action committee to develop a black political agenda.

There's no way of saying whether Farrakhan, Chavis and other organizers can attract 1 million marchers. But Farrakhan's success won't be judged on sheer numbers, says David Bositis, senior analyst at the Joint Center for Political and Economic Studies. "If he can mobilize even 100,000 black men, people will have to stand up and take notice."

While Farrakhan has invited mainstream black leaders to participate, few have accepted — so far.

Jesse Jackson has said he supports the march, but has no plans to attend. Urban League President Hugh Price has given a similar response.

Among those who say they will be there: Washington, D.C., Mayor Marion Barry, Harvard University religion professor Cornel West and Congressional Black Caucus Chairman Donald Payne, D-N.J.

Farrakhan's inflammatory rhetoric — he's called Jews "bloodsuckers," and condemned Israel as "an outlaw state" — always made him troublesome for black leaders but a hero among black people who see him as uncompromising.

Some believe the march could galvanize blacks who are dissatisfied with traditional two-party politics.

"There is a great possibility, given the ideological posture of this march — black and progressive — that it could produce foot soldiers in the move toward independent politics," says Ron Walters, chairman of the political science department at Howard University and a former Jackson adviser.

Short of that, it could help shape the 1996 presidential debate, says University of Illinois political science professor Dianne Pinderhughes.

"It may compel more conservative organizations to deal with the kinds of issues the march will raise and, at the same time, put established political leaders on the defensive and force them to offer something they wouldn't have offered before."

Farrakhan eschewed mainstream politics for most of his adult life. It wasn't until Jesse Jackson's 1984 presidential bid that, at age 50, he registered to vote and urged his supporters to do the same.

Though the event has been endorsed by black women's organizations like the National Black Women's Political Congress and the National Council of Negro Women, some women are peeved they won't be allowed to march.

"They've been giving me a fit," says Rev. Imagene Stewart, who serves on the march's steering committee. "Some of those women haven't marched since 1963 anyway. I think we should support our brothers and not turn on each other."

Also watching warily are Jewish leaders who denounce Farrakhan's views and question his moral authority.

"He has championed causes that desperately need attention," says David Friedman, of the Anti-Defamation League of B'nai B'rith. "But people should be careful who they give authority to address those issues. People shouldn't forget what he stands for."

By David Petkiewicz, AP

IN SPOTLIGHT: Nation of Islam leader Louis Farrakhan hopes an October march on Washington, D.C., will help encourage black men to take responsibility for themselves and their families.

The Washington Times
TUESDAY, SEPTEMBER 12, 1995

FBI sniper to testify on Ruby Ridge killings

By Jerry Seper
THE WASHINGTON TIMES

FBI sniper Lon Horiuchi, who killed one person and wounded two others during the siege of white separatist Randall Weaver's cabin, will testify today before a Senate subcommittee about the 1992 standoff at Ruby Ridge, Idaho.

Firing two shots from a ridge overlooking the cabin at a distance of 215 yards, Mr. Horicuhi, a West Point graduate, fatally shot Mr. Weaver's wife, Vicki, in the head as she stood in the cabin's doorway. He also wounded Mr. Weaver and a family friend, Kevin Harris.

The agent, qualified on a quarter-inch target at 200 yards, testified he did not see Mrs. Weaver standing behind the cabin's front door holding her 10-month-old daughter, Elisheba, when he fired at Mr. Harris.

Seconds before the fatal shooting, Mr. Horiuchi had wounded Mrs. Weaver's husband as he stood near a shed on the property, hitting him in the shoulder. He was taking a second shot at Mr. Harris through a curtained window in the cabin's front door as the two men — along with Sara Weaver, then 16 — ran to the house.

That bullet hit Mrs. Weaver in the face and severed her carotid artery. She died instantly. The same bullet hit Mr. Harris in the shoulder.

Also scheduled to testify before the Senate Judiciary subcommittee on terrorism, technology and government information are FBI snipers Dale Monroe, who was Mr. Horiuchi's partner; Edward Wenger; and Christopher Whitcomb. Those three took no shots on the mountain after their Aug. 22, 1992, deployment.

Ten snipers were dispatched around the cabin with orders that they "could and should" shoot any armed adult. Mr. Weaver had failed to appear in an Idaho federal court on charges of selling two illegally sawed-off shotguns to a Bureau of Alcohol, Tobacco and Firearms informant.

A day before Mrs. Weaver's death, her son, Samuel, 14, and Deputy U.S. Marshal William F. Degan were killed in a separate shootout with deputy marshals in an aborted ambush attempt.

Mr. Weaver, in testimony before the subcommittee last week, said he believed Mr. Horiuchi could see his wife through the door's window at the time of the shooting. He and Sara Weaver said curtains in the door were pulled open and held in place by stick pins.

The subcommittee, headed by Sen. Arlen Specter, Pennsylvania Republican, is looking into government's actions in the siege and is trying to determine why lethal force was necessary. Subcommittee members have challenged the rules of engagement that led to Mrs. Weaver's death.

The Justice Department, in a 542-page report, said the shot that killed Mrs. Weaver was "unnecessarily dangerous and should not have been taken." It also said the shot violated constitutional guidelines, "was taken without regard for the safety of others" and "needlessly and unjustifiably endangered persons," including Mrs. Weaver, and her children, who were not wanted for any crimes.

Mrs. Weaver was shot after the FBI had been called to the scene following Mr. Degan's death. New lethal-force rules were given to the snipers by FBI agent Richard Rogers, head of the bureau's hostage-rescue team (HRT), after they had been approved in Washington.

Mr. Rogers told investigators that neither he "nor any member of the HRT" had ever operated under rules of engagement such as those in force on Ruby Ridge. Mr. Horicuhi told investigators he had "never before been asked" to follow rules of engagement different from the standard FBI policy of using deadly force only in the event of imminent danger to himself or others.

The report said Mr. Horiuchi fired at a man he believed to be Mr. Harris standing near a shed. The sniper testified he thought the man, later identified as Mr. Weaver, "was trying to get a shot off" at a helicopter. The shot sent Mr. Weaver, Mr. Harris and Sara running to the cabin.

"Horiuchi fired as Harris approached the porch," the report said. "Harris was reaching out with his left hand toward the door and taking a last step to the doorway, appearing to be holding the door open or moving someone out of the way."

The report said Mr. Horiuchi was "leading the running target," aiming slightly in front of Mr. Harris so he would, in effect, run into the bullet.

Investigators said the second shot raised "serious questions," adding that none of the three returned fire. They said it was not reasonable to perceive any threat as the three ran to the cabin. The report said that while Mr. Horiuchi could not see behind the door, he had reason to believe someone might be on the other side.

Randy Weaver

Investigators noted, however, that fault in the death of Mrs. Weaver did not lie solely with Mr. Horiuchi. They said his decision to take a second shot was influenced by the rules of engagement "which he had no role in creating but which he was instructed to follow."

The Washington Times
TUESDAY, SEPTEMBER 12, 1995

Senate panel kills pet Clinton project

Bill cuts EPA and HUD, grazes VA

By David R. Sands
THE WASHINGTON TIMES

A Senate Appropriations panel yesterday voted to strip more than a dozen House-passed restrictions on the Environmental Protection Agency's ability to enforce pollution-control laws but joined the House in voting to kill President Clinton's pet national volunteer service program.

The subcommittee approved the changes in a one-hour mark-up session yesterday to write the $61.6 billion fiscal 1996 spending blueprint for the Veterans Affairs and Housing and Urban Development departments, the EPA, and a brace of independent agencies — the largest nondefense appropriations bill Congress votes on this year.

In votes that sparked a mini civil war among Republicans on the floor last month, the House narrowly approved 17 so-called legislative "riders" to its VA-HUD bill restricting EPA's regulatory reach in such areas as emissions from oil and gas refineries, raw sewage overflows, and carcinogenic elements in processed foods.

"I frankly didn't look at [the House riders]," subcommittee Chairman Christopher S. Bond said after yesterday's session. "This bill was hard enough to pass already. I spent all my time working on the numbers."

But the numbers Mr. Bond presented yesterday left Mr. Clinton's prized Corporation for National and Community Service — known as Americorps — out in the budgetary cold and both the EPA and HUD facing sharp cuts. Three Democrats voted against the measure, all but guaranteeing a veto from Mr. Clinton.

Denying Mr. Clinton's $819 million Americorps request is "a real red light for me," said Sen. Barbara A. Mikulski, Maryland Democrat and the panel's ranking minority member.

She also called proposed funding cuts for the EPA, down $1.7 billion from Mr. Clinton's request to $5.66 billion, "draconian."

Gawain Kripke, a budget analyst for Friends of the Earth, said the Senate blueprint improved on the House version but was still unacceptable. "It's still a bad budget for the environment," he said. "It's like choosing which arm to cut off instead of both."

While dropping the House riders, Mr. Bond's bill proposes six of its own, including a near ban on adding new sites to the Superfund priority cleanup list and prohibiting the EPA from regulating radon and other drinking water contaminants unless Congress approves a new Safe Drinking Water Act.

The diffuse VA-HUD bill gave the new congressional GOP majorities an opportunity to make major policy statements about priorities. As in the House bill, the politically powerful Veterans Affairs Department was virtually unharmed in the budget cutting, and Mr. Bond proposed only modest cuts in the National Aeronautics and Space Administration and the National Science Foundation.

In a move that could have a major effect on the Goddard Space Center in Greenbelt, the Senate panel reduced a House proposal to cut $300 million from the Mission to Planet Earth program to just $60 million.

Mr. Bond, a longtime critic of HUD, called for a major restructuring of operations. His budget would provide $4 billion less than the $24.3 billion Mr. Clinton sought for HUD.

The bill would consolidate or eliminate a number of HUD's 240 narrow grant programs into a much smaller number of broad-based grants to states and local units.

Mr. Bond had originally hoped to fund at least a portion of Mr. Clinton's Americorps program, but said in the end he chose to provide money for popular community development block grants at HUD instead.

But he hinted broadly yesterday that Americorps supporters may be able to restore at least some of the money at the full committee markup tomorrow or on the Senate floor.

Federal agents' image taking a beating

USA TODAY • MONDAY, SEPTEMBER 11, 1995

By Sam Vincent Meddis
USA TODAY

Senate hearings into the bloody Ruby Ridge case are taking a toll on the image of federal law enforcement agents.

With disturbing questions being raised each day, agencies will have to do "some very serious work ... some very serious public relations" to dispel the cloud, said Joseph diGenova, former U.S. attorney in Washington, D.C.

Hearings resume Tuesday, possibly with testimony from former officials of the U.S. Marshals Service.

Crucial testimony is expected to come later in the hearings from the FBI sniper who killed Idaho white separatist Randy Weaver's wife, Vicki. A Justice Department report criticized the sniper, Lon Horiuchi, for firing the shot.

Federal authorities have denied that agents instigated the Ruby Ridge confrontation with Weaver or improperly targeted him on a gun charge.

"It was Mr. Weaver's actions that set this into play," Bureau of Alcohol, Tobacco and Firearms Director John Magaw told a Senate panel.

But three days of hearings last week by a Senate judiciary subcommittee heightened suspicions of government wrongdoing in the 1992 raid that cost the lives of two members of Weaver's family and a deputy marshal.

Weaver kicked off the hearings by accusing federal agents of fabricating firearms violations against him and of firing on his wife while she was holding their 10-month-old infant.

"I think he came across as a very credible witness, with all his faults," said Rep. Bob Barr, R-Ga., a member of the House committee that earlier this summer examined the 1993 federal assault on the Branch Davidian religious compound near Waco, Texas.

Barr said he sees an alarming pattern in the Ruby Ridge hearings, "pieces of the same cloth we saw in Waco: a tremendous arrogance among federal law enforcement."

The FBI's legislative agenda also is being hurt, particularly a pending counterterrorism bill that would give the bureau stronger powers and more resources. "There's very serious questions about it" passing, said Barr.

Pro-gun activists, who have long charged that federal law enforcement agents employ excessive force in firearms cases, say they see growing public support for their complaints.

"The hearings are exposing to greater and greater public view the abrogation of civil rights by federal law enforcement agencies," said John Snyder of the Citizens' Committee for the Right to Keep and Bear Arms. "They've gotten a black eye as a result."

The damage to the agencies is likely to increase over the coming two weeks of hearings as the panel probes more deeply into the controversial shoot-on-sight orders given by the FBI in the 11-day standoff with the Weavers.

The hearings could have an adverse effect on law enforcers if committee members try to pin blame on individuals rather than trying to correct the system, warned Bill Geller, author of *And Justice for All: Understanding and Controlling Police Abuse of Force*.

Geller advised senators not to concentrate on finding "rotten apples" among federal law enforcement agents. "The problem is a rotten barrel."

DiGenova's advice to federal officials was to be candid: "There isn't any question some things are wrong that have to be fixed," he said. "It's important to admit mistakes."

But claims that Weaver provoked the incident have been met with skepticism from many members of the panel.

Several senators, while quick to say they abhor the racist views held by Weaver, appeared sympathetic to his claim that he was set up by an informant because the ATF wanted him to "snitch" on white supremacist groups.

Weaver's refusal to snitch led to his arrest on a charge of selling two sawed-off shotguns to an ATF informant. And his failure to appear in court on the charge brought marshals on a reconnaissance mission to his remote cabin site in August 1992.

It was then that a shootout erupted, killing Deputy Marshal William Degan and Weaver's 14-year-old son, Samuel. Vicki Weaver was killed the next day.

The ATF informant, Kenneth Fadeley, Friday denied luring Weaver into crime. "I did not at any time coerce, bribe, or sway Mr. Weaver into doing a criminal act," he told the Senate panel.

But senators continued to press Magaw about whether Weaver was set up, resulting in a heated exchange in which an impassioned Magaw said he believed his agents.

"I do not believe Weaver," he said.

By Richard Ellis, Agence France-Presse
MAGAW: Says Weaver's actions instigated Ruby Ridge, Idaho, shootout

By Joe Marquette, AP
HEARINGS: Sen. Arlen Specter, R-Pa., left, chairman of the Senate Judiciary Committee, listens to separatist Randy Weaver testify.

Federal law enforcers' actions at issue

▶ **RUBY RIDGE:** A federal agent and two family members of white separatist Randy Weaver were killed in 1992 during a failed raid on Weaver's remote home in northern Idaho. Weaver says the raid, sparked by agents conducting surveillance near his home, was unnecessary and that his wife was targeted by a FBI sniper who had orders to shoot on sight. Government officials say Weaver was wanted in connection with a weapons charge, and his actions led to the gunfire.

▶ **WACO:** Four federal agents and more than 80 members of the Branch Davidian religious cult, whose compound was near Waco, Texas, were killed when a 1993 raid by the Bureau of Alcohol, Tobacco and Firearms went awry. Congressional hearings on what went wrong at Waco were held this summer.

ALSO IN WASHINGTON

Gingrich blasts author

Responding to a magazine article that accuses him of a series of extramarital affairs, House Speaker Newt Gingrich said author Gail Sheehy is a "vicious liberal" who is out to damage his career. Gingrich, R-Ga., interviewed Sunday on NBC's *Meet the Press*, would not comment on *Vanity Fair*'s allegations of affairs during the 1970s, saying he would not get involved in "trash journalism." But he said Sheehy's article is "a despicable hit piece by a person who has virtually no values." He said he knew after his book knocked Sheehy's book out of the No. 1 spot on *The New York Times* best seller list "that we would get a mean, spiteful, nasty article." He noted that the article was written before his *To Renew America* replaced her *New Passages* at the top of the list. Sheehy did not return calls to her office Sunday.

COLLINS PROBE: The finances of U.S. Rep. Barbara-Rose Collins' office and her campaign is being investigated by the Justice Department, *The Detroit News* reported Sunday. The probe is in its preliminary stage and there has been no finding of wrongdoing, the newspaper said. The inquiry is focusing on expense vouchers and financial records, the report said. It said investigators also are looking at scholarship funds under the control of the Michigan Democrat. Collins did not respond to inquiries about the investigation. Collins, 56, has been plagued in recent months by questions about her treatment of her staff and use of office and campaign money.

FENDER BENDER TROUBLES: Washington police officials expect charges to be dropped against White House senior adviser George Stephanopoulos, accused of damaging the fender of another car when he tried to leave a cramped parking space, *The Washington Post* reported this weekend. Stephanopoulos was arrested late Thursday night in Georgetown and charged with leaving the scene of accident and driving with an expired license and license plates. Stephanopoulos says he never left his car. Police now say the arresting officer made "bad decisions," the *Post* says. And White House spokesman Mike McCurry says President Clinton "fully expects George to get his license renewed."

ELSEWHERE IN THE WORLD

Chirac: Foes exploit N-tests

French President Jacques Chirac, vowing to continue French nuclear testing, accused Australia and New Zealand of exploiting anti-nuclear protests in an effort to drive France out of the South Pacific. Saying both countries failed to match France's contribution to the "miserable nations" of the region, Chirac threatened to retaliate if Australia launches a boycott of French goods. "In reality, what they want is for France to leave the Pacific," Chirac said. "What the Australians and New Zealanders cannot accept — that we are there."

Chirac also declared war on "wild beast" bombers who have killed seven people and wounded more than 100 in several bombings this year. About 4,500 extra security forces have been drafted to help guard France's railway stations, airports, department stores and the country's 75,000 schools following the latest attack — a car bomb which injured 14 people outside a Jewish school last week.

TOWER OF PISA: The Leaning Tower of Pisa has suddenly shifted, jeopardizing years of preservation work to stabilize it, Italian newspapers said Sunday. The tower, built on shifting subsoil between 1174 and 1350 as a belfry for the nearby cathedral, recently moved .07 inches in one night. The tower has been closed to tourists since 1990 but officials hope to partially reopen it next year.

SADDAM'S OPPOSITION: Saddam Hussein's son-in-law, Hussein Kamal, who defected to Jordan last month, says opposition to Iraq's government is now in place to overthrow the regime. Kamel told *Time* he oversaw Iraq's program to develop weapons of mass destruction and indirectly admitted his involvement in the brutal repression of Shiites and Kurds after the gulf war. He dismissed Iraqi claims that he embezzled money, saying he defected because he had reached the point that he found criticizing erroneous policies was "futile."

RUSSIAN ROYALTY: The mayor of St. Petersburg proposed burying Russia's last czar and his family in the city next March — and Russian President Boris Yeltsin agreed. Nicholas II, his wife and five of their children were shot on orders of Soviet founder Vladimir Lenin in the Urals in July 1918, just months after the Bolshevik revolution. DNA experts in the USA concluded last month that bones discovered in a shallow grave in 1991 were in fact Nicholas II and his family.

Sniper 'Knew What Was Going On'

FBI Purposely Killed Wife at Ruby Ridge, Weaver Testifies

FINAL

THE WASHINGTON POST

THURSDAY, SEPTEMBER 7, 1995

By George Lardner Jr.
Washington Post Staff Writer

A1

In a soft, wavering voice, Randy Weaver told a Senate subcommittee yesterday that he is convinced that his wife's shooting was no accident and that the FBI sniper who killed her could see her clearly through the curtained window panes of their cabin door.

At the time she was killed, Vicki Weaver, 43, was holding the cabin door open for her wounded husband and two others fleeing after the sniper's first shot. Cradling her baby daughter in her left arm, she was shouting "Get in the house! Get in the house" as they ran for cover.

"I believe he [FBI sniper Lon T. Horiuchi] knew my wife was holding the door open," Weaver testified at the opening of hearings that the Justice Department unsuccessfully sought to delay. "Out there, sound carries real well. He [the sniper] knew what was going on."

As his 19-year-old daughter, Sara, at times weeping and shaking, sat behind him, Weaver, 47, gave his first full account of the 1992 standoff at his Idaho home that has become a symbol of excessive law enforcement and has

See RUBY RIDGE, A6, Col. 1

RUBY RIDGE, From A1

upset the FBI with allegations of a coverup reaching high into headquarters.

The dramatic, day-long testimony, reinforced at the end by Sara Weaver's recollections, conflicted directly on one point after another with government versions of what happened three years ago on the place called Ruby Ridge.

Weaver acknowledged, however, that he was "not without fault in this matter" and that he was convicted of failing to appear for trial on charges of selling two sawed-off shotguns to an informant for the Bureau of Alcohol, Tobacco and Firearms.

"If I had it to do over again, knowing what I know now, I would make different choices," Weaver said. He denounced the informant as "a deceitful, lying con man" who had been pushing him for almost three years to make a sawed-off shotgun for him.

Weaver said he should have appeared in court to answer the charges. "But my wrongs did not cause federal agents to commit crimes," he said. "I have been accountable for my choices. They should be held accountable for their wrongs."

The siege started on Aug. 21, 1992, when the Weavers' dog sniffed out three federal marshals who were on a scouting mission near the cabin as part of a long-range plan to arrest Weaver, a white separatist, on the weapons charge. A gunfight erupted between the marshals, in full camouflage, and Weaver's 14-year-old son, Sammy, and family friend Kevin Harris, then 24. Sammy Weaver and one of the marshals, William F. Degan, were killed.

The marshals, who huddled on the mountain all night with Degan's corpse, said they did not know Sammy Weaver lay dead only yards away. But Randy Weaver yesterday accused them of knowing of his son's death and keeping it a secret.

He said Sammy's body was in one position when Kevin Harris saw it immediately after the shooting and in a different position less than an hour later when Randy and Vicki Weaver and Harris picked it up and brought it back to the top of the hill. The surviving marshals, he said, must have examined Sammy's body in the meantime.

The next day, FBI sniper Horiuchi, a member of the bureau's hurriedly summoned Hostage Rescue Team, shot Randy Weaver as he made an unexpected foray outside the cabin with Harris and Sara Weaver. When they ran back to the cabin, Horiuchi fixed his cross hairs on the door and fired again. The bullet went through Vicki Weaver's face and then hit Harris, landing in his chest.

Sara Weaver said it almost hit her too. She said she was just an inch or two behind Harris when Horiuchi fired. "If I had taken one more step, he would have gotten all three of us," she said.

At Weaver and Harris's trial in 1993, Horiuchi testified that he was trying to hit Harris and could not see Vicki Weaver through the curtained window.

The door, which has been sitting in a Boise warehouse in FBI custody, was produced in the hearing room yesterday, with curtains hanging down over the windows. But the curtains could not have been in that position on Aug. 22, 1992, because the bullet hole in them did not line up with the bullet hole in the window pane.

Both Weaver and his daughter said yesterday the curtains were partly pulled back. Sara Weaver said her mother tied them back on each side with blue-checkered ribbons and then tacked them to the door frame.

Those ribbons were not on the curtains yesterday. "I don't know where they are now," Sara Weaver said.

"I believe he [Horiuchi] was trying to take my wife out first and hoping he would hit one of us," Randy Weaver said. He said that Horiuchi could easily have seen his wife when she stepped into full view, outside the cabin, on hearing the first shot; then could have heard her shouting when she moved back to the doorway; and then seen her partly through the window panes as she held the door open.

Sen. Dianne Feinstein (D-Calif.), who treated the Weavers' account throughout the day with more skepticism than did any of the other subcommittee members, disputed Randy and Sara Weaver's suggestions that Horiuchi could have seen Vicki Weaver through the tied-back curtain. But they were steadfast that the sniper was aiming at her and waiting for someone else to come close enough to hit as well.

"He shot my wife in the head and killed her," Weaver testified, voice racked with sobs. "She was not wanted for any crime. There were no warrants for her arrest. . . . As the bullet crashed through her head, she slumped to her knees, holding Elisheba tightly so she would not drop her. We took the baby from her as she lay dead and bleeding on our kitchen floor."

Weaver's lawyers at the hearing, Gerry Spence and Garry Gilman, reminded the subcommittee of a statement Horiuchi made to an FBI "Shooting Review Team" on Sept. 1, 1992. Horiuchi said that "as the shot impacted, I believed that I saw the male subject at whom I'd fired flinch, and I believed that I had hit him low around the hip area."

Harris was behind the door when

See RUBY RIDGE, A7, Col. 1

RUBY RIDGE, From A6

Horiuchi hit him. "If he [Horiuchi] saw him flinch," Spence said, "he had to see him through the door."

Subcommittee Chairman Arlen Specter (R-Pa.) said Horiuchi would be invited to testify and give his side of the story.

FBI records in the case show that Vicki Weaver was regarded as the key force in the family, someone who an FBI behavioral scientist claimed would kill her children before surrendering. Richard Rogers, then commander of the Hostage Rescue Team, said in an interview with FBI investigators after the siege that he had been told "Vicki Weaver was probably the most dangerous of those in the Weaver cabin based upon her zeal and influence over Randall Weaver."

Rogers has said he received this information before it was learned on Aug. 28, 1992—from volunteer negotiator Bo Gritz—that Vicki Weaver had been killed. Randy Weaver charged yesterday the FBI knew days earlier that she was dead. He said he shouted it through the thin cabin walls and floorboards, especially when he could hear lawmen shuffling around under the cabin, built on stilts.

They were planting electronic bugs. Weaver said he thought they were explosives, but in any case, he said, "it seemed as though every time I went to tell them something important, they couldn't hear me . . . like my wife was dead and all that." He said FBI agents would simply shout back, "Can't hear you, brother; pick up the phone."

Weaver said he wasn't about to do that. The phone was attached to a shotgun-toting robot, he said, with the gun pointing directly at whoever picked up the phone.

Weaver, who wore bluejeans, an open-neck shirt and black-and-white running shoes, now lives in Grand Junction, Iowa, with Elisheba, 3, and another daughter, Rachel, 13.

Spence said one of the shocking aspects of the Weaver case was "the fact that this little man became one of the 10 major cases of the marshals service" and this enabled them to bring in their "Special Operations Group" of "trained killers." Before the crisis ended, Sen. Herb Kohl (D-Wis.) said, "more than $2 million was spent."

Sen. Charles E. Grassley (R-Iowa.) said that "this is a dark moment for federal law enforcement" and warned that "too many here in Washington do not understand the impact that this has had on the country." He said he was particularly incensed by the "militarization" of law enforcement that sends the FBI's Hostage Rescue Team on domestic assignments with psychological warfare tactics, armored personnel carriers, helicopters and " 'shoot-to-kill' rules." He was referring to special FBI rules of engagement that were used at Ruby Ridge, saying that any armed male in the vicinity of the Weaver cabin "could and should" be shot.

"There is no room for this culture in law enforcement," Grassley declared. "It needs to be stopped and stopped now."

Specter said nine days of hearings are planned before the Senate Judiciary subcommittee on terrorism, but he said he will strive "not to interfere with ongoing potential criminal investigations." Five senior FBI officials, including former deputy director Larry Potts, have been suspended and the Justice Department is conducting a criminal investigation to determine whether perjury and obstruction of justice were committed, especially in connection with the question of who approved the rules of engagement.

In the hearing room, Weaver commanded rapt attention throughout the day, particularly when he recounted the killing of his son after the boy confronted the marshals who had killed his dog.

"They shot his little arm almost off and they killed him by shooting him in the back with a 9mm submachine gun," Weaver said. "He did not yet weigh 80 pounds. He as not yet five feet tall." After Sammy was killed, he charged, "the marshals checked him and went back into the woods. . . . They knew they killed the kid."

Officials say they did not know young Weaver had been killed until Sunday evening, Aug. 23, when they found his body in an outbuilding where his parents had left him.

Randy Weaver and Harris were acquitted by a federal jury in 1993 of murder and all other significant charges brought against them after the shootout. Jurors concluded the marshals shot first in the gunfight and that Harris, who killed Degan, fired back to protect Sammy Weaver.

FOR MORE INFORMATION

To review Post articles on why senior FBI officials were disciplined for their role in the deaths, see Digital Ink, The Post's on-line service. To learn about Digital Ink, call 1-800-510-5104, ext. 9000.

The General Who Defies the West

By John Pomfret
Washington Post Foreign Service

A1

THE WASHINGTON POST
THURSDAY, SEPTEMBER 7, 1995

PALE, Bosnia, Sept. 6—Indicted war criminal, chess master, aficionado of table tennis and political theory, Ratko Mladic, the charismatic commander of the Bosnian Serb military, has made himself the key figure in the Balkans this week by defying NATO airstrikes and refusing to withdraw his heavy weapons from around Sarajevo.

The stance of the stubborn Serb general has quickly become the main concern of NATO leaders, who fear the Serbs may simply endure bombing until the West's limited target list is exhausted and its new-found resolve falters. As a result, Mladic's motivations and his ability to sustain his tough policy are crucial to the outcome of the current crisis and, in the long run, to the resolution of Bosnia's war.

If Mladic is acting alone, this showdown could constitute the general's last stand—the end of perhaps the most ruthless field commander

See MLADIC, A30, Col. 4

MLADIC, From A1

in Europe since World War II and the creation of another in a line of legendary Serb heroes who for centuries have been born in defeat.

If, however, Mladic is merely following the orders of civilian Serb leaders, his belligerence underscores the difficulties lying ahead for peace in Bosnia, even though the first major round of negotiations in more than a year is scheduled to begin Friday.

For the chief of an army of no more than 50,000 men to be facing down the West would be ludicrous if the stakes in Bosnia were not so high. But this conflict has tested the unity and credibility of the Western alliance and has done untold damage to the reputation of U.N. peacekeeping, which had been poised for what many thought would be a golden era with the end of the Cold War.

Mladic's opposition to NATO's demands to pull his heavy siege guns at least 12 miles from Sarajevo's center, reopen its airport and allow traffic to enter and leave the Bosnian capital has clashed with the acquiescence expressed by the Bosnian Serb political leadership.

Last Friday, when Mladic told French Lt. Gen. Bernard Janvier, the commander of U.N. forces in the former Yugoslavia, that he wouldn't pull back the guns until the self-styled Bosnian Serb parliament voted on the issue, Momcilo Krajisnik, the speaker of that very parliament, was singing a different tune. Krajisnik agreed to the joint U.N.-NATO demands, saying they might bring Bosnia a step closer to peace.

Over the weekend, Mladic repeated his opposition in a letter to Janvier, saying the NATO demands would destroy the "balance of power" around Sarajevo, where his guns ringing the city have killed, according to Bosnian government claims, 10,000 residents since the war began in April 1992. That missive crossed with one from Nikola Koljevic, the vice president of the self-proclaimed Bosnian Serb republic, bowing to the ultimatum.

One reason suggested by local pundits is *inat*—an expressive Serbo-Croatian word that flavors spite with the stubbornness of a mule. It describes the type of phenomenon that makes a man, with a gun to his head and a foot on his neck, spit at his attacker, risking instant death.

Inat has been around the Serbs for centuries and fits into the Serbs' time-tested view of themselves as history's classic underdog. The greatest Serb military hero, for example, is Prince Lazar. Lazar's defeat at the battle of Kosovo Polje, or the Field of Blackbirds, in 1389 allowed the Ottoman Turks to dominate the Balkans and subjugate the Serbs for the next 500 years.

Is the 52-year-old Mladic the next Prince Lazar?

Mladic's background suggests that as a man he has harvested more than his share of inat and could easily find his finest hour in defeat.

During World War II, when Ratko Mladic was just 2, his father was killed fighting Croatian fascists with Tito's Partisans. He grew up in dire poverty in a village near Kalinovik, south of Sarajevo, and entered the Yugoslav federal army after high school, looking on a career in the military as a way to escape the grinding poverty that dominated rural Bosnia. He excelled there, especially at political theory, leadership and chess, which he plays at master's level.

"All my life I have worked as a soldier," Mladic said in a recent interview in Serb Soldier magazine. "I was lucky because, from the moment I was a platoon commander until now, I have been given a lot of responsibility."

Mladic rose to the rank of colonel, commanding an infantry division based in Knin, the stronghold of Croatia's Krajina Serb separatists, when war broke out there in July 1991. In May 1992, just named a brigadier general, he became the commander of the newly organized Bosnian Serb forces.

Since then, Mladic has become most famous for his siege tactics around Sarajevo. Teams of Serb snipers have peppered the mountain-ringed Bosnian capital's streets with gunfire. Mortar and artillery shells have pounded houses, hospitals, factories and hotels. "Stretch their brains," an order Mladic was once taped giving to his men, could go down in history as one of the defining phrases of this war.

But the war has not only been kind to Ratko Mladic. He has been wounded at least once in fighting, as has his son. His daughter, apparently prone to bouts of depression, committed suicide in Belgrade during Mladic's 1994 spring offensive against the east Bosnian Muslim enclave of Gorazde. He has said that her loss damaged him forever. In July, Mladic was indicted by the International War Crimes Tribunal in The Hague on charges of war crimes and genocide. He is also being investigated on charges of ordering the execution of thousands of captured Muslim soldiers around the U.N.-designated "safe area" of Srebrenica when his men took it in July.

In addition to his inat, though, Mladic might just be following orders.

Some Western diplomats in Belgrade say he is commanded by the general staff of the Yugoslav federal army and is very close to Serbian President Slobodan Milosevic, who sponsored the Croatian and Bosnian Serbs' rebellions but now espouses a quick move toward peace. Milosevic's media machine, for example, has never criticized Mladic, although it has not spared other Bosnian Serb leaders.

If that is the case, then his belligerence might be part of a complex policy by Milosevic to pursue peace negotiations while at the same time attempting to extract the best conditions for such talks. Any unilateral withdrawal of Serb guns from around Sarajevo could damage the Bosnian Serbs' position.

But that line of thought is contradicted by the impression that the Serbian president doesn't care whether the Serbs dominate the hills around Sarajevo. A strong Serb presence around Sarajevo would give Milosevic's political competitors among the Bosnian Serb leaders, such as Radovan Karadzic, an independent power base.

Mladic's stand against NATO, for example, has never been big news on state-run TV in Serbia, Yugoslavia's dominant republic. On Tuesday night, for example, when the NATO airstrikes resumed after a four-day pause, it was the third item on the Belgrade TV news.

Among U.N. officers, Mladic's reputation as a fighter and a negotiator borders on legendary. British Lt. Gen. Michael Rose, the previous commander of U.N. troops in Bosnia, respected his leadership abilities but in private conversations has called him a psychopath. U.S. Army Lt. Gen. Wesley Clark, on a trip to Bosnia last year, exchanged pistols with Mladic and was even photographed wearing the alleged war criminal's hat.

One U.N. officer tells a story about Mladic, after a marathon negotiating session at Sarajevo's airport, challenging everyone to table tennis. "Of course he won," the officer said. "That's just his way."

But U.N. officers say Mladic always appeared a bit uncomfortable in victory. It was when the odds were against him, true to Serb tradition, that Mladic really shone.

That was evident Tuesday, during an hour-long interview with Reuter TV. Speaking from outside the Bosnian Serb stronghold of Pale, the general railed against the Western alliance, mixing his eloquence with his well-honed Balkan logic that spies a plot behind every move.

"With their shameless and bestial demands, NATO's aim is to further the crusade of the Western alliance to the east," he intoned in Serbo-Croatian. "Only a small nation—the Serbs," he said at another point, "stands between them and their plans to conquer the world."

Survivalist tells his side of Idaho raid

USA TODAY · THURSDAY, SEPTEMBER 7, 1995

By Sam Vincent Meddis
USA TODAY

A tearful Randy Weaver implored a Senate panel Wednesday to hold the FBI accountable for "death warrants" against his survivalist family.

Weaver addressed a clearly sympathetic panel on the first day of hearings examining the family's deadly confrontation with federal agents in August of 1992 at the family cabin at Idaho's Ruby Ridge.

"This is a dark moment for federal law enforcement, especially the FBI," said Sen. Charles Grassley, R-Iowa.

The Senate hearings began with no hint of the partisan rancor that marked the recent House hearings into the 1993 federal assault on the Branch Davidian compound near Waco, Texas.

The hearings "will be neither a witch hunt nor a whitewash," said Arlen Specter, R-Pa., the Senate judiciary subcommittee's chairman.

Weaver, a self-avowed white separatist, declared that his unpopular beliefs did not justify the FBI's shoot-on-sight orders that left his wife, Vicki, 43, dead. "At the time she was gunned down she was helpless," Weaver said.

The FBI's standard rules call for use of deadly force only to protect someone's life.

Five FBI officials were suspended earlier this summer as the U.S. attorney's office in Washington began investigating allegations of a high-level attempt at the bureau to cover up the controversial orders.

Weaver and his daughter, Sara, tried to convince the Senate panel that FBI sniper Lon Horiuchi intentionally shot and killed Vicki Weaver as she stood behind a cabin door holding her 10-month-old daughter.

DAUGHTER: Sara Weaver fights back tears Wednesday.

Horiuchi "knew who was holding that door open," Weaver said. "He knew what was going on."

Justice Department official Richard Scruggs said Horiuchi has "insisted" he was trying to shoot at Weaver family friend Kevin Harris, who was armed and running toward the door.

But Sara Weaver, 19, choking back tears, testified that curtains in the cabin door were parted at the time the bullet struck her mother in the head. Standing next to that door, an exhibit at the hearing, she said: "I do believe she was visible."

Horiuchi is expected to be called to testify in the final days of the nine-day hearings.

At another point in the hearing, Randy Weaver wiped away tears as he described how on the previous day his son, Samuel, 14, was shot in the back by a U.S. marshal. "He was running home to me," said Weaver. "His last words were, 'I'm coming, Dad.' "

The teen was shot after family members stumbled upon a reconnaissance mission by marshals who had been watching Randy Weaver, who was wanted on federal firearms charges. Deputy U.S. Marshal William Degan also was killed in the shootout with the younger Weaver and Harris.

Weaver said Wednesday that he wished he could turn back the clock and surrender on the weapons charge.

"If I had it to do over again, knowing what I know now, I would make different choices," he said. "I would come down from the mountain for the court appearance."

Law enforcement authorities begin telling their side of the story at the hearing today.

But Grassley said it's already clear there's been "militarization" of the FBI.

At one time, the bureau relied on negotiations to settle standoffs, Grassley said. But that all started to change in the early 1980s, when agents began training with military special forces personnel.

Now, "The swashbucklers are in control," said Grassley. "And it has to be stopped."

WASHINGTON

Dole says GOP senators will agree on welfare plan

The Senate reopened debate on welfare reform Wednesday with several hot-button issues — such as child care for working parents and sanctioning unwed teen mothers — still unresolved among Republicans. But Senate Majority Leader Bob Dole, R-Kan., predicted success. "We think we've accommodated a lot of senators," Dole said. "I hope we can come together." The bill would turn federal welfare, child-care and job-training programs over to the states, trim spending by $70 billion over seven years and impose a five-year lifetime limit on benefits. President Clinton reiterated his support for a Democratic alternative and underscored his record of providing state flexibility.

BARBARA BUSH SUED: Former operative and longtime critic of the Central Intelligence Agency Philip Agee is suing former first lady Barbara Bush over statements in her 1994 autobiography that he said are "false and defamatory." Agee said Bush falsely wrote in *A Memoir* that his identification in his 1975 book of the CIA's Athens station chief Richard Welch led to Welch's assassination. Agee denied writing about Welch before he was assassinated in December 1975. The suit seeks $4 million in damages and full retractions from both Bush and her publishers, Macmillan Inc., a division of Simon & Schuster. Jim McGrath, a spokesman for the Bushes, who now live in Houston, said he had not seen the lawsuit and declined to comment.

By Tim Dillon, USA TODAY
BUSH: Statement in memoirs at issue

DEFENSE SPENDING: The Senate approved a new, GOP-style national military program Wednesday that calls for development of a missile defense system. The Senate voted 64-34 for a bill expanding President Clinton's Pentagon program by more than $6 billion. But it refused to go along with a House bill extending production of the controversial B-2 bomber past the original 20 planes. Today, House opponents will try again to kill the plan to buy 20 more. Buying, maintaining and operating the extra planes over the next 20 years would cost an estimated $31 billion.

AFFIRMATIVE ACTION: Affirmative action programs will be scrutinized at House and Senate subcommittee hearings this month and in October by lawmakers questioning whether federal race-based contracts violate a recent Supreme Court ruling. The court said the government must be certain it is not infringing on the right to equal protection when it awards contracts. The chairmen of the House and Senate Judiciary subcommittees on the Constitution said the 5-4 decision needs to be reviewed by Congress.

PANAMA CANAL: President Clinton and Panamanian President Ernesto Perez Balladares agreed Wednesday the two countries will hold informal talks on the possibility of retaining a U.S. military presence after Panama assumes control of the Panama Canal after 1999. Panama Canal treaties call for a U.S. military pullout by Dec. 31, 1999. White House spokesman Mike McCurry said U.S. forces could be used to fight narcotics traffickers.

WORLD

'Plenty left to do' in Bosnia: NATO jets hit Serbs again

NATO sent its jets back to pummel Bosnian Serb targets Wednesday and said airstrikes will continue until Serbs give in to U.N. demands to move their heavy artillery. "We have plenty of work left to do," said U.S. Adm. Leighton Smith, commander of NATO forces in southern Europe. Bosnian Serb leader Radovan Karadzic appealed for an end to the bombing, saying his side has lifted its siege of Sarajevo. "Please stop it," he said. The Bosnian army issued a statement saying the troops and the people "are resolved and ready to persistently defend their borders, their territory, the Serbian people and their state." — *Tom Squitieri*

Agence France-Presse
BHUTTO: Weathers demonstrations

EMBASSY RAID: Several thousand people raided the Pakistani Embassy in Afghanistan and set it on fire to protest Pakistan's support of Afghan rebels in western Afghanistan. An embassy worker and a protester were killed, and 24 other workers were injured, officials in Islamabad said. Shouting "Death to Pakistan and death to (Prime Minister) Benazir Bhutto," protesters set fire to several buildings on the compound. The attack came one day after Afghan President Burhanuddin Rabbani accused Pakistan of backing Taliban guerrillas.

CULT CRIMES: Police found the bodies of Japanese lawyer Tsutsumi Sakamoto and his wife, Satoko, and 1-year-old son, Tatsuhiko, who vanished from their Yokohama apartment six years ago. The family had been helping parents get back their children from the cult Aum Shinri Kyo, or Supreme Truth, when they disappeared in November, 1989. Police failed to link the Sakamotos' disappearance to cult until after the Tokyo subway gas attack last spring that killed 12 people and sickened more than 5,000. Cult members led police to the three burial sites in the mountains of northern Japan, where the bodies were recovered.

HAITIAN DEPORTED: An immigration judge has ordered the deportation of Emmanuel Constant, founder of a feared Haitian paramilitary group linked to the deaths of hundreds of Haitians. Constant started the Front for the Advancement and Progress of Haiti, or FRAPH.

ALSO . . . **ZAPATISTA GUERRILLAS** and the Mexican government have taken a first step toward peace in the southern state of Chiapas, ending a months-long war of words. The two sides are expected to begin detailed negotiations to resolve the 20-month-old uprising by Maya Indians. ... **A COLOMBIAN SOLDIER** was killed by a cannon blast while preparing a 21-gun salute for Venezuelan President Rafael Caldera. Luis Naber Valero, 20, was killed instantly when one of the cannons exploded. ... **CHECHEN REBEL** leader Dzhokhar Dudayev marked the fourth anniversary of Chechnya's independence by threatening to bring his "fire and sword" onto Russian soil. ... **SIXTEEN SUSPECTED** smugglers were arrested and accused of tossing 100 Haitian refugees overboard when their boat took on water, and beating others.

than it wants on weapons-modernization and reserve programs.

At the same time, it would sharply reduce spending for such key administration programs as subsidies for technology development and aid to countries of the former Soviet Union to help dismantle nuclear weapons.

It also would sharply restrict U.S. financing for U.N. peacekeeping missions a move that the administration contends would ``undermine the president's ability to carry out ... U.S. foreign policy" effectively.

Combined with the version passed by the House, the legislation constitutes the Republicans' most daunting challenge to Clinton's defense policies since they took power on Capitol Hill last January.

Republicans say Clinton has cut military spending too far, and has left the services unable to keep up with weapons-modernization and research-and-development.

Clinton has proposed a $257.8-billion military budget for fiscal 1996, which begins next Oct. 1 a decline of 4.3 percent from the current year levels. The House version of the bill would provide $267.3 billion for defense.

This Republican push for faster development and ultimately the quick deployment of a national missile defense system was one of the major elements in the GOP barrage.

Republicans have been arguing that the United States is undefended against attacks by long-range ballistics particularly from Third World countries such as North Korea and wanted a system put in place by 2003.

But the administration contends that it will take at least a decade for Third World missiles to become a serious threat, and has mapped out a more gradual approach that would develop the technology more slowly.

Weaver Admits Mistakes, But Wants FBI Held Accountable By Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON White separatist Randy Weaver, in emotion-charged testimony before a Senate subcommittee, admitted Wednesday that he had made mistakes but demanded that federal agents be held accountable for their actions during the 1992 confrontation at Ruby Ridge, Idaho, that claimed the lives of Weaver's wife, his 14-year-old son and a deputy U.S. marshal.

``I am not without fault in this matter," said Weaver, an anti-government militant whose refusal to appear in court to answer federal weapons charges led to the siege of his isolated cabin by federal marshals and the FBI. ``If I had it to do over again, knowing what I know now, I would make different choices. I would come down from the mountain for the court appearance."

At the same time, however, in his first testimony about the incident that has led to the suspension of five FBI officials and a criminal investigation of their actions, an often-tearful Weaver implored the grim-faced senators: ``There must be accountability for the killings."

Ruby Ridge like the even more deadly confrontation at the Branch Davidian compound near Waco, Texas, in 1993 that left more than 80 people dead has become a symbol to anti-government conservatives of federal law enforcement run amok. And, like the Branch Davidian siege, it also has stirred wider concern about the way such operations are managed and supervised.

``On Aug. 21, 1992, federal marshals shot my son Samuel in the back and killed him. He was running home to me. His last words were: `I'm coming, Dad,'" Weaver testified. The younger Weaver was fatally wounded when gunfire erupted during an unplanned encounter near the Weaver cabin between three U.S. marshals and the boy, a family friend and Weaver himself. Deputy Marshal William Degan was killed in the shooting.

An FBI anti-terrorist team, along with dozens of other federal agents, surrounded the cabin and Mrs. Weaver was shot the next day by an FBI sharpshooter.

At the time of her death, Weaver said, ``she was not wanted for any crime. There were no warrants for her arrest. At the time she was gunned down, she was helpless. She was standing in the doorway of her home."

The FBI sniper, Lon Horiuchi, has said that he did not see Mrs. Weaver standing behind the cabin door when he fired. Horiuchi said he was aiming at Kevin Harris, the family friend who had taken part in the earlier shoot-out and who was armed when the FBI marksman spotted him outside
the Weaver cabin.

FBI agents at the scene had been given special rules of engagement permitting them to shoot to kill any armed adult at the cabin. Those directives, which overrode the normal restrictions on the use of deadly force by FBI agents, have become a focal point of the subsequent investigations along with the possibility of an FBI cover-up, including destruction of official documents.

(Begin optional trim)

Sen. Arlen Specter, R-Pa., chairman of the Judiciary Committee's subcommittee on terrorism, reflected the largely sympathetic tone of most senators at the hearing when he said: ``This is an American tragedy. ... Why were FBI records destroyed in an effort to cover up what happened?"

Specter also noted that a federal marshal had been killed and that Weaver's hostility toward authorities had contributed to the confrontation. Several senators noted that Weaver, 47, had held racist views and advocated violence in the past.

``He is not an Idaho poster child," said Sen. Larry Craig, R-Idaho. But he added that ``today more and more people are beginning to question whether the federal assault team wearing badges is serving a just cause, which is an undercurrent of opinion that should be of great concern to all of us."

(End optional trim)

Weaver and Harris were later acquitted on charges of murdering Degan and the U.S. Justice Department recently agreed to pay Weaver and his three surviving daughters $3.1 million to settle a wrongful death suit he had brought against the government.

(Optional add end)

Weaver, the first witness to be called as the Senate opened hearings on the Ruby Ridge siege, will be followed by law enforcement witnesses on Thursday.

On Wednesday, Weaver said that he had refused to surrender on the weapons charge selling two illegal sawed-off shotguns to an undercover agent because he had feared that a conviction might result in the forced sale of his only asset, his Idaho property, thereby leaving his family destitute.

Sen. Dianne Feinstein, D-Calif., said she hoped that three weeks of scheduled hearings ``will prevent this from happening again." But with gentle questioning of Weaver, she elicited some apparent conflicts in his testimony.

Weaver, for example, flatly denied that he kept an arsenal of weapons in his cabin, as federal authorities had been informed by neighbors. But in response to questions from Feinstein, he said he might have had as many as 14 guns of various types, as well as 20,000 rounds of ammunition.

Wilson Attacks Clinton, Dole on Welfare Reform Efforts By John M. Broder= (c) 1995, Los Angeles Times=

WASHINGTON California Gov. Pete Wilson blistered President Clinton on Wednesday for reneging on his promise to remake the nation's welfare system, but leveled even harsher criticism against the welfare reform efforts of rival Republican presidential candidate Sen. Bob Dole of Kansas.

The speech marked the clear opening of a new offensive in Wilson's presidential quest a gloves-off attack on Dole, whom Wilson views as the main obstacle standing between him and the nomination. Dole's aides shot back at Wilson in similarly harsh language, calling him ``one of the most liberal Republicans ever to seek national office."

Wilson designed his speech, delivered to an audience at the conservative Washington-based Heritage Foundation, as an effort to draw stark differences between the California governor and the ``hostile guardians of the status quo" in Washington.

Dole's welfare reform plan a proposed compromise between President Clinton's plan and a more conservative plan passed by the House dictates unacceptable terms to the states and is little better than the existing system, Wilson said. More broadly, he attacked Dole for stalling progress of the House Republicans' ``Contract with America," calling the Senate the ``graveyard" for the contract's provisions on welfare, the budget, tax cuts and crime.

In a comment recalling Dole's June speech assailing Hollywood for degrading the popular culture and undermining public values, Wilson said: ``If Sen. Dole is truly concerned about a crisis of values in America and I'm sure he is he should not content himself simply with talking about the perverse values that are being promoted by our popular culture. He should do something about the perverse values that are being promoted by the federal welfare system, because it is a far more pernicious and far more pervasive influence."

In a written response, Dole's campaign spokesman Nelson Warfield replied, ``Pete Wilson has precious little credibility to attack Bob Dole on welfare or anything else. This is a politician who began his campaign for president the same way Bill Clinton did: Breaking his pledge to serve out a full term as governor. Now he's continuing his Clinton impersonation by tailoring his facts to fit his polls."

Wilson's speech might have been harsher, according to Dan Schnur, Wilson's campaign spokesman. The ``really strident" anti-Dole language had been edited out of the speech because it's ``too early" in the campaign, Schnur said.

Wilson plans to make Senate inaction on the tenets of the House-passed contract a central theme of his fall campaigning, Schnur said, and Dole, the Senate Majority leader, clearly has been cast as the villain.

Wilson said in his speech that Clinton had failed to follow through on his 1992 presidential campaign promise to ``end welfare as we know it," which has deepened the public's ``contempt for Washington and for false promises."

``Every day that Bill Clinton sits in the Oval office, he is not ending welfare as we know it, he is extending welfare, and he knows it," Wilson said.

(Optional add end)

But Wilson saved his bitterest language for Dole, whom he claimed has stalled the Republican agenda and held the states hostage to ``the caprice of Clinton administration welfare bureaucrats."

Striking the pose of an oppressed state official confronting the remote and unresponsive federal government represented by both Clinton and Dole Wilson complained: ``What business has Washington telling the states what level of cash grant they can afford? ... We are not colonies of the federal government."

Fed Regulators Order Repeal of Rules That Restrict Networks By Jube Shiver Jr.= (c) 1995, Los Angeles Times=

WASHINGTON In a long anticipated move that already has fueled recent media mega-mergers, federal regulators Wednesday ordered the repeal of the remaining rules that restrict the three major TV networks from producing the shows they air and selling programs on the lucrative syndication market.

Pointing to the major networks' eroding influence over viewership with the growth of such alternatives as cable, the Federal Communications Commission said it was no longer necessary to curb the networks' ability to create and then resell shows to individual television stations. The decision to immediately repeal the so-called financial interest and syndication rules comes about two months earlier than the agency had originally estimated.

The networks have been gearing up for the demise of the rules for more than a year. Capital Cities/ABC Inc., for instance, has several shows on the fall prime-time schedule that it created through joint production ventures with studios like DreamWorks SKG. NBC is unveiling a new show called ``Caroline In the City" created by CBS Inc.

Analysts say the anticipated demise of the restrictions has been a factor in some of the biggest mergers in media industry history in recent weeks. Studios that have been the biggest suppliers of network fare fear that fewer slots could be available to them if the networks start favoring their home-grown programs in hopes of building a bank of episodes to sell in syndication, where the big money in television is made.

Two studios, Viacom Inc. and Time Warner Inc., have started television networks of their own in the last year in part to establish outlets for their own shows.

Guaranteeing a home for programming is thought to be one motivating factor for the Walt Disney Co.'s proposed acquisition of Capital Cities/ABC. Though the Westinghouse Electric Corp.'s bid for CBS largely stems from its interest in expanding its station group, the industrial company also intends to bolster its programming operation.

``It's a little anticlimatic now," said Raymond Katz, a managing director at Bear Stearns & Co. who follows the television broadcast industry. ``The Street and the industry have been expecting this to go away for some time."

But make no mistake about the impact of the rule, Katz said. ``It was a factor, a big factor," he said, in the Disney and and Westinghouse deals.

Experts say repeal of the rules will not only give the networks more financial flexibility in creating and selling programming, but could also lead to the creation of new avenues of distributing programs, perhaps over computer networks or other electronic venues.

The rules were adopted in 1970 because the major networks so dominated the mass audience that regulators believed they could exercise inordinate power over programming, essentially locking out independent producers from the airwaves.

Following the emergence of the Fox Television network as well as cable television, the FCC concluded that increased competition made the financial syndication rules no longer necessary.

The FCC said in a statement released Wednesday that the agency was speeding up the repeal of the financial syndication rules for the agency's original Nov. 10 target date because opponents of the rules ``failed to carry their burden of proof" in showing that continuation of the rules was warranted.

The Washington Times
THURSDAY, SEPTEMBER 7, 1995

Weaver tells tearful tale

By Jerry Seper
THE WASHINGTON TIMES

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Randall Weaver told a Senate subcommittee yesterday he had no doubt an FBI sniper intentionally killed his wife, Vicki, as she stood in the doorway of their remote Idaho cabin holding their 10-month-old daughter.

Mr. Weaver's daughter Sara sobbed uncontrollably as her father recounted how the bullet crashed through the front door and hit her mother in the face. He said FBI sniper Lon Horiuchi could see through a window in the door and "knew who was holding it open."

"He shot my wife in the head and killed her. She was not wanted for any crime. There were no warrants for her arrest," he said in a hushed hearing room as he fought back tears.

"As the bullet crashed through her head, she slumped to her knees, holding Elisheba tightly so she would not drop her. We took the baby from her as she lay dead and bleeding on our kitchen floor," Mr. Weaver said.

He described publicly for the first time the events surrounding

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the Aug. 21, 1992, shooting death of his 14-year-old son, Samuel, and that of his wife a day later during a siege by federal authorities of their cabin near Ruby Ridge, Idaho. He told an obviously stunned subcommittee that he and his daughters were sprayed with blood as the bullet passed through Mrs. Weaver's head.

Mr. Weaver had been wounded by the sniper as he stood near a shed adjacent to the cabin and was running with Sara and family friend Kevin Harris for cover when Mrs. Weaver was hit.

"As we went running through the door, there was another shot and a loud boom. . . . Vicki was turned around, laying down on the floor with her head in a kneeling position with the baby underneath her," he said, weeping. "Kevin was sprawled out on the kitchen floor. . . . The girls were screaming.

"I went over and picked the baby out of Vicki's arms and checked her out. She had blood in her hair, and she was all right. . . . I handed her to Rachel [his 10-year-old daughter] and checked Vicki. She was just — when I picked her up and over . . . she was gone."

The Senate Judiciary subcommittee on terrorism, technology and government information, headed by Sen. Arlen Specter, Pennsylvania Republican, is looking into the government actions that led to the deaths of Mrs. Weaver, Samuel Weaver and Deputy U.S. Marshal William F. Degan.

Says FBI sniper meant to kill wife

The hearings, to resume today, will focus on Bureau of Alcohol, Tobacco and Firearms efforts to target Mr. Weaver on minor weapons charges; the role of the U.S. Marshals Service and the FBI in the shootings Aug. 21 and 22, 1992; and accusations that FBI officials covered up actions over a change in the rules of engagement.

Mr. Weaver, a white separatist, and his oldest daughter, both of whom now live in Grand Junction, Iowa, were the leadoff witnesses. ATF agents involved in the Weaver investigation are scheduled to testify today.

The FBI's modified rules of engagement told the 10 snipers who ringed the cabin, including Mr. Horiuchi, they "could and should" shoot any armed adult. Normally, agents are allowed to shoot when their lives or the lives of others are in imminent danger.

The veteran sniper, a West Point graduate qualified on a quarter-inch target at 200 yards, came in for most of the criticism during the hearing — from Mr. Weaver and his daughter, both of whom said they believed he could see through the cabin window, and from senators, both Democrats and Republicans, who questioned his decision to shoot through the door.

The cabin door was used as a stark prop during the hearing. Mr. Weaver and his daughter examined a bullet hole in the window and a corresponding hole in an attached ruffled curtain, saying they remembered that the curtains were open.

"I believe [Mr. Horiuchi] knew that my wife was holding the door," Mr. Weaver said, bracing it against him as he spoke.

"He had the gun on my wife's head," he said, adding that he thought the sniper hoped to hit "two with one shot."

The bullet that hit Mrs. Weaver also wounded Mr. Harris in the shoulder.

Sara Weaver, now 19, whose testimony was limited because of her emotional response to the recountings of the deaths of her mother and brother, told the subcommittee her mother had pulled the curtains back with brightly colored ribbons. She pointed out holes in the door where the curtains had been pinned.

Mr. Weaver noted that Mr. Horiuchi, in preparing for testimony in a 1993 trial, drew a diagram on a hotel note pad showing two heads visible in the window. The sniper has since testified he did not see anyone behind the door and hit Mrs. Weaver by accident.

In describing events surrounding the death of his son, Mr. Weaver told the subcommittee the boy went to an area near the cabin to see what was disturbing his dog, Striker. He said he and his son, along with Mr. Harris, then 24, thought the dog was chasing a bear or a cougar.

Mr. Weaver said that as he walked on a logging road, a camouflaged deputy marshal jumped out and ordered him to freeze. He said he turned and ran toward the cabin, yelling for Samuel and Mr. Harris to get home.

"I heard 'bang' and I heard the dog yelp and I yelled, 'They shot the dog. They shot the dog. Get home. Get home.' " he said, again weeping and trying to regain his composure. "Bang, bang. And I didn't hear anything. . . .

"I said, 'Sam, get home, get home.' I heard him yell, 'I'm coming, Dad.' . . . There was a few more shots fired . . . and pretty soon Kevin comes walking up the road and then we yelled at him. We said, 'Where's Sam?' And he said, 'Sam's dead.' "

He said he and his wife went to get the boy's body 40 minutes later.

"I was cussing and screaming and yelling and kissing him and holding him in my arms, and Vicki was walking around yelling," he said. "And we took him up. . . . I undressed him down to his underwear, anyway, and washed him off."

Mr. Weaver, dressed in a denim shirt, jeans and tennis shoes, told the subcommittee it was a mistake for him to resist federal agents. He said he did not trust the government because of what he — and later a court — thought was an effort to entrap him.

But he said his mistakes did not justify government actions that resulted in the deaths of his wife and son. He also denied that he is a "hateful racist," although he said his religious beliefs call for the races to live separately.

"Nothing I did caused federal agents to violate the Constitution of the United States. I have been held accountable for my choices. They should be held accountable for their wrongs," he said, noting he spent 16 months in prison for failing to appear in court on the weapons charges. An Idaho jury acquitted him on all other charges, including the murder of Mr. Degan, who was killed in the same shootout as Samuel.

The Justice Department paid the Weaver family $3.1 million last month to settle claims in the deaths of Vicki and Samuel Weaver.

'Lame duck' could stall key issues

The Washington Times
THURSDAY, SEPTEMBER 7, 1995

By Major Garrett
THE WASHINGTON TIMES

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Sen. Bob Packwood's potential expulsion throws the Finance Committee, which he chairs, into unprecedented turmoil, derails GOP movement toward a flat tax and rekindles Texas Sen. Phil Gramm's dormant struggle to become a member.

All of these possibilities and others ricocheted through the Senate and across Washington yesterday as word spread of the ethics committee's unanimous decision to recommend Mr. Packwood's expulsion from the chamber.

Tax experts predicted the Finance Committee, which writes tax law and controls entitlement spending such as Medicare and Medicaid, will virtually shut down because of the uncertainty over Mr. Packwood's status.

The senator said he will fight attempts to expel him. That struggle is likely to leave him unable to carry out the task of moving bills reducing taxes and reforming Medicare and Medicaid through his sharply divided committee.

"From this day forward, Packwood is a lame duck,"

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said Bruce Bartlett, a Treasury Department official in the Reagan and Bush administrations and former deputy director of the congressional Joint Economic Committee. "At the absolute minimum, Packwood's attention will be vastly diverted. It will be painfully disruptive."

Mr. Packwood is known throughout the Senate and to tax lobbyists as his party's chief authority on the nuances of tax law and the myriad economic consequences that flow from even the smallest shift in legislation.

"No one knows tax code as well as Bob Packwood," said James Lucier, research director of Americans for Tax Reform. "He genuinely understands the economics of taxation."

Losing his expertise will deprive Senate Majority Leader Bob Dole of his most valued ally on tax policy but could vastly enhance his power to direct committee actions. Mr. Dole is second in seniority on the committee.

The ethics committee's action raised many important questions for Mr. Packwood, Mr. Dole and Mr. Gramm. Among them:

- Will Mr. Packwood step down from his Finance Committee chairmanship to concentrate on his fight for survival?
- When will Mr. Dole schedule floor proceedings to hear the ethics committee's charges and Mr. Packwood's defense?

Clarkson Hine, Mr. Dole's spokesman, had no comment on the schedule and said the welfare bill now before the Senate remains the pending business.

Mr. Dole has sole control over the schedule. Whenever the body acts, it likely to spend at least a day on the Packwood case.

- Will Mr. Dole claim control of the Finance Committee?

Mr. Dole is next in line to chair the committee. But he would have to give up his position as majority leader. Speculation about his willingness to hold the reins as leader has intensified recently.

- Will Sen. William V. Roth Jr. of Delaware take over the Finance Committee?

Mr. Roth, a five-term incumbent, follows Mr. Dole in seniority and is positioned to head the committee should Mr. Packwood leave.

Mr. Roth, 73, released a cautious statement about the Packwood saga, but senior GOP aides expect him to seize control of the committee at the earliest appropriate opportunity. He now chairs the Governmental Affairs Committee.

"Certainly it is premature to comment too much on a process that is still ongoing," Mr. Roth said. "In my current capacity as a senior member on the committee, I intend to work with the Senate leadership to see that the schedule and agenda are maintained. The Finance Committee has always been a priority to me. Nothing has changed."

Mr. Roth championed the 30 percent across-the-board tax cut he co-sponsored with former New York congressman Jack Kemp. The Kemp-Roth bill gained widespread GOP support in 1978 and became a key part of Ronald Reagan's economic agenda in 1981.

His attitude toward a flat tax is less well known, and he has yet to strike a strong profile on the coming debate over a $500 tax cut for families with incomes under $200,000, lowering capital gains tax rates and providing tax breaks for businesses.

- If Mr. Packwood is ousted, will Mr. Gramm claim the Finance Committee seat he clearly craves?

Mr. Gramm sought one of three openings on the committee before the 104th Congress convened but was denied by Mr. Dole, who saw to it that GOP senators with more seniority claimed the open seats.

Now Mr. Gramm appears well positioned to land a seat.

"It's just too speculative a situation right now to comment," said Larry Neal, Mr. Gramm's spokesman.

Expulsion a rarity in Senate

Censure has been route taken by Packwood's colleagues

By Thomas V. DiBacco
SPECIAL TO THE WASHINGTON TIMES

The Senate ethics committee's unanimous recommendation yesterday that Sen. Bob Packwood, Oregon Republican, be expelled for "official and sexual misconduct" is a milestone.

No senator has been expelled since the Civil War, although nine formal attempts were made. A lesser penalty, censure, has been invoked eight times since 1789, three since 1954.

Sen. Harrison A. "Pete" Williams Jr., New Jersey Democrat, resigned March 11, 1982, as the Senate debated a committee report unanimously recommending ouster for his involvement in ABSCAM.

An FBI-engineered scam in which various figures posed as wealthy Arabs, ABSCAM implicated Mr. Williams in accepting stock in a titanium mining company in return for pledges to secure government contracts for the firm. There was little doubt the Senate would expel him.

The most notable case of censure involved Sen. Joseph R. McCarthy, Wisconsin Republican. He was accused of misconduct ranging from obstruction of the legislative process to defamation of his colleagues.

As chairman of the permanent investigative subcommittee of the Senate Government Operations Committee, McCarthy conducted televised hearings in the spring of 1954 involving alleged communist infiltration into the armed forces.

The hearings, conspicuous for bitter accusations about Army figures and McCarthy, led to a 40,000-word report from a Senate committee unanimously recommending censure.

By a vote of 67 to 22 on Dec. 2, 1954, McCarthy was "condemned" — a term that analysts have taken to be analagous to censure — for acts that "tended to bring the Senate into dishonor and disrepute, to obstruct the constitutional processes of the Senate."

The most lopsided censure vote came against Sen. Thomas J. Dodd, Connecuticut Democrat, 13 years later. Mr. Dodd was accused of financial misconduct in using campaign contributions for personal reasons and billing several trips to both the Senate and private organizations.

The final censure, by a vote of 92 to 5, was limited only to Mr. Dodd's campaign expense mishandling, with the resolution noting that "from 1961 to 1965 ... [Mr. Dodd] exercis[ed] the influence and favor of his office as a United States Senator ... to ... use for his personal benefit, funds from the public through political testimonials and a political campaign."

The issues in the censure of Sen. Herman E. Talmadge, Georgia Democrat, in 1979 were brought to light a year earlier during a bitter divorce with his wife, Betty, who would personally appear before the Senate Ethics Committee to testify against her ex-husband.

Allegations regarding Mr. Talmadge's squirreled-away cash in an old overcoat, receipt of cash gifts from Georgia voters, and his freedom from having to write checks for cash (only one was supposedly written fron 1970 to 1976) led to a strong condemnation from an investigating committee.

But the report stopped short of a final judgment of outright dishonesty in Mr. Talmadge's expense vouchers, campaign fund reports and other required financial disclosure statements.

"Talmadge either knew, or should have known, of these improper acts and omissions," said the committee's report. By a margin of 81 to 15, Mr. Talmadge, who was the fifth most senior Democrat, was "denounced," as distinct from censured. He claimed the distinction was a victory in that he felt he had not intentionally engaged in financial misconduct.

Weaver a world apart from Washington

Plain, sad man admits shortcomings

By Sean Piccoli
THE WASHINGTON TIMES

The man at the center of the first congressional inquiry into the Ruby Ridge slayings was easy enough to spot yesterday: In a room full of suits, Randy Weaver was dressed like somebody there to collect the folding chairs.

Mr. Weaver — widower, white separatist, reluctant folk hero — appeared before a Senate Judiciary subcommittee yesterday in the plainest of garb: denim shirt, blue jeans and white sneakers.

With his long, squarely cut gray hair and chiseled face, the former Green Beret looked every bit the Everyman yesterday, seated before a panel of politicians he addressed individually as "sir" and "ma'am," the limits of his formal education apparent in his diction and in his aversion to self-analysis.

"I'm not the smartest man," he said to senators.

But the ordinariness ended there. Flanked by his pro bono attorneys, including celebrity lawyer Gerry Spence, Mr. Weaver told a story so sad and bloody that it reduced him, his 19-year-old daughter, Sara, and his congresswoman — freshman Rep. Helen Chenoweth, Idaho Republican, who sat watching in the audience — to tears.

It was his first sworn testimony about events at his mountainside cabin in Ruby Ridge, Idaho, and he silenced the room as he described the deaths of his 14-year-old son, Sammy, and wife, Vicki, both killed in a 1992 standoff by federal agents.

"Oh, God," he moaned, burying his face in his hands as he described finding his only son dead of a bullet in the back.

Sammy was shot twice in a gunbattle with U.S. marshals, one of whom was killed by Weaver friend Kevin Harris.

The siege began when Mr. Weaver missed a court date for a weapons charge. It ended several days after an FBI sniper had shot and wounded him and Mr. Harris and killed Mrs. Weaver.

Mr. Weaver, a self-described "gun advocate" who called firearms his family's hobby, had sold an undercover Bureau of Alcohol, Tobacco and Firearms agent two illegally sawed-off shotguns for $700.

He had refused to come off the mountain for his day in court. He said yesterday that, in hindsight, he would have risked the trial.

He portrayed himself as somebody who suffered dearly for his mistakes, as a misunderstood and maligned person whose separatist beliefs turned him into a virtual bogyman to neighbors and law enforcement officials — who felt free to tell "lies, lies, lies" about him to anybody who would listen.

But he did not deny every bad thing said about him.

Asked by Sen. Dianne Feinstein, California Democrat, if he owned any swastikas, he said "maybe" and then asked for a bathroom break. He was not pressed to elaborate when he came back.

The Washington Times
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The Washington Times
THURSDAY, SEPTEMBER 7, 1995

Few debate Democratic welfare plan

By Cheryl Wetzstein
THE WASHINGTON TIMES

The Senate resumed consideration of welfare reform yesterday by focusing on a Democratic proposal.

Unlike a comparable session this year in the House, where members argued vigorously over changes to the $300-billion-a-year system, yesterday's Senate session drew barely a dozen senators to the podium — and very little debate.

"It's getting kind of lonely over here," Sen. Rick Santorum, Pennsylvania Republican, said after an exchange about work requirements with Democratic members, only to find no GOP colleague to pass the debate off to.

By late afternoon, Senate Majority Leader Bob Dole, Kansas Republican, announced there would be no further roll-call votes — a boon to senators racing to Baltimore to see Orioles shortstop Cal Ripken break Lou Gehrig's record for consecutive baseball games played.

Debate was to continue today, with a vote on the Democratic welfare bill, the Work First Act of 1995, scheduled for late afternoon.

If the Democratic bill is rejected, the Senate will turn its attention to the Republican plan.

At least 65 possible amendments are planned, according to a tally compiled by the Democratic Policy Committee.

Earlier yesterday, Mr. Dole told reporters that the Republican leadership had been working to improve the GOP bill and that many senators had been accommodated in areas of disagreement.

"On some of the things we just can't agree on, let's have a vote," Mr. Dole said.

He added that he expects welfare reform to be finished next week, with every GOP senator voting for the party bill. "What we don't want is another filibuster on this side," he said, referring to failed efforts to pass regulatory-reform and balanced-budget bills.

The Senate Democratic proposal would abolish Aid to Families With Dependent Children (AFDC) and create a Work First block grant. Poor people could get time-limited, conditional benefits but would be required to sign a personal contract saying how they would become employed.

Welfare recipients would receive child care and other kinds of support as they moved into work, plus access to child care and health care after they got jobs.

The Democratic plan also would change the child-support-enforcement system, a cash welfare program for the disabled and the food stamp program.

"This represents our best opportunity for real welfare reform," Senate Minority Leader Tom Daschle of South Dakota said.

"We simply can't expect the states to do it all. They can't do it on their own," he said. "We don't want to pass the mother of all unfunded mandates. We don't want the government to be a deadbeat dad."

Senate Democratic leaders said they expect to have virtually every Democrat vote for their bill, and they hinted that they may win some Republican votes.

Sen. Barbara A. Mikulski, Maryland Democrat, said that if the Democratic bill passes, "all of America will benefit."

If it does not, she said, Democrats will offer amendments "that deal with the harsh and punitive aspects" of the GOP bill.

President Clinton wrote to Mr. Dole and Mr. Daschle to offer strong support for the Democratic plan.

According to the Democratic Policy Committee list, possible amendments include:

- Restoring a guarantee of paid child care for welfare recipients required to work.
- Allowing legal immigrants and naturalized citizens to receive benefits.
- Changing the formula so that block grant funds are allocated based on the number of poor children in each state.
- Giving bonuses to states that are successful in moving welfare recipients into unsubsidized jobs.

Sen. Rick Santorum, Pennsylvania Republican, found himself a lonely voice in a discussion of work requirements.

Sen. Barbara A. Mikulski, Maryland Democrat, promised amendments to curb the GOP proposal if her party's bill fails.

Franks apologizes for calling Gingrich a liar

By Nancy E. Roman
THE WASHINGTON TIMES

Rep. Gary Franks apologized to House Speaker Newt Gingrich yesterday for calling him a liar after the speaker refused to let him tack an amendment repealing affirmative action onto the defense appropriations bill.

"There are many words in the dictionary to describe what took place; I, however, picked the wrong word," said the Connecticut Republican. "Calling the speaker a liar was simply inappropriate."

Mr. Franks, one of two black Republicans in the House, repeated yesterday that he would be willing to lead a move to repeal race and sex-based set-asides and preferences in government contracting.

Mr. Franks had been poised to do so earlier this year. Mr. Gingrich had tapped him to offer such an amendment, to be attached to the defense appropriations bill.

But once it became clear that the amendment would bog down the bill to which it was attached, the speaker reversed course and disallowed it.

Mr. Franks was furious.

"As far as I'm concerned, I've been lied to," Mr. Franks told The Washington Times last month. "And I can tell you that I will never again go out on a limb thinking I have Newt Gingrich behind me."

At the time, Mr. Franks said the GOP leadership caved in to pressure from the mostly Democratic Congressional Black Caucus.

Yesterday, Mr. Franks said those comments were made in frustration.

He said the speaker vowed to him that "it was a change of direction, not a change of heart." Mr. Gingrich told Mr. Franks they will move ahead this Congress to repeal race and sex preferences.

With the budget battles ahead this fall, no new legislation is likely to be considered before next year.

Ruby Ridge hearings open with Weaver's testimony By Timothy J. McNulty Chicago Tribune

WASHINGTON With government excess already a prime political topic, a Senate subcommittee Wednesday began airing details of the Ruby Ridge Incident, a modern-day Western with no heroes, only villains and victims.

For more than four hours senators gently questioned Randy Weaver, the white separatist who was the central figure of the 1992 shootout with federal agents, a confrontation that Sen. Arlen Specter, R-Pa., called ``an American tragedy."

Weaver wept several times as he called for government accountability and described the fatal shooting of his 14-year-old son, Sammy, by a federal marshal and how his wife, Vicki, who was holding their 10-month-old child in her arms, was shot in the face and killed without warning by an FBI sharpshooter.

The case has become a cause celebre among the anti-government ultra-right and it has shaken the top leadership of the FBI by exposing bad judgments and a suspected cover-up by government officials.

``This hearing will be neither a witch hunt nor a whitewash," Specter, chairman of the Senate Judiciary subcommittee on terrorism, technology and government information, promised at the outset of the eight days of testimony on the incident.

FBI Director Louis Freeh suspended five top officials this summer, including former Deputy Director Larry Potts, a personal friend. The Justice Department is conducting a separate investigation into the rules of engagment essentially shoot-on-sight orders used to guide agents in capturing Weaver and whether there was an attempt to hide them from investigators after the tragedy played out.

``I am here today because there must be accountability for the killings of my wife and son," said Weaver who wore an open-necked cotton shirt, blue jeans and Nike tennis shoes.

``On Aug. 21, 1992, federal marshals shot my son Samuel in the back and killed him. He was running home to me. His last words were, `I'm coming, Dad.'"

On the killing of his wife, Weaver said, ``She was not wanted for any crime. There were no warrants for her arrest. At the time she was gunned down, she was helpless. She was standing in the doorway of her home."

Several feet away, committee aides propped up the door to Weaver's cabin with its blue gingham curtains and its window broken by a thumb-size hole made by the sharpshooter's bullet. Beside it stood a large topographic model of Weaver's compound and the Ruby Ridge mountainside. Weaver's daughter, Sara, sat behind him.

As senators gently questioned Weaver about his motives and actions at his cabin on a wooded mountain knob in northern Idaho, they gingerly walked a fine line between being too sympathetic to Weaver's deeply conspiratorial views of government and too critical of law enforcement.

It was a difficult balancing act. Weaver was a heavily armed fugitive who advocated violent resistance when agents surrounded his cabin and tried to force his surrender.

``Randy Weaver is not an Idaho poster child," said Sen. Larry Craig, R-Idaho.

The original warrant against Weaver was for selling two sawed-off shotguns to an informant for the Bureau of Alcohol, Tobacco and Firearms. He was later acquitted of that charge because of government entrapment.

He was also found innocent of a subsequent murder charge in the shooting death of federal marshal William Degan during the standoff.

Without conceding wrongdoing, the government last month agreed to pay Weaver and his surviving children $3.1 million in compensation for the loss of his wife and son.

Though he refused to explain his beliefs, Weaver did accept the label of white separatist.

``I'm not a hateful racist as most people understand it," he said. ``I believe that if there is separation of races, scripturally speaking, that's what I believe is right."

Having once called the federal government a ``Zionist-occupied government," Weaver admitted: ``That was part of our beliefs at one time."

Sen. Dianne Feinstein, D-Calif., said that Weaver ``helped create the tragedy."

Weaver later acknowledged, ``If I had it to do over again, knowing what I know now, I would make different choices. I would come down from the mountain for the court appearance," he said.

Ruby Ridge has become indelibly linked with the later tragedy of 80 deaths in the government assault on the Branch Davidian compound near Waco, Texas, on April 19, 1993.

Ruby Ridge was ``the start of the militarization of the FBI," Sen. Charles Grassley, R-Iowa, claimed at the hearing, adding that within government law enforcement ``the swashbucklers are in control and it has to stop now."

Serbs remain defiant despite renewed air strikes By Tom Hundley Chicago Tribune

ZAGREB, Croatia Bosnian Serbs remained defiant in the face of renewed NATO air strikes Wednesday, but adverse weather for a second straight day blunted the full force of the U.S.-led offensive.

Since the resumption of attacks Tuesday, NATO planes have targeted ammunition depots, repair facilities and communications command-and-control nodes, according to Adm. Leighton Smith, chief of NATO's southern command in Naples, Italy.

At a news conference, Smith showed video of a direct hit on the Mt. Jahorina radar complex by a 1,000-pound laser-guided bomb. The complex, a former Yugoslav National Army installation near Pale, had enabled the Serbs to maintain a sophisticated air defense system.

Smith acknowledged that NATO planes have been largely ineffective against Serb artillery dug in around Sarajevo.

``They are extremely difficult targets to find. I don't think it's profitable to go after onesies and twosies that is, trying to take out a small mortar or a piece of artillery buried in the side of a hill," he said.

``What you try to do is go in back of that and try to strike the military essential support structure that provides the things that go to that gun to make it work, and that's basically what we're doing," Smith said.

NATO officials said the attacks would continue until the Serbs comply with all U.N. demands. These include an immediate end to attacks on Sarajevo and other U.N. ``safe areas," a withdrawal of heavy weapons from around Sarajevo, complete freedom of movement for aid workers and U.N. personnel, and the reopening of Sarajevo's airport.

``I don't know how long it will take, but I can assure you (the attacks) will continue as long as necessary," Smith said. `` Hopefully, the Bosnian Serbs will get the idea that they don't want any more of this."

Thus far, Gen. Ratko Mladic, the rebel Serb military commander, has shown no sign of pulling back his guns from around Sarajevo. But Serb civilian leaders have sent a flurry of mixed signals to U.N. officials.

The last official contact was a telephone conversation Tuesday in which Nikola Koljevic, the Bosnian Serb vice-president, told Yasushi Akashi, the senior U.N. envoy for the former Yugoslavia, that the Serbs were prepared to meet all U.N. demands.

``But as the conversation proceeds it becomes rather more amorphous: Where is Gen. Mladic? The telephones are down, he's traveling, orders have been issued but apparently they have not been carried out," said U.N.

spokesman Phil Arnold.

``We want to accept the intent of the Bosnian Serb leadership, but the only way we can do that is by seeing activity on the ground," Arnold said.

Karadzic has not spoken directly with U.N. officials, but he spoke to reporters Wednesday.

``We have opened the city of Sarajevo, and we are prepared to open the Sarajevo airport," Karadzic said. ``NATO has done us terrible damage, so please, we have had enough bombing."

Karadzic argued that the Serbs had pulled their guns back as far as possible, and that anything more would leave them vulnerable to Bosnian government forces. To back up this argument, Bosnian Serb television showed images of angry Serb civilians blocking the withdrawal of Serb tanks near Sarajevo.

Karadzic also insisted that he, not Gen. Mladic, was giving the orders.

But U.N. and NATO officials are more interested in what Gen. Mladic has to say, and lately Mladic has said very little.

This has spurred concerns that Mladic and his army are prepared to hunker down and take NATO's punishment indefinitely.

``Smart generals know you don't win wars by bombing people," one U.N. analyst said.

But retired Royal Air Force Wing Commander Ken Petrie, an analyst with the Institute for Strategic Studies in London, thinks otherwise.

``Gen. Mladic is stubborn, but he's not stupid," Petrie said. ``As he watches the slow degradation of his army, there will come a time when he realizes that the military balance, which is now in his favor, is beginning to swing toward the Bosnian government side and the Croats."

Thus far, the Bosnian government has heeded warnings from the United Nations not to take military advantage of the situation.

(EDITORS: STORY CAN END HERE)

At his news conference Wednesday, Adm. Smith acknowledged that heavy cloud cover and poor visibility over Bosnia have hindered NATO air operations, which resumed Tuesday morning after a four-day hiatus.

``We have not struck as many targets as I would like to have struck," he said.

``Our biggest single concern, frankly, is the potential for collateral damage," he said, using the military term for civilian casualties and property damage, the risk of which rises substantially in adverse weather conditions. NATO is anxious to avoid civilian casualties that would hand the Serbs propaganda victories.

Smith said that while NATO warplanes have the capacity to operate in bad weather, pilots had been instructed not to fire unless they could visually identify their targets.

He added that NATO still had a long list of potential targets. ``We have plenty of work left to do," he said.

Milosevic consolidates political power

By Ray Moseley Chicago Tribune

BELGRADE, Yugoslavia The other night, a Belgrade television announcer slipped a one-sentence report almost casually into the middle of his newscast: Milorad Vucelic, the head of state television, has been ``relieved of his duties."

Vucelic may be less than a household name outside Serbia, but until that moment he had been one of the most powerful figures in the regime of Serbian President Slobodan Milosevic. Milosevic's tight control of broadcasting, and the propaganda uses he has made of it, has been one of the keys to his political power.

Milosevic's decision to fire Vucelic is being cited by politicians and Western diplomats in the Balkans as part of his effort to consolidate power as he steers the rump Yugoslavia, and the Bosnian Serbs, toward an end to the Bosnian war.

Political sources said that Mihajlo Markovic, a vice president of Milosevic's ruling Socialist Party of Serbia and a hawk on the war, criticized the president at a recent meeting of the party's executive committee for failing to prevent Croatia's recent takeover of the Krajina region. Vucelic and Boro Jovic, another committee member, joined in the criticism, they said.

These sources said Milosevic probably will remove Markovic and Jovic in the next reshuffle of the party leadership. They said he replaced Vucelic immediately because of the sensitive post he held.

The open criticism of Milosevic within his party was unusual but does not represent a threat to him, politicians and diplomats agreed. They said the ultranationalists who want the war to continue had a chance to arouse public opinion against Milosevic when Krajina fell, but they were unable to take advantage of it and are now politically ineffective.

The explanation for the public mood, which has not even been altered by NATO bombing of the Bosnian Serbs, lies in the weariness of the Serbian people with the conflict and with the economic effect of international sanctions on their lives, several sources said.

``People don't want this war, and they see no motive for it," said Novak Pribicevic, a former deputy foreign minister and now member of the opposition Civic Alliance. He said this was reflected in the fact that many young men, called up for military service, go into hiding to avoid serving.

A Western diplomat agreed. ``I don't believe the Serbs have got it in them any more," he said. ``People just want to see an end to the war, and they turn a blind eye to the bombing."

(EDITORS: NEXT 4 GRAFS OPTIONAL)

Milosevic, who met Monday with European Union mediator Carl Bildt as part of the discussions on how to achieve peace, has also moved to shore up his position by wooing an opposition leader who has been a longtime critic of the war.

He held one publicly reported session with Vuk Draskovic, leader of the Serbian Renewal Movement, and sources said there were several private meetings.

Draskovic said Milosevic had given surprising support to his demands for a change in economic policy to allow more private ownership and had agreed on the need for a ``free and responsible media."

There has been speculation that Milosevic might bring Draskovic into a coalition government. In an interview, Draskovic's wife denied he was interested in such an arrangement, but some politicians are not ruling it out. Such a coalition would further isolate the hawks.

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U.S. peace envoy Richard Holbrooke has persuaded Milosevic and the leaders of Croatia and Bosnia to send their foreign ministers to a conference in Geneva on Friday to prepare for an international peace conference. The Bosnian Serbs will not be directly represented because Milosevic last week won from them the right to negotiate on their behalf.

Diplomats said it was clear that Milosevic has won a political victory over his Bosnian Serb rival, Radovan Karadzic, and other members of the Bosnian Serb political leadership. But they said the reluctance of Gen. Ratko Mladic, the Bosnian Serb military commander, to withdraw heavy weapons from around Sarajevo showed he had been ``estranged" by Milosevic's policies.

Diplomats said Milosevic undoubtedly welcomed the NATO bombing campaign because he was ``happy to see the Bosnian Serbs' noses bloodied," as one put it. But they said he has legitimate concerns that the bombing, if taken too far, could feed the appetite of the Bosnian government and Croatia for further military adventures of their own.

Vecernje Novosti, a newspaper that is a government mouthpiece, reflected that concern in a comment on Monday. Some European diplomats also said they doubted the United

said Packwood's skill in shepherding the party's welfare and Medicare bills ``is crucial, especially now that we've reached the point where we have to do it, and do it right."

Sen. Nickles said Republicans also feared that public hearings, which could entail several weeks of politically damaging revelations, would ``distract us at the very moment when we're trying to focus on our real agenda for cutting government programs and cutting taxes. We don't need that."

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Majority Leader Bob Dole, R-Kan., also was said to be leery of public hearings for fear that they could hurt the GOP's prospects for adding to their majority in next year's Senate elections.

Dole has told colleagues that he worries about a replay of the Republicans' electoral setback in 1992 in the aftermath of the 1991 Judiciary Committee hearings into Anita Hill's allegations that she had been sexually harassed by then-Supreme Court nominee Clarence Thomas. Four Democratic women were elected to the Senate in races that Republicans felt they had a reasonable chance of winning.

Packwood said he had talked with Dole after the committee voted, but that the majority leader had not urged him to resign.

White separatist's testimony opens hearings into FBI's handling of Ruby Ridge siege By Aaron Epstein Knight-Ridder Newspapers

WASHINGTON Tearfully recalling the notorious shootout with the FBI in northern Idaho three years ago, Randy Weaver pleaded with sympathetic senators Wednesday to ``see to it that those persons who killed my wife and little 14-year-old son are brought to justice."

``When high-ranking FBI officials issue death warrants and cover up their involvement, the message they send to police officers all over the country is, `it is OK if you can get away with it,'" Weaver said.

Weaver's separatist ideas and deep mistrust of government contributed to the siege of his family's isolated mountain cabin in a place called Ruby Ridge an incident that, like the subsequent fiery siege at Waco, Texas, has become a right-wing rallying cry against federal law enforcement.

Although some senators expressed qualms over a hearing that is destined to further tarnish law enforcement, one senator after another, both Republicans and Democrats, attacked the FBI for using excessive force at Ruby Ridge and then hiding the truth from investigators and the public.

``The FBI must stop thinking it is the military and get back to being the FBI," said Sen. Charles Grassley, a Republican from Iowa, where Weaver and his three daughters now live.

It was the start of a hearing without heroes.

The Justice Department and the FBI already have admitted wrongdoing. FBI Director Louis J. Freeh suspended five top officials this summer, including Deputy Director Larry Potts. The Justice Department agreed to pay $3.1 million to Weaver for the deaths of his wife and son.

And the department is investigating whether any law enforcement officials committed crimes stemming from the Ruby Ridge incident, such as lying, destroying evidence and obstructing justice.

But Weaver is no poster child, either, as Sen. Larry Craig, R-Idaho, observed.

Weaver espoused racial separation, believed the government was controlled by Zionists, attended meetings of the Aryan Nation hate group, admitted stocking about 14 loaded guns and 20,000 rounds of ammunition, and instructed his children to carry weapons at all times.

The siege at Ruby Ridge, in which a U.S. marshal also died, was set in motion when Weaver failed to show up for trial on charges he sold an illegal sawed-off shotgun to a government informant.

He reportedly threatened to resist anyone who came after him, his wife and four children.

But at a 1993 trial after the shootout, an Idaho jury acquitted Weaver of all major charges.

``If I had it to do over again, knowing what I know now," Weaver said, ``I would make different choices. I would come down from the mountain for the court appearance. ... But my wrongs did not cause federal agents to commit crimes."

Pennsylvania Sen. Arlen Specter, a GOP presidential candidate, former Philadelphia prosecutor and current chairman of the Senate Judiciary subcommittee conducting the hearing, promised ``neither a witch hunt nor a whitewash."

(EDITORS: NEXT 5 GRAFS OPTIONAL)

Several senators pressed Weaver about his racial views.

``I'm not a hateful racist, but I believe if there is separation of races, scripturally speaking, that is right," Weaver said. He acknowledged that ``at one time`` he believed that Zionists controlled the federal government.

He denied, however, a neighbor's report that his children wore Nazi arm bands and shouted racist slogans. The neighbor, he said, ``was paid by the government to watch my family. ... A lot of people who talked bad about me were paid by the government."

Ironically, though, Weaver seemed to see the government differently now that a jury has acquitted him, lawyers have negotiated a $3.1 million settlement for him and a Senate subcommittee is seeking to ferret out the truth about Ruby Ridge.

The system of justice ``worked for us very well," said Weaver, a sharp-featured, slightly built man who wore blue jeans and a matching shirt. He was flanked by his lawyers, Gary Gilman, and the nationally famous courtroom spellbinder, Gerry Spence.

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It was when he was asked to recount the gun battles of Aug. 21-22, 1992, that Weaver broke down. His voice cracking, his hands wiping away tears, he said federal marshals shot his son, Samuel, in the back and the next day an FBI Hostage Rescue Team sharpshooter gunned down his wife, Vicki, as she stood at the cabin door.

(EDITORS: NEXT 3 GRAFS OPTIONAL)

The sharpshooter ``was shooting straight through this door," Weaver said, pointing to a bullet hole in the door, which had been brought to the hearing room.

``Vicki was turned around, laying down on the floor with her head in a kneeling position with the baby underneath her ... ." Weaver said, weeping. ``I went over and picked the baby out of Vicki's arms and checked her out. She had blood in her hair and she was all right ... I ... checked Vicki...She was like a washrag. She was gone ..."

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She carried a sidearm, Weaver told a senator, ``but when they shot her, sir, the only thing she had in her hand was my baby."

Weaver insisted that marshals fired the first shot and that the sharpshooter deliberated targeted his wife under relaxed FBI orders to shoot any armed adult. Law enforcement officials will begin telling their side of the story Thursday and Friday.

Senate Ethics Committee unanimously recommends Packwood's expulsion By David Hess Knight-Ridder Newspapers

WASHINGTON After a nearly three-year investigation, the Senate Ethics Committee voted unanimously Wednesday to recommend that Oregon Republican Bob Packwood be expelled from the Senate for sexual misconduct and obstructing its inquiry.

A defiant Packwood vowed to fight to restore his reputation and said he would rely on his colleagues to judge him fairly. But he did not rule out resigning.

``I want to think about this for a minute, and I want to talk to some people, and I am not going to make instantaneous decisions,"the senator told reporters.

The Senate could debate Packwood's fate as early as next week, if Packwood does not resign before then. Few senators are eager to see Packwood's case involving charges of fondling and kissing women over a 21-year period aired on the Senate floor.

The unanimous vote by the Ethics Committee suggests there is little chance of Packwood reversing the panel's decision in the Senate. His expulsion from the Senate would be the first since the Civil War.

``Sen. Packwood has shown a flagrant disregard for the victims, the Senate and the citizens of Oregon. His conduct is a systematic abuse of women, power and this institution. ... I look forward to a speedy resolution of this matter on the Senate floor," said Sen. Barbara Mikulski, D-Md., a member of the ethics panel.

Packwood faced reporters after the bipartisan committee voted 6-0 to recommend that the 100-member Senate toss him out for multiple counts of sexual misconduct and other charges.

``The vote ... was totally and absolutely outrageous," the Oregon Republican said. ``I've never had a chance to cross-examine my accusers. ... The committee has been the judge, jury and prosecution. This process makes the inquisition look like a study in fairness."

It would take a two-thirds majority in the Senate to toss Packwood out. Senators also would have an option of voting by a simple majority on lesser disciplinary action, such as a reprimand or censure.

The ethics committee, in a statement to the press, said if the Senate does not approve the expulsion recommendation, the panel will ask that it censure Packwood, strip him of his committee chairmanship and his Senate seniority.

In a written statement released after the vote, the Ethics Committee said Packwood's sexual misconduct has brought ``discredit and dishonor upon the Senate and constitute conduct unbecoming a United States senator."

The committee also said that Packwood withheld, destroyed or altered relevant evidence in an effort to obstruct the panel's investigation, calling the actions ``a crime against the Senate."

The veteran senator, who chairs the potent Senate Finance Committee, has been charged by the committee with 18 counts of sexual misconduct involving 17 women, along with allegations that he tampered with evidence in the case and solicited lobbyists to provide jobs for his then-wife.

After first saying he did not want the committee to hold public hearings on the charges, Packwood last month changed his mind and demanded hearings.

His tactics angered and disconcerted his Republican sympathizers who felt betrayed by his demand for hearings after they had cast politically difficult votes a month ago to keep that from happening.

``Some of the people in our (GOP) conference were upset," said Sen. Don Nickles, R-Okla., who voted against a move last month by Sen. Barbara Boxer, D-Calif., to hold public hearings in the case. ``Some felt it was a tough vote."

Another Republican senator, James Jeffords of Vermont, said that Packwood ``has strained the patience" of some colleagues.

At a press conference after the committee's vote, Packwood discounted the charges of sexual misconduct by the 17 women, saying: ``I am accused of kissing women, on occasion perhaps overeagerly ... and, when rebuffed, never approaching them again."

He also denied he had ever done any favors for the lobbyists whom he described as ``old friends" after he had approached them to help find work for his estranged wife as the couple approached a divorce.

And he maintained that he had never given to the committee copies of altered personal diaries that raised questions about his contacts with the lobbyists. ``There was no intent to mislead," he said, ``and no one was misled."

Packwood aides also released a legal brief by the senator's lawyers, dated July 17, that they had intended to give to the ethics committee if the hearing were held.

In that brief, Packwood was described as ``a long-term alcoholic (who) was likely intoxicated during at least eight of the (sexual misconduct) incidents. ... Impairment from intoxication does not absolve him from ultimate responsibility for his actions (but) it is a mitigating factor."

His lawyers also noted that most of the charges against him dated back more than a dozen years and that the committee ``should not reach back in order to punish long-ago conduct."

In refusing to resign before the Senate could vote for expulsion, Packwood is risking the loss of his congressional pension, federal health benefits and other privileges due former senators.

If he is expelled by the Senate, he would be the first in history ever kicked out on moral grounds. In the past, 15 senators have been expelled all for reasons related to treasonous activity. A few others under threat of expulsion have resigned.

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Mikulski said Packwood's appearances on radio and television talk shows, along with selective leaks of statements from friendly witnesses by the senator's volunteer lawyers, had placed the committee in ``an awkward position."

Under committee rules, she said, panel members are barred from releasing documents or making statements that could compromise the ongoing investigation or reveal privileged information. Packwood, of course, is under no such restriction.

``This puts the committee at a disadvantage in terms of responding to his attacks on the credibility of witnesses and the vast testimony we've received and analyzed," she said. ``Frankly, I'm hoping we can move as fast as possible now to simply release the volumes of testimony we have and let the record speak for itself."

Mikulski acknowledged that she was ``a bit hot" under the collar about Packwood's tactics.

Sen. Boxer said that Packwood didn't do himself any favors by his recent actions. ``I believe Sen. Packwood himself, by voting against public hearings, and then feeling compelled to take his case to national television, hurt himself with his colleagues. His behavior ... may well have lead to the Ethics Committee decision."

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In drawing out the investigatory process for more than 2&1/2 years, Packwood has managed to stay at the helm of the prestigious Senate Finance Committee while collecting contributions to his legal defense fund from groups and individuals that have business before Congress.

His acknowledged expertise on such matters as welfare and Medicare has also helped to shield him from pressure by the Senate's Republican leadership to step down as committee chairman or to resign from Congress.

One senior Republican aide, who asked not to be identified,

White separatist testifies about FBI siege that left son, wife dead By David Jackson Dallas Morning News

WASHINGTON Randy Weaver tearfully told a group of senators Wednesday about the last words his 14-year-old son yelled to him: ``I'm coming, Dad."

Seconds later, the 80-pound boy lay dead. So did a deputy U.S. marshal. The next day, an FBI sniper shot and killed Weaver's wife, Vicki, as she held her 10-month-old daughter behind the open door of the family cabin.

``When I picked her up and over, she just did like a washrag," Weaver told rapt members of the Senate Subcommittee on Technology, Terrorism, and Government Information. ``She was gone."

Those three deaths at Ruby Ridge, Idaho continue to haunt federal law enforcement, and not just because of the Senate hearing. There is also a federal criminal investigation into whether FBI officials illegally covered up approval of controversial ``shoot on sight" orders; five officials have been suspended pending completion of the investigation.

``When high-ranking FBI officials issue death warrants and cover up their involvement, the message they send to police officers all over the country is, `It's OK If you can get away with it,'" Weaver said.

Government officials acknowledged massive mistakes at Ruby Ridge, which, along with the 1993 siege of the Branch Davidian sect near Waco, Texas, have become rallying cries for anti-government militias. Last month, the U.S. government paid the Weaver family $3.1 million to head off a civil lawsuit.

But officials said Weaver, a self-proclaimed white separatist, is no saint. Some subcommittee members questioned him about alleged threats to government officials and connections to the Aryan Nation, a neo-Nazi group with a propensity for violence.

The subcommittee plans up to eight more days of hearings on the shooting. Members plan to quiz officials of the Bureau of Alcohol, Tobacco and Firearms about their investigation of Weaver, as well as those FBI officials who are under suspension.

But Day One belonged to Weaver. Accompanied by his daughter, Sara, Weaver discussed how his arrest for selling two sawed-off shotguns escalated into a siege that left three people dead.

``This is an American tragedy;" said Sen. Arlen Specter, R-Pa., subcommittee chairman and presidential aspirant.

Weaver testified that a ``moment of weakness" and a need for money led him to sell two illegally sawed-off shotguns to a BATF informant. Weaver told the senators that the BATF pledged not to pursue the case if he became an informant himself, but he said he refused to become a ``snitch."

After his arrest in 1991, Weaver missed a court appearance because, he said, he was given a wrong date. He also said a judge told him that he would have to reimburse the government for his legal expenses if he were convicted, something his family could not afford.

Weaver said he later learned this was not true. He told the senators that this and other ``lies" convinced him to stay in his cabin, sparking an intense federal surveillance operation that stretched into the summer of 1992.

``We had been deceived and lied to so many times, we were looking for a miracle," Weaver said. ``I was looking for Jesus Christ to walk in and solve the situation because at that time he's only one I would have believed in."

Finally, on Aug. 21, 1992, Weaver said his dog started to act strangely. He said his son, Samuel, and close family friend Kevin Harris, both of whom were armed, had gone out to investigate when Weaver heard shots.

``I said, `Sam, get home, get home!'" Weaver said, fighting tears. ``I heard him yell, `I'm coming, Dad.'"

Then came more shots, followed by Harris running up and saying that Sam was dead.

``We just went berserk, all of us. We just lost it," Weaver said. ``And I grabbed Sara's mini-14 (gun) and had 15, 18 rounds in it and I just fired them all off in the air just as fast as I could pull the trigger."

Deputy U.S. Marshal William Degan also died in the shootout, the start of which is under dispute. Each side said it acted in self-defense.

A year later, a jury acquitted Weaver and Harris of murder charges in Degan's death. Jury members told reporters they believed the government caused the confrontation. The jury, however, did convict Weaver for the failed court appearance and he was jailed until December 1993. He now lives in Iowa.

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On Wednesday, Weaver said that when he and his wife returned to their son's body, ``I was cussing and screaming and yelling and kissing him and holding him in my arms, and Vicki was walking around yelling."

After the killings, the FBI's hostage rescue team raced to the scene. It established rules giving FBI sharpshooters the right to shoot any armed adult, the so-called ``shoot on sight" order. Justice Department officials later called that rule unconstitutional, and it is the subject of the coverup investigation.

Weaver testified that shortly after the shooting, the family moved Samuel's body to a shed near the cabin. The next day, Weaver went to the shed to see Samuel ``one more time," when another shot rang out. It wounded Weaver in the shoulder.

Vicki Weaver came to the door of the cabin, yelling for her husband to get inside. After he was inside, Weaver said, he heard another shot. Then he looked up.

``Vicki was turned around, laying down on the floor ... with the baby underneath her," Weaver said. ``Kevin was sprawled out on the kitchen floor, clear inside the door."

The FBI sniper later testified he was aiming at Harris, who also was running toward the cabin. The bullet struck Vicki Weaver in the head as she stood behind the open cabin door. The ricochet hit Harris, wounding him.

The cabin door, with a dime-size bullet hole in the window frame, was propped against the subcommittee table during the hearing. Committee members also referred to a giant model of the Weaver property at Ruby Ridge, complete with miniature trees and meadows.

FBI agents said they did not know Vicki Weaver was dead until the standoff ended nine days after her shooting. Weaver disputed that claim during the hearing, and bitterly criticized the FBI for taunting his family through a bullhorn as his wife lay dead on the cabin floor.

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``They would say things like, `Good morning, Mrs. Weaver how are you doing this morning?'" he testified. ```How's the baby? We had pancakes for breakfast. What did you have?'

``They call these people negotiators."

Although some committee members expressed sympathy for Weaver, some quizzed him extensively about his beliefs. Sen. Herbert Kohl, D-Wis., cited letters in which Weaver referred to the Zionist Occupied Government and told the U.S. Marshals Service that ``we will not obey your lawless government."

Kohl also brought up complaints by one set of neighbors that Weaver once threatened them with a gun, and other neighbors who said the Weaver children wore Nazi armbands and shouted white power slogans at them.

Weaver said he was a white separatist, but not a racial hater. He said the second set of neighbors started an argument by harassing his children. But he said he was not without blame in the incident.

``I've said things that have been wrong. I've done things that were wrong," Weaver said. ``And I've paid a big a very heavy price for those things."

United States took the opportunity to press its case against the planned Russian deal. While the Yeltsin government at first insisted it would honor protocols for the sale, a final contract was delayed by warming U.S. relations and aid.

As aid waned, Russia renewed efforts to revive the deal in an attempt to employ some 1 million workers in its idled nuclear industry. The sale, initially valued at $800 million to $1 billion, was reduced to $500 million by cancellation of the gas centrifuges. The addition of two new reactors is likely to push the sale again to the $1 billion mark.

Tearful White Separatist Recalls Slaying of Wife

By DAVID JOHNSTON

WASHINGTON, Sept. 6 — A white separatist, whose encounter with the Federal authorities on a remote Idaho mountain in 1992 has touched off a crisis for law enforcement, today told a rapt Senate panel how he watched in horror as an F.B.I. sniper shot and killed his wife while she stood at the door of the family cabin.

"She was not wanted for any crime," the man, Randall C. Weaver, recalled bitterly, opening three weeks of Congressional hearings on the incident at Ruby Ridge, Idaho. "There were no warrants for her arrest. At the time she was gunned down, she was helpless. She was standing in the doorway of her home."

Testifying for the first time in a public hearing about the events on that day in August 1992, Mr. Weaver described how he leaped back into his cabin seconds after he was shot in the shoulder by the sharpshooter. "There was another shot and a loud boom," he said.

Removing his black glasses to wipe the tears from his eyes, Mr. Weaver said, "I heard a commotion." He said he spun around and saw his wife, Vicki, kneeling on the cabin floor as if in prayer, her head touching the floor. In her arms, he said, she still held the couple's 10-month-old daughter cradled under her body.

He pried the baby loose from her grasp, he said. "The baby had blood in her hair, but she was all right." But of his wife, Mr. Weaver said: "When I picked her up and over, she just did like a washrag. She was gone." The bullet had penetrated a window in the door and struck her in the right side of the head, shearing away that side of her face.

Mr. Weaver's account of the screams, shock and turmoil inside the cabin as an elite team of agents from the Federal Bureau of Investigation laid siege to the cabin provided a stark beginning to the hearings by the Senate Judiciary subcommittee on Terrorism, Technology and Government Information. Mr. Weaver said he believed the sniper intentionally killed his wife. The sharpshooter has said in previous statements that he did not intend to shoot her.

The incident has become a deep embarrassment for the F.B.I. and a bloody symbol of excessive law enforcement to both liberals and conservatives. It has been seen as a case in which the authorities used military-style tactics to terrorize a rural malcontent initially accused of a relatively minor crime, the sale of two sawed-off shotguns to a Federal undercover agent who spent three years trying to convince him to break the law. When Mr. Weaver failed to appear at his February 1991 hearing, he was declared a "dangerous fugitive."

The siege began on Aug. 21, 1992, when a surveillance team of Federal marshals near the family's cabin encountered Mr. Weaver's 14-year old son, Samuel, and Kevin Harris, a family friend. In the gunfight that erupted, William Degan, a highly decorated marshal, and Samuel were killed.

Mr. Degan's death prompted the F.B.I. to dispatch the full 50-agent complement of a highly trained unit, the Hostage Rescue Team, to Idaho. The next day, after the hostage team had encircled the cabin, Lon Horiuchi, a sniper, fired the shots that killed Mrs. Weaver, and wounded Mr. Weaver and Mr. Harris. Ten days later, Mr. Weaver surrendered.

After the siege, Federal prosecutors in Idaho tried Mr. Weaver and Mr. Harris for the death of Mr. Degan, but the case collapsed at trial and they were acquitted of all the serious charges.

Last month, in a stunning turnaround, the Justice Department settled Mr. Weaver's civil damage claims against the Government by agreeing to pay his family $3.1 million. The Federal agency had previously singled out Mr. Weaver as a dangerous threat who deserved severe punishment.

The aftermath of the operation has proved to be the first serious test for the F.B.I. Director, Louis J. Freeh, who took over the agency in September 1993, a year after the siege. So far, Mr. Freeh has met with little success in getting beyond the events.

In January, Mr. Freeh disciplined a dozen agents for lapses during the operation. But the inquiry on which his action was based proved to be deeply flawed.

A renewed inquiry by the Justice Department Office of Professional Responsibility found that earlier internal reviews of the bureau's conduct failed to dig deeply enough and did not uncover a concerted effort within the agency to conceal the role of officials who managed the operation from F.B.I. headquarters in Washington.

Last month, in an embarrassing reversal, Mr. Freeh suspended several top officials and referred accusations of a cover-up to the United States Attorney's office for possible criminal prosecution.

Senators said they would try to untangle the events surrounding the ill-fated siege and subsequent attempts at concealment by the F.B.I., including destruction of records relating to the operation. "Randy Weaver and and Federal law enforcement officials both made mistakes," said Senator Herb Kohl, Democrat of Wisconsin. "But a man like Randy Weaver can make mistakes and our country will survive. When Federal law-enforcement agencies make mistakes as serious as the one they seemed to have made at Ruby Ridge and afterwards, then we have pause and ask some hard questions."

Senator Charles E. Grassley, Republican of Iowa, said he had studied several cases, including the disastrous Government attempt to dislodge a religious cult from its compound near Waco, Tex. "A new culture is emerging," he said. "The swashbucklers are in charge and it has to stop now."

Mr. Weaver — appearing at today's hearing in blue jeans and work shirt and running shoes, keys dangling from a chain clipped to his belt loop — presented himself as a victim of a vengeful Government campaign.

Although he acknowledged espousing extreme political views, and attended several meetings of the Aryan Nation, a militant antigovernment group, Mr. Weaver said he simply wanted to escape to an individualistic life in the mountains, fearing an overthrow of the Federal Government or natural disaster.

"I'm not a hateful racist as most people understand it," said Mr. Weaver, who now lives in Iowa. "I believe that if there is separation of races, scripturally speaking, that's what I believe is right."

THE NEW YORK TIMES, THURSDAY, SEPTEMBER 7, 1995

Big Blows To Dole

THE NEW YORK TIMES, THURSDAY, SEPTEMBER 7, 1995

Packwood Ordeal Could Stall Senate

By ADAM CLYMER

WASHINGTON, Sept. 6 — Senator Bob Dole, whose chief claim to the Presidency is his ability to run the Senate effectively and accomplish Republican goals, got two pokes in the eye with a sharp stick today.

News Analysis

First, the Senate Ethics Committee unanimously recommended that Senator Bob Packwood of Oregon, chairman of the Finance Committee, which handles the Republican's central agenda, be expelled for sexual misconduct, evidence tampering and getting too cozy with lobbyists.

Then Mr. Packwood told Mr. Dole this evening, then said at a news conference a few minutes later, that he would not resign and would fight for "fairness." If he sticks to that course, by the end of the month the Senate will not be a stage for giant steps toward a balanced budget, but the meeting room of a club considering the fate of a fallen member.

The proposal by the Ethics Committee startled many senators, who were adjusting to reports that the committee might recommend that Mr. Packwood be stripped of his chairmanship. But the committee believed that once senators read at least some of the thousands of pages of material in the case that it will release on Thursday, they would see why it went this far.

Even Mr. Packwood's close friend, Senator Daniel Patrick Moynihan, Democrat of New York, said, "I don't think there is any doubt" that the Senate would muster the two-thirds vote required to make Mr. Packwood the first senator expelled since 1862, when Trustan Polk and Waldo P. Johnson of Missouri and Jesse D. Bright of Indiana were ousted for supporting the Confederacy.

Even if the Senate rejects the Ethics Committee's recommendation that Senator Packwood be expelled, there seemed no doubt that it would adopt in a flash the committee's fall-back position, that he be stripped of his committee chairmanship and his seniority.

That would leave Senator William V. Roth, a 74-year-old Delaware Republican finishing his fourth term, as the most senior Republican on the Finance Committee and, therefore, its all-but-certain new chairman. Mr. Roth is very conservative on fiscal matters, a strong advocate of lower taxes and quirky on other issues.

He advocated sharp tax cuts in the late 1970's, a program President Reagan adopted and got through Congress. He has made little mark in the Senate since then and he is not someone the Republican leadership would normally choose — but for his seniority — to lift the heavy burdens the Finance Committee faces.

But Mr. Dole, a former chairman of the committee, has been its dominant member since Mr. Packwood's troubles began in 1992. For example, he persuaded Mr. Packwood to desert his long advocacy of universal health insurance. With Mr. Roth as chairman, Mr. Dole's influence would continue, and because the committee does so much of its business in closed sessions, that role would not bluntly embarrass Mr. Roth.

At a news conference this morning, hours before the Ethics Committee met, Senator Dole outlined an ambitious agenda for the Senate over the rest of the year. Almost all of the legislation — welfare, Medicare, Medicaid and taxes — must be produced by the Finance Committee. Republicans enjoy only a narrow, 11 to 9 majority on the committee.

Still, it could have been worse from Mr. Dole's perspective. The Ethics Committee could have agreed with Mr. Packwood that he deserved the public hearing he had finally requested. If the expulsion motion had not carried, Democrats on the committee who supported hearings when Mr. Packwood originally opposed them would have tried again in the committee or on the floor of the full Senate, where they lost only narrowly last month.

Hearings almost certainly would not have begun until November and almost certainly would have spilled into next year. When Mr. Dole — and other Republican Senators who would be President, too — wanted to campaign in Iowa and New Hampshire, the only place their supporters could have seen them was on the Senate floor.

Instead of speaking out on making America strong, or reforming welfare they would have been listening and perhaps debating testimony about Mr. Packwood sticking his tongue in women's mouths or grabbing their underwear, telling a secretary to alter a transcript, or asking a lobbyist to find his wife a job to cut his alimony payments.

There is also the question of the Senate's reputation, which does go beyond the Presidential interests of Mr. Dole, and to most Senators is more important than the details of a Medicare plan or other legislation..

THE OPPONENT

Packwood's Behavior Led To Decision, Main Foe Says

By The New York Times

WASHINGTON, Sept. 6 — Senator Barbara Boxer, a California Democrat who is the most outspoken critic of Senator Bob Packwood, said today that the ethics committee's 6-to-0 vote to expel the Oregon Republican demonstrated that "the Senate has zero tolerance" for his conduct.

Though her amendment earlier this summer to require the committee to hold public hearings on the case had failed, Ms. Boxer said Mr. Packwood damaged himself by changing his mind and making his own call for public hearings.

"Ironically, I believe Senator Packwood himself, by voting against public hearings, and then feeling compelled to take his case to national television, hurt himself with his colleagues," she said. "His behavior continued to be conduct unbecoming of a Senator and may well have led to the ethics committee decision."

Ms. Boxer called the ethic committee's decision "precedent setting," saying that "in recommending his expulsion they are sending a very clear message that the Senate has zero tolerance for the type of behavior he exhibited over the course of his public service."

Ms. Boxer, in her first term in the Senate, has drawn significant national attention as well as support from women's rights groups for taking on Mr. Packwood. She advised her colleagues to examine the record carefully now that the committee has moved to the punishment phase.

"It is the responsibility of every senator to read the complete record without the assistance of public hearings which would have allowed us to better ascertain conflicting facts and witnesses," she said.

Theatrical Threshold at Hearing On the Deadly Shootout in Idaho

A1

By FRANCIS X. CLINES

WASHINGTON, Sept. 6 — Of all the props at all the Capitol hearings that now seem to occur here as an endless series of tabloid tableaux — the rifle waved at the Waco hearing, the scribblings of the suicidal Presidential aide at the Whitewater inquiry — none appeared as purely theatrical as the simple wood-and-glass cabin door displayed today as the Senate opened its inquiry into the shootout at Ruby Ridge, Idaho.

The door stood unhinged and leading to nowhere in a display bracket. Its calico-fringed denim curtains added an American Gothic touch as the senators arrived to hear a tale about guns and backwoods individualism and Ninja-suited Government sharpshooters in which three people died in a bloody showdown on Aug. 21, 1992. The door stood upright to the senators' left, looking as flimsy as a leftover prop from summer stock.

It had a single clean bullet hole in the glass that, for all its suggestion of B-movie stagecraft, was made starkly believable as a scene of siege and madness was described to senators intent on plumbing the Ruby Ridge tragedy. In the telling, one well-armed man's extremist anticipation of apocalyptic confrontation finally did visit his mountainside homestead with whirlwind fury, a fury that now has turned back on the Federal Bureau of Investigation.

"It was open part way," said Randall C. Weaver, a white-separatist gun fancier, who stood at the door showing the senators how his wife, Vicki, was suddenly shot through the head by an F.B.I. sharpshooter as she stood by the door holding their 10-month-old daughter. The previous day, a gunfight erupted between a team of United States marshals and Mr. Weaver's son, Samuel, and when the smoke cleared his son as well as one of the marshals were dead.

Mr. Weaver's stark tale seemed to catch the national mood of unease about police professionalism. It brought allusions to corruption in

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Philadelphia and conspiracy theories at the O. J. Simpson trial from members of the Senate Subcommittee on Terrorism, Technology and Government, who listened closely.

Mr. Weaver, a lean, dark-browed, gray-haired man, wore blue jeans and a gray denim shirt in visiting the Federal city he has long distrusted. He bunched the curtains back a little, trying to show them at the moment the sniper's bullet crashed through and struck down his wife.

"She was holding Elisheba, our 10-month-old baby girl, in her arms," he recalled as the senators sat rapt. Wary officials of the Justice Department, whose version of the debacle will come later in the hearings, watched from a windowed witness booth overlooking the hearing room. "We took the baby from her as she lay dead and bleeding on our kitchen floor," the father said.

Senators examine the use of deadly force on an Idaho ridge in 1992.

In his numbing narrative, Mr. Weaver told of defying Federal authority on a charge of illegally selling two sawed-off shotguns, only to face a high-tech armada of Government sharpshooters in the Idaho north country. The lives of his wife, their 14-year-old son, Sam, and a Federal Marshall, William Degan, were lost in a gunfight that has come to haunt the F.B.I. as much as Mr. Weaver for its shoot-to-kill rules of engagement against an embattled American family.

"The swashbucklers are in control," said Senator Charles E. Grassley, Republican of Iowa, complaining of what he termed "the militarization of the F.B.I." in the force and rules the bureau used at Ruby Ridge. More than a dozen F.B.I. officials have been suspended or disciplined in a devloping scandal in which documents were destroyed in a suspected cover-up.

Mr. Weaver told his tale with a soft twang that yielded to silence when he fought tears in trying to describe how his kin died and his loner's world came crashing about him. There were advance fears that his story might provide explosive new inspiration to the nation's ragged interest in extremist and militia dalliances. But Mr. Weaver, who had shepherded his family of six with 14 guns at hand in the Idaho wilds, spoke rather mournfully of his individualism.

His expertise sounded especially pathetic as he spoke of the weapon fired from afar through the door to bring down his wife: "a .308-caliber sniper rifle with a specially weighted barrel and a 10-power scope." In hindsight, he agreed with senators that his search for white separatism was not really practical, just as one of his bumper stickers was hyperbolic in declaring the Government would have to unclaw his "cold dead fingers" to enforce gun controls.

"I am not without fault in this matter," said Mr. Weaver, who was eventually acquitted of all major weapons and homicide charges in the aftermath. He also was awarded a $3.1 million damage settlement by the Government as evidence surfaced that he might have been denied full opportunity for court defense and surrender negotiations.

"If I had it to do over again, knowing what I know now, I would make different choices," he said. "I'd have come down from the mountain for the court appearance," he said of the gun-dealing charge that he chose to ignore in his mountainside standoff.

"But my wrongs did not cause Federal agents to commit crimes," he said, bitterly demanding a full account of Government behavior in his losses, in which his young son, despite all his father's personal training in gunmanship, perished in a sudden outdoor faceoff with Federal agents.

"The citizens should know," said the rugged individualist, sounding sad. He had to concede that his court acquittal and the fact that he was being heard out fully in the Capitol was a revelation in itself for a man used to denouncing Government people as liars.

"They're giving me a fair shake now," he said warily as the hearing went forward into the question of how such a man as Mr. Weaver came to prompt such furious deadly force from the Government.

NATO TO INTENSIFY USE OF AIR POWER AGAINST THE SERBS

TARGET LIST IS DOUBLED

But Bad Weather Delays Plan to Widen Attacks in Bosnia — Some Raids Aborted

A1

By STEPHEN ENGELBERG

WASHINGTON, Sept. 6 — After three days of bombing last week failed to persuade the Bosnian Serbs to lift the siege of Sarajevo, NATO officials decided to broaden and markedly intensify the air campaign in Bosnia, senior American officials said today.

The officials said the intensification — which doubles the number of targets to at least 50 and expands the raids across more of Bosnia — had been scheduled to begin on Tuesday. But poor weather over Bosnia frustrated the plan, they said, and many of the NATO warplanes returned to their bases today without dropping any bombs.

"Weather! Weather! Weather!" one NATO official said today in exasperation.

Adm. Leighton W. Smith, the NATO commander in charge of the operation, acknowledged to reporters at a briefing this morning in Naples, that "we have laid out a certain number of targets, and the weather impeded our progress down that target list. So, we have not struck as many targets as I would like to have struck."

In Washington, American officials reacted cautiously to the conflicting signals from the Bosnian Serb military and political leadership and said it was unclear how long it would take for the NATO attacks to have the desired effect. Nicholas Burns, the State Department spokesman, said the Serbs' assertions that they were planning to pull back their weapons from Sarajevo, but were prevented by the resumption of the bombing on Tuesday, was "a cynical charade."

American officials said the assessment of the three days of bombing last week was that NATO warplanes had significantly damaged or destroyed about half of 25 targets, ranging from ammunitions depots to communications links to air defenses. The Bosnian Serb military had repaired some of the damage, switching communications to backup systems, the officials said.

The new round of air attacks, which began on Tuesday after a four-day pause in which the Serbs did not comply with demands that they pull

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back their heavy weapons around Sarajevo, is intended to demolish those repairs. Senior officials said NATO warplanes would also attack additional military targets, including some anti-aircraft missile sites that had not been bombed and more command and control bunkers.

NATO officers have said there were some 25 targets in the initial phase of the attacks. Two senior officials in Washington said today that number has now been doubled, while another high-ranking official said the number of targets had grown to more than 70. Some of these were said to include targets not sufficiently damaged in the first wave of bombing.

While last week's attacks had been largely focused in the Sarajevo area, the new list includes some targets further afield, the officials said. NATO officials in Naples this morning played bomb-camera videos for reporters showing solid hits on five targets: three ammunition depots, a communications link and a command bunker.

Weather is a frustrating element in modern bombing missions because many of the warplanes use laser-guided munitions. The laser beam that guides the bomb to its target cannot be aimed through a heavy cloud cover, or a fog. Pilots can avoid the clouds by flying closer to the ground, but if they do so, they are vulnerable to the shoulder-fired anti-aircraft missiles of the sort that brought down a French Mirage on the first day of the bombing. They can also be struck more easily by anti-aircraft artillery.

Even with the stepped-up bombing, officials stressed that the air campaign was a measured use of force, well short of what the United States would bring to bear against an adversary in a full-scale war. Many targets remain off-limits. NATO warplanes, for example, have no orders to attack Bosnian Serb troop concentrations. Nor is there any intent — for the moment — to attack power plants or water supplies, as was done to Iraq during the massive allied bombing campaign during the Gulf War. In the first phase, warplanes concentrated many of their attacks on targets providing direct support or ammunition to the troops shelling Sarajevo.

One official said the new round of bombing would include attacks on militarily important bridges, but other officials stressed that there was no plan to disrupt the national roadways of Bosnia, as was done in Iraq.

"Our goal is not to obliterate the Bosnian Serb Army or the Bosnian Serb people," said Ken Bacon, the Pentagon spokesman. "It is to win compliance with the U.N. conditions for Sarajevo."

Indeed, several American officials said that too much bombing might be counterproductive to the peace negotiations. If the Bosnian Serb military is crippled by the bombing, the officials said, the Bosnian Government might be more tempted to try its luck on the battlefield, and refuse to sign a peace treaty that gives the Muslim-Croatian federation 51 percent of the country. The Serbs now occupy about 70 percent of Bosnia and Herzegovina.

"We're not trying to change the strategic balance in Bosnia," said one senior American official. "This is not NATO and the U.N. going to war with the Bosnian Serbs."

Asked to explain the relatively narrow scope of the air campaign, a Pentagon official said: "When you're trying to get someone's attention, you don't have to knock out all of their front teeth so they can't eat again."

The stated intent of the NATO bombing is to force the Serbs to open the roads to Sarajevo and pull back the heavy weapons that have fired at the city for more than three years. Unspoken, but equally important, is the hope that the bombing will encourage the Serb forces to accept the peace plan which is being shaped by American diplomats.

"Nobody believes that this situation can be resolved by air power alone," said Mr. Burns, the State Department spokesman. "We are offering the olive branch. We're offering the peace table to the Bosnian Serbs. They ought to take it."

Bosnian Serb officials have taken Western reporters and television crews on several tours to display damage to civilian areas caused by NATO bombs. Admiral Smith, in his briefing, acknowledged that some of the laser-guided weapons — the so-called smart bombs — do "go stupid" and miss their targets. He did not have any estimate of how often this had happened over Bosnia, and how many people, if any, had been wounded or killed.

Although they have done extensive analysis of their success in destroying or disabling targets, NATO officials have declined to say publicly how many they have hit. Many of the targets are actually complexes with multiple points that must be hit with several bombs. Some American officials said the accuracy of the bombing was better than it had been in the Gulf War, when allied pilots confronted a more threatening barrage of anti-aircraft fire.

The first round of bombing largely destroyed the Serbs' air defenses, though officials said Serb gunners briefly turned on an SA-6 missile radar Tuesday evening. NATO planes immediately fired back with a HARM missile, which uses the outgoing radar beam to guide it to the target. The Serbs immediately clicked off their radar, and the HARM missed the missile site

Reno Says FBI Acted Properly in Wake of Ruby Ridge By Gaylord Shaw= (c) 1995, Newsday=

WASHINGTON Top federal law enforcement officials launched a counteroffensive Thursday to shore up their agencies' defenses in the continuing fallout from the 1992 Ruby Ridge, Idaho, tragedy.

Attorney General Janet Reno, responding to reporters' questions the day after white separatist Randy Weaver harshly blamed FBI agents for the deaths of his wife and son, said the Idaho confrontation ``did not happen on my watch ... (It) happened long before we got here." But she added that FBI Director Louis Freeh had acted promptly and properly in the wake of Ruby Ridge.

``I'm so proud of the steps director Freeh has taken since he took office," she said.

Freeh, who was a federal judge in New York City when the incident occurred, has suspended five bureau officials pending completion of investigations by federal prosecutors and the Justice Department of allegations that FBI officials destroyed documents and committed perjury in a cover-up attempt.

Last month, the government, without conceding wrongdoing, agreed to pay Weaver and his three daughters $3.1 million to settle lawsuits stemming from the deaths of his wife and son.

A few hours after Reno's comments, the head of the federal Bureau of Alcohol, Tobacco and Firearms, John Magaw, went before the same Senate Judiciary subcommittee that heard Weaver's emotional testimony Wednesday.

Saying he wanted to ``set the record straight" and correct ``misunderstandings and misrepresentations" concerning his agency's actions preceding the Ruby Ridge confrontation, Magaw said ``our agents' conduct was lawful and proper in every respect."

``It is essential that the public trust its law enforcers," Magaw said in prepared testimony. ``Trust is a matter of personal integrity and competency, and I pledge to maintain the highest of these standards at ATF."

The ATF used a paid informant to buy two sawed-off shotguns from Weaver in 1989, then brought criminal charges against him and attempted to enlist him as an informant in a federal investigation of the extremist white separatist group Aryan Nation. Weaver has said he attended some meetings of the group, but that he was not a member.

``We see no reason for apologize for this action," Magaw said. ``Developing informers in this fashion is a common and accepted law enforcement technique."

Weaver refused to become an informant, then failed to show up at his trial on charges of selling illegal weapons. The Ruby Ridge confrontation began when U.S. marshalls sought to arrest Weaver for failing to show at trial. Before it was over, a deputy marshall was shot to death, as was Weaver's wife, Vicki, and his 14-year-old son, Samuel.

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In his testimony Wednesday, Weaver said the ATF informant had pressed him over a three-year period to supply a sawed-off shotgun, and that he agreed to do so because he needed the $450 profit from the sale to buy groceries for his family.

But Magaw insisted Weaver ``was not entrapped" and that the ``idea to supply the weapons originated" with him.

To support Magaw's contention that ``it was Mr. Weaver's action that set this into play," the ATF gave the panel copies of tape recordings it said were made by its informant. In one tape, Weaver said, in reference to sawed-off shotguns: ``How many you want ... four or five a week? I'll try to do my best to do that."

Weaver was acquitted of the weapons charges. He was also acquitted of murder charges for the death of deputy marshal William Degan in a 1993 trial that exposed federal law enforcement's missteps in the case, including the ``shoot on sight" orders that went far beyond standard FBI policy.

RENO AT LARGE: We Have an Appliance, Not a Revolution By Robert Reno= (c) 1995, Newsday=

It's hard to believe that Newt Gingrich and Bob Dole have been in charge of the Congress for, oh, let's see, going on nine months now.

It took less time than that for the Visigoths to invest Rome. The amazing thing is not the revolution that has been wrought. It is the number of major issues still unresolved that will have to be settled in what is certain to be the most entertaining if not productive fall session of the Congress in memory.

Think of it. Flag burning, school prayer, Sen. Bob Packwood's women, Newt's fund raising, tort reform, the budget, Medicare, welfare, gun control, foreign aid, Mexican loans, the debt ceiling, clean air, dirty water, endangered species, heating assistance, tax-cuts, legal services, campaign finances, timber-plundering, mining fees, grazing rights, lobbying abuses, abortion, you name it. We still don't have the foggiest idea where this new Congress is taking us.

People who imagine that some sort of a political earthquake took place with the election of a Republican Congress, that Americans had voted for something coherently revolutionary last November, must reassess their ambitions for this present Congress.

Now, if anybody supposes that Congress can reinvent American society and avoid a budget road wreck and remake Medicare without committing political suicide, he is kidding himself. It was said early on that this Congress would fail if it didn't deliver on a substantial amount of the things people expected of it. The trouble is, the people expected so much of it, the money lobbies expected so much of it, it expected so much of itself, and so much of what is expected in this something-for-everybody agenda is gratuitously contradictory and thus impossible.

Reality, that old friend, is setting in.

Suddenly, it is occurring to people that there were 103 Congresses before the present one and that the United States has somehow gotten to where it is in spite of them.

It was, I think, Thomas Reed, a speaker of the very house now supervised by Gingrich, if you can believe it, who had a particular thing about members showing up to vote. He got a telegram from a member delayed by a flood that had caused his train to be canceled.

``Wash out on the line," it said. ``Can't come."

The speaker replied: ``Buy a new shirt and come at once."

The legislative agenda of the 104th Congress sags heavy with a wash load of bills, is further burdened by Dole's perverse role as presidential candidate and majority leader, groans under Gingrich's necessity to be noticed, and comes close to breaking under the weight of polls showing negative ratings approaching those of serial killers. Do we really expect that by December it will come up with a package of legislation that looks anything like a contract with America that is more comprehensible than the one you sign when you buy a refrigerator on time?

Basically, that's what we've done. We've bought a new refrigerator and are discovering that all it really does is keep food cold.

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reaction to some similar events a few years ago."

Some House members, he noted, actually survived charges of sexual misconduct over the past decade. But that probably would not happen today.

"If you are looking at these kinds of things, then this is a sign, not a sign that something has happened, but that something is about to happen," Levin said. "People are sick and tired of this kind of thing and are looking for a change."

The charges against Packwood included allegations by the Senate Ethics Committee of patterns of long-term sexual and ethical misconduct. The details filled up 10,000 pages depicting a man forcing his sexual attentions on women who worked for him or with him.

They also included allegations he doctored his own diaries when the Senate expressed an interest in them and pressured lobbyists to find a job for his wife while they were going through a divorce, which could have affected his income by lowering alimony payments.

The 6-0 vote to expel was something of a surprise, even to Packwood, who displayed an unusually frank level of arrogance in discussing the committee's announcement.

"I don't think it's fair to me or anyone else to take away their lifetime job and say you're never going to get a chance to face your accusers, you'll never get a chance to tell the public your side of the story," he said earlier Thursday, before he decided to quit.

Some people serve in the Senate for many years, but to consider it "a lifetime job" is a big redefinition of the idea of elective office.

Senators skeptical that separatist was threat ATF said he was By Linnet Myers Chicago Tribune

WASHINGTON Skeptical U.S. senators charged Thursday that agents from the Bureau of Alcohol, Tobacco and Firearms exaggerated the danger posed by white separatist Randy Weaver, leading to disaster in Ruby Ridge, Idaho.

"I think we know how hyperbolized the threat of Mr. Weaver was," Sen. Charles Grassley, R-Iowa, told two ATF witnesses at a Senate subcommittee hearing on the case.

Grassley said the ATF's investigation "was the beginning of that process."

The ATF first arrested Weaver, who lived in a Ruby Ridge cabin, for selling two sawed-off shotguns to an undercover informant.

The case soon escalated to tragedy, ending with the 1992 deaths of Weaver's wife, his teen-age son and a U.S. marshall.

"And all this comes from somebody who sold two shotguns," said Sen. Patrick Leahy, D-Vt.

The ATF witnesses stood their ground despite the senators' grilling, denying charges that they entrapped Weaver and arguing that they had reason to fear him.

"If I could do anything to bring back the lives that were lost, of course I would. ... I've thought about this a lot, senator," ATF Agent Herb Byerly told Leahy.

"And I believe in my heart that what I pursued, the techniques I used, were proper."

ATF Director John Magaw, who was expected to testify Friday, said in a written statement: "ATF did not entrap Mr. Weaver. He was not induced by the government to commit the offense, but was predisposed to do so."

Senators, though, seemed unconvinced.

They challenged contentions by Byerly and Andrew Vita, ATF's director of enforcement, who argued that Weaver "fit the profile" of a major gun runner.

There are "all these little things that just jangle wrong as I hear this testimony," said Leahy, who contended that Weaver could have easily bought two shotguns legally and then just shortened them with a cheap hacksaw.

Weaver testified Wednesday that he sold the guns only after the informant urged him to.

Yet Byerly painted an ominous picture of Weaver, who attended annual meetings of the racist Aryan Nation. Byerly said Weaver was linked to a "violent faction" of neo-Nazis and told the ATF informant that he had offered "training and leadership" to racist skinheads.

The deadly Ruby Ridge standoff started after Weaver failed to appear in court on the initial gun charge. Attempts to arrest him sparked a shoot-out, killing Weaver's teen-age son, as well as the marshall.

The FBI then surrounded his family's remote cabin and an FBI sharpshooter shot and killed Weaver's wife, Vicki, as she held their baby daughter.

It is only one of several incidents including the deadly raid and siege on the Branch Davidian compound in Waco, Texas that has prompted recent calls for abolishing the ATF.

House votes to keep B-2 Stealth bomber By Michael Kilian Chicago Tribune

WASHINGTON Defense hawks won a major victory Thursday when the House voted to keep the controversial B-2 Stealth bomber program alive, despite charges it could ultimately cost taxpayers $80 billion for just 40 airplanes.

The narrow 213-209 House vote set the stage for a House Senate deal that also would preserve the Cold War-era Seawolf nuclear submarine program at a cost of more billions of dollars.

The Pentagon and the Air Force have repeatedly told Congress they want no more B-2s than the 20 already built or on order, while the Navy has continued to push for construction of a third $2.4 billion Seawolf nuclear submarine plus a futuristic "stealthy" submarine program costing more than $40 billion.

The House vote, a contest of so-called budget hawks vs. defense hawks, cut across party lines. There were 81 Republicans and 127 Democrats, plus independent Bernard Sanders of Vermont, opposed to the B-2, and 147 Republicans and 66 Democrats supporting the new planes.

Liberals, led by Rep. Ronald Dellums, D-Calif., objected to the bomber project because of the deep cuts so many domestic spending programs have suffered in federal deficit-reduction efforts.

"We've cut programs, wreaked havoc and extended pain to millions of Americans across the country," Dellums said. "This airplane is not needed. I hear the sizzle of pork."

Rep. David Obey, D-Wis., who joined Dellums and House Budget Committee Chairman John Kasich, R-Ohio, in sponsoring an amendment to halt B-2 funding, argued that the Russian military threat was no longer a justification for more strategic bombers.

Since 1989 and the collapse of the former Soviet Union, Russian defense spending has fallen from $300 billion to less than $100 billion, while U.S. military outlays have remained more or less constant, Obey said, citing U.S. Defense Department statistics.

Defense hawks countered that, without more B-2s, the United States would have to rely on the problem-plagued B-1 bomber and the aging B-52, which first entered service in 1952, for strategic and tactical bombing. Seven former defense secretaries strongly urged a 40-plane B-2 fleet.

"The B-52s are so old engines have been falling off some of them," said Rep. Norm Dicks, D-Wash., a leading B-2 proponent.

Thursday's key vote was on Dellums' amendment, which came as the House gave final passage to its defense appropriations bill.

The just-passed Senate defense appropriation contains no money for more B-2s. However, the Senate voted to build

And because Packwood's problems long have been known, Dole has consistently asserted more leadership in the committee.

The enormity of the substance of the legislation the committee will address will ``overwhelm personality," said Rudy Penner, another former CBO head. ``It won't matter so much who is chairman."

Senators' tolerance for behavior like Packwood's had changed By Charles M. Madigan Chicago Tribune

CHICAGO Were this a bad movie, a dirge would play in the background and the central figure, a traitor, debauched clergyman or compromised bureaucrat, would face, on his desktop, a gun and a single bullet.

The camera would shift to a yellowing picture of happier times, perhaps a pose with a beloved president. The music would reach its crescendo. There would be a bang. Fade to black.

Real-life major political embarrassments are different.

Sen. Bob Packwood just got to quit, keeping his government pension and related benefits intact and solving a big problem for the U.S. Senate, while whittling away another chunk of public trust in federal institutions.

Now he gets to join the ranks of the publicly embarrassed, the besotted bimbo embracers, ABSCAMers, Watergate co-conspirators, thieves, ghost payrollers and hapless near-felons unofficially driven from the public trust by unpleasant discoveries.

There was not much tragedy to it, just the ending of a three-year-long political struggle that seemed to get seamier and seamier. It lacked the pathetic, clinical detail of Illinois Democratic Rep. Mel Reynolds' plummet from grace in his conviction for having sex with a minor.

But it doesn't take much public seaminess to make the Senate, always more concerned about decorum than the earthy U.S. House, most uncomfortable. Historically, the Senate's main concern always has been itself. And nothing stays hidden for long anymore.

In the end, Packwood, R-Ore., and the Senate were both in an unpleasant place when he ran out of options.

``The committee has heard enough; the Senate has heard enough; the public has heard enough. The evidentiary record ... is here for everyone to see. Now is the time for justice to be done," said Sen. Mitch McConnell, R-Ky., who heads the Ethics Committee.

Based on that record, the Ethics Committee, in a 6-0 vote just 24 hours before his resignation, was showing Packwood the door, begging him to step out on his own and backing up the request with the threat of a full Senate vote on expulsion, something that hasn't happened since the confused days of the Civil War.

Undoubtedly, no one wanted to take the issue to the floor for a fight.

Packwood already had used up all his chips in flip-flopping on the question of public hearings first he didn't want them and after all his backers got on board on that side, changed his mind and said yes he did.

And the record compiled by the Ethics Committee ``This is the atomic bomb. We can do no more," said its vice chairman was said to be so compelling that a vote to expel was all but certain.

``I believe Senator Packwood has made the right decision. It's not easy. It hasn't been easy," said Senate Majority Leader Bob Dole, R-Kan.

But in the face of what might have happened, resigning probably wasn't as hard a choice as it seemed.

Expulsion amounts to a conviction on the charge. All benefits and formal connection to the government are lost. There also is the question of place in history, not a small matter for anyone in the Senate.

The expelled member is most definitely out of the club.

And, imagine being expelled for being boorish.

By resigning, Packwood guarantees he will become a footnote, not an entire chapter, in history. The Republican-controlled Senate doesn't have to rationalize the hypocrisy of tolerating his behavior despite its family values agenda. The Democrats are not handed a juicy issue on a platter.

And the whole matter doesn't have to be debated on the floor in an expulsion fight.

(EDITORS: STORY CAN TRIM HERE)

Packwood argued he was a little too human, stealing a kiss here and there like some frisky high school freshman just beginning to feel deviant oats (he is 62 years old), or wavering from the straight and narrow under the influence of too much alcohol, an admitted problem for the Oregon veteran.

That might have worked in a clubby old-time Senate full of men.

Boy behavior often was tolerated by a collection of political pros who placed a strong value on the glorious privilege of senatorial privacy. And they cozied close enough to the manly media to make sure everyone was compromised enough not to write about it.

But these are different times.

The Senate has female political pros aplenty in elected and appointed positions quite eager to crush any culture that would find Packwood's behavior acceptable. Sticking one's tongue where it isn't wanted isn't deemed acceptable anymore. It seems more like assault than wildly boyish, unbridled affection.

And the media writes or broadcasts almost everything it hears these days, no matter how X-rated the reality might sound.

There was some tough talk from the ethics chairman underlining this change.

``This was a habitual pattern of aggressive, blatantly sexual advances, mostly directed at members of his own staff or others whose livelihoods were connected in some way to his power and authority," said McConnell in responding to Packwood's claim he was only being boyish and mischievous.

Packwood also had complained he had been treated unfairly.

``The victimizer is now claiming the mantle of the victim," McConnell said, displaying no sympathy for the committee's target.

These changes in the media and Senate are too significant to overlook and may explain exactly why Packwood, who was elected to the Senate in 1968 at age 36, was forced to resign in humiliation a generation later.

``I don't think public mores have changed much. I think that the sort of things he was accused of doing would have been considered unacceptable at any time," said political scientist Andrew Busch at the University of Denver.

``But I think what has changed is the willingness of other senators to tolerate that sort of thing and to overlook it, and I think what has also changed is the willingness of the media to overlook it.

``It was fairly well known that Franklin Roosevelt was having dalliances and the same with John Kennedy and all sorts of people, but it was not considered a proper topic for discussion, either by fellow politicians or by the media. But everything is public now."

Jack Levin, a sociologist at Northeastern University in Boston, says the reaction to Packwood might just be part of a much bigger shift as the society moves ever more quickly to abandon the wild days of the 1960s and 1970s.

``We are now fed up with what we finally see as a lack of values," said Levin. ``This may be the beginning of a change in morality. You do see some signs. Let me point out the reaction to this was quite different than the

Agents say Weaver's offer to break law led to deaths By David Jackson Dallas Morning News

WASHINGTON Federal agents painted a grim picture of white separatist Randy Weaver on Thursday, telling senators that his offer to make illegal shotguns ultimately led to the deaths of his wife, son and a U.S. marshal.

``Mr. Weaver volunteered to violate the federal firearms laws," said Andrew Vita, director of enforcement for the Bureau of Alcohol, Tobacco and Firearms.

``Mr. Weaver also presented a profile that is very consistent with major firearms traffickers."

But members of a Senate subcommittee noted that Weaver had no criminal record and was charged with selling only two sawed-off shotguns. They questioned how that could lead to three deaths and a subsequent crisis in federal law enforcement.

Five FBI officials have been suspended, accused of covering up controversial ``shoot-on-sight" orders used during the standoff at Weaver's cabin at Ruby Ridge, Idaho.

``I'm sitting here somewhat troubled by all of this, I must say," said Sen. Patrick J. Leahy, D-Vt.

ATF agents testified a day after Weaver virtually accused federal agents of murdering his unarmed wife, Vicki, and 14-year-old son, Samuel. The 1992 incident, together with the violent siege of the Branch Davidians a year later near Waco, Texas, has inflamed anti-government critics nationwide.

On Thursday, federal officials began telling their side of the story before the Senate Subcommittee on Terrorism, Technology and Government Information.

More hearings are scheduled throughout the month.

The ATF led off the government's defense. Herb Byerly, the special agent in charge of the Weaver case, cited Weaver's attendance at white supremacist meetings.

He said a ATF informant met Weaver at one such meeting. Eventually, the agent testified, Weaver sold the informant two sawed-off shotguns and offered to sell him up to five such illegal weapons per week.

``Mr. Weaver is recorded as saying that he hoped they would go to street gangs," Byerly testified.

Byerly said the deal fell through when Weaver suspected the informant had government connections. Byerly said he and another agent then confronted Weaver in 1990, asking him to become a paid informant. Weaver, however, said he would not become a ``snitch."

The ATF arrested Weaver in early 1991, using a stalled vehicle as a ruse to lure him from his mountain cabin. Byerly said both Weaver and his wife were armed.

``At the scene of the arrest, I heard Randy Weaver state something to the effect of `nice trick, but you will never do that again,'" Byerly testified.

Weaver said he sold the guns because his family needed the money. He also said he missed a court appearance because he was misinformed of the date. Weaver said he was convinced he would not be treated fairly at trial, so he barricaded himself in his cabin.

That set up a yearlong surveillance that ended with the deaths of Samuel Weaver and Deputy U.S. Marshal William Degan. Both the Weavers and the marshals said the other side shot first.

Members of the Senate subcommittee, noting that Weaver had no criminal record before the sale of the two shotguns, grilled Byerly about what specific evidence the ATF had indicating Weaver was a dangerous criminal.

``There was no, in fact, evidence that he was a major supplier of arms, not to you or to anybody else," said Sen. Herbert Kohl, D-Wis. ``There's no evidence in terms of it being a fact."

Byerly and Vita pointed out Weaver's offer to sell five shotguns a week. However, some committee members said their reading of surveillance tapes indicated that the informant might have encouraged Weaver toward that number.

These members suggested the ATF relied too much on its informant, who was paid $5,000 for his work. Sen. Fred Thompson, R-Tenn., said ATF took the informant's word for how the shotgun deal was put together.

(EDITORS: STORY CAN TRIM HERE)

``When you try to portray Weaver as a major supplier, it appears to me that the only source you've got for that is your paid undercover agent," Thompson said.

Thompson also chided Byerly for a letter he wrote to a federal prosecutor saying that ``Mr. Weaver is considered to be active in white supremacy activities and has been convicted of activities," even though he had a clean record.

``Do you think your telling the U.S. attorney that he had other convictions ... might have had something to do with their determination not to prosecute this case?" Thompson asked.

Byerly said no, and described the letter as a ``typographical error." He said that in any event the prosecutor was aware Weaver had no prior criminal history.

A jury in 1993 acquitted Weaver and friend Kevin Harris of murder charges in connection with the marshal's death. Jurors later told reporters they believed that the government forced the confrontation and that the ATF entrapped Weaver.

The jury did convict Weaver for the missed court appearance. He was released from jail in December 1993 and now lives in Iowa.

In future testimony, committee members are expected to hear from the informant, members of the U.S. Marshals Service and FBI agents about their roles at Ruby Ridge, particularly in the death of Vicki Weaver.

(EDITORS: STORY CAN TRIM HERE)

An FBI sniper testified during Weaver's 1993 trial that he was aiming for Harris and accidentally killed Vicki Weaver as she stood behind a door. The sniper was acting under rules of engagement that permitted him to ``shoot on sight" anybody carrying a weapon.

Weaver disputed that claim Wednesday, saying that the FBI targeted his wife. During a break in the hearings, Justice Department officials angrily denied Weaver's allegation.

``Under any rules of engagement, that would be wrong," said Richard Scruggs, an assistant to Attorney General Janet Reno.

Scruggs also disputed Weaver's claim that FBI officials knew Vicki Weaver was dead, but taunted the family by yelling her name through a bullhorn. Scruggs said agents were hoping to talk her into ending the impasse.

``They believed she was the strong figure in the family," Scruggs said.

Subcommittee members also want to talk to at least some of the FBI officials who are under suspension. But Justice Departments officials are leery of this request, citing an ongoing criminal investigation into whether these officials covered up evidence of who approved the shoot-on-sight orders.

The two sides are negotiating the timing and scope of FBI testimony.

Majority of Voters Back Clinton on Japan, Poll Finds By John Maggs, The Journal of Commerce Knight-Ridder/Tribune Business News

WASHINGTON--Sep. 8--A clear majority of active voters believe President Clinton is keeping his campaign promise to get ``real results" in trade negotiations with Japan, according to a poll conducted for The Journal of Commerce over the Labor Day weekend.

More importantly, the president's confrontational approach to Japan has won over a large majority of the Democratic base of voters widely considered key to his chances for re-election.

The broad support for the president's Japan policy, especially among union members, could be vital in wooing back that proportion of his base alienated by his enthusiastic effort to pass the North American Free Trade Agreement and the Uruguay Round world trade pact.

Neutralizing the bad feelings about trade in this key constituency was a major White House goal in its efforts with Japan, and the poll indicates that this strategy is working.

U.S. Trade Representative Mickey Kantor, who negotiated last June's auto trade pact with Japan, said the poll's overall results confirmed his impression of public opinion based on his trips around the country to explain the details of the agreement.

``I think the public understands that this president is committed to opening up the Japanese market for autos and auto parts. They understand that it is in the national interest," he said.

The poll was conducted by EPIC-MRA, a Lansing, Mich.-based firm, which conducts a monthly nationwide poll of 1,000 active voters.

Based on the auto trade pact and other agreements reached with Japan, respondents were asked to assess the results of President Clinton's Japan policy.

By 52 percent to 37 percent, active voters gave Mr. Clinton credit for his efforts with Japan. The margin of error for the poll was plus or minus 3 percent.

A low number -- 3 percent -- said Mr. Clinton was ``definitely getting some real results with Japan" but 49.1 percent of the respondents said he was getting ``some real results." On the other side, 26.9 percent believe Mr. Clinton is ``not getting much real results" and 10 percent believe he is not getting any real results.

Eleven percent of the respondents were undecided or said they had no opinion.

EPIC-MRA vice president Ed Sarpolus said the poll indicates Mr. Clinton has made major inroads through his Japan trade policy with many of the voters who put him in the White House in 1992 -- union workers in the Midwest and Northeast and higher-income Democrats in the West.

On the other hand, while overall support for the policy is clear, it is weakest among a group of voters that already is likely to vote against Mr. Clinton, Mr. Sarpolus said -- young, lower-income white men from the South without a college education.

However, the 49.1 percent of active voters who said Mr. Clinton has gotten only ``some real results" with Japan indicate their support for his policy could erode if those results do not continue, he added.

Larry Chimerine, chief economist for the Economic Strategy Institute, interpreted this statistic differently.

``It is too early to tell what the results are going to be. Some of those who saw little or no results could well change their opinion if these agreements start having an effect," he said.

It is not clear how many voters would consider the Japan policy a major factor when they cast their votes next year. Among those with strong opinions, however, the number of active voters who believe the president is not getting real results is, at 10 percent, three times higher than the figure for those who do. Mr. Sarpolus said 10 percent are likely voters who oppose Mr. Clinton anyway.

In breaking down the results, Mr. Sarpolus condensed the four categories of responses to two: getting some results with Japan, and getting little or no results.

Mr. Clinton scores big with Democrats -- 63 percent say he is getting results, vs. 25 percent, with the rest undecided.

He also holds his own with those who call themselves independents, which are about 15 percent of of the population -- 52 percent are positive vs. 34 percent negative. Among past supporters of Ross Perot however, 52 percent are negative about the policy vs. 44 percent positive.

But Mr. Sarpolus says, ``Perot voters tend to have a low turnout." His success also carries forward with unionized workers, with 65 percent positive about his Japan policy and 29 percent negative.

Support for the president's Japan policy was strongest in the West, where active voters favored it by a 60 percent to 36 percent margin. In California,

Washington and Oregon together, the majority mirrored the nationwide results. Support was weakest in the South, where 45 percent were positive and 41 percent negative. In a region that includes Texas, Oklahoma and Arkansas, negative opinion outweighed positive 47 percent to 42 percent.

Among age groups, the biggest hole in support was among 30- to 40-year- old voters, where a clear majority believed Mr. Clinton is getting little or no results with Japan. Many of these respondents cast their first vote for Ronald Reagan and were part of the conservative realignment at that time.

The poorest voters -- those making less than $15,000 a year --approved of the policy 61 percent to 20 percent. Those making over $75,000 a year approved 58 percent to 41 percent. About 40 percent of all respondents -- those making between $15,000 and $45,000 a year --were most negative about the Japan policy, although slightly more were positive than negative.

About as many men as women are positive about the Clinton Japan policy, but many more males disapprove and many more females have no opinion.

The Washington Times
FRIDAY, SEPTEMBER 8, 1995

Senators say ATF trumped up Weaver case

Agents fabricated white separatist's criminal background, panelists assert

By Jerry Seper
THE WASHINGTON TIMES

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During intense and often hostile questioning, a Senate subcommittee yesterday challenged the Bureau of Alcohol, Tobacco and Firearms' targeting of Randall Weaver on weapons charges and suggested that agents fabricated a criminal background to enhance their case against the white separatist.

Sen. Arlen Specter, chairman of the Senate Judiciary subcommittee on terrorism, technology and government information, accused ATF agents of misleading prosecutors and others show that agents compared Mr. Weaver to Robert Matthews, a white supremacist and bank robber who died in December 1984 after a two-day gunbattle with FBI agents on Whidbey Island near Seattle.

The Pennsylvania Republican said one memo showed that agents said Mr. Weaver was a suspect in bank robberies in Washington state and Montana and that an accomplice in those robberies might be on the Weaver property, located in a remote area near Naples, Idaho.

"In a memo, the assistant U.S. attorney learned from the case agent that Weaver was suspected in several bank robberies, that he had been arrested in Iowa and that an accomplice in those robberies could be on the Weaver property," Mr. Specter said, noting that the accusations were not true.

"Is that case agent you?" he asked ATF agent Herb Byerly, who orginally targeted Mr. Weaver on the gun charges that ultimately lead to the deaths of Mr. Weaver's wife and son and a deputy U.S. marshal.

"Yes, sir, I was," Mr. Byerly responded, adding alternately that he either didn't recall giving the information to prosecutors and others, including the U.S. Marshals Service, or that it was a "possibility" the information was his.

"If I received information concerning something related to the investigation, I passed it on," he said, adding that Mr. Weaver had offered to work for a confidential informant he believed to be an il-

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legal arms dealer and had promised to deliver other illegal weapons.

Mr. Byerly and Andrew L. Vita, associate director of enforcement for the ATF, acknowledged under intense questioning by both Republicans and Democrats, however, that Mr. Weaver sold them no more than two sawed-off shotguns and they had no firsthand information that he had access to any large quantities of other weapons.

"He's not a major firearms dealer," said Sen. Herb Kohl, Wisconsin Democrat and the subcommittee's ranking minority member. "The rest is 'could have,' 'maybe,' but it didn't happen."

Sen. Patrick J. Leahy, Vermont Democrat, said, "All this comes from a guy who sold two shotguns that you or I could buy at Sears, Roebuck and spend the extra $10 to buy a hacksaw."

Mr. Craig suggested the misinformation had created a false impression among U.S. marshals who later took over the case when Mr. Weaver refused to appear in court. He said deputy marshals assigned to arrest him "understood Randall Weaver through the eyes of you and the ATF."

"However hyperbolized the threat of Weaver was, I think this was the beginning of the process," he said.

Samuel Weaver, 14, and Deputy U.S. Marshal William F. Degan died Aug. 21, 1992, in a shootout near the Weaver cabin. A day later, Vicki Weaver was killed by an FBI sniper as she stood in the cabin's doorway holding her 10-month-old daughter. Mr. Weaver and a family friend, Kevin Harris, were wounded the same day.

The subcommittee is looking into government actions that led to the three deaths. The hearings, to resume today, opened with a review of ATF efforts to target Mr. Weaver on weapons charges. They will continue on the role of the U.S. Marshals Service and the FBI in the shootings on Aug. 21-22, 1992, and accusations that FBI officials covered up actions over a change in the rules of engagement.

ATF Director John Magaw is expected to testify today.

Mr. Weaver and his oldest daughter, Sara, 19, both of whom now live in Grand Junction, Iowa, testfied on Tuesday, telling a gripping tale of the deaths. Both said they believed the sniper could see Mrs. Weaver through a window in the door when he fired.

The FBI's modified rules of engagement instructed snipers they "could and should" shoot any armed adult. Normally agents can shoot only when their lives or the lives of others are in imminent danger.

Last month Larry A. Potts, who directed the siege, was demoted from deputy FBI director and suspended for his role in the operation. He denied approving "could and should" rules of engagement.

During yesterday's hearings, Mr. Byerly offered sometimes contradictory information, despite the 51 notes on torn yellow legal pad passed to him by ATF legal advisors during his testimony.

He conceded that the weapons charges that began the entire Weaver episode had been dismissed by a jury and that the only defense offered in the case was one of entrapment, but he denied any wrongdoing.

"I have thought about this a lot," he said. "I believe the techniques I used were proper."

During her weekly press briefing yesterday, Attorney General Janet Reno defended FBI Director Louis J. Freeh.

She said she was "proud of the steps" Mr. Freeh had taken since assuming control of the bureau to "make sure that the use-of-force policy of the FBI is clarified and that it is not exceeded."

The Washington Times
FRIDAY, SEPTEMBER 8, 1995

Clinton may cite executive privilege

Travelgate papers at center of tussle

By Paul Bedard
THE WASHINGTON TIMES

A1

The White House yesterday threatened to invoke executive privilege to block release of top-level documents detailing the involvement of Clinton cronies and aides in the Travelgate affair.

The papers highlight efforts by TV producer Harry Thomason and others — including the president's cousin Catherine Cornelius — to fire the staff of the White House travel office in order to take it over for personal gain.

Associate White House Counsel Mark Fabiani said in an interview that the White House has determined that up to 907 documents used in an internal review of the affair "are subject to claims of privilege."

Calling the House Government Reform and Oversight Committee's probe of the 1993 affair in which seven White House travel office workers were fired "one of the stalest inquiries in town," Mr. Fabiani said the White House was willing to negotiate with the panel over the release of the papers.

But the committee, which charges that the White House is stonewalling, plans to fight for

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access to all the papers.

"I am extremely disappointed with the exhaustive amount of documents that are being withheld from production to the committee for its investigation," committee Chairman Rep. William F. Clinger, Pennsylvania Republican, said in a letter to White House Counsel Abner Mikva.

"At the time of the firings of the White House Travel Office, the president expressed his desire to fully cooperate with any investigations into this matter. The extent of documents being withheld will seriously impair the ability of this committee to conduct a full and complete investigation," he added.

The committee may seek a subpoena for the papers if the White House invokes executive privilege and the case could end up in federal court — a scene played out in the 1970s as Congress sought access to President Nixon's Watergate tapes.

The threat of executive privilege shocked some following the case. Charles J. Cooper, assistant attorney general under President Reagan, said, "It's an extraordinary event not taken lightly particularly in light of the congressional investigation."

The May 1993 scandal was prompted by efforts of Mr. Thomason, Miss Cornelius, and West Wing officials David Watkins and Patsy L. Thomasson to replace the seven travel office workers with cronies.

They charged that the travel office staff had embezzled money and mismanaged the office responsible for handling travel arrangements for White House staff and reporters covering the president on out-of-town trips.

In the process, the seven office workers were fired. After the internal White House review uncovered efforts by Miss Cornelius, Mr. Thomason and others to take control of the office for personal gain, five travel office workers were given apologies and jobs at other government agencies.

The deputy director of the office retired, and the director, Billy R. Dale, was indicted on charges of embezzlement.

He has denied all charges of stealing travel office money and claims in new court papers that a top White House official stole his ledger showing how he spent the $68,000 the Justice Department claims he took.

Mr. Clinger's probe is focusing on efforts by current White House staff members, including Miss Thomasson and Mr. Thomason, to trump up embezzlement charges against the travel office staff before the staff's firing.

He is also investigating reports the duo were trying to steer lucrative travel office business to a charter jet reservation firm co-owned by Mr. Thomason and World Wide Travel of Little Rock, which handled travel arrangements for the Clinton-Gore campaign in 1992.

The 907 pages of White House papers under the threat of executive privilege include mostly internal memos and interview notes used in developing the internal travel office review produced by Chief of Staff Thomas F. "Mack" McLarty and his successor, Leon Panetta.

The White House log of the 907 papers details each memo, said Mr. Fabiani. A committee source said each page is stamped "executive."

The committee request for the documents said the papers refer to travel office discussions with first lady Hillary Rodham Clinton, Mr. Thomason, Miss Thomasson, the late White House Counsel Vincent W. Foster Jr., whose suicide note mentioned the scandal, and David Watkins, the former White House director of administration who was fired after flying a Marine Corps helicopter on a golf trip.

The papers also reference Mr. Thomason's "White House Project," in which he was developing a plan to solicit private contributions to help pay for White House staff as well as free policy analysis from groups such as the Brookings Institution.

It is not clear how the White House can claim executive privilege on documents detailing Mr. Thomason's actions because he was never a government employee.

Mr. Fabiani said he has offered to meet with committee officials to clear access to some of the 907 papers. He said the White House has provided 2,000 other documents to the panel, although most of those are public papers, including press releases.

He also said the White House would make available for interviews all administration officials involved in the affair. But a committee official said that the White House and Justice Department have canceled interviews with both White House and former White House officials.

Five FBI officials have been suspended, and a criminal investigation of their conduct has been launched, on grounds they lied or destroyed documents to cover up an illegal change in the agency's deadly force rules that allowed armed adults to be shot on sight.

ATF director John W. Magaw, stressing that his organization was involved only in bringing charges against Weaver, and not in the shootout, declared that Weaver's prosecution occurred ``purely and simply because he chose to commit violations of federal firearms laws."

Although a jury in 1993 cleared Weaver of the weapons charge, Magaw insisted Thursday that Weaver had not been entrapped. ``He was not persuaded or coaxed by the government to sell illegal weapons," Magaw said in a prepared statement given to the subcommittee.

``I am convinced that our agents' conduct was lawful and proper in every respect," he added.

Senators directed their sharpest remarks at ATF special agent Herb Byerly, who was in charge of Weaver's case. Sen. Herb Kohl, D-Wis., observed that ``the total number of weapons here was two shotguns, that's the bottom line. You had no evidence he had sold guns to any other persons."

Byerly said he considered Weaver a large supplier based on Weaver's statements to Kenneth Fadely, the undercover agent, that he could supply Fadely with ``five additional shotguns" in the future.

Byerly said some, but not all, of the conversations with Weaver were tape-recorded.

Sen. Fred Thompson, R-Tenn., a former federal prosecutor and onetime Senate Watergate Committee staff lawyer, told Byerly that ``the only source you've got for that conclusion is your paid informant." Byerly said the informant had taped that statement by Weaver.

Thompson, however, belittled any view of Weaver as a major supplier of dangerous weapons. Referring to the sale of two shotguns whose barrels he had shortened himself, Thompson said, ``What we're talking about is a fellow sitting out under a shade tree with a hacksaw."

Andrew L. Vita, the ATF's enforcement chief, interjected that Weaver ``fell into the net because he volunteered to violate firearms laws by selling the sawed-off shotguns, which are very dangerous and are used in crime. It was not something we could turn our backs on."

Sen. Dianne Feinstein, D-Calif., questioned whether the ATF should have pursued so vigorously ``a man without a criminal record who was perhaps having trouble feeding his family."

Weaver had told the subcommittee Wednesday that Fadely had badgered him for the weapons, and that he relented after three years because the agent offered to pay an inflated price of $450 for them, and Weaver needed the money.

Under questioning, Byerly conceded he had inadvertently misstated Weaver's record to the federal prosecutor who decided to seek his indictment, telling the prosecutor by letter that Weaver had had prior convictions.

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Meanwhile, Attorney General Janet Reno told reporters at the Justice Department the FBI has taken steps to improve training and communication so that its crisis negotiators will work more closely with the bureau's hostage rescue team in future incidents.

She noted that Ruby Ridge occurred under a prior administration.

Critics of the siege have said FBI snipers had serious misperceptions about the threat posed by Weaver and his family, and the FBI should have allowed more leeway to trained negotiators to arrange his surrender.

UC Berkeley Unveils Plan to Maintain Ra[illegible] Diversity By Richard C. Paddock= (c) 1995 [illegible] Angeles Times=

OAKLAND, Calif. Despite the abolition of affirmative action at the University of California, UC Berkeley officials pledged Thursday to maintain racial diversity at the flagship campus by helping minority students long before they reach college age.

``We want all students to know they still have an opportunity to receive the finest education at Berkeley no matter whether their skin is white, black, brown or yellow," said UC Berkeley Chancellor Chang-Lin Tien. ``We pledge to keep the opportunity alive."

Speaking to a group of inner-city Oakland students, Tien unveiled ``The Berkeley Pledge," a program to help prepare disadvantaged students to meet admission requirements at UC Berkeley.

The initiative, designed to avoid controversy by targeting students according to family income and education level rather than race, also will provide $60 million in scholarships for disadvantaged students accepted for admission.

The Berkeley campaign is the first concrete step taken by any University of California campus to maintain racial diversity since the UC Board of Regents voted in July to ignore recommendations by the UC president and the heads of its nine campuses and end race-based preferences in student admissions.

Tien insisted that the ``Berkeley Pledge" is consistent with the Regents' action and is a way of helping minorities without relying on the racial and ethnic criteria used under current affirmative action programs that grant preference to students from under-represented minority groups.

``As a public university, our campus has a historic responsibility to serve all of California," Tien said. ``Our commitment has made Berkeley an international model for `excellence through diversity.' We do not intend to retreat from our commitment."

UC Regent Ward Connerly, who led the fight to dismantle UC's affirmative action policies, said he was thrilled by the Berkeley program and pledged to raise $50,000 for the scholarship fund.

(Begin optional trim)

``This is exactly the kind of initiative that I certainly contemplated when I offered the resolution about eliminating the use of race and ethnicity and other factors," he said.

``We all want diversity. Only a person who is not of good will does not want diversity. ... We only want to achieve it naturally, and this Berkeley pledge ... is exactly what we had in mind."

Connerly said other UC campuses should propose similar initiatives, calling Berkeley's plan a model for the proper role of the university in ensuring diversity.

(End optional trim)

The state's public elementary and secondary schools bear the primary responsibility for making sure that all students are prepared to meet UC requirements, and ``UC Berkeley is saying this is what we will do as a partner to help you meet them. But it is really a K-12 responsibility," Connerly said.

At Fremont High School in Oakland, Tien joined with superintendents of school districts in the San Francisco Bay area to sign the pledge and promised to work with public schools to help recruit and prepare minority students.

University officials said the program will not be limited to minority youth; students will be enrolled based on non-racial criteria such as family income and parents' educational level.

But given the low economic standing of many minority families, most of the targeted junior and senior high school

[illegible] Overhaul Endangered Species Act [illegible]oduced By James Bornemeier= (c) 1995, Los [illegible]geles Times=

WASHINGTON A bipartisan group of House members introduced legislation on Thursday to overhaul the Endangered Species Act, once regarded as one of the nation's most popular environmental laws but now a lightning rod for critics who see it is as an egregious example of regulatory overreaching by the federal government.

The bill, drafted by a GOP task force, calls for the government to compensate private property owners for the lost use of their lands and requires additional scientific review before the government can list a species as endangered.

It also would establish incentive programs to encourage property owners to conserve critical habitat and shift more responsibility to the states and property owners to work out recovery plans for threatened species and their ecosystems.

In general, the bill's sponsors say that they seek to bring back into balance a well-meaning law that has been overzealously administered.

Staunch environmentalists said the overhaul would gut the landmark 1973 law.

Rep. George Miller, D-Calif., the former chairman of the House Resources Committee, called the bill ``an out-and-out effort by extremist anti-environmentalists to destroy a crucial law."

In recent years, the law has been attacked by property-rights advocates, developers and their allies in Congress mainly Republicans and conservative Democrats, about 15 of whom joined a news conference to introduce the long-awaited legislation.

Once lauded as the salvation of the bald eagle and grizzly bear, critics say the law now often thwarts individuals and businesses from using their property in order to protect little-known birds, rodents and insects.

Among the many controversies the law has spawned are battles over the spotted owl in the Pacific Northwest, the red-cockaded woodpecker in the Southeast and the gnatcatcher in Southern California.

Rep. Richard Pombo, R-Calif., who led the task force that developed the legislation, said the Endangered Species Act is broken and needs replacement.

``People are terrified that they are going to find an endangered species on their property and are destroying habitat before it becomes inhabited by these species," Pombo said at a news conference to introduce the legislation, co-authored by Rep. Don Young, R-Alaska, chairman of the House Resources Committee. ``This bill creates incentives to encourage property owners to host endangered species. It is better for both species and people than the current act."

Despite the crowded legislative agenda looming over Congress, Pombo said the House GOP leadership has promised to bring the overhaul bill to the floor.

Similar measures have been introduced in the Senate, the bills in both houses are expected to move near the top of the House and Senate committee agendas.

A host of environmental groups condemned the legislation.

``This bill would roll back the progress we have made under the ESA in saving species and ecosystems for 22 years," said Jim Jontz, director of the Endangered Species Coalition in Washington. ``Young and Pombo will take away from the American people one of the strongest conservation laws in the world."

Many conservation groups noted that recent polls showed strong public support for laws protecting the environment.

(Begin optional trim)

Environmentalists are particularly concerned that the Young/Pombo bill will undermine the goal of habitat protection as the key to species recovery.

Since 1975 the U.S. Interior Department's Fish & Wildlife Service has included habitat modification as ``harmful" to endangered species, and in June the U.S. Supreme Court reaffirmed that standard.

The Young/Pombo bill would define ``harm" as direct action against a species that causes physical injury not habitat modification and allow permits for activities that have minimal environmental effects.

(End optional trim)

The bill's sponsors 95 so far with hopes of 150 contend that excessive enforcement has poisoned the atmosphere for reauthorization of the law in its present form.

(Optional add end)

The law's critics on Capitol Hill have already taken some potshots. A moratorium on new federal listings of species as endangered or threatened was enacted in April as part of a supplemental defense spending bill.

A bill reforming the federal regulatory process passed the House in March, requiring federal officials to compensate private landowners whose property values diminish by 20 percent or more because of regulatory actions taken under the Endangered Species Act and some other environmental bills.

A similar provision is in the Young/Pombo bill.

Pombo said he has kept House Speaker Newt Gingrich, R-Ga., apprised of the task force recommendations and that the speaker supports ``the ideas we put forth."

ATF Officials Place Blame on Randy Weaver By Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON The chain of events that led to the deaths of Randy Weaver's wife and 14-year-old son during a confrontation with federal agents at Ruby Ridge was set in motion by Weaver himself, officials of the Bureau of Alcohol, Tobacco and Firearms told a Senate subcommittee Thursday.

Weaver drew the attention of federal firearms law enforcers as far back as 1989 because he was suspected of being a major supplier of weapons used in violent crimes, according to three officials of the Treasury Department's ATF bureau.

But members of the Judiciary Committee's terrorism subcommittee, holding their second day of hearings into the bloody siege at Weaver's Idaho mountain cabin in August 1992, reacted with skepticism to the officials' testimony.

``It seems to me you were really looking at Mr. Weaver as an informant rather than a major supplier of guns," said Sen. Arlen Specter, R-Pa., the subcommittee chairman. He referred to a government offer made to Weaver to reduce or drop charges he had sold two illegal shotguns if he agreed to become a confidential informer for the ATF on some members of the Aryan Nation, a violence-prone white supremacist group.

Weaver told the panel Wednesday he flatly refused that offer. He was indicted the following year on charges of having sold two unregistered sawed-off shotguns to an undercover ATF agent.

Weaver's allegation that he was ``set up" by ATF agents on a basically weak charge was the subject of sharp questioning of Thursday's witnessess by Specter and other senators. Weaver's refusal to surrender on the original charges and later, his failure to appear in court, led to the confrontation at his remote cabin, where his son Sammy was fatally shot in the back after a federal marshal had been killed and where Weaver's wife Vicki, cradling an infant in her arms, was killed in the doorway by an FBI sniper who said he was shooting at another armed person.

Packwood diaries: Haunting words

By Leslie Phillips
USA TODAY

Sen. Bob Packwood's personal diaries — more than 8,000 single-spaced pages recorded over 24 years — were meant to be a testament to one man's life of success.

Instead, they brought him ruin.

In breezy style, the diaries reveal a man alert to detail, an analytical thinker and skilled narrator. He records facts and impressions, memories and insights, the commonplace and the worldly.

He tells of his pleasure with a new hair-grooming method and his disgust with a poorly organized Girl Scout event he attended.

But he also records compulsive sex with staff members, including an explicit description of sex on his Senate office floor; favors sought from lobbyists and others with business before the Senate; and attempts to alter evidence once the ethics committee began reading his diaries.

Page upon page gave the committee evidence to conclude Packwood impeded its investigation, "engaged in a pattern of abuse of his position of power" and in doing so perhaps even committed crimes.

His diary, Packwood told the committee, was a form of therapy. As some people talked to psychiatrists, he said, he talked into a tape recorder. His tapes were transcribed later by an employee.

Here's what he said (with some names blanked out in the copies the committee released):

▶ He had frequent sex with staff. He told someone he had "made love" to 22 staff members and there were "probably 75 others I've had passionate relationships with."

He writes on June 11, 1992: "(blank) gave me a ride home and I asked her if she wanted to go to dinner. ... Well, we got to talking of course at dinner about sex. ... She's got this little body and she had about five glasses of wine ... and she started talking about this guy she's been going with for seven years and none of us know it. ... But I said, '(blank), wait a minute. You and I have made love maybe six or seven times.' She says, 'At the most.' I said, 'Well, maybe six or seven times, and you were telling me then that you maybe made love once a year. I was feeling sorry for you and thinking I was doing my Christian duty by making love to you. Rather enjoyable,' I said, 'but my Christian duty.' "

▶ His description of sex with a staff member on the office floor includes graphic details and comments on the woman's physical attributes.

By John Duricka, AP

FINDINGS: Ethics panelists Mitch McConnell, left, and Richard Bryan.

▶ With a divorce pending, he sought income for his wife from lobbyists and businessmen. "So I called (blank) and said is there a way you could put Georgie on for $5,000?

"I then called Tim Lee and said, 'Tim could you somehow put Georgie on a retainer for $10,000?' ... I told them both this was in the strictest confidence. ... Talked to Ron Crawford. He'll put up $7,500 a year.

"That's three out of three and I haven't even hit up (blank) or Steve Saunders... Then I'll come up with more and that will give me enough of an asset base to be able to buy a small two bedroom townhouse."

▶ He revised tapes he had dictated earlier, deleting segments he thought might be embarrassing.

In 1992, he tells of a conversation with his chief of staff about an ad campaign that would be made on his behalf by auto dealers:

"Of course, we can't know anything about it. We've got to destroy whatever evidence we've ever had ... so that we have no connection with any independent expenditures."

When the diaries were subpoenaed, Packwood changed the entry: "We talked about independent expenditures. I said I didn't want to know about that and none of us were to know about that. We want independent expenditures to be truly independent. Those who are going to support us will support us. Those who won't won't. Let the chips fall where they may."

Agents: Survivalist was the ignition for Idaho tragedy

By Sam Vincent Meddis
USA TODAY

Federal authorities Thursday denied that they instigated the fatal events at Idaho's Ruby Ridge or improperly targeted Randy Weaver for arrest on gun charges.

"It was Mr. Weaver's actions that set this into play," John Magaw, director of the Bureau of Alcohol, Tobacco and Firearms, said in prepared testimony to a Senate panel probing the bloody 1992 operation.

Weaver, testifying to the same committee the previous day, insisted that he had been set up by a federal informant because the ATF needed someone to "snitch" on activities of white supremacist groups.

But ATF agents, under intense questioning, stood their ground.

Agent Herb Byerly, who in 1990 helped charge Weaver with selling two illegal sawed-off shotguns, denied that agency informant Kenneth Fadeley encouraged the weapons sales. "I don't believe Mr. Weaver was singled out," he said.

Magaw is expected to testify further today. Only his written testimony was presented Thursday.

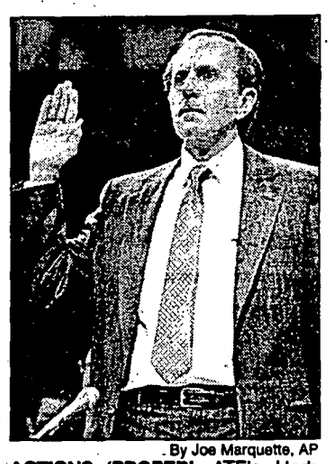
On the same day that ATF officials were defending their actions in the controversial case, Attorney General Janet Reno was defending the Clinton administration at a Justice Department media gathering. "The situation at Ruby Ridge happened under the past administration," Reno said.

Reno also said she was "so proud" of measures taken by FBI Director Louis Freeh to help avoid a recurrence of a Ruby Ridge-type incident. Freeh, who this summer suspended five FBI officials connected with the case, has instructed bureau personnel to never again implement shoot-on-sight orders that Weaver says amounted to "death warrants."

The U.S. attorney's office in Washington is investigating allegations of a high-level attempt by the FBI to cover up responsibility for the orders.

Weaver's wife, Vicki, was shot and killed by an FBI sniper after the controversial orders were given.

One day earlier, Weaver's 14-year-old son, Samuel, and Deputy U.S. Marshal William Degan were killed in a shoot-out near the survivalist family's remote cabin. The marshals were on a reconnaissance mission because they said Weaver had refused to appear in court to face the firearms charges.



By Joe Marquette, AP

ACTIONS 'PROPER': ATF's Herb Byerly testified that Randy Weaver wasn't 'singled out' in the standoff.

Weaver says his failure to appear in court was based on distrust in the government, fueled at least in part by what he viewed as entrapment on the weapons violations.

Fadeley encouraged him over a three-year period to sell a sawed-off shotgun, Weaver says. He says he finally agreed because he needed the $450 from the sale to buy groceries.

A federal jury eventually cleared Weaver on the firearms charges, proving that Weaver was entrapped, his defense lawyers say.

But Byerly said taped conversations show that Weaver, not Fadeley, promoted the gun sales. At one point, Weaver even tells the informant that he hoped the weapons "would go to street gangs," he said.

Weaver also offered to sell five shotguns a week, Byerly said.

Weaver came to ATF attention during an investigation of violence-prone white supremacist groups in the region, Byerly said.

"I believe in my heart that what I pursued and the techniques that I used were proper," Byerly said.

'Ultimate sanction' was brutally swift

Bob Packwood fought for three years, but in one short day he realized that the fight was one he could not win.

By William M. Welch
USA TODAY

The end of Bob Packwood's Senate career came with stunning swiftness, after an investigation that had dragged on for almost three years.

Shocked by the ethics committee's unanimous recommendation Wednesday that he be ousted, the Oregon Republican took less than 24 hours to conclude he couldn't win.

ANALYSIS

Colleagues made it clear that a fight would only delay the inevitable and force the Senate into embarrassing debate of his sexual misconduct.

"I respect this institution too much for that," Packwood said.

His tearful speech to the hushed chamber prompted colleagues to rise with statements of regret. "This is a moment for grieving," said Sen. John McCain, R-Ariz.

None was more poignant than his former college professor and longtime Oregon GOP colleague, Mark Hatfield, who lauded "a record that cannot be expunged. . . . I hurt with Senator Packwood."

Packwood, 62, gives up not just a seat he has held since 1969 but a powerful position as head of the Finance Committee as the Senate takes up tax and spending cuts.

He will be succeeded by Sen. William Roth, R-Del. Roth, 74, was a leader in the push for tax cuts in the early 1980s.

Majority Leader Bob Dole, who over the years counted on Packwood as an ally, voiced the concern of many Republicans — that Packwood's punishment was too harsh.

"I must say: very severe punishment," Dole said. "Having said that, I think Senator Packwood made the correct decision. It's not easy."

Expulsion was the most severe punishment possible, and one the Senate has meted out only for treason or criminal convictions.

It was an outcome he may have helped bring about by trying to thwart the ethics panel's judgment.

AP

PACKWOOD THEN AND NOW: Above, in a 1969 photograph, the Oregon senator poses with Gayle Rothrock, who later accused the Republican of sexual harassment after she baby-sat his children. At right, in a photograph taken from television, the senator resigns during a Thursday speech on the Senate floor.

Reuters

Office's perks are his to keep

After resigning from the Senate, Bob Packwood can keep his congressional pension, medical insurance and other perks.

The National Taxpayers Union, a critic of congressional pensions, calculates Packwood will be eligible for $88,922 a year, which could reach $2.9 million in retirement benefits over his lifetime.

He will keep a comprehensive health insurance policy and the same privileges of the Senate floor that other former senators enjoy. He can walk onto the floor as if he were still a member, and he'll be entitled to free use of special parking areas.

Senate sources differed on whether Packwood would have lost his pension if he had been expelled.

The Senate last voted to expel a member during the Civil War.

When the panel met privately Wednesday, Packwood believed it would consider his latest request to hold public hearings — a reversal he made after waiving his rights to a hearing and winning a tough floor vote that could have forced hearings.

His reversal enraged even members of his own party who had helped turn back the challenge led by Sen. Barbara Boxer, D-Calif. And they were already painfully aware of the public disgust raised by the graphic 1991 hearings on Anita Hill's accusations against Supreme Court nominee Clarence Thomas.

Wednesday was the first time panel members met to discuss punishment. Previous talk focused on evidence — 264 witnesses were interviewed — Packwood's repeated delays and whether to hold hearings. Packwood's battle against the panel's subpoena of his diaries took nearly a year and reached the Supreme Court.

Although the panel had deadlocked earlier along party lines over the issue of hearings, the subject quickly turned to punishment, and each member realized he had reached the same conclusion.

The chairman, Sen. Mitch McConnell, R-Ky., made the motion to recommend expulsion.

It was, said Sen. Byron Dorgan, D-N.D., a "serious, somber, emotional" session.

Sen. Barbara Mikulski, D-Md., the only woman on the six-member committee, said she made up her mind when Packwood had appeared before the panel: "I found he could not clearly articulate a defense. I detected no remorse."

But others took longer. For Dorgan, the deciding factor was the detail of Packwood's sexual behavior, described in transcripts by witnesses and corroborated by accounts of their friends.

For McConnell, a lawyer, it was evidence that Packwood altered his own taped diaries subpoenaed by the committee. That amounted to a criminal violation and "a crime against the Senate," he said.

The two other Republicans on the panel, Larry Craig of Idaho and Bob Smith of New Hampshire, did not differ. The group quickly voted for what vice chairman Richard Bryan, D-Nev., called "the ultimate sanction. This the atomic bomb."

The decision made, McConnell walked to Packwood's office and informed him.

Packwood by all accounts was dumbstruck. An accomplished political tactician, Packwood thought he was in a fight to avoid censure and the loss of his chairmanship.

After telling Packwood, McConnell then went to inform Dole. Never before, McConnell says, had he discussed punishment with Dole. The leader took the news quietly.

Wednesday afternoon, Packwood held a news conference, blasting the charges. But by Thursday afternoon, he stood on the Senate floor, saying he realized he must resign:

"I leave this institution not with malice. Good luck. Godspeed."

In Ore[redacted] joy, dism[redacted]

By Deeann Glamser
USA TODAY

PORTLAND, Ore. — The news that Sen. Bob Packwood had suddenly resigned Thursday, ending a tawdry political spectacle that had consumed the state, was greeted by his constituents with anger, disappointment, relief and embarrassment.

"Wow! I didn't agree with what he did. But I wish the people of Oregon could have had a voice in it," said Susan Harrell, 47, a high school teacher.

Sari Wermlinger, 37, a tailor, grinned when she heard the news. "I'm surprised and very happy. Let's get him out of here!"

Lee Comstock, 64, a barber, was dismayed. "I don't think he should have resigned. What he did was 20 years ago when everything was love and kisses. But I'm not really surprised by the resignation. He was going to lose his pension if he got kicked out. I wouldn't have taken that chance."

Shipping coordinator Sherie Shoemaker, 32, also was sympathetic to Packwood. "I think he should have stayed and fought. Most of this stuff was 20 years ago when it was a different world."

Doug Anderson, 25, on break from his job at a clothing store, said the Republican left a stain on the state. "We've had Tonya Harding and now Bob Packwood. Who else is going to embarrass us in front of the nation?"

Jann Smith said the fact that Packwood didn't get a chance to face his accusers in public hearings was "very disturbing."

"Those women are right for what they said, but I don't think he was treated fairly," said Smith, 47, a Republican from Portland who has voted for Packwood.

Thursday morning, before Packwood's resignation, calls to his Portland office were running 3-to-1 in favor of his "fighting it out," said district field manager Karen Belding.

At KEX radio, 60% of callers Thursday morning wanted Packwood to resign, said Duane Link, operations director.

"Most of the reaction is on the sexual misconduct," Link said. "It seems to be a more emotional issue than influence peddling or the (diary) tapes."

DAY • FRIDAY, SEPTEMBER 8, 1995

Officials Blame Weaver for Initiating Tragedy at Ruby Ridge

THE WASHINGTON POST
FRIDAY, SEPTEMBER 8, 1995

By George Lardner Jr.
Washington Post Staff Writer

Federal officials yesterday maintained that white separatist Randy Weaver fit their profile of "a major firearms supplier" and initiated the disastrous chain of events that led to the 1992 killing of his wife, 14-year-old son and a deputy U.S. marshal.

The officials from the Bureau of Alcohol, Tobacco and Firearms denied that Weaver was set up for criminal prosecution on gun charges, a case that eventually brought marshals to Weaver's isolated cabin in northern Idaho's rugged Selkirk Mountains. Weaver had failed to show up for a court date on charges that he sold two sawed-off shotguns to an ATF informant.

ATF Director John W. Magaw told the Senate Judiciary subcommittee on terrorism that no criminal case could justify such consequences, but he contended in prepared testimony that "it was Mr. Weaver's actions that set this into play."

Weaver, in dramatic testimony Wednesday, portrayed his wife and son as innocent victims of overzealous federal law enforcement agents. His son, Sammy, was killed in a gunfight with three U.S. marshals who were on a scouting mission as part of a plan to arrest Weaver on gun trafficking charges. Vicki Weaver was shot the next day by an FBI sniper after federal agents swarmed the area following the death of deputy marshal William F. Degan.

Yesterday's hearing was devoted to the ATF's investigation of Weaver and the gun charges that put him on the wrong side of the law. Sen. Patrick J. Leahy (D-Vt.) said he was still having trouble grappling with the fact that three lives were lost, "millions and millions of dollars spent, careers are being ruined . . . and all this comes from selling two-sawed off shotguns."

Skeptical senators said they were still suspicious that Weaver had been "entrapped" into the shotgun sale by the informant who, it was disclosed, had been paid $5,000 by ATF for his work on the case.

After examining taped conversations Weaver had with the informant, Sen. Fred D. Thompson (R-Tenn.) said he discovered that "you've got to take the word of the informant that he was approached by Mr. Weaver rather than the other way around."

Thompson pointed out that Weaver even described himself in one conversation as "a fellow sitting out under a shade tree with a hacksaw," cutting the barrels off the two shotguns to pick up a few hundred dollars for his hard-pressed family.

The subcommittee opened hearings on the Ruby Ridge tragedy this week in the midst of a new Justice Department investigation into an alleged coverup involving the FBI's controversial "rules of engagement" for snipers dispatched there Aug. 21, 1992, after Degan was killed. Under the rules, the snipers were told they "could and should" shoot any armed male, without warning, who was seen in the vicinity of the Weaver cabin.

Five senior FBI officials have been suspended pending the investigation and FBI Director Louis J. Freeh has vowed swift action once that inquiry is concluded. Attorney General Janet Reno said at a news conference yesterday that "the situation at Ruby Ridge happened under the past administration" and she was "so proud" of Freeh for the steps he has taken to deal with the situation.

The alleged coverup, however, spanned administrations and Freeh has acknowledged he was relying on a "flawed investigation" when he meted out mild discipline to 12 FBI officials last January.

At the hearing, Herb Byerly, the ATF agent who had tried to enlist Weaver as an informant and later used a ruse to arrest him initially, said he felt he had acted properly throughout the case.

"I have thought about this a lot," he told Leahy in a voice breaking with emotion. "I believe in my heart that . . . the techniques I used were proper."

Under questioning by Thompson, however, Byerly acknowledged that he erroneously claimed Weaver had been previously "convicted of activities" in a letter sent to federal prosecutors in Boise in May 1990, recommending the prosecution of Weaver.

Thompson asked if Byerly was trying to pump up the case to make sure it got attention. Byerly denied it, saying the letter was simply "a typographical error" and that the prosecutor he dealt with knew Weaver had no criminal record.

"Did you tell the U.S. attorney that the letter was wrong?" subcommittee Chairman Arlen Specter (R-Pa.) asked.

"I don't recall," Byerly replied.

Weaver, now 47, said in testimony Wednesday that the informant to whom he sold the guns, Kenneth Fadeley, was "a deceitful, lying con man" who finally persuaded him in a weak moment, "when my family needed money," to make the sale. The two men first met in 1986 at an Aryan Nations Congress at Hayden Lake, Idaho, where Fadeley posed as an illegal-weapons dealer.

Byerly defended Fadeley as "a family man . . . an upstanding citizen" with no arrest record. The agent said he had never known Fadeley to exaggerate or lie to him.

The ATF agent said that in addition to selling Fadeley the two sawed-off shotguns, Weaver claimed to be able to supply four or five a week and to have a source who would leave no paper trail for government investigators.

By making such reported statements, Weaver "presented a profile very consistent with major firearms suppliers," declared Andrew Vita, ATF's director of enforcement, who testified alongside Byerly. They said Weaver's "potential" was never realized because Fadeley, whom Weaver had come to suspect, was told to stop dealing with him.

Specter questioned the ATF witnesses sharply about their conclusions and, in one contentious exchange, demanded what evidence they had that Weaver could supply guns without the weapons being traced.

The agents cited a taped conversation between Weaver and the informant of Nov. 30, 1989, but Specter pointed out that the ATF transcript showed Weaver replying in sounds rather than words, with the ATF transcriber suggesting parenthetically what the sounds might mean.

Fadeley: "All right. Now let's make sure of one thing. . . . There is no paper or nothing on this [expletive deleted]?"

Weaver: "Uh." (Meaning no?)

Fadely: "Okay. You got that all covered?"

Weaver: "Umumumm." (Meaning yes).

Specter derided the interpretations. "Would 'um, um, ummm' mean yes in a court of law?" he asked.

The sawed-off shotgun charge against Weaver was eventually added to the indictment against him and family friend Kevin Harris on charges of murdering the marshal and committing various other crimes. The jurors acquitted both men of all significant charges, including the gun sale.

Special correspondent Benjamin S. Abramson contributed to this report.

FOR MORE INFORMATION

To review why the FBI disciplined several officers involved in the siege, see Digital Ink; The Post's on-line service. To learn about Digital Ink, call 1-800-510-5104, ext. 9000.

Divided House Votes to Fund B-2 Bomber Components

THE WASHINGTON POST
FRIDAY, SEPTEMBER 8, 1995

By Bradley Graham
Washington Post Staff Writer

A narrowly divided House voted yesterday to keep alive the option to buy more B-2 bombers, after a contentious floor debate that portrayed the plane as both a superweapon to save U.S. military lives and a costly system sure to bust the defense budget.

By a vote of 213 to 210, members added $493 million to the 1996 defense appropriations bill to resume production of "longlead" components for additional B-2s, effectively a down payment on up to 20 more of the controversial stealth bombers—on top of the 20 already ordered.

The Senate has rejected a similar add-on, meaning the B-2's future must be resolved in a House-Senate conference. Given the closeness of yesterday's tally and the number of other big-ticket defense items in contention between the House and Senate, the prospect of more B-2s still appears precarious.

But the House action, which came despite strong opposition from the Clinton administration and recent questions about the bomber's performance, showed the difficulty of terminating a major weapons program that benefits more than 3,000 subcontractors across 48 states and that carries the promise of unmatched technological feats.

Designed in the final decade of the Cold War to evade Soviet air defenses with its radar-absorbing skin and batwing shape, the B-2 appeared destined to become a scarce weapon as the Bush administration and then the Clinton administration chose to cap the program at 20 planes.

The Pentagon has said it cannot afford more B-2s and still pay for new jet fighters, transport aircraft and other programs it considers higher priorities. It also has concluded that upgrades of the B-1B bomber and purchases of additional precision-guided munitions would be more cost-efficient.

But B-2 proponents contend the bomber's planned stealthiness and large weapons load will be useful against a range of potential post-Cold War enemies and prove the most economical way of delivering a large number of bombs over long distances.

For many House Republicans, the bomber has become a symbol of what GOP critics assert is a mismatch between the administration's military strategy and the resources it has provided.

"The B-2 can project power, awesome power, quickly and silently," Rep. Bob Livingston (R-La.), chairman of the Appropriations Committee, said on the floor yesterday. "It's silly to cut off our hands at this time."

Debate on the B-2 highlighted House passage yesterday of a $244 billion defense appropriations bill that adds $7.8 billion to the administration's request for the fiscal year beginning Oct. 1. The bill, approved 294 to 125, boosts spending on development of ballistic missile defenses as well as development of the Air Force's F-22 stealth fighter, the Army's Comanche helicopter and the Marine Corp's V-22 Osprey tilt-rotor aircraft. It denies funds for a third Seawolf submarine, cuts money for environmental cleanup at military bases and reduces assistance to the former Soviet republics related to nuclear threat reduction.

B-2 supporters marshaled support from seven former defense secretaries who wrote President Clinton earlier this year saying 20 bombers would not satisfy U.S. strategic needs. Northrop Grumman Corp., the plane's prime contractor, also engaged in an aggressive campaign, running newspaper and television ads extolling the B-2, hiring retired senior Air Force officers to promote the plane and organizing subcontractors to lobby Congress.

While House Speaker Newt Gingrich (R-Ga.) did not get personally involved in the legislative battle, his whip organization made the B-2 a priority. A bipartisan coalition of members whose districts stand to benefit from more B-2 business met regularly to plot strategy. The group included Republican Reps. Jerry Lewis and Howard P. "Buck" McKeon, both from California, and Democratic Reps. Ike Skelton of Missouri, Norman D. Dicks of Washington, Jane Harman of California and Martin Frost of Texas.

Leading the opposition was an unlikely pairing of John R. Kasich (R-Ohio), the Budget Committee chairman and leading deficit hawk, and Ronald V. Dellums (D-Calif.), among the most liberal House members and the senior minority member of the National Security Committee.

Kasich opposed more B-2s largely out of concern the expensive bomber program would complicate his drive to squeeze more savings from the federal budget. Dellums objected to spending more on questionable military production as Congress is cutting assistance programs in education, housing and other areas.

"Suddenly, all the people willing to

See BOMBER, A7, Col. 1

BOMBER, From A6

inflict pain on the American people can't inflict pain on the Pentagon," Dellums said yesterday in pleading for a B-2 program cap.

But 66 Democrats joined 147 Republicans to sustain B-2 production. The vote was closer than the 219 to 203 tally in June when the same issue was debated during action on the defense authorization bill. Opponents of more B-2s said their cause had been hurt yesterday by the absence of a dozen House members, vigorous contractor lobbying in home districts during the August recess and division within the Congressional Black Caucus, 9 of whose 38 members voted for additional stealth bombers.

The history of the U.S. bomber force has been marked by a series of stop-and-start efforts. After completing production of the B-52 in 1962, the United States did not buy another heavy bomber for 20 years. Ballistic and shorter-range cruise missiles seemed to offer a cheaper and more reliable method of destroying the Soviet Union in a nuclear war, and new air defense technologies made protection against bombers more formidable.

But missiles were not effective against movable targets, so Pentagon planners began conceiving a new bomber, the B-1, only to see it cancelled by the Carter administration in 1977. The Reagan administration revived it as an interim to a stealth bomber on which work began in the early 1980s.

When the Cold War ended, the B-2 faced a kind of identity crisis. It had been designed primarily for delivery of nuclear weapons against the Soviet Union. Air Force planners started stressing the conventional combat role that the B-2 could play in delivering sizable bombloads to distant locations quickly.

Northrop has told lawmakers it could build 20 more B-2s at about a third of the $2.2 billion per plane price of the initial 20, since $24 billion in research and development costs could then be spread over more bombers. But the total bill for 20 more B-2s would come to $16 billion to $20 billion depending on the pace of production.

The Pentagon says paying for more B-2s would siphon funds from such other higher priority projects as the new F-22 stealth fighter and C-17 cargo transport aircraft. Moreover, the plane has yet to pass most of its crucial operational testing. A recent General Accounting Office report said tests have yet to demonstrate the radar-eluding and low-flying characteristics that were promised.

THE NEW YORK TIMES, FRIDAY, SEPTEMBER 8, 1995

Senators Skeptical as Officials Defend Actions in Idaho Siege

By DAVID JOHNSTON

WASHINGTON, Sept. 7 — Testifying before a Senate panel investigating a deadly standoff in 1992 between Government agents and a white separatist, Federal firearms officials today defended their use of an informer to lure the separatist into a weapons violation that led to the confrontation.

But several senators on the Judiciary subcommittee investigating the the Government's role in the standoff expressed deep skepticism about the actions of the Bureau of Alcohol, Tobacco and Firearms. They suggested that agents had applied heavy-handed tactics in an insignificant case and had entrapped the separatist, Randall C. Weaver, through the informer, who paid Mr. Weaver $700 for two illegal sawed-off shotguns.

"I'm troubled by what I'm hearing," said Senator Patrick J. Leahy, Democrat of Vermont. "There a lot of little things that just jangle wrong when I hear this testimony."

The bureau has already come under a great deal of criticism for its role in the raid on the Branch Davidian compound near Waco, Tex., in February 1993. In that operation, four A.T.F. agents and six members of the sect were killed. The assault led to a 51-day standoff that ended on April 19, 1993, when about 80 Davidians died in a fire that started as Federal agents assaulted their compound.

Mr. Weaver was indicted on the firearms charges in late 1990. When he refused to become an informer for the bureau and failed to appear for a court hearing in 1991, the case was referred to the United States Marshal's Service. The agency designated Mr. Weaver as a heavily armed and dangerous fugitive who posed a serious threat to Federal authorities.

In August 1992, a surveillance team of marshals surprised Mr. Weaver's 14-year-old son, Samuel, and a family friend, Kevin Harris, near the Weaver cabin on Ruby Ridge in Idaho. A gunfight erupted in which Samuel and a marshal, William Degan, were killed.

The next day, a crack team of F.B.I. agents surrounded the cabin. A sniper shot and killed Mr. Weaver's wife, Vicki, and wounded Mr. Weaver and Mr. Harris. Mr. Weaver surrendered 10 days later. He testified on Tuesday that he would have surrendered sooner if the authorities had asked him to do so.

Today John W. Magaw, the current director of the firearms bureau, blamed Mr. Weaver for the events that led to the killings. "It was Mr. Weaver's actions that set this into play," Mr. Magaw said in a statement prepared for the hearing.

Mr. McGaw took over the agency several years after the standoff with Mr. Weaver; at the time, he was an official at the Secret Service.

The firearms agent in Idaho who supervised the initial case against Mr. Weaver, Herb G. Byerly, testified that Mr. Weaver willingly offered to sell the weapons to the informant. Mr. Weaver testified that he had agreed to sell the weapons reluctantly at a time when he needed money to buy groceries for his family.

Mr. Byerly said the informer, whom he identified as Kenneth Fadely, an industrial security consultant, had met Mr. Weaver in the mid-1980's at gatherings of the Aryan Nations, an antigovernment, white supremacist group. Mr. Fadely, using an assumed identity as a illegal arms trafficker, befriended Mr. Weaver; after several meetings over three years, he agreed to supply Mr. Fadely with two short-barreled shotguns.

But transcripts of conversations between the two men — surreptitiously recorded by Mr. Fadely — offer a mixed record. At times, Mr. Fadely seemed to be pushing Mr. Weaver into the deal. But sometimes Mr. Weaver appeared to be a willing participant, indicating at one point that he might be able to supply four or five other shotguns to the informer.

Under questioning by the senators, Mr. Byerly acknowledged that he had no evidence that Mr. Weaver had been trafficking in guns except for the word of the paid informer and the conversations recorded by the informer. "Did you take additional steps to determine if he was involved in gun trafficking?" Senator Leahy asked.

"No," Mr. Byerly replied. But he insisted that his actions had been appropriate. "I believe in my heart that what I pursued, the techniques that I used, were proper. I made the recommendation that he be prosecuted. The U.S. Attorney's office looked at the case and pushed it forward."

THE NEW YORK TIMES, FRIDAY, SEPTEMBER 8, 1995

Grim Forecast Is Offered On Rising Juvenile Crime

New Study Challenges Prevention Programs

By FOX BUTTERFIELD

If current trends continue, the number of arrests of juveniles for violent crimes will double by the year 2010, the Justice Department said today in the most comprehensive report ever assembled on crimes committed by young people.

The report based its projection on a finding that arrest rates among juveniles ages 10 to 17 for violent crimes jumped 100 percent between 1983 and 1992, and the number of teen-agers in the population was expected to increase 20 percent over the next decade.

The report also calls into question some of the most popular crime prevention programs adopted by cities, states and the Federal government in the past few years, including curfews and midnight basketball leagues. The report found, for example, that the peak time during which youths age 6 to 17 commit violent crimes was from 3 to 6 P.M., between the end of the school day and dinner.

James Alan Fox, dean of the college of criminal justice at Northeastern University, said the new figures on the time at which young people commit crimes showed that "we can't leave it to families" to solve the problem of juvenile violence. "The families aren't available, and it's often not out of choice," Professor Fox said. "They are off working out of economic necessity and it leaves kids idle, unsupervised with little to do except hang out with their friends."

Professor Fox said the report showed a clear need for more after-school activities at a time that the public and politicians have been cutting financing for athletics and after-school arts and music classes.

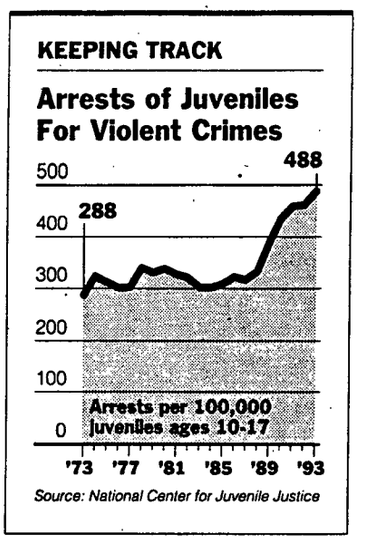
The report, "Juvenile Offenders and Victims: A National Report," was put together by the National Center for Juvenile Justice in Pittsburgh. It amounts to an encyclopedia of information on youth criminals, victims and how the juvenile justice system functions.

Among other findings in today's report were these:

¶From 1980 to 1992, reports of children abused and neglected almost tripled, to 2.9 million from 1 million. The report cited several studies that showed a clear link between child abuse and neglect, and future juvenile delinquency and adult criminality. But Howard Snyder, one of the authors of the report and director of systems research for the National Center for Juvenile Justice, said it was unclear how much of the increase in cases might be attributed to better reporting of child abuse.

¶ Between 1984 and 1993, the number of homicides among juveniles involving handguns increased fivefold. Eighty percent of juvenile homicides now are committed with a gun. A spokesman for the White House, Rahm Emanuel, said that President Clinton found the projection of a doubling in arrests for juveniles by 2010 "very disturbing."

The spokesman said that it was because of concerns like this that President Clinton had pressed for money to put 100,000 additional police officers on the streets over the next few years. That program has come under attack by Republicans in Congress, who have pledged to convert the Federal money intended to hire the new officers into block grants for the states.



Attorney General Janet Reno said today that she was particularly dismayed by the finding that the homicide rate among 14- to 17-year-olds had increased 165 percent in the past 10 years.

"This report is a road map to the next generation of crime — unless we do something now," Ms. Reno said. "This is not the time to let up and it is not the time to turn back."

The report, showing the huge increase in violent crimes by juveniles, comes as many cities, particularly New York and Houston, have reported a sharp drop in their homicide rates over the past three years. The reason that the national violent crime rate has recently declined overall while it is up among young people, Professor Fox said, is that there has been a sharp decrease in homicide by adults. From 1990 to 1993, the homicide rate among people age 25 years and older dropped 10 percent, he said.

The problem is beyond families, an expert says.

Professor Fox has long been among those criminologists who have predicted that the national violent crime rate will go back up as the number of teen-agers begins to increase again after a dropoff in the 1980's. "This is the calm before the crime storm," he said. "Enjoy it while it lasts."

But he questioned whether the stark prediction in today's report of a doubling in arrests for violent crime among juveniles would really be that high. The reason it might not, Professor Fox said, is that after the juvenile arrest rate increased 100 percent from 1983 to 1992 "it would be hard to keep on going straight up."

In those cases, the DEA not the ATF usually takes the lead. ``But there isn't a contingent of narcotics advocates out there bad-mouthing the DEA," said ATF Supervisor Delorto.

Indeed, when federal agents broke down the door of San Diego businessmen Donald Carlson on Aug. 25, 1992, they were led by the DEA, with an arrest warrant based on suspected cocaine trafficking. Carlson's case was one of those highlighted by the NRA.

``I was yelling at the front door, asking who is it," said Carlson, who was asleep when the raid began. ``I thought they were burglars, robbers."

Carlson fired his .38 handgun in frantic fear; the agents shot back, hitting him three times. U.S. Atty. Alan Bersin later admitted that Carlson was ``wholly innocent" and that the bad raid began with false information from a lying informant.

In another case cited by the NRA, Leland Elder said he and his wife Mary were sipping coffee in their Mountainair, N.M., home on Sept. 5, 1991 when federal agents converged on them with a helicopter, an armored personnel carrier and a contingent of National Guard troops.

``I'm a grandparent of nine and these people are out here attacking us," Elder said.

But as in the Carlson case, the DEA was the lead agency against Elder, this time looking for an alleged marijuana ranch that didn't exist.

In both cases, the DEA was accompanied by only a ``handful" of ATF agents, asked to come along in case illegal guns were found along with illegal drugs, said Killorin.

But ``under the politics of gun control," he bristled, ``they all become ATF cases."

The Senate hearing on Weaver comes not long after a House subcommittee held hearings in July on Waco, which served to embarrass ATF by reviewing deadly errors made in that raid.

At Waco, an ATF gun raid was met with disaster after its targets religious leader David Koresh and his followers met the raiders with gunfire.

After four ATF agents and six Davidians were killed in the initial incident, the FBI took over. A long federal seige ended on April 19, 1993 with an FBI tear gas assault and the Davidians setting their compound on fire, leading to some 80 deaths.

Despite the heavy FBI roles in Waco and Ruby Ridge, no one is calling for the abolishment of the FBI. ATF, meanwhile, is fighting for its bureaucratic life.

Voters have expressed a ``very legitimate fear" that federal law enforcement especially ATF has become abusive, said Rep. Bob Barr (R-Ga.), chairman of the congressional Firearms Legislation Task Force.

That fear is so widespread that legislation to abolish ATF probably will be drafted by the end of this year, said Barr. He argues that many ATF agents could be transferred elsewhere along with their expertise in bomb and arson investigations as well as firearms, perhaps to the FBI, he said.

It was, after all, an historical accident that the Treasury Department, rather than the Justice Department, ended up enforcing gun laws, said law professor Daniel Polsby of Northwestern University.

Treasury first became responsible for collecting taxes on machine guns and other ``gangster weapons" that were regulated in 1934 in response to the deadly Prohibition-era mobs.

Polsby said even if Congress does away with ATF, ``the problem is enforcing unpopular laws.

If the FBI gets that duty, said Polsby, ``it would discredit the FBI in the eyes of a very important constituency:" gun rights advocates. ``It wouldn't help the FBI" in terms of popularity, he said.

Amidst other ATF controversies, the agency's opponents also have focused on complaints of sexism and racism within the agency.

Recent allegations about the ``Good Ol' Boys Roundup," an annual law enforcement get-together in Tennessee, prompted another Senate committee hearing in July. Only weeks later, reports indicated that the charges were exagerated.

The roundup was organized by former ATF Agent Gene Rightmyer, though ATF employees actually were outnumbered by officers from other federal and local police departments.

When reports told of racist signs and T-shirts at the gathering, ATF again was on the firing line.

ATF Director Magaw assured Senators that only seven of the 309 attendees at this year's roundup were from ATF. He also said that the agency is making rapid progress hiring minorities and women, who made up 26 percent of agents in 1994, compared to only six percent in 1982.

``ATF is not an agency of bigotry....agents put their lives on the line every day to protect the American public from the violent activities of skinheads, white supremacists and Klansmen," said Magaw.

Two ATF agents, one white and one black, testified that they actually left this year's round-up in disgust after hearing racial taunts.

Ironically, it was later reported that ATF organizer Rightmyer had earlier run-ins with a former cop after Rightmyer refused to let him distribute racist literature at the roundup. That cop was allegedly the one who released a videotape publicizing the roundup's racist activities in the first place.

Nevertheless, ATF got the initial blame, and bad publicity. And though it has been largely vindicated in that case, it still faces charges of sexism and racism.

Curtis Cooper, a retired black ATF inspector who has filed a class-action lawsuit against the agency, alleges that a bulletin board in its Oklahoma City office posted Klu Klux Klan material along with a repulsive document called a ``Nigger Hunting License."

And a female agent in Chicago alleged sexual harrassment when she appeared on the ``60 Minutes" television show in 1993. The supervisor she accused who was fired after the show aired was re-hired this January after an appeals court ruled in his favor.

Democrat Pell to join growing list of retirees from the Senate By Michael Tackett Chicago Tribune

WASHINGTON Democratic lawmakers may soon seek coverage under the Endangered Species Act.

The Democrats hope there is some way, sometime soon, that they can stop the hemorrhaging in their party caused by a growing list of retirees from the Senate and a glowering list of party switchers in the House.

On Tuesday, the durable liberal Claiborne Pell of Rhode Island became the seventh Democrat in the Senate to announce his retirement since the 1994 elections.

That math can only be cheered by Republicans, who currently hold a 54-46 edge in the Senate, thanks in part to defections by former Democrats Richard Shelby of Alabama and Ben Nighthorse Campbell of Colorado.

In nearly every case, Republicans have a good chance at taking the seat of the retiring Democrat, bringing the GOP ever close to 60 votes, a number sufficient to rebuff a Democrat filibuster. Fifteen of the Democrats' 46 seats are up next year.

While Shelby and Nighthorse Campbell left their party for reasons of ideology, Pell, 76, who suffers from Parkinson's disease, said he would not seek a seventh term because ``there is a natural time for all life's adventures to come to an end, and this period of 36 years would seem to me about the right time for my service in the Senate to end."

Pell has flourished in Congress despite being everything voters, when they are polled, claim they resent about politicians: He was a wealthy, long-serving incumbent

thinking, the dangerous idea that for some Americans to succeed, others must fail. The most popular weapon in the Clinton administration's economic-policy arsenal is a constant appeal to envy and class warfare."

The Republican presidential hopeful contended that the economy ``has hit a glass ceiling" under Clinton, unable to become more prosperous, and that the nation is in the weakest economic recovery of the post-World War II period.

Except for his advocacy of a ``flatter" tax rate, Dole offered few specifics of the keys that he said will ``release all the hidden potential of this nation."

(Untitled on wire) By Linnet Myers Chicago Tribune

WASHINGTON Eliot Ness never had it so bad.

Gunning for bootleggers and smashing liquor bottles, Ness and his ``Untouchables" emerged as heroes during the 1920s and 1930s, although the laws they enforced were routinely criticized, winked at or just outright broken.

Ness' Bureau of Prohibition has evolved into the present-day Bureau of Alcohol, Tobacco and Firearms. But instead of being seen as heroic, it is vilified more harshly than just about any other federal agency, except perhaps the Internal Revenue Service.

For some time now, it seems, the ATF has not been able to avoid controversy. From its bungled 1993 raid on the Branch Davidian compound in Waco, Texas, to more recent charges of racism, sexism and police abuses, the agency finds itself under the gun for the way it conducts its business.

On Wednesday, the ATF is back in the uncomfortable spotlight with the beginning of Senate hearings on the bloody 1992 stand-off between federal agents and white separatist Randy Weaver at Ruby Ridge in rural Idaho, the latest issue to plague the bureau.

Political attacks have grown so intense that some conservative legislators call for an end to ATF altogether. Director John Magaw has complained that his people are ``under an unrelenting spotlight of criticism and negative stereotyping."

Some argue that it couldn't be otherwise for an agency with such powerful enemies America's gun-rights advocates, led by the National Rifle Association.

``I don't care if it was the Girl Scouts who had to enforce the firearms laws they'd be the villains," said James Delorto, a supervisor in ATF's Chicago office.

As part of the U.S. Treasury Department, the agency has had the unfortunate history of enforcing some of the nation's most unpopular laws, starting with Prohibition back in the 1920's, when Ness became part of Chicago lore, battling gangsters who profited from illegal booze.

Today, the agency's duties in alcohol and tobacco mainly are limited to politically tame licensing and taxation, bringing in some $14 billion in excise taxes annually.

But when it comes to guns, ATF is constantly under fire. ATF agents argue that when they enforce federal gun laws, they face some of the nation's most dangerous characters gun runners, gang members and armed drug profiteers.

Working closely with local departments, including Chicago police, the agency uses strict federal statues to crack down on career criminals, said Jerry Singer, spokesman for the Chicago ATF office.

Nevertheless, agents say mistakes not successes get the attention. And these days, there's no Eliot Ness around to counterbalance the political critics.

In some quarters, ATF is so disliked that earlier this year, Rep. John Dingell, D-Mich, a former board member of the NRA, said: ``They are detested, and I have described them properly as jackbooted American facists." The NRA, too, accused agents of being "jackbooted government thugs."

But how much of the criticism really is warranted is another question.

``In the past 10 years we've done 55,000 criminal cases involving 88,000 defendants," said ATF spokesman Jack Killorin. "We've executed 10,000 federal warrants."

Those include the World Trade Center bombing, when an ATF agent managed to dig a vehicle identification number out of the building rubble a clue that eventually cracked the case. The agent, an explosives specialist, was on the scene because ATF enforces federal bombing and arson laws as well as firearms legislation.

In Illinois, the bureau's agents played key roles in recently cracking the mysterious disappearance 18 years ago of candy heiress Helen Brach. And information developed by the ATF was instrumental in the recent arrest of Kenneth Hansen, a stable owner accused of the celebrated 1955 murders of three Chicago boys, better known as the Peterson-Schuessler slayings.

The bureau also traced about 83,800 firearms for various law enforcement agencies last year, most of which were involved in crimes. That number, which has been rising steadily in recent years, is expected to exceed 100,000 this year.

The vast majority of ATF cases, said Killorin, were handled without violence or allegations of civil liberties violations. Yet ATF has become a symbol of overbearing federal laws and overzealous police tactics.

The violent deaths at Waco and Ruby Ridge gave ready ammunition to those eager to discredit the agency. The two cases were highlighted when the NRA ran full-page newspaper ads earlier this year, arguing that federal agents are out of control.

Other cases that the NRA listed in its ads probably would make many Americans cringe: One involved an innocent California businessman shot by federal agents. In another, a wrongly-accused New Mexico couple was confronted by agents, troops and even an armored personnel carrier.

When Senate subcommittee hearings on Ruby Ridge begin Wednesday, intense criticism is sure to rise again.

But although the NRA and other critics focus largely on ATF, an examination of the circumstances of the cases depicted in the ads showed the agency actually played a minor role in some of the worst alleged abuses, which were committed by the Drug Enforcement Administration (DEA) or the Federal Bureau of Investigation (FBI).

At Ruby Ridge, Idaho, when Weaver's wife was fatally shot in the head, it was an FBI sharpshooter who did the killing.

``Our involvement in Ruby Ridge was very minimal," argued ATF's Singer. ``However, accounts put us down as a major participant."

Some contend that ATF abuses are real, regardless of the politics behind the controversies surrounding the agency. Weaver's lawyers argue, for instance, that ATF entrapped Weaver on gun charges in the first place, leading to the fatal shootout.

According to defense lawyer Chuck Peterson, an ATF undercover operative convinced Weaver to sell two illegal sawed-off shotguns. When federal marshalls tried to arrest Weaver after he failed to appear in court, the shootout ensued, leaving a marshall and Weaver's teenage son dead.

It was then that the FBI was called in and a FBI sniper shot Weaver's wife, Vicki, as she held her baby daughter in her arms.

A jury found Weaver innocent of murder and assault after his lawyers argued that he was entrapped on the gun charge and then defended himself. Last month the Weaver family received a $3.1 million settlement from the government.

That case is by no means the only one that gun rights' advocates mention when they argue that federal lawmen are out of control. Many examples involve the federal government's war on drugs.

USA TODAY • WEDNESDAY, SEPTEMBER 6, 1995

Target of FBI siege tells his story today

By Sam Vincent Meddis
USA TODAY

Three years ago, federal agents shot and killed Randy Weaver's wife and son. Today, the white separatist gets to tell Congress, and the nation, his side of the story.

Weaver and his daughter, Sara, 19, are scheduled to be the lead witnesses as a Senate panel begins looking into what critics call one of the worst abuses of power in FBI history.

Their testimony about the government's ill-fated raid on Weaver's Ruby Ridge, Idaho, cabin — coming amid allegations of an FBI cover-up — will be "really gripping," predicts Jess Walter, who interviewed the Weavers for his new book on the case, *Every Knee Shall Bend*. "They both have such compelling stories to tell."

Weaver is expected to talk about seeing an FBI sniper's bullet tear into his wife's head as she stood behind a door holding their 10-month-old daughter.

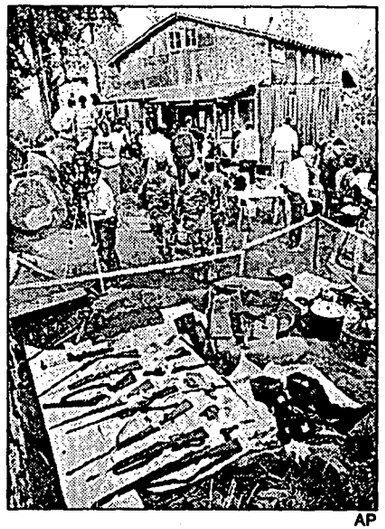
And Weaver and his older daughter are expected to describe their fear during the 11-day standoff with several hundred federal and local agents.

A key goal for Senate investigators is finding out how the reconnaissance mission — U.S. marshals wanted to serve an arrest warrant on Weaver for weapons charges — turned the remote hillside into a virtual war zone.

The Aug. 22, 1992, surveillance went terribly awry when a family dog that spotted the marshals was shot.

A shootout that followed left Deputy U.S. Marshal William Degan and Weaver's son, Samuel, 14, dead. Vicki Weaver, Weaver's wife, was killed later by a sniper.

There has been no evidence that Weaver, who surrendered 10 days later, ever fired a shot at officers. The government last month agreed to pay $3.1 million to Weaver and his three daughters to settle a civil lawsuit.



AP

Says Gerry Spence, Weaver's lawyer: The Ruby Ridge case stands as an "unbelievably classic example of abuse of power vested in federal law enforcement."

The hearings promise to address that issue, also raised by the National Rifle Association, which says federal law enforcement agents have become "jack-booted government thugs."

The Ruby Ridge hearings come on the heels of House hearings into the 1993 raid on the Branch Davidian religious compound near Waco, Texas, that left four federal agents and more than 80 cult members dead.

The Waco hearings highlighted numerous examples of government bungling, but little evidence of criminal wrongdoing. Things may be different in the Ruby Ridge case.

Randall Day, the state prosecutor in Boundary County, Idaho, is considering criminal charges against federal agents in connection with the Weaver case.

By David Peterson, The Des Moines Register

RUBY RIDGE CASE: At left, guns and ammunition seized from Randy Weaver's Idaho cabin are displayed after the white supremacist's capture at the end of a 1992 standoff with federal agents. At right, Weaver, who now lives in Grand Junction, Iowa, with his daughters Rachel, 13; Sara, 19; and Elisheba, 3. Weaver's wife, Vicki, and son, Samuel, 14, died during the siege, as did a U.S. marshal. A Senate panel today convenes hearings into the FBI's handling of the incident.

Meanwhile, the U.S. attorney's office in Washington is investigating a possible cover-up by top FBI officials.

At issue is whether they tried to conceal their role in approving what amounted to shoot-on-sight orders at Ruby Ridge — orders that veered sharply from standard bureau policy of using deadly force only when someone's life is at stake.

Five high-level bureau officials, two of whom admit destroying documents during an internal review of Ruby Ridge, were suspended this summer by FBI Director Louis Freeh.

Freeh, Attorney General Janet Reno and some of the suspended FBI officials are expected to testify during the 10 days of hearings.

The hearings will try to steer clear of probing cover-up questions that might derail any subsequent criminal prosecutions, says the panel's chairman, Sen. Arlen Specter, R-Pa. But the question of where to draw the line on police use of force will be closely examined.

"This is a recurrent problem every day in big cities, small towns: Deadly force is used and this will be a classic in defining for law enforcement in America what the Constitution allows," Specter says.

From Los Angeles to Philadelphia, there are growing reports of local police abuses. But the situation on the federal level may be more troubling, says James Fyfe, a Temple University criminologist.

For one thing, most major police departments now have civilian review boards that try to keep an eye on problems, says Fyfe, a former New York City police lieutenant. Not so with federal agencies.

With rising institutional pressures on federal agents to make arrests, "folks are a little less concerned about constitutional guarantees," Fyfe says.

Contributing: Judy Keen

USA TODAY • WEDNESDAY. SEPTEMBER 6, 1995

Independent counsel challenged

By Tony Mauro
USA TODAY

A Little Rock federal judge's decision Tuesday to dismiss fraud indictments against Arkansas Gov. Jim Guy Tucker marks the first time the broad powers of an independent counsel have been trimmed.

U.S. District Judge Henry Woods said Whitewater independent counsel Kenneth Starr overstepped his authority in June by indicting Tucker on fraud charges related to a federal loan to finance a cable TV venture.

Starr contends the judge has no authority to rule on the scope of the investigation, which was launched to look into irregularities relating to the Whitewater real estate venture in which President Clinton and Hillary Rodham Clinton were partners.

"I cannot accept the proposition that . . . no court has the power to determine where there is jurisdiction to proceed in the matter," wrote Woods, a 1979 Carter appointee.

Starr promptly announced he would seek an expedited review by a federal appeals court in St. Louis.

Tucker still faces an 11-count indictment stemming from dealings with Madison Guaranty Savings & Loan, which was owned by the Clintons' Whitewater partners, James and Susan McDougal. They also have been indicted.

The ruling comes amid debate over the power of independent counsels, a hybrid breed of prosecutors created by a post-Watergate federal law in 1978.

Independent counsels are appointed by a three-judge panel at the request of the attorney general when a high-level official is suspected of violating federal law.

By Danny Johnston, AP

INDICTMENTS DROPPED: Arkansas Gov. Jim Guy Tucker, with wife Betty at the Little Rock courthouse Tuesday, had been indicted on fraud charges.

Originally viewed as properly insulated from political influence, critics now say independent counsels are too insulated — politically unaccountable and prone to lengthy fishing expeditions that go far beyond the original allegations.

"The logic of the law is to sweep in more and more potential cases, things the Justice Department would not have punished," says former Justice Department official Terry Eastland, who wrote a book on independent counsels. "It becomes a very messy business and it's bad for the system."

Starr, a former Republican administration official, came under attack in Arkansas and in the White House for straying beyond Whitewater and reviewing every political transaction in recent Arkansas political history.

"It's typical hometown anger at the feds coming in," says James Madison University political science professor Robert Roberts. "But if it hadn't been for federal prosecutors, the level of scandal at the local and state level would be 10 times greater than it is today."

Roberts predicted Starr would win on appeal because of the long tradition of granting independent counsels wide discretion.

"This is nothing for President Clinton to cheer about," says Roberts. "He is best-served by letting the investigation run its course quickly, and this just delays things."

USA TODAY · WEDNESDAY, SEPTEMBER 6, 1995

Ruby Ridge's key question

Did the government kill Vicki Weaver? If so, who gave the orders?

COMMENTARY
By Jess Walter

As the FBI sniper rested his rifle barrel on a tree branch and took aim, his orders were clear. He was to shoot any armed man he saw.

It has been three years since the sniper fired toward a cabin on north Idaho's Ruby Ridge without any warning — wounding Randy Weaver and his friend and killing Weaver's wife, Vicki. (Deputy U.S. Marshal William Degan and Weaver's 14-year-old son, Sam, were killed earlier.)

Many questions remain unanswered. But two are of special importance: First, who approved those orders? Second, was the sniper following them?

The Senate Judiciary Committee today begins historic hearings on the Weaver case, with a rare opportunity to replant confidence in the federal government among a wide swath of people — especially in the West — who have lost it.

But the panel has the potential to do more harm than good if it succumbs to partisan politics or if it pays too much attention to the first question and ignores the second.

The first is the kind of thing they get excited by in Washington, D.C., where policy substitutes for reality. Who knew about the shoot-on-sight orders? Was there a cover-up? How high did it go? What did former deputy FBI director Larry Potts know and when did he know it? Will FBI Director Louis Freeh lose credibility? How about Janet Reno? Will this affect the 1996 election?

But the second question is the one that has sheared thousands of people off from the mainstream and has sparked the desire in some for outright revolution. Like the tortuous questions that remained about the siege of the Branch Davidian compound in Waco, Texas, the question has festered among the radical right wing and is something that should not be underestimated by the Judiciary Committee.

Simply: Did the government murder Vicki Weaver?

For three years, the story of Vicki Weaver's death filled right-wing newspapers, reverberated on talk radio and hummed across the Internet. But the story was ignored inside the Beltway until this year, when it became a story about a cover-up and began having political implications.

The sniper, Lon Horiuchi, has testified that he wasn't trying to kill Vicki Weaver and that he was protecting a helicopter somewhere behind him when he fired at Randy Weaver's friend, Kevin Harris. The bullet hit Vicki Weaver in the head first, killing her while she held their 10-month-old baby.

An Idaho judge ruled there wasn't enough evidence to charge Randy Weaver and Kevin Harris with threatening a helicopter.

A 542-page Justice Department report on the case concluded that Horiuchi wasn't protecting the helicopter when he shot and killed Vicki Weaver. It concluded that he was probably following the modified rules of engagement — that he was shooting on sight. The report recommended possible prosecution in the case.

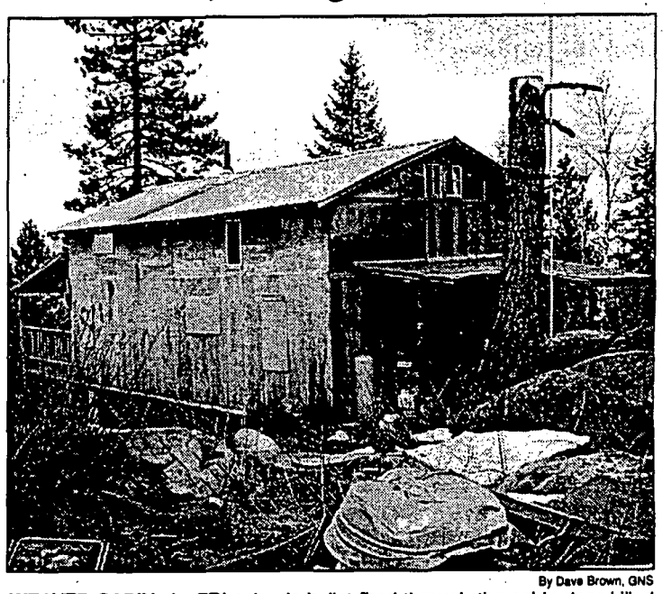
But Deputy Attorney General Jamie Gorelick and FBI Director Louis Freeh have rejected those findings. "Thank goodness no one was using those rules of engagement," Freeh said at a press conference last year. Even after suspending his friend Potts, Freeh has not backed away from that position.

Justice Department officials have tied themselves in knots over the cover-up of who approved the modified rules of engagement. Yet they have continued to stand by the story that the rules were never used. Top FBI officials have been suspended pending an investigation, but the agent who fired the shots and the man who ordered him onto the hill are still working.

In the West, that is viewed with consternation and disbelief. They are admitting the cover-up but denying the crime.

It's as if the Nixon administration admitted approving the break-in at the Watergate Hotel and the subsequent cover-up, but denied the break-in occurred.

The Senate Judiciary Committee must find out how the rules of engagement affected the standoff at Randy Weaver's cabin.



By Dave Brown, GNS

WEAVER CABIN: An FBI sniper's bullet fired through the cabin door killed Vicki Weaver as she stood holding daughter, Elisheba. Randy Weaver was wounded in the arm at a nearby shed.

To do that, the hearings must be conducted with complete openness and candor and without the kind of partisan spats that enveloped the House Waco hearings. The committee should remember the standoff took place under a Republican administration and the cover-up drifted into the tenure of the Democrats.

Committee staff members insist they learned from the Waco hearings and won't allow politics to divide the committee like teams of contentious lawyers.

But it's hard to imagine keeping politics out when the opening salvo in the hearings consisted of a presidential candidate, Sen. Arlen Specter, R-Pa., flying to Iowa, which holds the first presidential caucuses, to interview Randy Weaver and then immediately holding a press conference.

There are many questions in front of this committee: How did the Weavers' anti-government, racist beliefs develop? How did Randy Weaver become entangled with a federal informant in an illegal gun deal? And what sparked the shootout that ended the lives of Weaver's 14-year-old son and a deputy marshal?

Testimony will scrape the edges of government accountability, right-wing paranoia and federal misconduct. Through it all, the committee would be wise to understand what has become the most dangerous by-product of the tragic shootout on Ruby Ridge.

There are people — and not just on the fringe of society — who have come to believe their government would murder them because of their beliefs and then would cover it up.

It has been reported that Timothy McVeigh — the primary suspect in the deaths of 169 people in the federal building in Oklahoma City — was outraged by Waco and Ruby Ridge and visited both places before the bombing.

Of course, there are fringes — right and left wing — that can't be drawn back into the mainstream. But there are others that we must work to keep tethered to society.

The Senate Judiciary Committee has an opportunity to do just that. But only if it vigorously and fairly examines the Weaver case, avoids easy judgments and denies its own political nature.

I won't hold my breath.

Jess Walter, a writer and journalist, is the author of Every Knee Shall Bow, *about the Randy Weaver case.*

USA TODAY • WEDNESDAY, SEPTEMBER 6, 1995

Guidelines on hospital stays not worth the worry

A one-day stay for an appendectomy, given optimal conditions. A four-day stay for a heart attack. Health insurers often apply such clinical practice guidelines today as they try to cut costs. On Tuesday, a USA TODAY editorial expressed concern about that trend. Karen Ignagni, president of the Group Health Association of America, replies:

What are medical practice guidelines? USA TODAY's editorial described them as cost-containment tools used by managed-care plans. This misses the mark because it fails to take into account the role of clinical practice guidelines in actually raising the standard of medical practice today. Moreover, USA TODAY calls for greater accountability by managed-care plans without recognizing the value that use of these guidelines could bring to other settings.

COMMENTARY
By Karen Ignagni

Our member plans emphasize that their guidelines are exactly that: *guides to best practices*, subject to patients' individual circumstances and to physicians' professional judgment. They're one of many ways of assuring HMO patients that their physicians are armed with the best, most up-to-date information. What patient wouldn't want that?

These best-practice guides exist for good reason. Under old-style "fee-for-service" care (each service is provided and billed separately, without regard to the need for coordination), there's comparatively little accountability. Patients in essentially identical situations — hospitalized for gallbladder surgery, let's say — may be subject to needlessly wide variations in care. One patient might be discharged in 24 hours, with follow-up monitoring provided, while another might be kept in the hospital for many days and then sent home with no follow-up plan in place. Which of these two patients is getting better care? Almost certainly, the first. There are risks — such as infection — in keeping people hospitalized longer than really necessary. And, with hospital stays costing $1,500 a day on average, there are also compelling reasons to seek the most cost-effective care arrangements.

Best-practice guides address both needs. For physicians and patients, they're like a road map: Whichever way you choose to get to your destination, you know what the best routes are. But the route actually chosen depends on the individual situation with physicians encouraged to practice a teamwork approach by conferring with peers in situations that may not fit prevailing patterns. This approach is synonymous with accountability, a health-care concept that hasn't received sufficient attention. The fact is, practice guidelines are part of a major and positive change in how we are organizing and coordinating services.

Picture health care as a maze. Our guides help ensure that a patient entering the maze will receive the right mix of services in the right setting at the right time, from routine health screenings, to diagnostic testing, to hospitalization and follow-up home care when necessary.

In an HMO, the patient's personal-care physician takes responsibility for ensuring that the right mix is provided and that unnecessary or ineffective care is avoided. Best-practice guides, coupled with a strong emphasis on constantly learning what works and why, help to maintain this balance. And, from a communitywide perspective, these guides are helping to raise the overall quality of care in a wide variety of settings and circumstances, including fee-for-service care.

As we seek to provide greater protection for health-care consumers, let's be careful to aim at the right target. Before expecting HMOs and similar coordinated-care plans to meet even higher accountability criteria, let's first be sure to hold other forms of health care to the same standards. In the quest for health care that's both effective and affordable, HMOs are pathfinders. Best-practice guides are constantly evolving and always perfectable. But let's recognize them for what they really are: an increasingly powerful tool for conscientious physicians and informed patients to use in making smart health-care decisions.

television venture. He asserted that Starr's jurisdiction extends only to the matters directly related to the president's investment.

William H. Sutton, one of Tucker's attorneys, told Woods during oral arguments earlier in the day that the law authorizing the appointment of independent prosecutors limited their authority to matters ``demonstrably related" to the case outlined by the courts against federal appointees.

Sutton added that the case against Tucker is ``not only not demonstrably related, it's not related at all." His argument was supported by attorneys for Tucker's two co-defendants, John Haley of Little Rock and William J. Marks Sr. of San Francisco.

Starr, on the other hand, noted that he was given broad latitude by the court to prosecute all cases that he encountered during his probe. Furthermore, he argued that Woods had no authority to restrict the scope of his investigation. His position was supported by Attorney General Janet Reno.

To bolster his argument, Starr noted that the scope of these independent investigations has gone unchallenged for more than 20 years.

But Woods bluntly rejected Starr's assertion, saying the indictment brought against Tucker ``bears no relation whatsoever" to the matters the independent counsel was appointed to investigate.

(Optional add end)

While the other indictment pending against Tucker is also not directly related to the Clintons' investment in the Whitewater resort development, it is nevertheless more closely linked.

In the second indictment, handed down by a grand jury on Aug. 13, the governor is accused along with others of falsifying documents to inflate values of property involved in other loans. His co-defendants in that case are James McDougal, former owner of the now-defunct Madison Guaranty Savings & loan, and McDougal's ex-wife, Susan, who were also partners with the Clintons in the Whitewater deal.

The indictment quashed by Woods involves a loan obtained by Tucker and his co-defendants from a federally backed small business development fund run by former Judge David Hale, one of the president's accusers.

Hale claims he illegally loaned money to Mrs. McDougal under pressure from Clinton. Some of the loan found its way into the Whitewater bank account.

Although neither the president nor first lady Hillary Rodham Clinton are expected to be charged with any wrongdoing by Starr, the White House has been critical of the way he has prosecuted the case. And the Clinton has also publicly defended Tucker.

In addition, White House Counsel Abner Mikva spoke out in recent months against the unlimited jurisdiction enjoyed by Starr and the independent counsels appointed to investigate three other Clinton appointees, former Agriculture Secretary Mike Espy, Commerce Secretary Ron Brown and HUD Secretary Henry Cisneros.

In the Espy case, Independent Counsel Donald Smaltz, a Los Angeles lawyer, was denied his request by the Justice Department for wider jurisdiction. The scope of the Smaltz probe also has been challenged in court by attorneys for Tyson Foods of Springdale, Ark., which is accused of illegally rewarding Espy with travel and sports tickets.

Senate Begins Ruby Ridge Hearings Wednesday By Robert L. Jackson and Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON A Senate subcommittee Wednesday will begin shining the spotlight on critical issues flowing from the government's 1992 siege at Ruby Ridge, Idaho.

One of the biggest is: Has the judgment and competence of U.S. law enforcement officials been compromised in cases involving people who hold strong anti-government views?

Coming on the heels of recent House hearings into the 1993 Waco tragedy, the ill-fated Texas standoff that followed Ruby Ridge by six months, the Senate hearings will explore how white separatist Randy Weaver was first confronted by federal agents, what led to efforts to arrest him and how mistakes, miscalculations and even a lack of professionalism by federal marshals and FBI agents preceded their fatal shooting of Weaver's wife, Vicki, and 14-year-old son, Sammy, after a U.S. marshal was killed.

Three weeks of scheduled hearings into the shootout at Weaver's small cabin on a remote northern Idaho mountainside may be troubling to federal officials on another score, too.

Top Justice Department officials have strenuously objected to the timing of the hearings, occurring in the midst of their own internal, criminal investigation. Prosecutors are seeking to determine whether some FBI executives destroyed or concealed records and lied about an illegal relaxation in their rules governing the use of deadly force. Five FBI officials have been suspended.

That relaxation in rules led to the shooting death of Weaver's wife as tensions ran high after William Degan, a decorated member of the U.S. Marshals Service, was killed in the siege. Last month, in a tacit acknowledgment of mistakes, the government paid $3.1 million to Weaver and surviving family members to settle claims that agents had wrongfully killed his wife and son.

Sen. Arlen Specter, R-Pa., a GOP presidential hopeful who will chair the hearings, has rejected Justice Department requests that he postpone them pending the conclusion of their criminal inquiry into coverup allegations against the FBI. But Specter's pledge to
tailor the sessions to avoid creating legal problems for department investigators has failed to satisfy Deputy Attorney General Jamie S. Gorelick.

There were similar problems in hearings on the Iran-Contra scandal of the Reagan administration. This issue of legal ``taint" growing out of congressional hearings caused the U.S. Court of Appeals to throw out the convictions of former White House aides Oliver L. North and John M. Poindexter.

Six-Term Sen. Pell Is Seventh Democratic Incumbent Retiring By Edwin Chen= (c) 1995, Los Angeles Times=

WASHINGTON Six-term Sen. Claiborne Pell of Rhode Island on Tuesday became the seventh Democratic incumbent this year to announce his retirement, further bolstering the possibility that Republicans can increase their current 54-46 margin to a filibuster-proof majority of 60 or more next year.

Such a development particularly if the GOP additions are as conservative as its current freshmen class could clear the obstacles that have stalled major portions of the GOP's legislative agenda despite the party's sweeping victories last November. The 1994 elections gave Republicans numerical control of Congress for the first time in four decades, but the Democratic minority in the Senate has been large enough to frustrate GOP strategists.

All year long, the overarching fact of life on Capitol Hill is that the Senate has become the burial ground for much of the vaunted ``Contract With America" agenda that originated in the House.

For instance, a constitutional amendment requiring a balanced budget fell one vote shy of the requisite two-thirds majority. Several other House-passed initiatives, including a tax cut, legal reform and curtailing government regulations, continue to languish in the Senate.

Local factors often mean more than national issues in Senate elections, but the GOP can be expected to promote the notion that its ``contract" can be fully delivered only if voters send more Republicans to the Senate in 1996.

``This is an extraordinary opportunity for the GOP to build on its 1994 success," said Sen. Alfonse M. D'Amato, R-N.Y., chairman of the National Republican Senatorial Committee.

All 11 new senators elected last November were Republicans. Since then, two Democratic senators, Richard C. Shelby of Alabama and Ben Nighthorse Campbell of Colorado, have switched parties, giving the GOP its present 54-46 margin.

In 1996, 33 Senate seats will be on the ballot; 18 are now held by Republicans and 15 by Democrats.

(Begin optional trim)

Pell's retirement means that nearly half of the Democratic senators up for re-election in 1996 have chosen to quit instead.

Among the likely aspirants for Pell's seat are Rep. Jack Reed, D-R.I., and Republican State Treasurer Nancy Mayer.

In 1958, six Republican senators chose not to seek re-election a one-party record until now, according to a Congressional Quarterly's ``Vital Statistics on Congress." The record-high number of Senate retirements, regardless of party affiliation, was in 1978, when four Democrats and five Republicans chose to retire.

For 1996, a big question for the Republicans is whether they can successfully recruit strong, prospective candidates who are not put off by the harsh partisanship that permeates Congress which may yet drive other senators, Republicans as well as Democrats, into retirement.

(End optional trim)

Democrats who are voluntarily leaving the Senate, in addition to Pell, are Bill Bradley of New Jersey, J. James Exon of Nebraska, Howell Heflin of Alabama, J. Bennett Johnston of Louisiana, David Pryor of Arkansas and Paul Simon of Illinois. Sam Nunn of Georgia is widely considered likely to follow suit.

So far, only one Republican senator, Hank Brown of Colorado, has announced his retirement. But at least two others also may do the same Nancy Landon Kassebaum of Kansas and Mark O. Hatfield of Oregon.

Pell, 76, was first elected to the Senate in 1960. Although he is suffering from Parkinson's disease, Pell said on Tuesday that physicians have assured him that ``there is no medical barrier" to another six-year term. ``I feel strong and healthy and sharp," said Pell, who remains a regular jogger.

Nonetheless, he said, ``There is a natural time for all life's adventures to come to an end and this period of 36 years would seem to me about the right time for my service in the Senate to end."

(Optional add end)

Unlike the other outgoing senators, Pell did not speak ill of the Congress. Instead, he hailed the Senate as ``a marvelous institution full of talented and committed men and women who contrary to popular belief are dedicated to serving their constituents and to improve the quality of our national life."

Pell's most enduring legacy may be the direct grants-in-aid to college students that now bear his name. A multimillionaire descendant of New York landowners, Pell also sponsored legislation that created the National Endowment for the Arts.

Welfare Reform Efforts Face Catch-22 Over Child Care Costs By Elizabeth Shogren= (c) 1995, Los Angeles Times=

WASHINGTON For Angie Sanches, Coterius Torrence and Wanda Sanchez, the situation is a puzzle: The government wants them to get off welfare and go to work, which they are ready and able to do. But it would apparently rather keep mailing them welfare checks than help with the child care they need if they are to hold jobs.

Angie Sanches was so determined to get into the work force and off welfare that when she failed to find a job in her hometown in Ohio, she packed up and moved to Bloomington, Minn., where opportunities were better. Sure enough, she landed a good job quickly.

But when she asked for subsidized day care for her 3-year-old daughter, state officials told her that the only way she could get help in less than 18 months was to go back on welfare.

Nine hundred miles to the southeast, in Atlanta, Coterius Torrence says she agrees with her caseworker that she should return to high school and work part-time, but because of a shortage of state funds for child care, she cannot find affordable care for the younger of her two daughters.

In Boston, Wanda Sanchez, a single mother of four who has been on welfare for eight years, wants to return to the $8-an-hour position at an elementary school that she had to leave last spring because of child-care problems. The catch is that her caseworkers say she does not qualify for child-care subsidies because the job is part-time.

``I want to be on my two feet. I don't want to be on welfare and stay there," said Sanchez, 28. ``How do they expect me to go to work if I don't have no day care for my kids? If I had to pay for it myself, I can't afford it. They're too young to be left alone. I'm not that kind of person. I'm a responsible parent."

The vision of a new welfare system that moves poor parents into jobs instead of continuing to subsidize long-term dependence with unending cash assistance is tremendously popular with taxpayers and welfare recipients alike.

But for many recipients and for beleaguered local officials too the dream of ``ending welfare as we know it" often founders on the rock of child-care dilemmas such as these three. And what to do about funding day care will be one of the hottest issues on the table now that the Senate has returned from its August recess and begins final debate on revising welfare.

The pending GOP plan, which is endorsed by Senate Majority Leader Bob Dole, R-Kan., and most Republican senators, would lump federal child-care dollars together with funds for cash benefits and pay them out in block grants to states, which would have the power to decide how much to allocate for child care.

Federal funding would be frozen at 1994 levels, when the government provided about $2 billion for child care for welfare recipients and the working poor.

The problem with this, Democrats and some moderate Republicans argue, is that with budget constraints holding down the overall level of federal aid, the block grants would not be large enough to cover all the needs, especially as new rules require more recipients to take jobs.

The result could be a ``home alone" situation, critics say: If states are unable or unwilling to make up the difference, welfare recipients could be forced to leave their children without adequate supervision while they work.

Trying to avoid a deadlock over the issue, Dole modified the GOP plan at the end of the last congressional session to give states an option of exempting mothers with children younger than 1 from work requirements. That would ease states' child-care needs, but some moderate Republicans and Democrats fear it would not be enough.

Without question, child care is expensive, and so far at least, funding has often fallen short of demand.

Justice faults sniper for Ruby Ridge shot

FBI agent may be charged in death

The Washington Times
WEDNESDAY, SEPTEMBER 6, 1995

By Jerry Seper
THE WASHINGTON TIMES

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The FBI sniper who killed Vicki Weaver during a 1992 standoff at her remote cabin near Ruby Ridge, Idaho, was himself targeted for possible criminal prosecution by the Justice Department, which said the fatal shot was "unnecessarily dangerous and should not have been taken."

In a 542-page report that has not been released publicly, Justice Department investigators said the 215-yard shot that hit Mrs. Weaver in the head violated constitutional guidelines and "was taken without regard for the safety of others."

Investigators, including lawyers from the department's office of professional responsibility, recommended that the circumstances of the shooting be reviewed by lawyers in the criminal division for "prosecutive merit." The outcome of that recommendation is not known.

Investigators said FBI sniper Lon Horiuchi's decision to fire "needlessly and unjustifiably endangered persons," including Mrs. Weaver and her children, who were not wanted for any crimes. Mr. Horiuchi, a West Point graduate qualified on a quarter-inch target at 200 yards, testified he did not see Mrs. Weaver behind the cabin's front door holding her 10-month-old daughter, Elisheba, when he fired at Weaver family

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friend Kevin Harris.

Seconds earlier, Mr. Horiuchi had wounded Mrs. Weaver's husband, Randall. The sniper was taking a second shot at Mr. Harris through a curtained window in the cabin's front door as the two men and Sara Weaver, 16, ran to the house. The bullet hit Mrs. Weaver in the head, slammed through her face and severed her carotid artery. She died instantly.

The same bullet hit Mr. Harris in the shoulder.

Mrs. Weaver, 43, was shot under new "rules of engagement" that gave the 10 FBI snipers who encircled the cabin the green light to shoot any man they saw carrying a weapon. The fatal shooting followed by a day the deaths of Mrs. Weaver's son, Samuel, 14, and Deputy U.S. Marshal William F. Degan, 42, during a shooting near the cabin.

The FBI was called to the scene after Mr. Degan's death to take command of the standoff.

The new rules were given to the snipers by FBI agent Richard Rogers, head of the bureau's hostage-rescue team (HRT), after they were approved in Washington. Mr. Rogers, who has been reassigned, has said neither he "nor any member of the HRT during his tenure had ever operated under rules of engagement such as those employed during the Ruby Ridge crisis."

Mr. Horicuhi, according to the report, said he had "never before been asked" to operate under rules of engagement that differed from the standard FBI policy of using deadly force only in the event of imminent danger to himself or others. He said the decision that the snipers were in danger "had already been made for us prior to going on the hill."

The 10-year FBI veteran was part of a two-man team known as Sierra 4. He and his partner, Dale Monroe, were on a ridge above the Weaver cabin and 646 feet from the front door on a line parallel to the front wall. The report said Mr. Horiuchi could see the front of the door when it was open, but not behind it.

Less than an hour after he assumed his position behind a small pine, Mr. Horiuchi fired at a man he believed to be Mr. Harris at an outbuilding and wounded him in the back, the report said. The sniper testified that the man, later identified as Mr. Weaver, was "watching" a helicopter, and he thought the man "was trying to get a shot off."

The sniper round sent Mr. Weaver, Mr. Harris and Sara running to the cabin.

"Horiuchi fired as Harris approached the porch," the report said. "Harris was reaching out with his left hand toward the door and taking a last step to the doorway, appearing to be holding the door open or moving someone out of the way."

The report said Mr. Horiuchi was "leading the running target," aiming slightly in front of Mr. Harris so he would, in effect, run into the bullet.

Mr. Horiuchi, who has not been disciplined for the shooting and remains a sniper, testified during a trial in the case that he did not see anyone standing behind the door and did not intend to shoot Mrs. Weaver.

The Justice Department report concluded that Mr. Horiuchi's first shot met constitutional requirements. Investigators said it was "reasonable" to believe the sniper thought the men at the outbuilding were preparing to shoot down the helicopter.

But the report said the second shot raised "serious questions." It said none of the three persons at the outbuilding returned fire, and their actions "were not aggressive but rather protective or defensive."

The report said Mr. Horiuchi's explanation of a possible threat and the necessity of the second shot was "speculative," and it was not reasonable to perceive any immediate threat as the three ran into the cabin.

"Although we believe Harris and the Weavers knew law enforcement personnel were present, no

Randall Weaver was wounded by the same sniper who killed his wife during the 1992 siege in Idaho.

call out or surrender announcement followed the first shot," the report said. "The subjects were never given a chance to drop their arms to show that they did not pose a threat. The subjects simply did what any person would do under the circumstances: they ran for cover."

The report said, and Mr. Horiuchi testified, that after the first shot he had decided he was "going to shoot at that individual again" if he got the chance.

Investigators concluded that while Mr. Horiuchi could not see behind the cabin door during the second shot, he had reason to believe someone might be on the other side.

Investigators noted, however, that fault in the death of Mrs. Weaver did not rest solely with Mr. Horiuchi. They said his decision to take a second shot was influenced by the new rules of engagement, "in which he had no role in creating but which he was instructed to follow."

An investigation by the U.S. Attorney's Office in the District is looking into the formulation of the rules and accusations that high-ranking FBI officials covered up actions in the Weaver case to protect themselves and others.

Investigators are trying to determine whether top FBI executives and others lied or destroyed papers during bureau inquiries into the siege.

A Senate subcommittee headed by Sen. Arlen Specter, Pennsylvania Republican, will open hearings today and is expected to ask about the plan and the modified rules of engagement.

Former FBI Deputy Director Larry A. Potts has denied accusations by agent Eugene F. Glenn, on-site commander during the standoff, that he approved the "could and should" shooting rules in the Weaver case. Mr. Potts, who directed FBI operations in the siege, has been demoted and suspended during the probe.

The Washington Times
WEDNESDAY, SEPTEMBER 6, 1995

First lady rips Chinese policies on rights

But blunt speech fails to name target

By George Archibald
THE WASHINGTON TIMES

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BEIJING — Hillary Rodham Clinton yesterday scorched China — but not by name — and other nations for abusing women and children.

"Our goals ... cannot be fully achieved unless all governments — here and around the world — accept their responsibility to protect and promote internationally recognized human rights," Mrs. Clinton said, in a clear but indirect reference to the country hosting the delegates at the United Nations' Fourth World Conference on Women.

With a pointed reference to China's one-child-per-family policy — enforced through forced abortions, sterilizations and the reported killing of female babies — Mrs. Clinton told the conference:

"It is a violation of human rights when babies are denied food or drowned or suffocated or their spines broken simply because they are born girls.

"It is a violation of human rights when women are denied the right to plan their own families, and that includes being forced to have abortions or being sterilized against their will.

"It is time for us to say here in Beijing, and the world to hear, that it is no longer acceptable to discuss women's rights as separate from human rights."

In another remark directed at the Chinese, the first lady called "indefensible" the tight security

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• The rape of women "as a tactic or prize of war," a reference to the fighting in the former Yugoslavia.

• The brutalization of young girls by genital mutilation, a practice that takes place in many parts of Asia and Africa.

Mrs. Clinton's blunt remarks both surprised and pleased conference delegates.

U.S. Rep. Constance A. Morella, Maryland Republican, called the speech "superlative."

"I think there was total agreement," Mrs. Morella said.

Although Mrs. Clinton didn't mention China by name, "it's pretty obvious," Mrs. Morella said.

Madeleine K. Albright, U.S. ambassador to the United Nations and U.S. delegation chairman, called the first lady's speech a "clarion call to the people of the world" and said she does not believe that Mrs. Clinton's strong remarks will worsen delicate Sino-American relations.

"The United States, as the beacon of freedom and democracy, has a policy of pursuing human rights," Mrs. Albright said. "Our policy is to engage with China across the board and have an open dialogue."

U.S. Rep. Christopher H. Smith of New Jersey, Republican chairman of the House International Relations subcommittee on human rights, brought a congressional delegation to Beijing Sunday and called on the first lady to denounce China's coercive family-planning policies and religious repression.

He said Mrs. Clinton did not go far enough yesterday.

"She raised some of the egregious abuses women suffer throughout the world, but she still left it to the ears and the mind of the hearer to decipher who she was talking about," he said.

"Hundreds of millions of Chinese women suffer brutality, forced abortion, incarceration for their religious beliefs, forced incarceration on a horrendous scale, and yet a human rights conference dedicated to candor has yet to mention them by name by anyone except men, and that's unfortunate because it is a missed opportunity," Mr. Smith said.

Mrs. Clinton, in her 30-minute address, also spoke of women's needs for more affordable health care, better education for themselves and their children, more anti-poverty initiatives, and equality with men in obtaining economic advancement and decision-making roles in business and government.

Those messages were also well received by many delegates.

"I thought it was objective, elegant and well-crafted," said U.S. Rep. Jane Harman, California Democrat. "It delivered the right message, and the audience appreciated it."

"Many of the other problems are taken care of when women are empowered through education and the ability to earn a living," said U.S. Rep. Carolyn B. Maloney, New York Democrat. "It was a very strong, focused speech."

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that has prevented nongovernmental representatives and organizations at a conference in nearby Huairou from meeting freely and holding political demonstrations and religious activities.

"Let me be clear: Freedom means the right of people to assemble, organize and debate openly," she told the delegates. "It means respecting the views of those who may disagree with the views of their governments. It means not taking citizens away from their loved ones and jailing them, or denying them their freedom and dignity because of the peaceful expression of their ideas and opinions."

The Chinese government issued no response to Mrs. Clinton's address. Her visit has received little mention in the government-controlled media, even though Chinese officials had lobbied hard for her to come here.

Mrs. Clinton lashed out at a number of other human rights abuses involving women. They include:

• The sale of women and girls into the slavery of prostitution in many countries.

Conference honors Abzug as global feminism leader

By George Archibald
THE WASHINGTON TIMES

BEIJING — Feminist leader Bella Abzug basked in the limelight yesterday as she was honored for her role in leading the global women's movement in its efforts to achieve full equality with men.

"Our goal is to ... make women be the future in their leadership," Mrs. Abzug said in a lecture at the U.N. Fourth World Conference on Women, where she outlined her recipe for "power feminism."

Speaking immediately before first lady Hillary Rodham Clinton, Mrs. Abzug said the U.N. Development Program, which funds her Women's Environment and Development Organization (WEDO), "has helped liberate women from the tyranny and complete economic and political control over their lives.

"We will not have freedom, justice, liberty or equality unless we can eradicate sexism, racism, homophobia, poverty and institutional violence worldwide," she said.

"Our unfinished agenda has been for so long denied because those who control the economics and politics of the sex roles traditionally have resisted social change because it would weaken their power."

Mrs. Abzug said 388 of the world's richest men own more wealth than 2.5 million people.

Mrs. Abzug said 388 of the world's richest men — "I couldn't find any women among them" — own more wealth than 2.5 million people. "They, their corporations, their governments, continue to plunder the economy for the benefit of the few," she said.

"Power feminists" are not seeking "power for power's sake," she said.

"It's not that at all. It's not about simply mainstreaming women [into all occupations, professions, and government positions]."

The Washington Times
WEDNESDAY, SEPTEMBER 6, 1995

Hill panel opens hearings today on Idaho siege

Specter to focus initially on ATF

By Jerry Seper
THE WASHINGTON TIMES

A Senate subcommittee will begin hearings today on the deadly 1992 siege at a remote mountain cabin near Ruby Ridge, Idaho, during which three persons were killed in back-to-back shootings, including a deputy U.S. marshal and white separatist Randall Weaver's wife and son.

Sen. Arlen Specter, chairman of the Senate Judiciary subcommittee on terrorism, technology and government information, has said the hearings — scheduled for eight days over the next three weeks — initially will focus on the Bureau of Alcohol, Tobacco and Firearms' efforts to target Mr. Weaver on minor weapons charges.

The subcommittee, in what promises to be a concerted bipartisan effort, also will examine the role of the U.S. Marshals Service and the FBI in shooting incidents on Aug. 21 and 22, 1992, that left Deputy Marshal William F. Degan, 42, Vicki Weaver, 43, and Samuel Weaver, 14, dead. It also will look into accusations that top FBI officials covered up actions in the case to protect themselves over a change in the rules of engagement.

The modified rules told FBI snipers who ringed the Weaver cabin they "could and should" shoot any armed man.

Mr. Degan and Samuel Weaver died during an aborted ambush attempt by deputy marshals near the ramshackle cabin. Mrs. Weaver was killed by an FBI sniper as she stood in the cabin's doorway holding her infant daughter. Randall Weaver and a Weaver family friend, Kevin Harris, were wounded by the same sniper.

Mr. Weaver and his daughter Sara, both of whom now live in Grand Junction, Iowa, are the scheduled leadoff witnesses.

In a recent interview with the Des Moines Register, Mr. Weaver said he would testify even though it brought back "terrible memories" of how his wife and son were killed. "I'm doing it for Sam and Vicki," he said. "That's the only reason. And for everybody, really. We're losing our freedoms. Somebody has to be held accountable."

Mr. Weaver was sought by federal authorities after he failed to appear in court on charges that he sold two shotguns whose barrels had been cut a quarter-inch too short.

Mr. Specter, Pennsylvania Republican and announced GOP presidential candidate, has declined Justice Department requests to delay the hearings pending an investigation by Michael R. Stiles, the U.S. attorney in Philadelphia, into the government's role in the siege.

Mr. Stiles took over the case last month after Eric H. Holder Jr., U.S. attorney in the District of Columbia, recused himself because of a long-standing professional relationship with former FBI Deputy Director Larry A. Potts, who supervised agents at Ruby Ridge.

"I intend to go forward," Mr. Specter said in a recent statement. "I believe we can proceed with our hearings ... without in any way interfering with the ongoing Justice Department investigation."

Mr. Potts, who was demoted and later suspended along with four other FBI officials in the case, has denied approving the "could and should" rules.

But Eugene F. Glenn, special agent in charge of the FBI's Salt Lake City field office and the bureau's on-site commander at the Weaver cabin, challenged that recollection. He said FBI executives mishandled a review of the case in an effort to protect Mr. Potts.

> *"I believe we can proceed with our hearings . . . without in any way interfering with the ongoing Justice Department investigation."*
> — *Sen. Arlen Specter*

Mr. Glenn's accusations are in a May 3 letter to the Justice Department's Office of Professional Responsibility. Mr. Glenn, censured, suspended and ordered transferred for his role in the siege, said the FBI review was incomplete, inaccurate and designed to "create scapegoats and false impressions."

Mr. Potts and FBI Director Louis J. Freeh are expected to testify.

Last month, Deputy Attorney General Jamie Gorelick asked Mr. Specter to put off the hearings pending the criminal probe and an internal investigation.

Mrs. Gorelick told Mr. Specter in an Aug. 11 letter that the subcommittee might interview the same witnesses as Justice Department's criminal investigators and that congressional aides would be provided "an opportunity to learn the evidence that has developed, including the identity and significance of available documents and witnesses' statements."

She said Senate disclosure of those documents could "prevent a subsequent prosecution" by revealing immunized testimony from Justice's internal inquiries and tainting potential trial witnesses. She also said the Senate "would likely damage irreparably our ability to prosecute any violations which the pending investigation might uncover" if it gives witnesses immunity for public testimony.

Mrs. Gorelick repeated her concerns last week. She said the department will try to work consensually with Mr. Specter and the committee, "and if we cannot work out an agreement, we may simply have to give him our best advice as to what we think the effect of going forward in a particular manner might be."

Department officials have agreed to turn over Weaver documents only under subpoena, which the committee issued Aug. 17. Since then the department has turned over 56 video and audio tapes, along with several cartons of documents.

Senators see GOP agenda suffering

Packwood switch on hearings irks

The Washington Times
WEDNESDAY, SEPTEMBER 6, 1995

By Laurie Kellman
THE WASHINGTON TIMES

Sen. Bob Packwood, who has reversed himself and demanded public hearings on sexual misconduct charges, is losing support among his allies who took heat for backing his original request for closed proceedings.

As the Senate Select Committee on Ethics prepared to meet today to consider his new request, fellow Republicans voiced concern yesterday that a certain circus atmosphere surrounding public hearings would overshadow the GOP agenda.

"One of the concerns I have with [public] hearings is that it doesn't interfere with the work that has to get done," said Sen. Don Nickles, Oklahoma Republican and a member of the Finance Committee chaired by the five-term senator.

Others unhappy with the impending spectacle conceded it is Mr. Packwood's right to defend himself in whichever forum he prefers.

"I think it will be disruptive, but he certainly has a right to do that," said Sen. Phil Gramm, Texas Republican.

But Senate GOP Whip Trent Lott of Mississippi said he believes Mr. Packwood gave up that right when he asked the six-member, bipartisan panel for closed hearings. "I don't feel inclined necessarily to do what he wants to do" this time, he said. "He had that right and he, in effect, waived that right."

The Washington Times reported in May that the GOP leaders planned to issue a censure, the lightest punishment the Senate can impose on a member. But for the first time, high-level aides and some members have begun "feeling each other out" about the other end of the spectrum: expulsion.

According to high-level sources who demanded anonymity, the scenario would have the Senate expelling Mr. Packwood before public hearings can be convened.

Taking that action now would avert a certain circus that would overshadow budget negotiations and allow the GOP to proceed with its legislative walkup to the 1996 elections, the sources said.

Much has changed since May, when the committee announced it had found "substantial credible evidence" of Mr. Packwood's misconduct. At that time, senators from both parties kept a respectful distance from making any substantive comments about the Packwood case.

On July 31, after publicly describing 18 charges of sexual misconduct with 17 women, the committee deadlocked on whether to hold public hearings. Republicans then killed a measure introduced in the full Senate by Sen. Barbara Boxer, California Democrat, to force public hearings. Later, two more women came forward, one accusing Mr. Packwood of forcing a kiss on her when she was 17.

Mr. Packwood then broke his silence and denied that accusation. On Aug. 25 he reversed himself and called for public hearings so he could cross-examine his accusers — making him Mrs. Boxer's unlikely ally. She has declared her intent to revive her floor motion for public hearings.

Where initial conventional wisdom held that Mr. Packwood would have nothing to lose by demanding a chance to publicly discredit his accusers, he clearly has lost the staunch loyalty of those who stood by his wish for closed hearings.

Fellow Republicans, elected to the majority in part by their promise to end Congress' clubby protectiveness, came under intense criticism for supporting the five-term senator's wishes. Many resent his willingness to pursue his own defense at the possible expense of the party's agenda, according to several senior GOP sources who demanded anonymity.

Yesterday Mr. Lott recalled his response to Mr. Packwood when the Oregonian telephoned him on the eve of his reversal. "I said, 'Thanks for your courtesy. See ya,' " he recalled. "I have real reservations about it."

He said Mr. Packwood faced a silent room earlier yesterday when he explained his decision to the Republican conference during its weekly policy lunch.

"Senator Packwood did explain why he made that request," Mr. Lott said. "That was basically it. There was no comment from any other senator."

As they prepared yesterday for the biggest budget battle with the White House in 65 years — and the key policy fight of the Republican revolution — GOP lawmakers privately buzzed about the position in which Mr. Packwood has placed them and where they should go from here.

The Washington Times
WEDNESDAY, SEPTEMBER 6, 1995

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The Senate Waco hearings

"Good morning, Mrs. Weaver," said a voice over an FBI loudspeaker. "We had pancakes this morning. What did you have for breakfast?"

Such taunts, reminiscent of the federal siege at Waco, were supposed to wear down Ruby Ridge, Idaho, residents Vicki and Randy Weaver and their young children and force them to surrender to waiting FBI agents after a 10-day standoff in 1992. But the ploy was forever lost on Mrs. Weaver. An agency sniper named Lon Horiuchi, trained to hit a quarter-inch target from 200 yards, had put a bullet through her right cheek and killed her days before. A Washington Post account this week describes the scene vividly: "The mother clutched her baby as she fell, screaming for about 30 seconds before she died." Mr. Horiuchi said he was aiming at someone else.

At a time when apparently the whole world is concerned about injustice to women, if proceedings at the U.N. women's conference in China mean anything, one hopes someone will make time to talk about what happened to Mrs. Weaver that grim day in August 1992. Perhaps Arlen Specter, the Pennsylvania senator whose Judiciary subcommittee today begins hearings on the siege at Ruby Ridge, is the man for the job.

In retrospect, her "crime" was to have been married to husband Randy Weaver, a white separatist whom federal agents entrapped into selling illegally sawed-off shotguns. Both, according to the feds, had conspiratorially weird ideas: "Randall C. Weaver and Vicki Weaver left Iowa with their family and moved to Idaho in their belief and prediction that a violent confrontation would occur with law enforcement officers." But one less colorful explanation is that they wanted to teach their children at home, which Idaho would allow and Iowa would not.

Mrs. Weaver reportedly enforced Old Testament proscriptions against "unclean" food like pork and separated herself from men in the house during menstrual cycles. Her rhetoric had strongly religious overtones. When the feds tried to prosecute Randy Weaver on the weapons charges if he failed to become an informant for the FBI, Mrs. Weaver wrote a well-circulated response, "We cannot make deals with the enemy . . . If we are not free to obey Yahweh, we may as well be dead." Randy Weaver said that to become a "snitch" was against his beliefs.

When Mr. Weaver missed his court date for the weapons trial — a court clerk had sent him the wrong date — the feds went into the Idaho mountains after him. Interestingly enough, the government apparently considered Vicki Weaver the key to obtaining her husband's surrender. She could be expected, according to agency analysis, to kill her children and commit suicide rather than surrender. The basis for this analysis is unclear, to say the least. Former Green Beret and FBI intermediary Bo Gritz says an agency official told him that the FBI had "targeted" Vicki Weaver during the standoff.

But Mrs. Weaver herself had committed no crime. Even Randy Weaver was found not guilty of all but two minor charges. Said one juror, "An incredible injustice has been done. The farther we got along in the case, the more I thought, 'This is ridiculous. The wrong people are on trial.'" The government has since paid Mr. Weaver $3.1 million to settle a suit filed over the deaths of Mrs. Weaver and their 14-year-old son, who was shot in the back during the siege.

Perhaps the ultimate irony of this case is that for all the terrible motives which the government ascribed to Mr. and Mrs. Weaver, they counted on the couple's better nature to arrest Mr. Weaver on the gun charges. They posed as stranded motorists on the snowy road to the Weaver cabin. When the Weavers stopped to help, the agents jumped Mr. Weaver and pushed Mrs. Weaver into a snowbank face-first. Worse was yet to come.

The end of dangerous fad?

A legal nightmare is finally over. After spending eight years in jail, Violet Amirault, falsely convicted of molesting children at the Fells Acre Day School in Malden, Mass., has finally been released from prison. Her daughter Cheryl Lefave, 37, is also being released (but only after she serves out a 90-day sentence for a fight with another inmate). Mrs. Amirault's son Gerald, father of three and in jail for almost 10 years, is still awaiting his appeal before the judge who presided over his conviction.

The case is one of the last in a slew of spectacular 1980s trials of day care professionals convicted of sexual abuse against their young charges to be overturned — including the McMartin trial in Manhattan Beach, Ca., Little Rascals Day Care in Edenton, N.C., and Wee Care in New Jersey. It seems that this dangerous fad could be coming to an end.

Commonly, accusations multiplied in these cases like a mutant virus against the defendants. The case against Margaret Kelly Michaels, a teacher at the Wee Care school, began with six accusations and ended with Ms. Michaels convicted on 115 of an alleged 131 instances of sexual abuse against 20 children. As in the Amirault case, children interviewed named other teachers at the school as their assailants. In the Michaels case, one teacher who stood up for Ms. Michaels was herself indicted for failing to report child abuse at Wee Care. In North Carolina, Robert Kelly's 12 consecutive life terms were just reversed, as were Donna Hubbard's in California, who received a 100-year sentence, and Margaret Kelly Michaels' 47 years.

Where does one lay blame for such travesties of justice? In a series of groundbreaking Wall Street Journal articles, Dorothy Rabinowitz correctly pointed out that these cases marked a particular "era of belief" when it was possible for prosecutors and so-called abuse experts to convince parents that their children had been heinously abused without benefit of any physical evidence.

In many cases, investigators and abuse experts pressured the children and promised them rewards. Children who said they knew nothing of such abuse were repeatedly asked the same questions or had them rephrased in order to elicit the proper response. At the same time, the mantra of "believe the children" became the gospel for parents and prosecutors alike.

State Judge Robert A. Barton overturned the convictions of the Amiraults based on Massachusetts law which demands that accusers face defendants. In the original trial, the children faced the jury instead. Citing a 1994 ruling, Judge Barton wrote that "by appearing to elevate and/or to protect those children by very special furniture and seating arrangements, the jury was indirectly instructed to judge the credibility and demeanor of the children in a different light than they would a mature witness." In several of the other cases, legal standards have been rediscovered or reinvestigated in order to better protect defendants. What will trouble a good many people though is that Scott L. Harshbarger, the district attorney who convicted the Amiraults, is now Massachusetts attorney general and may run for governor.

Now that this virulent fad looks like it is waning, one would hope that judges and prosecutors will learn an important lesson from the Amirault case: that there can be no room for conviction by accusation in the criminal justice system of this country.

President Clinton serves as substitute teacher in middle school in California By William Neikirk Chicago Tribune

SELMA, Calif. Eighth-graders at Abraham Lincoln Middle School had a substitute teacher Tuesday on their first day of school: President Clinton.

He sat on a desk in front of the classroom, with a U.S. map to his left and a world map to his right, gave his own brief review of U.S. history, and fielded their questions.

They weren't exactly the kind of hard-hitting queries usually thrown at him by the White House press corps, but Clinton treated them with equal, if not more, respect.

His theme was simple: Education is the key to America's economic future in the 21st Century. It just so happens that this is also a key theme for his 1996 re-election effort, but the students didn't seem to feel they were being used as campaign props.

Clinton urged them to be tolerant of other races and ethnic groups, adding that if all Americans do, it will give the United States a huge economic advantage over countries that ``find it impossible to bury the hatchet."

He said his hardest decisions were the 1994 deficit-reduction bill, which he pushed through with no Republican support, and Bosnia.

On the deficit measure, he said: ``I went to Washington determined to work with Democrats and Republicans. And I was shocked to find out how partisan it was."

The decision to commit U.S. forces to bomb Serbian targets in Bosnia was tough because ``it's hard for us when we're the strongest country in the world, when other countries don't do what we think they should do. And we have no way to make them do it because we didn't have the soldiers there."

And, he said, ``When our soldiers were killed in Somalia, it was the darkest day of my presidency for me."

Some decisions turn out bad, some good, he said, and urged the students to ``keep going. You have to believe in yourself."

One student wanted to know if he ever thought about being president when he was young. ``I did," Clinton said. ``I guess when I met President Kennedy I thought about it, but it wasn't that I really thought it would happen."

He met Kennedy as a high school student on a trip to Boys Nation. ``It was an incredible experience," he said, adding that he was able to shake Kennedy's hand partly because of his size. ``I could sort of elbow my way to the front of the line."

Asked about his most important accomplishment, Clinton listed one atop all the legislation he has pushed through Congress: ``I think the most important thing I've done in office is to basically make the presidency a place where problems are dealt with again."

Presidential press secretary Michael McCurry said later that Clinton's appearance was partly an answer to Sen. Robert Dole's call to end bilingual education, which the Kansas Republican proposed in a speech Monday.

McCurry noted that the class taught by the president was ethnically diverse. In many such classes, he said, many students can learn math and other subjects better when taught in their own languages.

Clinton wound up a 22-day trip, the longest of his presidency, in this agricultural region in California's central valley. He'll be on the road again next week, in Carbondale, Ill., where he will again speak about education.

Dole says Congress will not compromise on budget issues By Thomas Hardy Chicago Tribune

CHICAGO Senate Majority Leader Bob Dole mixed presidential campaigning and legislative jawboning Tuesday, promising to make the 1996 election a referendum on economic policy and warning President Clinton that he will not compromise on politically sensitive legislation to avert an October budget crisis.

In a speech to the Economic Club of Chicago, Dole ripped what he described as the obsolete and elitist economic agenda of the Clinton administration and broadly outlined three changes that he would make as president.

The Kansas Republican said he would move the nation ``toward a system with lower and flatter taxes," promised to end the Internal Revenue Service ``as we know it" and advocated a constitutional amendment to require a three-fifths majority in Congress to raise income taxes.

Dole stopped off in Chicago en route to Washington from a campaign stint in Iowa, where his presidential camp was reorganized last week to bolster his status as front-runner in the first-in-the-nation caucus next February.

While the speech was well-received by a lunch crowd of more than 1,000, Dole's intended audience went well beyond the Palmer House Hotel.

Dole signaled to his GOP colleagues in Congress and to Clinton that this fall legislative action to reform welfare and reduce the federal budget could be a bruising skirmish leading up to the 1996 presidential campaign.

``(Clinton) should know that we will never compromise away the mandate the American people gave us last November. We will fight to the end for fundamental conservative change, or we will take our case to the American people in 1996," Dole said.

``This will not be an autumn of compromise," added Dole, who is frequently rebuked within his own party and by rivals for the GOP presidential nomination as being too much of a dealmaker.

Clinton, in California, responded: ``There are those who say there should be no compromise this autumn, but I say that good people of good will want us to find common ground, want us to find honorable compromise, want us to balance the budget, and keep faith with the children of America and their educational needs."

Dole, however, did call for bipartisanship in considering the future of Medicare, the government-funded health-care program for retirees. Dole urged Clinton to remove Medicare which faces bankruptcy in seven years from the general budget debate, as was done with Social Security in the 1980s.

Saying there are many issues other than Medicare to draw the contrast between Republican and Democratic philosophy, Dole devoted most of his speech to marking the distinctions in economic policy.

Dole appealed to economic conservatives in the GOP by extolling the virtues of capitalism, minimal intervention in business by government and the American Dream.

``I believe in the private sector. I believe in the profit motive ... This is America," Dole told the roomful of approving executives. ``That's what this is all about. That's what the election in 1996 is all about."

Dole again inveighed against what he called liberal intellectual elitism, as he had Monday during an Indianapolis speech in which he called for an end to multilingualism in the nation's schools.

``Many top Clinton officials, including the president himself, claim degrees from the world's most prestigious universities. But in their graduate programs and policy schools, they seem to have learned everything about our economy except what really makes it go the hard work, creativity and idealism of a free people."

Dole accused Clinton and his advisers of ``grim, zero-sum

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The Justice Department had to intercede to mediate the conflicts between the FBI and prosecutors. Shortly before the trial started, one official noted in a memo: "the Bureau's intransigence appears to emanate from Potts's level or above."

Who?

Lodge ran out of patience on the afternoon of June 4. Horiuchi had concluded his testimony and was flying back to Washington when the prosecution finally turned over a packet of FBI documents that defense lawyers had demanded weeks earlier. It had been sent by fourth-class mail.

The package included agents' notes on interviews with FBI personnel, including Horiuchi, and a still-controversial sketch Horiuchi had made of Harris and the cabin door when he fired his second shot. He had drawn in two heads, seemingly crouching down behind the windowpanes in the door.

The judge called this last-minute production of documents simply "the latest transgression in a series of transgressions" and blasted the FBI for "a pattern of delay and lack of cooperation." In a scorching post-trial order, he fined the FBI $1,920, concluding: "The actions of the government, acting through the FBI, evidence a callous disregard for the rights of the defendants and the interests of justice and demonstrate a complete lack of respect for the order and directions of the court."

The pressures apparently caught up with the lead prosecutor, Howen. In the midst of an argument near the trial's end, he stopped short, shuffled his papers, and told the judge he could not continue. He did not take part in closing arguments.

The trial lasted 42 days and the jurors deliberated for 22 more. On July 8, 1993, Harris was acquitted of all counts and Weaver was acquitted of all but two minor charges: failing to appear in court on the original weapons charge and violating the terms of his release on that charge.

Foreman Jack Weaver said that in considering the murder charge, most jurors felt that the marshals had fired first and that Harris fired in self-defense. He said "three or four" jurors disagreed but eventually concluded that the government had failed to prove its case beyond a reasonable doubt.

Lodge sentenced Weaver in October 1993 to an 18-month term. Because of time already spent in custody, he was out by December.

"You've suffered probably far beyond what the court could do," Lodge told him.

No Basis for Prosecution

The Justice Department's 542-page task force report, completed last year, was supposed to be the last word on Ruby Ridge. Seemingly thorough and at times harshly worded, it has yet to be officially released, but was leaked to Legal Times earlier this year and put on the Internet.

The inquiry stemmed from allegations defense lawyers had made before trial of "professional misconduct and criminal wrongdoing" by agents of the FBI, the Marshals Service and the U.S. Attorney's Office in Boise. The study was delayed until after the verdicts came in. Since the allegations had mushroomed, Reno ordered a complete review of the Weaver case from its inception until the end of the trial. More than 370 people were interviewed.

The report, which relied on FBI agents as investigators, took no sides on who shot first in the Aug. 21 gunfight, but concluded that the rules of engagement given to the snipers were unconstitutional—a violation of the Fourth Amendment's strictures against "unreasonable . . . seizures" (death being the ultimate "seizure"). It found that the rules of engagement "had a significant effect on the sniper/observers' sense of danger and had encouraged their use of deadly force."

Again Ruby — why Freeh statement?

It did not quarrel with Horiuchi's first shot, accepting his explanation that he *thought* he was protecting a helicopter carrying federal officials, even though it was in no real danger. But the task force found the sniper's second shot—the one that killed Vicki Weaver—unjustified and unconstitutional. It was taken even though there had been no return of fire, no warning given after the first shot and "most significantly, the targets were retreating into the cabin."

The task force recommended the case be considered "for prosecutive merit," but the Justice Department's Civil Rights Division and the Office of Professional Responsibility both said they found no basis for prosecution. That left it to Freeh, who was appointed the year after the 1992 standoff at Ruby Ridge, to take administrative action.

In January, he meted out mild discipline. Freeh announced that "a careful and thorough review of the facts" showed that "FBI employees committed no crimes or intentional misconduct." But he said that 12 agents had demonstrated "inadequate performance, inadequate judgment, neglect of duty, and failure to exert proper managerial oversight."

The highest-ranking of the 12, acting deputy FBI director Larry Potts, was faulted for failing "to provide proper oversight with regard to the rules of engagement," and was given a letter of censure, the same punishment that had been imposed on Freeh, at his insistence, for having lost a cellular telephone.

Undeterred by Potts's conduct in the Ruby Ridge incident, Freeh then pushed for and obtained Potts's promotion to the FBI's No. 2 job.

Eugene Glenn, the special agent from Salt Lake City who had been designated on-site commander at Ruby Ridge, Hostage Rescue Team commander Richard Rogers and others also were censured and briefly suspended.

Glenn, the most severely disciplined, was ordered back to headquarters, losing a coveted job as agent in charge of an FBI field office. A complaint from Glenn in May triggered the current investigation: He said he was unfairly being made the scapegoat for Ruby Ridge to protect Potts and others.

Potts and four other headquarters officials with roles in Ruby Ridge were suspended August 11 pending criminal investigation of coverup allegations. Rogers and Horiuchi were not suspended.

Freeh said in a recent interview that it is obvious now the task force probe was "flawed" and he would not have promoted his friend Potts if he had known then what he knows now.

The report contains errors and omissions small and large. It misstates Weaver's military record, saying that it shows he never was a Green Beret, but the document cited shows that he was. It quotes an ATF informant's testimony to say that Weaver once planned to organize a unit to fight "the Zionist Occupied Government," but the court transcript cited contains no such statement.

More significantly, the task force said, "we were distressed by the persistent intransigence shown by FBI headquarters personnel" in producing documents for trial and noted that some documents had disappeared. But it went no further.

"It was based on a wink and a nod," one knowledgeable Justice Department official said of the task force review. "It was clear by the way they asked questions that they did not want any answers that did not comport with a predetermined point of view."

Who did the report?

One illustration of that may involve the interview former Green Beret Bo Gritz said he gave at the FBI office in Las Vegas. Gritz, who helped negotiate Weaver's surrender, said he told his interviewers of an encounter with Rogers during which Rogers said the FBI had "targeted" Vicki Weaver because of fears she would kill her children rather than surrender. Rogers's lawyers dispute that but, in any case, there is no mention of Gritz's allegation anywhere in the task force report.

"It seemed like they didn't want to hear it," Gritz said of his task force interview with an FBI agent and a Justice Department employee.

In a letter of complaint to Reno, U.S. Attorney Maurice Ellsworth protested against the use of FBI agents as investigators. He said he feared agents "are so immersed in the policies, procedures and culture of the FBI" that it was impossible for them to be objective, especially when their superiors might be involved.

Ellsworth told a reporter last week that when FBI agents interviewed him, he voiced complaints during the case about the bureau's performance only to have the interviewing agents come back with explanations and excuses. "They were essentially being apologists for the bureau," he said.

Freeh, a former federal judge, disagrees with the task force about Horiuchi's second shot, and still defends it under the FBI's standard deadly force policy, or at least under a 1984 Supreme Court decision "which goes well beyond" standard FBI policy. "The Supreme Court said you have to determine danger and you have to determine necessity," Freeh said. Those determinations are up to the sniper, he said.

Weaver's chief attorney, Gerry Spence, called Freeh's remarks "legal gobbledygook." The Supreme Court, Spence said, "has never authorized people to be shot in cold blood."

Patriot or 'Monster'

Randy Weaver has become a hero to those who call themselves patriots. To Weaver, the government of the United States was and still is a "monster."

Weaver and Harris declined to be interviewed for these articles. In an interview with the Des Moines Register last month, Weaver said he has "terrible memories" of August 1992. But he expects to appear at a Senate hearing Wednesday with his daughter, Sara, for the sake of his dead wife and son, because "somebody has to be held accountable."

He acknowledges that he is not blameless for what happened. He could have shown up in court to answer the ATF's charges and has previously said he wishes he had done so. But he'll never trust the system completely.

Billy Degan was no monster. He too was a patriot—a reserve lieutenant colonel in the Marine Corps—and a father, and a husband, and a regular guy. He loved football, having a few beers.

"The death of my husband remains the untold tragedy of the events of three years ago on Ruby Ridge," Karen Degan wrote in a recent note to a Washington Post reporter. "Whenever [men] who spend their lives serving the country . . . are killed in the line of duty, we all lose a piece of ourselves. I lost a bigger piece than others in August of 1992."

In the minds of many, Ruby Ridge stands as a tragic display of excessive government force against individual citizens with outspoken, unorthodox views. And the damage done by the incident itself has only been compounded by lingering allegations of FBI coverup.

In the Weaver case, something more than lives may have been lost. Freeh said in an interview he fears the public will lose faith in the FBI—"the people who sit on our juries, the people who are our informants, the people who will pick up the phone and speak to an FBI agent confidentially." He said he knows he must move swiftly to repair the damage. That may be difficult if he continues to portray the shooting of Vicki Weaver as simply a "tragic accident."

STANDOFF AT RUBY RIDGE

Last of three articles

Government Witnesses Cause Case to Collapse

By George Lardner Jr. and Richard Leiby
Washington Post Staff Writers

A1

FBI sniper Lon Horiuchi and his boss, Richard Rogers, stepped into the Boise federal courthouse on June 2, 1993, flanked by a squad of husky bodyguards with what spectators thought to be large automatic weapons under their jackets. It was a visible show of force in the midst of a criminal prosecution that was growing weaker by the day.

The two agents had been called to testify about their roles in the deadly siege of Ruby Ridge. White separatist Randy Weaver and Kevin Harris, a young man Weaver regarded as a son, stood accused of murdering deputy U.S. Marshal William Degan in the Aug. 21, 1992, gunfight about a half-mile from their mountain cabin.

But for prosecutors, calling the high-ranking FBI agents to the stand that day only made the situation worse. In the end, the jury not only acquitted Weaver and Harris of Degan's murder, but became convinced that the government itself was the culprit in the initial bloody confrontation. Most jurors agreed that U.S. marshals fired first, killing the Weavers' dog and provoking the gunfight that left Degan and Weaver's 14-year-old son, Sammy, dead.

The government's case had

See RUBY RIDGE, A10, Col. 1

RUBY RIDGE, From A1

been hobbled all along by a sloppy FBI investigation, contradictory testimony, persistent withholding of needed evidence, and a shaky stack of other charges that turned out to be quite difficult to prove. FBI resistance in building the case was so strong that when the trial ended, a special Justice Department task force began investigating claims that the government was covering up what really happened at Ruby Ridge.

Now, the Justice Department is probing allegations that the task force's work was deeply flawed—a coverup of a coverup.

At the trial that day, Rogers, commander of the FBI's elite Hostage Rescue Team, was the first to testify. His squad had been dispatched to deal with the Weavers after Degan was killed. Before Rogers even arrived at the scene on the morning of Aug. 22, 1992, he composed "rules of engagement" for the snipers that amounted to a "shoot on sight" policy for any armed adult seen near the Weaver cabin.

Under questioning, Rogers said he was satisfied from reports received during a hurried flight west that Weaver had "clearly demonstrated that he was willing to shoot at federal officers."

"Well," Weaver's chief defense lawyer, Gerry Spence, asked Rogers, "did you know of anybody then, and do you know of anybody now, as you sit there today, who ever saw Mr. Weaver shoot at anybody?"

Rogers: "No, I do not."

Spence: "Do you know of anybody, as you sit there now today, that can say that Mr. Weaver even pointed a gun at anybody?"

Rogers: "No, I'm not aware of any."

Weaver listened at the defense table. During the brief August 21 gunfight, Weaver himself fired no shots at anyone. The next evening, Horiuchi, without warning, fired two shots from his perch behind a pine tree, wounding Weaver and Harris, and killing Weaver's wife, Vicki.

Horiuchi, a West Point graduate and 10-year FBI veteran, testified next. Since the snipers were told that the Weavers usually came out of their house armed, he said, the "rules of engagement" made them fair game.

Spence: "Under your rules of engagement, you could then, and should: If they came out of the house, you could and should use deadly force?"

Horiuchi: "Yes sir, it is true."

What about a warning shot? Spence asked.

"Sir, we do not fire warning shots in the FBI."

Spence: "If you're going to shoot, you shoot to kill, don't you?"

Horiuchi: "Yes, sir."

At another point, Spence asked the sniper if he enjoyed his job. He said he did.

In the jury box, Dorothy Mitchell felt a shudder. "I interpreted his answer to be, 'I enjoy killing,' " she said in a recent interview. "That was hard for me to take. He was just cold-hearted." She and other jurors were struck by the trauma Weaver's children must have suffered, living in the cabin for almost 10 days with their mother's bloody corpse on the kitchen floor.

In this context, Rogers's testimony was equally chilling. "Even after all this horrible stuff happened, he wasn't questioning whether what they did was right," recalled juror Dorothy Hoffman. "He didn't seem to have any conscience, if that's the word."

"He took those [standard FBI rules of deadly force] that are drilled into everybody and basically threw them out the window and wrote his own," said jury foreman Jack Weaver (no relation to Randy Weaver). "I got the sense that if he had to do it all over again, he'd do the same thing."

The five men and seven women sitting in judgment of Weaver and Harris eventually came to wonder whether the right people were on trial. "This *is* a murder case," Spence thundered in closing. "But the people who commited the murder have not been charged."

Given this testimony, how could Fresh have said that LH was not relying on the rules of engagement?

Convinced of a Conspiracy

The trial of *U.S. v. Weaver and Harris* began April 13, 1993. The central charge was that Degan's murder was the culmination of an overarching conspiracy that began ten years earlier when "Randall C. Weaver and Vicki Weaver left Iowa with their family and moved to Idaho in their belief and prediction that a violent confrontation would occur with law enforcement officers. . . ."

Even banal statements that Weaver had made, such as, "I've got to talk to my wife about this," were cited as evidence of their conspiring with one another, as well as with "others known and unknown."

But as the case came to trial before U.S. District Judge Edward Lodge, it became increasingly clear to the jury that the government had no solid conspiracy or murder case. Some said they were appalled to learn about the massive effort and resources the government spent on Weaver, whose movements were tracked by U.S. Marshals for 18 months while they tried to arrest him on a weapons charge.

Which? When?

The prosecution set out to prove that Kevin Harris, carrying a heavy-caliber hunting rifle, fired first, after Degan—one of three camouflaged marshals on an early morning surveillance mission—stood and identified himself.

But most jurors believed the defense version of the gunfight, especially in light of the testimony of another marshal, who heard the gunfire from an observation post. He said the first shot came from a light-caliber weapon, such as that used by Deputy U.S. Marshal Arthur Roderick. That bullet hit Striker, the Weavers' strong-nosed yellow Lab, in the back.

The testimony of government witnesses left unanswered questions. Deputy U.S. Marshal Larry Cooper, the only government eyewitness, testified that he didn't think Degan had fired a shot—yet seven spent rounds were found from Degan's rifle. One of those rounds, according to a government ballistics expert, hit Sammy in the arm, almost severing it from his body. A bullet of the type loaded in Cooper's submachine gun then hit the 14-year-old in the back as he was running home.

The evidence established that 19 shots in all were exchanged in the shootout, which lasted less then a minute. Fourteen bullets came from the marshals' guns. Sammy Weaver fired twice at Roderick, narrowly missing. Kevin Harris fired three times, killing Degan in defense of Sammy, he said.

Weaver and Harris never testified. Defense lawyers, led by Spence and David Nevin, sowed reasonable doubt relying solely on prosecution witnesses.

As juror Dorothy Mitchell concluded, "I could not buy the story the way the marshals told it; it just couldn't have happened that way."

Collapse and Review

As the government's case steadily fell apart, prosecutors became convinced that many of their problems were the FBI's fault. After the trial, then-U.S. Attorney Maurice O. Ellsworth complained in an August 1993 letter to Attorney General Janet Reno that his prosecutors did the best they could "trying to deal with bad facts under very difficult circumstances. Many of the difficulties were caused, or at least aggravated by the FBI."

Prosecutors had asked for all FBI materials on Ruby Ridge to help them counter defense charges of a government coverup. But from the start, FBI officials contended that some documents, such as the operations plan for Ruby Ridge, contained "sensitive information" and could not be turned over.

By that time, the Bureau had conducted a required "shooting incident review" that tried to justify the killing of Vicki Weaver (the report misnamed her "Vicki Harris"). It asserted that she had "willfully placed herself in harm's way" by holding the cabin door open.

To outsiders, the shooting review was clearly inadequate and raised questions about the impartiality of the FBI investigating the conduct of its own agents. Larry Potts, who headed the Ruby Ridge operation out of Washington, ran the FBI's criminal division at the time. His assistant, E. Michael Kahoe, had been on duty during the Ruby Ridge siege but he was also in charge of an FBI panel that assessed the shooting review report. Kahoe's panel agreed that law enforcement had acted appropriately and that no action should be taken against FBI employees.

2nd tape

The two prosecutors on the Weaver case, Ronald Howen and Kim Lindquist, also had been frustrated by two separate pretrial trips to Washington to interview FBI officials, including Potts, Kahoe, and Danny O. Coulson, Potts's top aide who had headed the Ruby Ridge command center when Potts was off duty. The prosecutors had been told the FBI officials were unavailable.

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TUESDAY, SEPTEMBER 5, 1995

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PHOTOCOPY
PRESERVATION

STANDOFF AT RUBY RIDGE

First of three articles

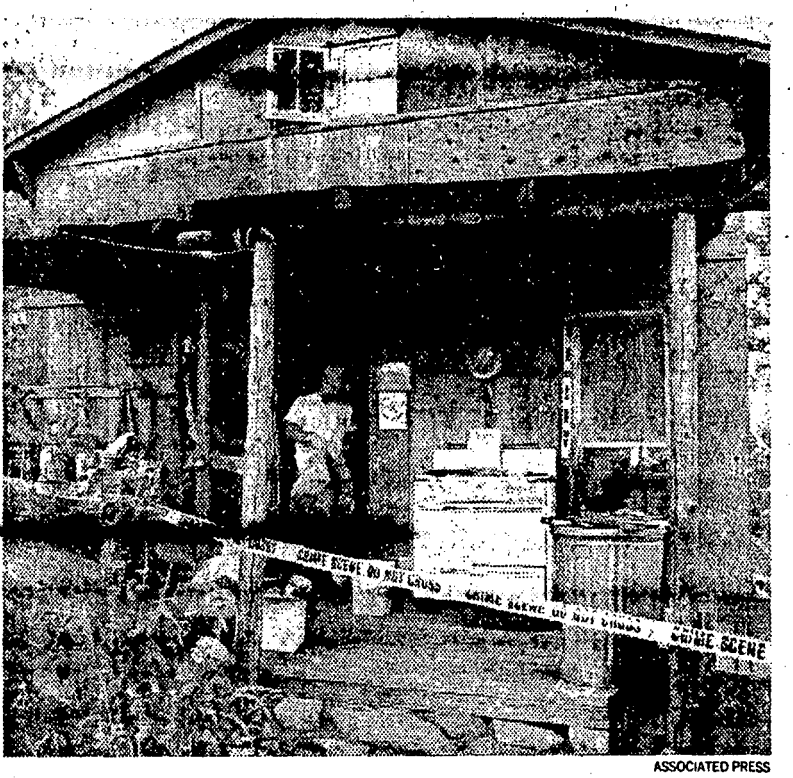
Botched 'Anti-Terrorist' Operation Began With Series of Overreactions

By George Lardner Jr.
and Richard Leiby
Washington Post Staff Writers

NAPLES, Idaho

The cabin sits on red fir stilts that are beginning to teeter. The once-abundant vegetable garden is blighted by weeds. The door with the bullet hole is gone. A cheap pine replacement stands in its place, courtesy of the FBI.

This is the ramshackle house that Randy and Vicki Weaver built out of handcut lumber, plywood and castoff mill ends, the one that the government called a fearsome "mountain stronghold." Three years ago, hundreds of FBI agents and other lawmen had it surrounded, claiming that they were facing the most dangerous fanatics their anti-terrorist teams had ever encountered. Snipers, assault squads, helicopters, armored personnel carriers, even a shotgun-toting robot were dispatched to deal with the threat.



ASSOCIATED PRESS

A federal agent at Randy Weaver's cabin near Naples, Idaho, in 1992.

Now, the nation's highest law enforcement officials are implicitly apologizing to Randy Weaver and his children and vowing to get to the truth of what happened during and after the bloody 11-day siege at the place called Ruby Ridge, a rocky bluff near this small town in northern Idaho's rugged Selkirk Mountains.

It began when three federal marshals, part of a surveillance operation that had spent more than a year spying on the white

See RUBY RIDGE, A18, Col. 1

PHOTOCOPY
PRESERVATION

STANDOFF AT RUBY RIDGE

ASSOCIATED PRESS/WBZ-TV VIDEO

U.S. Marshal William Degan: *He was killed in the initial shootout.*

"WE HAVE LOTS OF PEACE AND LAUGHTER UP HERE."

—Vicki Weaver in a letter to a friend, July 31, 1992

WEAVER FAMILY PHOTO

Vicki Weaver: *Shown here at a rented home in Naples, Idaho, in 1989 with children, Samuel, Rachel, center, and Sara.*

WHO'S WHO

PHOTOCOPY
PRESERVATION

RUBY RIDGE, From A1

separatist, suddenly encountered Randy Weaver, his 14-year-old son, Sammy, and family friend Kevin Harris in the woods near the cabin. Every one of them—the marshals and the members of the Weaver household—was armed. The first casualty was Sammy's dog, a yellow Lab named Striker, shot by one of the marshals. The ensuing shootout took less than a minute; when it was over, Sammy Weaver and Deputy U.S. Marshal William Degan lay dead.

By the end of the next day, an FBI sniper had wounded Weaver and Harris and had shot and killed Vicki Weaver as she was holding her baby.

Well-known locally as a loudmouth with warped views, Randy Weaver somehow had become, in the government's eyes, a one-man army willing to die in a confrontation with federal agents. His wife, who had written apocalyptic letters to government officials, had come to be viewed as a religious zealot prepared to kill her own children rather than surrender.

Yet throughout the siege, Weaver never fired a shot at anyone. A federal jury later acquitted Weaver and Harris of murdering Degan. Most jurors, according to later interviews, concluded that Harris, who killed the marshal, had fired back to defend Sammy Weaver.

For the FBI, Ruby Ridge clearly was a debacle. For many citizens, it quickly became a symbol of law enforcement abuse and overkill. Testimony in the 1993 trial revealed government bungling and misconduct, and subsequent internal federal investigation confirmed it.

Now there are new allegations of official misdeeds, based on evidence that top FBI officials may have perjured themselves or obstructed justice. FBI Director Louis J. Freeh has described the allegations against his agents as "quite shocking" and, if true, a serious breach of public trust.

Freeh's former deputy director, Larry Potts, and four other senior FBI officials have been suspended indefinitely as a result of new scrutiny of both the Idaho siege and the internal inquiries that followed it. The Justice Department has opened a criminal investigation into an alleged FBI coverup, particularly concerning the "rules of engagement" that gave the FBI's snipers a license to kill, without warning, any armed adult they saw. Senate hearings begin Wednesday, and House hearings are planned. The Justice Department's Office of Professional Responsibility is conducting a broad administrative review of actions by the U.S. Marshals Service and the FBI.

Whatever comes of these probes, many inside and outside the government see Ruby Ridge as a tragic example of misspent resources. After Weaver and Harris were acquitted of Degan's killing, the Weaver family filed wrongful

ASSOCIATED PRESS

FBI Staging Area: *Shortly after Degan and Sammy Weaver were killed, a huge hostage rescue operation was mobilized to handle the siege at the Weavers' cabin.*

VICKI WEAVER, former executive secretary who grew up on a farm in Iowa. Killed by an FBI sniper with a shot to the head on Aug. 22, 1992, while standing in the doorway of her mountain cabin, holding her baby daughter. She was 43.

RANDY WEAVER, 47, former tractor mechanic and Green Beret who moved to Idaho with his family in 1983. Wounded by an FBI sniper in the Ruby Ridge standoff. Charged with murder and acquitted in 1993.

SAMMY WEAVER, shot in the back and killed Aug. 21, 1992, by a federal marshal after firing at another marshal who had shot his dog. Sammy was 14.

KEVIN HARRIS, 27, a family friend whom the Weavers regarded as a son. Wounded in the chest by the same bullet that killed Vicki Weaver. Charged with murder and acquitted.

DEPUTY U.S. MARSHAL WILLIAM DEGAN, Boston-based commander of the Special Operations Group Northeast Task Force. Shot in the chest and killed during August 21 shootout at Ruby Ridge. The bullet came from Harris's hunting rifle.

LARRY POTTS, assistant director in charge of the FBI's criminal division at the time of the siege. Censured in January 1995 by FBI Director Louis Freeh for "failure of management oversight" at Ruby Ridge; promoted to No. 2 job at FBI four months later; demoted in July; suspended with pay on Aug. 11, pending outcome of criminal investigation of alleged coverup.

RICHARD ROGERS, former commander of the FBI's elite hostage rescue team, who formulated the "rules of engagement" at Ruby Ridge—rules later deemed illegal. Disciplined because of them in January 1995; suspended Aug. 11 pending outcome of criminal investigation.

LON HORIUCHI, FBI sniper whose first shot wounded Randy Weaver and whose second shot killed Vicki Weaver and wounded Kevin Harris. Criticized in a Justice Department report for firing the second shot, but defended by Freeh.

ly friends and neighbors. She enforced Old Testament injunctions against eating "unclean" foods such as pork and, during menstrual cycles, she separated herself (and later her adolescent daughter) from the men of the house, living a few yards away in a small, wooden shed.

Neighbors say the Weavers' two-story cabin was comfortable; there was no phone, but a generator supplied power for a TV and appliances. They ate homegrown fruits and vegetables and hunted game. At the time of the siege, in addition to Randy, 44, and Vicki, 43, the household included Sara, 16; Samuel, 14; Rachel, 10; Elisheba, nearly 10 months old; and Kevin Harris, 24, whom the Weavers had taken in as a teenager and treated as a son.

Like other so-called "Christian Identity" millennialists

was leading the movement and who was following," Fadeley later said.

Weaver was not known to be a member of the Aryan Nations or any violent groups, government agents later testified. But he took his family to at least two other Aryan Congresses. After the 1989 event, Weaver invited Fadeley to his home where, according to the informant, he described himself as "prepared to do something dangerous for the white cause," although Weaver didn't specify what he had in mind. Weaver spoke of having met a "very Christian man," whom the ATF recognized as the head of an Aryan Nations splinter group in Noxon, Mont. The ATF began to see Weaver as a possible entree to the Noxon group and told Fadeley to get closer to Weaver.

out legal representation. U.S. Magistrate Stephen Ayers entered his not guilty plea, requiring him to post an unsecured $10,000 bond and promise to "refrain from possessing" any firearms. Trial was set for Feb. 19, 1991.

The judge warned Weaver—wrongly, it turned out—that if found guilty, he probably would have to reimburse the government for the cost of his court-appointed lawyer. To the Weavers, friends say, that meant they might lose their only appreciable asset: their home.

Later, a court official writing to Weaver erroneously put the trial date as March 20, 1991—a month later than Weaver initially had been told. It was a typographical error, but Weaver didn't know that.

When Weaver failed to show up in February, a bench

quitted of Degan's killing, the Weaver family filed wrongful death claims. Last month, the government agreed to pay the family $3.1 million to cut its losses and prevent further litigation.

"Weaver wasn't bothering anyone," a high-ranking Justice Department official said recently. "If the government hadn't messed with him, he'd still be up on that mountain, talking nonsense."

Randy Weaver, 47, who now lives in Iowa, rarely talks about Ruby Ridge, saying it brings back "terrible memories." In a recent interview with the Des Moines Register, he wept and said: "It should never have started. It should never have happened."

A Washington Post review of official records and trial testimony, as well as interviews with some of the people involved in the episode, demonstrates that the government's case against Weaver—even the original gun charge that made him a wanted man in the first place—was plagued by dubious informants, questions of entrapment, staged photographs, sloppy investigative work, contradictory statements and repeated FBI resistance to producing evidence.

Several jurors, after sitting through what some believe to be the longest trial in Idaho history, say it left them thoroughly disillusioned with their government. "An incredible injustice has been done," juror Dorothy Hoffman, a 63-year-old college tutor, said in a recent interview. "The farther we got along in the case, the more I thought, 'This is ridiculous. The wrong people are on trial.' "

A Move to Higher Ground

How Randy and Vicki Weaver—both products of farm families in the Iowa heartland—came to live "off the grid" in the densely forested panhandle of northern Idaho reflects the subtle rise of the extremist right in America since the 1970s. The couple gradually had become believers in a movement that divines vile Masonic conspiracies from the backs of dollar bills, recommends the hoarding of precious metals and embraces armed resistance against perceived government intrusions.

Much of their inspiration lay in the Bible—the family hewed closely to the literal word, referring to God as "Yahweh" and Jesus as "Yashua." One reason the Weavers left Iowa in 1983 was its prohibition against home-schooling. In Idaho, it was allowed; Vicki Weaver could make sure that "secular humanism" would not pollute her children's minds.

Randy Weaver, a tractor mechanic, ex-Green Beret and former Amway salesman, told friends that the Scriptures had guided them to this remote ridge 35 miles south of the Canadian border. To them, it was holy ground, a sanctuary where God's rule, not man's, prevailed:

"Every knee shall bow to Yashua Messiah," predicted a sign on the rutted, dirt road at the entrance to their 20-acre tract.

A former executive secretary, Vicki Weaver was the family's intellectual and spiritual beacon, according to family Weavers had taken in as a teenager and treated as a son.

Like other so-called "Christian Identity" millennialists, the Weavers believed that they were God's chosen people. Antisemitism and racial separatism became part of their ideology. They spoke frequently of an impending Armageddon that would pit Christians against the evil forces embodied by a government that the Weavers called the "beast."

Northern Idaho was, and still is, a magnet for people who want to be left alone. Boundary County, where the Weavers settled, has fewer than seven people per square mile. There are perhaps a dozen blacks among its 8,639 population. Statewide, Jews number fewer than 500.

Guns are common in the state, and the Weavers had 14: Vicki Weaver and the children routinely wore sidearms. They were prepared for a confrontation—either with the wild animals that prowled the woods or with the minions of the "Zionist Occupied Government" who, they believed, were out to get them.

Weaver's anti-government views were well known here. In 1988, he ran in the Republican primary as a right-wing candidate for sheriff, offering an unusual platform. He promised to enforce only those laws the people wanted, and passed out Monopoly-style cards promising voters they could "get out of jail free" if he won. He collected 102 of the 486 votes cast.

At that time, Weaver was of no particular interest to federal law enforcement. But the government was keeping a close eye on violence-prone factions in the Christian Identity movement—notably The Order; the Aryan Nations; and the Covenant, the Sword and the Arm of the Lord. Paid informants frequently were used to try to infiltrate their ranks.

In the Beginning, the ATF

Ruby Ridge began, as did the February, 1993, siege at the Branch Davidian compound near Waco, Tex., with the Bureau of Alcohol, Tobacco and Firearms. Branch Davidian leader David Koresh caught the government's attention by stockpiling weapons and hand grenades in anticipation of the "end times." Randy Weaver, who shared Koresh's views on Armageddon and the evils of gun control, was snared because the ATF was interested in an Aryan Nations splinter group suspected of weapons violations.

Weaver was no stranger at the annual Aryan Nations Congress in Hayden Lake, Idaho, where attendees talked of establishing a whites-only homeland and exchanged Nazi-style salutes. Activities included a nighttime cross burning and target practice on human silhouettes that sometimes were wearing Stars of David.

At the first gathering he attended, in July, 1986, Weaver met Kenneth Fadeley, a burly ATF informant posing as a weapons dealer who catered to bikers. Fadeley jotted down the attendees' license plate numbers, but took no special notice of Weaver at first. "My job was to see who began to see Weaver as a possible entree to the Nazi group and told Fadeley to get closer to Weaver.

The two met again Oct. 11, 1989. Fadeley later testified that Weaver, who had no steady job and said that he "wanted to keep feeding his kids," asked if he could become a supplier for Fadeley's supposedly thriving gun business. Weaver asked him what weapons were most popular and when told sawed-off shotguns were in demand, replied, "Just tell me what you want and what size."

Illegal Shotgun Transaction

Thirteen days later, Weaver sold Fadeley two shotguns, their barrels cut about five inches shorter than the legal limit, for $300 and a promise of $150 more.

The ATF taped the transaction, but waited several months before going after Weaver on charges of selling the illegal guns. It was June, 1990, when ATF agent Herbert Byerly confronted Weaver at a local resort. Byerly implied that Weaver could avoid prosecution if he assisted in a Montana investigation and asked Weaver to come to the ATF's office in Spokane, Wash., the next day. According to the ATF agent, Weaver tartly replied that it was against his beliefs to become a "snitch."

The encounter reinforced the Weavers' disdain for the federal government. As Vicki Weaver wrote in a June 12, 1990, letter: "We cannot make deals with the enemy. . . . If we are not free to obey the laws of Yahweh, we may as well be dead!" The letter, later widely circulated, was addressed to the "Aryan Nations & all our brethren of the Anglo Saxon race."

Weaver was indicted that December for the illegal sale of the sawed-off shotguns. A neighbor had labeled Weaver as "paranoid" and "defensive," and the ATF decided he was "too dangerous" to be taken into custody in a normal manner.

To arrest him, ATF agents posed as stranded motorists on the snowy road to his cabin. When the Weavers stopped to help, the agents jumped him and pushed Vicki Weaver face first into a snowbank when she turned to run.

"Nice trick," Weaver said as he was being arrested. "You'll never do that again."

The gun charge was pivotal to the later events at Ruby Ridge. Without it, there would have been no months of federal surveillance, no shootings, no standoff.

Yet when it finally came to trial nearly three years later—by then a minor piece of the murder prosecution—Weaver was acquitted of the gun charge. To the jurors, it smacked of entrapment.

In notes he took after hearing the ATF testimony about the gun sale, the jury foreman, Jack Weaver (no relation to Randy Weaver), wrote: "I don't much like Weaver, his white supremacist buddies, or their views, but it is beginning to look to me a lot like much of what has happened cannot be laid at his feet."

Though Weaver had no criminal record, the gun charge was a felony and Weaver was locked up overnight in Coeur d'Alene, Idaho. He was arraigned on Jan. 18, 1991, with-

When Weaver failed to show up in February, a bench warrant was issued for his arrest.

Incensed by her husband's looming prosecution, Vicki Weaver wrote to U.S. Attorney Maurice O. Ellsworth, addressing him as "Servant of the Queen of Babylon." "The stink of your lawless government has reached Heaven, the abode of Yahweh our Yashua," said one letter. "Whether we live or whether we die, we will not bow to your evil commandments."

Officials were alarmed by Vicki Weaver's letters. Assigned to do a threat assessment, federal marshals asked ATF agent Byerly for advice on arresting Weaver. "He believes that this charge by the government against him is the beginning of Armageddon," Byerly reported. "The end of the world is coming and he is ready to make his stand in the final battle. I would urge utmost caution."

Marshals asked a couple who lived near the Weavers to intervene. After visiting the family on March 5, they reported that Weaver was still under the impression his trial date was March 20. He was convinced he would be treated unfairly and feared persecution. All five Weavers signed a letter stating they would not leave "this mountain . . . We will obey our lawgiver and King."

Assistant U.S. Attorney Ron Howen had Randy Weaver indicted on March 14, and the U.S. Marshals Service was asked to bring him in.

A Special Operation

Worried that they were facing another Gordon Kahl—the North Dakota tax resister who in 1983 shot and killed two federal marshals who were trying to arrest him—the Idaho marshals sent for the Special Operations Group (SOG), an elite Marshals Service unit that handles dangerous fugitives.

SOG hired Texas psychologist Walter Stenning to draw a psychological profile of Weaver from a case-file of existing reports. In a one-page memo, Stenning referred to Weaver as "Mr. Randall" and said that in "his best professional judgment . . . Mr. Randall and family will resist and have the means to resist all but a military type assault. Further, even with a military type assault the family will fight, possibly to the death." Stenning, who declined a recent interview request, recommended waiting to arrest "Mr. Randall" after he had left his house and was alone.

SOG's mission, eventually dubbed "Operation Northern Exposure," involved elaborate surveillance and intricate proposals, from the use of rubber bullets to charting Sara Weaver's menstrual cycle as part of a possible plan to kidnap her from the shed. The overall mission was complicated by the fact that the Weavers had children in the house, according to former U.S. marshal Mike Johnson of Boise.

In June 1991, a SOG team traveled to Idaho, assessed the Weaver case and raised the possibility that Weaver had booby-trapped his property and "set up numerous fortifications." Another SOG team was sent in September, but winter set in before any action could be taken.

PHOTOCOPY PRESERVATION

"Your lawless One World Beast courts are doomed," the Weavers said in a dispatch from the cabin that was relayed to the marshals on Oct. 12, 1991, by neighbor Alan Jeppeson. Less than two weeks later, with Randy Weaver acting as midwife, Vicki, then 42, gave birth to Elisheba in the wooden shed, henceforth known as "the birthing shed."

Pressure for Weaver's arrest mounted as spring approached. Meanwhile, news reports depicted him as a folk hero holding off the "feds" in an effort to protect his family, and friends routinely delivered supplies to the cabin. On March 27, 1992, Johnson made a last effort to get Weaver to surrender, contacting him through Jeppeson.

Weaver's response to the marshal: "Stay off my mountain."

The government set up a base at a condominium resort 25 miles away, installed solar-powered video cameras in the nearby woods to track family routines and conducted flyovers in surveillance aircraft. Eventually, an "undercover plan" to arrest Weaver was developed by Deputy U.S. Marshal Arthur Roderick of the enforcement division.

The scheme involved using two marshals, posing as husband and wife, to buy adjoining property and clear it, in the process befriending Weaver. Five two-man teams of marshals were to accompany the undercover couple on each visit to the Weavers. The teams would lurk in the woods, hoping to jump Weaver when he was alone.

By August, 1992, the marshals had conducted approximately 24 surveillance missions and compiled hundreds of hours of videotapes. But Roderick believed one more reconnaissance mission was needed before the undercover plan could be implemented. He recommended a six-man team, with three marshals acting as observers at a single post, and the others scouting the property in heavy camouflage. "Let's go get 'em," U.S. Marshal Henry Hudson said from Marshals Service headquarters in Washington.

Deputy U.S. Marshal William F. Degan, commander of SOG's Northeast Task Force based in Boston, was assigned to the scouting team. The job clearly suited Degan, a 14-year Marshals Service veteran and a specialist in tracking fugitives. He knew both Roderick and another team member, Deputy U.S. Marshal Larry Cooper. Cooper and Degan were best friends. They joined the Marshals Service the same day and went through training together. "Billy Degan and I were like brothers," Cooper said.

The three joined up at the Spokane airport on Aug. 17 and began planning the mission. SOG's commanding officer told Degan that they were to complete the surveillance "under cover of darkness" and they were ordered to not provoke a confrontation. But, at Roderick's request, Degan brought with him a sniper rifle, a .223-caliber M-16, a shotgun and a 9mm submachine gun equipped with a silencer.

At 42, Degan's work had earned him the Marshals Service's highest honors, including the director's special achievement award for helping to collar drug fugitives. A "countersniper" in SOG, Degan was also a reserve lieutenant colonel in the Marines; he'd served in the Gulf War.

At 2:30 a.m., Friday, Aug. 21, the marshals set out for Ruby Ridge. Degan hoped it wouldn't take long. He wanted to be home with his wife, Karen, and to cheer on his son, Brian, in summer youth hockey. His older son, Billy, soon would be starting at the University of New Hampshire—Degan's alma mater.

Inside the cabin, at about 10:15 a.m., the Weavers could hear their three dogs barking at something in the woods. As three armed marshals, in jungle camouflage, approached the property, Roderick testified later, he tossed rocks toward the dogs to see how they would respond.

Weaver, his 14-year-old son and Harris grabbed guns and ran outside as their yellow Lab, Striker, the only dog not chained, took up chase. Harris and Sammy followed Striker, and Randy Weaver took a parallel route along an old logging trail leading down the ridge. They had hoped it was a deer, Weaver later recounted, because only a meager ration of venison remained in the cabin.

"IF THEY THINK THAT WE ARE GOING TO TRUST THEM (WE DIDN'T TRUST THEM BEFORE THEY SHOT US), THEY'RE CRAZY!"

–Handwritten statement of the surviving Weavers, Aug. 26, 1992

Striker was hot on the marshals' trail. The three had no identifying badges or headgear and none was wearing a bulletproof vest. Given that there had been so many previous marshal excursions to the Weaver property, and that this time they came so close to the cabin, an FBI critique later pointed out, detection was "almost certain."

The marshals darted down another leg of the logging trail that intersected with the trail Weaver had taken, at a spot called the "Y." He was headed straight for them when one of the marshals spotted him. They said they identified themselves as U.S. Marshals right away. Weaver said all he heard was a man yelling, "Freeze, Randy!"

"[Expletive] you!" Weaver replied. Hurrying back toward his cabin, he said he heard a gunshot and Striker's yelps.

What happened at the "Y" would later be contested on every point in the federal courtroom where Weaver and Harris were tried and eventually acquitted of murdering Degan. The government contended that the first shot came from Harris and hit Degan. But most jurors, according to interviews after the trial, concluded that Striker was hit by the first bullet, which came from Roderick's weapon.

When Sammy saw Striker hit, he cried, "You shot Striker, you son of a bitch!" according to a statement Harris dictated inside the cabin a few days after the shootout. Harris, who later gave substantially the same account to the FBI, said one of the marshals pointed a gun at Sammy, and the boy opened fire with a .223-caliber mini-14 rifle. Sammy narrowly missed Roderick, and the other marshals began firing.

Further up the hill, Randy fired his shotgun into the air and yelled for his son to run home.

Weaver said that "I'm coming, Dad!" were the last words he ever heard from Sam.

"I took cover behind a stump and Sam headed up the road toward home," Harris said. "The men were still shooting at Sam, so I shot one of the sons of bitches."

Sammy Weaver, a slight target who weighed less than 80 pounds, had been hit twice. He died from a 9mm bullet to the back that pierced his heart.

At the cabin, Harris told Randy Weaver that his son was dead. At the "Y," about a half-mile away, the marshals huddling around Degan's body heard cursing, a woman shouting "Yahweh" and gunshots from the top of the hill. Friends and family members later said the shots came from a grief-stricken Randy Weaver, firing into the sky.

Word quickly reached Washington that a federal marshal had been murdered and that others were "pinned down" by continuing fire from armed fanatics. By late afternoon, the FBI's hostage rescue team—51 anti-terrorist snipers and assault commandos—was mobilized.

The tragedy of Ruby Ridge had just begun.

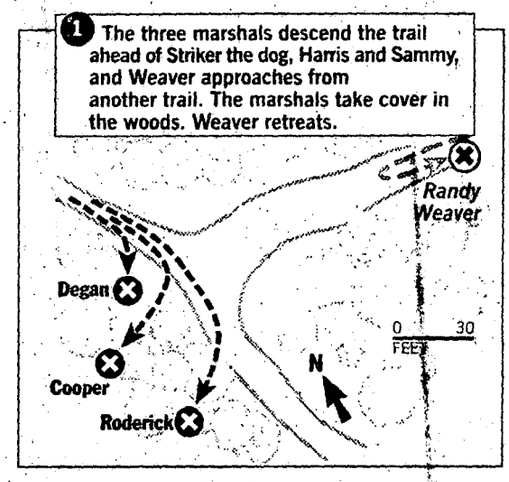
NEXT: The Siege

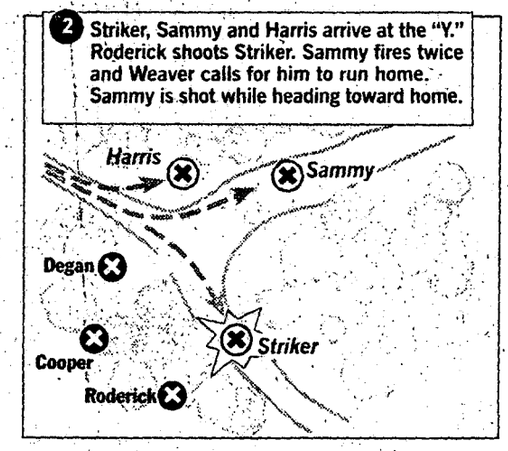
PHOTOCOPY PRESERVATION

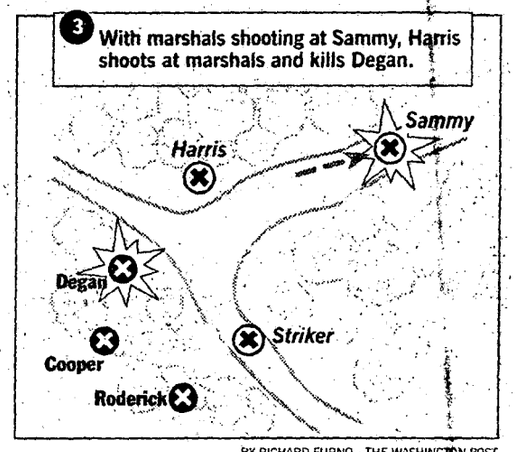
STANDOFF AT RUBY RIDGE

SHOOTOUT AT THE 'Y'

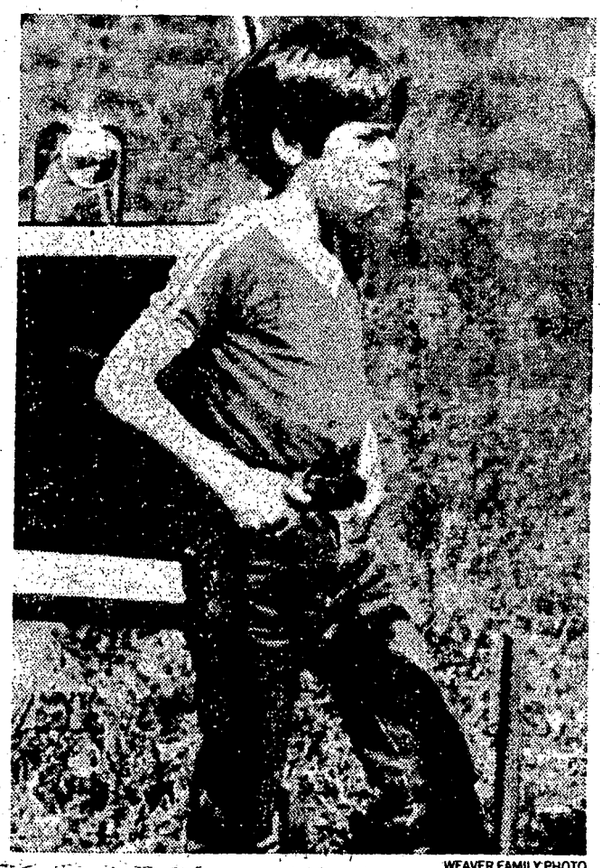
On August 21, 1992, U.S. marshals William Degan, Arthur Roderick, and Larry Cooper encountered Randy Weaver, his 14-year-old son, Sammy, and Kevin Harris in the woods a half-mile from the Weaver home. Here's how the confrontation, which left a marshal, a boy and a dog dead came to pass, according to evidence that persuaded jurors to acquit Weaver and Harris.





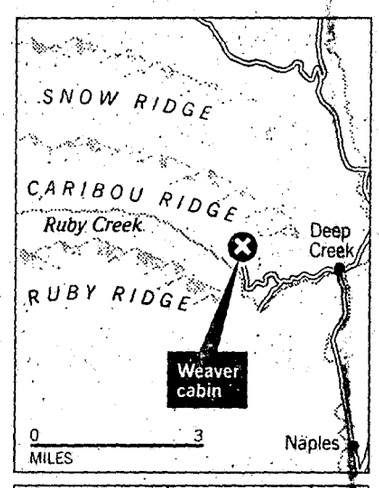


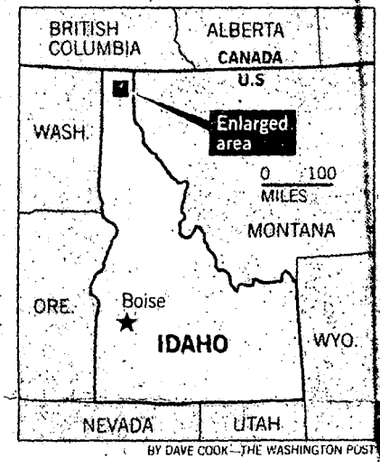
BY RICHARD FURNO—THE WASHINGTON POST



WEAVER FAMILY PHOTO

Samuel Hanson Weaver *Randy Weaver's son was about 10 in this 1988 photo. The siege took place on Caribou Ridge, not Ruby Ridge.*





BY DAVE COOK—THE WASHINGTON POST

PHOTOCOPY
PRESERVATION

PHOTOCOPY PRESERVATION

STANDOFF AT RUBY RIDGE

Second of three articles

Siege Guided by Hastily Revised Rules of Engagement

By Richard Leiby
and George Lardner Jr.
Washington Post Staff Writers

The FBI's Sabreliner jet creased the night sky, speeding west toward an Idaho mountainside where a team of federal marshals lay huddled with a dead comrade. On board, law enforcement officials discussed alarming reports of the dangers ahead.

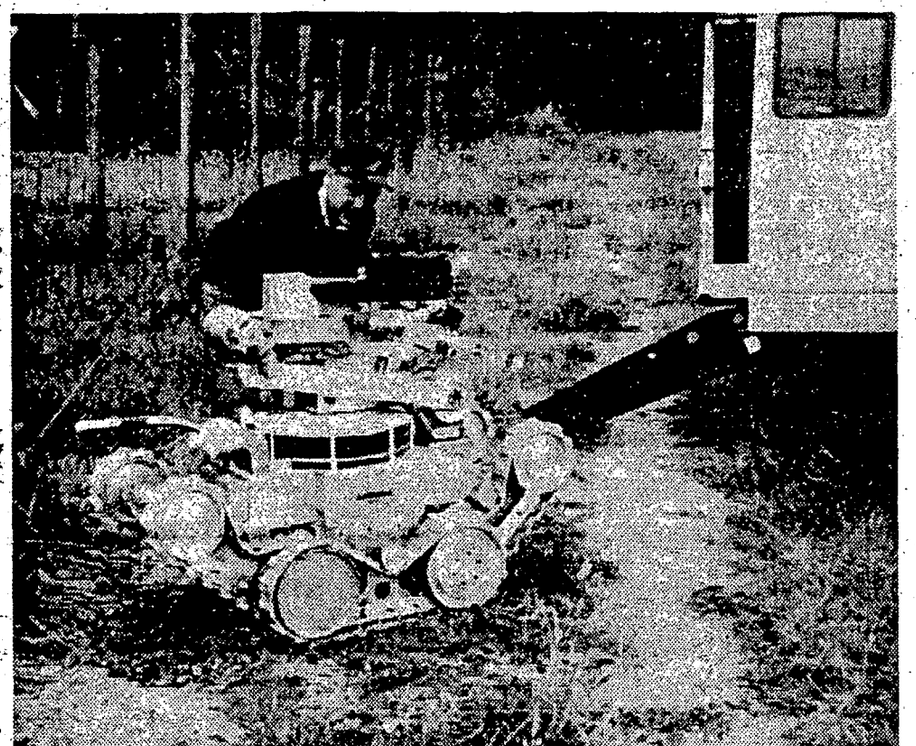
Passenger Duke Smith, deputy director of the U.S. Marshals Service, told his FBI colleagues that marshals had been trying to figure out a way to arrest an ex-Green Beret named Randy Weaver on a weapons charge when a fierce gunfight erupted near Weaver's cabin at Ruby Ridge. Deputy U.S. Marshal William Degan had been shot dead. Other marshals were still "pinned down," and Smith warned of possible booby traps and bunkers around the cabin. Weaver's 14-year-old son, Sammy, had also been killed, but reports reaching Washington hadn't mentioned that.

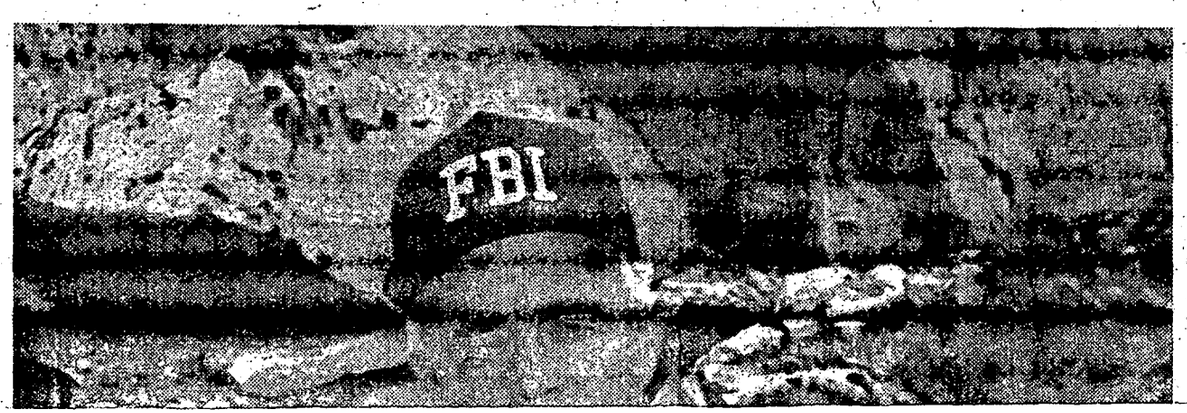
During the flight, Richard Rogers, commander of the FBI's sharpshooting Hostage Rescue Team (HRT), and three of his aides listened intently and talked by telephone with the man in charge at FBI headquarters in Washington, Assistant Director Larry Potts. Rogers later testified it was his impression that a firefight was either "still in progress" or there was "sporadic gunfire . . . through the evening" as the armed Weaver family held off law enforcement. Marshals Service officials in Washington insisted that Degan had been hit by shots fired directly from Weaver's "fortress-like" cabin.

It was Aug. 21, 1992. What happened during that five-hour flight would lead to a controversy that is still shaking the FBI. On board, Rogers drafted unprecedented "rules of engagement" for his sniper teams. These shoot-on-sight orders, later deemed illegal and unconstitutional in a Justice Department review, are now

See RUBY RIDGE, A14, Col. 1

STANDOFF AT RUBY RIDGE





Perimeter Views: *A telephone-equipped robot, top left, was sent to the cabin by remote control, but the Weavers refused to approach it. Protesters gather about three miles from the cabin. The FBI's Eugene Glenn, left, announces a wounded Kevin Harris's surrender.*

"THEY FOLLOWED THE LAW. THEY FOLLOWED THE POLICY. THEY FOLLOWED THE CONSTITUTION, WITH THE OBJECTIVE OF PROTECTING

PHOTOCOPY PRESERVATION

THE PEOPLE WHO WERE GOING TO KILL THEM."

—FBI Director Louis J. Freeh, Jan. 6, 1995 press conference

RUBY RIDGE, From A1

the focus of a criminal investigation, and have led to allegations of coverup and the suspensions of five top FBI officials, including Potts. It still is unclear who at FBI headquarters knew about or approved the orders. Documents that might have answered that question apparently have been shredded.

Rogers later testified that during the flight to Idaho, he formulated rules stating that any armed adult seen near the Weaver cabin "can and should" be killed without warning, and that Potts "fully concurred."

The instructions were a sharp departure from FBI policy, which restricts use of deadly force, but the change was to address what FBI officials regarded as a highly unusual life-threatening mission. Potts later called Ruby Ridge "the most dangerous situation" the anti-terrorist team had ever encountered.

But the threat was overblown. There were no booby traps, no pipe bombs, no bunkers or tunnels, no sophisticated arsenal, no shots from the cabin, as had been alleged during the day. As Deputy Attorney General Jamie S. Gorelick said last April after reviewing a 542-page Justice Department report on the Ruby Ridge incident: "Although [Weaver] was dangerous, the repetition of these exaggerations to the FBI led to a higher threat assessment than otherwise might have been made."

After the FBI arrived at Ruby Ridge, things only got worse. The next day, an FBI sniper shot and killed Weaver's wife, Vicki, as she was standing in the cabin doorway, holding her baby daughter. FBI Director Louis J. Freeh defends that shot as legal and says Vicki Weaver's death was a "tragic accident." Randy Weaver and a friend, Kevin Harris, also were wounded.

The Justice Department recently agreed to pay Weaver and his three surviving children $3.1 million to settle their wrongful death claims, saying it hoped to begin to "heal the wounds" of the bloody siege. Some of the jurors who heard and rejected the government's 1993 murder case against Weaver and Harris for the

ASSOCIATED PRESS PHOTOS

changed rules of engagement, which Rogers testified later "clearly reflect[ed] what I know I had approved through our chain of command."

The HRT's deputy commander, Stephen P. McGavin, jotted them down:

"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.

"If any adult male is observed prior to the announcement, deadly force *can and should* be employed—If a shot can be taken without endangering the children."

Those rules went far beyond bureau policy, which

By that time, about three miles away from the cabin, protesters who supported the Weavers—from gray-haired friends and neighbors to rowdy young skinheads—began gathering and taunting lawmen at a roadblock along the mountain's two-lane highway.

"Which one of you is going to shoot the baby?" one demonstrator yelled as military Humvees rumbled by.

Second Engagement

It had just begun to rain late Saturday afternoon when sniper Lon T. Horiuchi and 10 other FBI marksmen sneaked into their positions around the Weavers'

At 6:12 p.m., an agent in Washington made this official notation in the FBI's crisis log: "Glenn [the on-scene commander] advised that within the last ½ hour, FBI helicopter, flying over the subject's house, had drawn fire from within the house. Thereafter, shots were exchanged between subject(s) in the house and snipers."

The entry was false. "The erroneous entry," a Justice Department task force later observed, "was never changed."

Word quickly spread to the media that the gun battle had recommenced. "We all heard reports of a shooting on Saturday from great government sources, saying

PRELUDE TO A SIEGE

- **RANDY WEAVER SELLS** a federal informant two sawed-off shotguns in October 1989. The Bureau of Alcohol, Tobacco and Firearms tapes the exchange and in June 1990 tries to use it to convince Weaver to become an informant. After Weaver refuses, he is indicted on a gun charge in December.
- **WEAVER MISSES** a February 1991 court date and U.S. marshals are asked to apprehend him. The Weaver family refuses to leave its ramshackle cabin. Marshals begin 18 months of surveillance and planning.
- **MARSHALS LAUNCH** a reconnaissance trip to the Weavers' cabin Aug. 21, 1991. Armed marshals wearing camouflage approach the cabin, alerting the Weavers' dogs.
- **GUNFIRE BREAKS OUT** in the heavy woods. The first shot from a marshal kills the Weavers' dog, Striker. Deputy U.S. Marshal William Degan and Weaver's 14-year-old son, Sammy, are killed in the ensuing gunfight.

the jurors who heard and rejected the government's 1993 murder case against Weaver and Harris for the killing of the U.S. marshal say law enforcement actions at Ruby Ridge were such an excessive display of federal authority that they wonder why no one in the FBI has been prosecuted.

"I had no idea my government was capable of this sort of thing," said jury foreman Jack Weaver (no relation to the defendant), one of several jurors who have spoken out against the government's conduct. "I feel they [the FBI] really broke the law. . . . If they can do that to Randy Weaver's wife, they can do that to my wife, and they can do that to my kids."

What emerges from government records, court testimony and recent interviews is a trail of official miscommunication and misinformation, leading to a massive law enforcement response. That weekend, between 300 and 400 officers—from federal, state and local agencies, and the National Guard—had set up camp in a meadow below the Weaver cabin.

Holed up in their ramshackle cabin, the Weavers possessed a total of 14 rifles and handguns. Their ranks included Weaver, then 44, a racist jack-of-all-trades who had completed Army Special Forces training but had never seen combat; Harris, 24, a friend whom the family had taken in as a teenager; Vicki, 43, who was nursing 10-month-old Elisheba; Sara, 16; and Rachel, 10. All knew how to shoot and routinely carried weapons.

But after Aug. 21, when Degan and Sammy Weaver were killed, the family never fired another shot. Government spokesmen would tell the media—and the FBI would record in its official log—that the Weavers had fired at an FBI helicopter on Aug. 22, prompting its sniper to shoot at them. That was not true, a Justice Department task force would later emphasize.

Going by New Rules

Rogers arrived at the meadow staging area near dawn. He did not talk directly to the marshals involved in the shootout about what happened. Neither did Eugene Glenn, special agent-in-charge from Salt Lake City, who had been designated on-site commander.

By now, both Rogers and Glenn were operating under the rules of engagement they said had been approved by Washington. Rogers said he was satisfied that Randy Weaver had "clearly demonstrated that he was willing to shoot at federal officers."

When Rogers's men and FBI SWAT teams arrived, he briefed them at a National Guard Armory in nearby Bonners Ferry. His instructions to them included the shot can be taken without endangering the children."

Those rules went far beyond bureau policy, which states that agents cannot use deadly force except to prevent death "or grievous bodily injury" to themselves or others. Agents are required to give verbal warnings, whenever possible, before shots are fired. The rules Rogers had drafted gave them a license to kill. "You've got to be kidding," one SWAT team member declared upon hearing them.

FBI field commander Glenn faxed a copy of an overall operations plan to FBI and Marshals Service headquarters in Washington around 12:15 p.m. (PDT) Aug. 22, he later said in an affidavit. He said the plan included a written copy of the rules of engagement and that "they approved the plan" about 15 minutes later. The plan contemplated ramming outlying structures and sending tear gas into the cabin if surrender announcements were ignored.

Potts's deputy, Danny Coulson, was in charge at FBI headquarters' Strategic Information and Operations Center when the operations plan came in. Coulson said he stopped reading it after the first page, when he saw it lacked a strategy for negotiating with Weaver. He asked Glenn to add one. Coulson told reviewers that he never saw the rules of engagement.

Potts had been on duty for 30 hours and was at home by the time the plan arrived. Coulson called him and told him he had insisted upon revisions in the plan. Potts agreed. At 4:50 p.m. Glenn faxed back a negotiations option.

In a June 1994 report, a Justice Department task force said it could find no one at FBI headquarters who "claims to have seen the rules as written," but added that it was "inconceivable to us that FBI Headquarters remained ignorant of the Rules of Engagement" during the four days they remained in effect.

At about 12:30 p.m., Glenn said, he was told "I believe by Assistant Director Larry Potts, that the ROE [rules of engagement] were approved as formulated."

But Potts told an FBI shooting review team that he approved only rules saying any armed adult "*could* be the subject of deadly force." He has stated explicitly that he did not use the word "*should*." Coulson took a similar position. (Both have since been suspended as part of the ongoing Justice Department investigation.)

As the assault teams prepared to move up the mountain, Rogers told the group that this would be "no long siege," according to FBI hostage negotiator Frederick Lanceley. Lanceley told Rogers he understood there would be no "negotiation effort" before the assault began. Lanceley said Rogers replied, "Good."

when sniper Lon T. Horiuchi and 10 other FBI marksmen sneaked into their positions around the Weavers' cabin. Horiuchi put on a rain jacket and perched his Remington 700 rifle, with a 10-power scope, on a pine tree branch. Horiuchi, who could hit a quarter-inch-size target at 200 yards, was about that distance from the cabin, and he trained his eye on the door, watching for movements. As he later testified, "The decision that we were already in danger had already been made for us prior to going on the hill."

At about 5:45 p.m., 16-year-old Sara Weaver came out of the house. Horiuchi saw her but held his fire, and she went back in. The family's two surviving dogs started barking. A few minutes later, Sara reemerged with Harris and Randy Weaver, all of them carrying guns. And as cabin residents always did when strangers approached, the three ran out to a rocky outcropping that commanded a clear view of the twisting road.

"We didn't see anything," Randy Weaver said in a statement composed in the cabin four days later. Weaver decided to go to the nearby shed where the family had carried Sammy's body. He wanted "to see him one last time," he said.

As Weaver raised his arm to unlatch the shed door, Horiuchi fired. The sniper later testified that he thought the man was preparing to shoot at a helicopter that carried four federal officials. But Weaver had his back to the helicopter and couldn't have fired at it.

Horiuchi's first shot hit Weaver in the back of his upper right arm. "Momma, I'm hit," Weaver cried.

Vicki Weaver rushed to the door, cradling Elisheba in her arms. "Get in here!" she shouted, holding the door ajar. Weaver and Sara made it in first, and Harris followed. As Harris ran, Horiuchi put his cross hairs on a windowpane in the door, about a foot ahead of the moving target.

Horiuchi fired again, just as Harris crossed the threshold. Horiuchi testified that he fired even though he realized that someone was behind the door. The marksman said that he "wasn't shooting at the individual behind the door; I was shooting at Mr. Harris."

The bullet shot through the curtained window, producing a cloud of glass that an FBI lab expert described as "very similar to a burst of baby powder." It blasted into Vicki's right cheek, severed her carotid artery, exited and sped through Harris' left bicep, tearing a lung and lodging in his chest.

The mother clutched her baby as she fell, screaming for about 30 seconds before she died.

Word quickly spread to the media that the gun battle had recommenced. "We all heard reports of a shooting on Saturday, from great government sources, saying that the family had come out and fired at a helicopter," recalled Jess Walter, a Spokane Spokesman-Review reporter who has written a book about the Weaver case, titled "Every Knee Shall Bow."

Around 6:30 p.m., using a loudspeaker in an armored personnel carrier, the FBI made its first surrender announcement to the bloodied family inside the cabin.

The Justice Department task force called the delay "inexcusable and unjustifiable." Even after Horiuchi's first shot, the report said, "the subjects were never given a chance to drop their arms to show that they did not pose a threat. The subjects simply did what any person would do under the circumstances: they ran for cover."

The Uncertain Sharpshooter

After the unexpectedly cold weather drove the snipers from their positions that night, Rogers pulled Horiuchi aside and asked him what happened. The HRT commander said Horiuchi told him he had fired two shots "and thought maybe he had wounded one, because he thought he saw an individual flinch with one of the shots.

"Of course, at that point," Rogers said, "I was a little bit concerned about how could one of my snipers take these shots and miss. . . ."

FBI officials insist they did not know until later that Vicki Weaver—or Sammy Weaver, for that matter—were dead. The marshals who stayed with Degan's body said they never saw Sammy's. The agents continued planning over the Aug. 22-23 weekend, commissioning a report from FBI behavioral scientists in Quantico on how to deal with the crisis.

The hurried assessment, delivered to on-site commanders Monday, Aug. 24, depicted Vicki Weaver as the decision-maker and asserted that she could be expected to kill her children and commit suicide rather than surrender. The basis for this conclusion is unclear, but it may have stemmed from her outspoken letters.

The negotiators were deployed to the scene in an armored personnel carrier after the shooting. They frequently called out to Vicki Weaver with bullhorns trying to establish communication. Down the meadow, the FBI put up a signpost to the base, "Camp Vicki," it said.

PHOTOCOPY PRESERVATION

STANDOFF AT RUBY RIDGE

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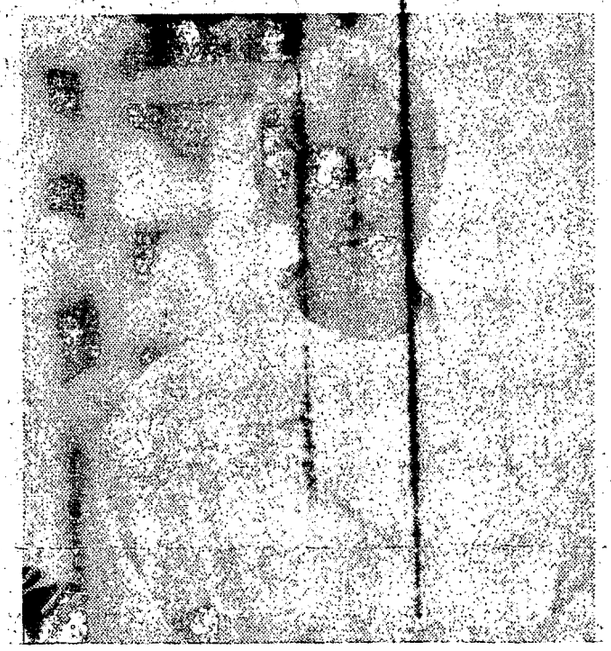


Aftermath: *Federal agents invite journalists to survey the Weaver property the day after the standoff ended. The FBI said the guns and ammunition were found in the cabin. Randy Weaver, right, during a court appearance a few days later at the Federal Building in Boise.*

PHOTOCOPY
PRESERVATION

appearance a few days later at the Federal Building in Boise.

All-terrain vehicles moved up and down the trails and underbrush, repeatedly running over the carcass of Striker, the dog shot by a marshal in the Aug. 21 gunfight. The outhouse was demolished by an armored personnel carrier, but the discovery of Sammy Weaver's body Sunday night in the so-called birthing shed halted the removal of other structures.

Inside the cabin, Elisheba wailed constantly for her mother's milk, and the older girls fed her with syrup from canned apricots. Ten-year-old Rachel became a round-the-clock babysitter, friends said, while her older sister Sara used cayenne peppers, hydrogen peroxide and other remedies to treat the wounded.

From the perimeter, FBI negotiator Lanceley spoke to the Weavers through a loudspeaker mounted in a 750-pound robot that had been sent to the cabin by remote control. He urged the cabin's occupants to pick up a telephone installed inside the robot. But the Weavers feared they would be killed if they approached it—Weaver had noticed the 12-gauge shotgun mounted on top of it.

That Monday, James G. "Bo" Gritz, a widely known ex-Green Beret and hero of the militia movement, received a call from the FBI asking him to tape an audio message to Weaver because, according to Gritz, they were in "a siege situation."

He said he had never heard of Weaver until that week. Then running a populist campaign for president and visiting Phoenix, Gritz agreed and dictated his thoughts over the phone, urging Weaver to not do anything rash and promising to come to Ruby Ridge to help.

Inside the cabin, family members were afraid even to poke their heads above window level. The FBI began psychological warfare tactics—including the bright lights and amplified taunts that Rogers and his men later would employ in 1993 during the long standoff with the Branch Davidians near Waco, Tex.

"Good morning, Mrs. Weaver," the loudspeaker blared at one point. "We had pancakes this morning. What did you have for breakfast?"

Gritz showed up at the scene on Wednesday, Aug. 26. Initially, he said, the FBI refused to let him speak to Weaver. On Friday, the agents relented.

The ex-Green Berets first spoke to each other through the thin cabin walls. The FBI was listening: Gritz was wired and there were electronic bugs planted at the cabin.

"They killed Vicki and they're keeping it a secret," Gritz said Weaver told him in that first conversation on Aug. 28.

Gritz went down the hill and reported to HRT commander Rogers. Gritz remembers Rogers telling him, somewhat apologetically it seemed, that Vicki had been "targeted" because the FBI feared she would kill her children rather than surrender.

"I'll never forget it," Gritz said in an interview. "I thought, 'My God!' I just accepted what he said."

"I AM VERY, VERY PROUD... PARTICULARLY [OF] THE HRT SNIPERS."

—FBI Director Louis J. Freeh, Jan. 6, 1995 press conference

Rogers declined through his lawyers to comment. But they said in a statement that "the FBI never prepared nor did Richard Rogers ever discuss a plan for snipers to 'target' Vicki Weaver for the use of deadly force."

Gradually, Gritz persuaded Weaver to let the wounded Kevin Harris surrender. He was coughing up blood and Gritz feared he was going to die. Even so, "Kevin Harris kept saying, 'Bo, I can't leave the family,' " Gritz recalled. On Sunday, Aug. 30, he relented and came out.

Weaver then agreed to let Gritz take out his wife's body. With Weaver's help, Gritz put Vicki Weaver's body in a bag, after removing her holstered 9mm pistol. They left the cabin by a back stairway. Jackie Brown, a friend of Vicki Weaver's who had been allowed into the cabin, grabbed some towels and two five-gallon buckets of water and scrubbed the blood and body tissue from the kitchen they had dragged Vicki's body through. It took Brown almost an hour.

Weaver and his daughters, especially Sara, were adamant: They wouldn't leave.

That same day, Gritz recalled, "Dick Rogers came over to me and said, 'Bo, tomorrow it's over. If you don't get them to come out and surrender, we're taking them out.' "

The standoff ended before it came to that. Weaver was "still vacillating," Gritz said, when he delivered two pieces of encouraging news the next day. One was a message that Weaver told Gritz to slip under the door. The gist of the message, signed by four skinheads on the protest line, was: "Randall, we don't want you to die. . . . Battle on and go through the court system."

Gritz also told Weaver that renowned Wyoming defense lawyer Gerry Spence would represent him in court.

After getting the note, Weaver "took four or five minutes, then he opened the door," Gritz recalled. "He told the girls, 'We're going.' "

NEXT: Weaver—and the government—stand trial.

PHOTOCOPY
PRESERVATION

IG ROBERTS

ots of the tragic encounters

On Jan. 30, FBI Director Louis J. Freeh took issue in a letter to the editor with separate columns written by myself and James Bovard detailing FBI misconduct at Ruby Ridge, Idaho, where Randy Weaver's wife, Vicki, was killed in contravention of constitutional restraint on the use of deadly force by U.S. officials. Mr. Freeh, who was obviously uninformed, or misinformed by agency officials, dismissed my call for a congressional inquiry as "inflammatory and unfounded allegations."

Now that Senate hearings are about to begin, Mr. Freeh expresses himself to be shocked and grieved by the participation of senior FBI officials in a coverup of the agency's misdeeds.

Both at Ruby Ridge and Waco, Texas, innocent citizens were attacked with deadly force and slaughtered in an insane overreaction by U.S. law enforcement officials to petty infractions. It was equivalent to being machine-gunned by a highway patrolman for driving 5 miles over the speed limit.

Indeed, it is worse than that. In Randy Weaver's case, it is equivalent to being badgered and entrapped into driving 5 miles over the limit and machine-gunned for the "offense," and, in David Koresh's case, being falsely accused of driving 5 miles over the limit and machine-gunned before anyone could find out the truth.

The agents who entrapped Mr. Weaver must be identified, indicted and tried. Their illegal action has resulted in the deaths of three people and brought utter disgrace to a once-proud FBI.

The public has lost sight of the totally gratuitous origins of both deadly tragedies. This is due both to the mistaken focus of the recently concluded House hearings on Waco and to uninformed media coverage, such as Newsweek's Aug. 28 cover story, "What Went Wrong at Ruby Ridge," which, in effect, just contributes to the coverup.

Both the House hearings and the media have focused on miscalculations by federal officials after the respective standoffs were under way. At Ruby Ridge, unconstitutional rules of engagement, which allowed FBI snipers to shoot to kill without cause, have been made the issue. At Waco, it is the Clinton administration's flawed judgment in permitting the use of chemical weapons and tanks against women and children and the Bureau of Alcohol, Tobacco and Firearms' decision to attack the compound with armed agents after the element of surprise was lost.

As inexcusable as these decisions were, they are not themselves the origin of the tragedies. Both tragedies originated in felonies committed by U.S. law enforcement officials.

The tragedy at Ruby Ridge began when federal agents badgered Randy Weaver into cutting off two shotgun barrels one-fourth of an inch below the legal length. They entrapped Mr. Weaver because they wanted the leverage of the "infraction" to force him to join the Aryan Nation as a government informer. When Mr. Weaver refused, he was prosecuted for the infraction that the agents provoked, but sent a wrong court date.

This is the factual background that led to the surprise encounter in the woods surrounding the Weaver cabin between U.S. Marshals, Mr. Weaver's 13-year-old son, Weaver family friend Kevin Harris and the family dog. Both sides claimed to have been ambushed. The marshals killed the dog, shot the boy's arm off, and as the boy ran back to the cabin, shot him in the back, killing him. Kevin Harris killed one of the marshals, later ruled self-defense by an Idaho jury.

The report of the marshal's death was accompanied by self-serving disinformation that triggered the FBI's overreaction and subsequent coverup of its misdeeds. The gratuitous deaths and ruined FBI careers are the direct consequences of the illegal entrapment by federal law enforcement agents whose agenda was to turn Randy Weaver into a spy.

The Supreme Court has defined entrapment as "the conception and planning of an offense by an officer, and his procurement of its commission by one who would not have perpetrated it except for the trickery, persuasion or fraud of the officer."

The agents who entrapped Mr. Weaver must be identified, indicted and tried. Their illegal action has resulted in the deaths of three people and brought utter disgrace to a once-proud FBI.

The Waco catastrophe began with the perjury of the BATF agent who concocted the false affidavit in order to secure the warrant for David Koresh that the BATF then used as the excuse for its ill-fated military-style assault on the Branch Davidian compound.

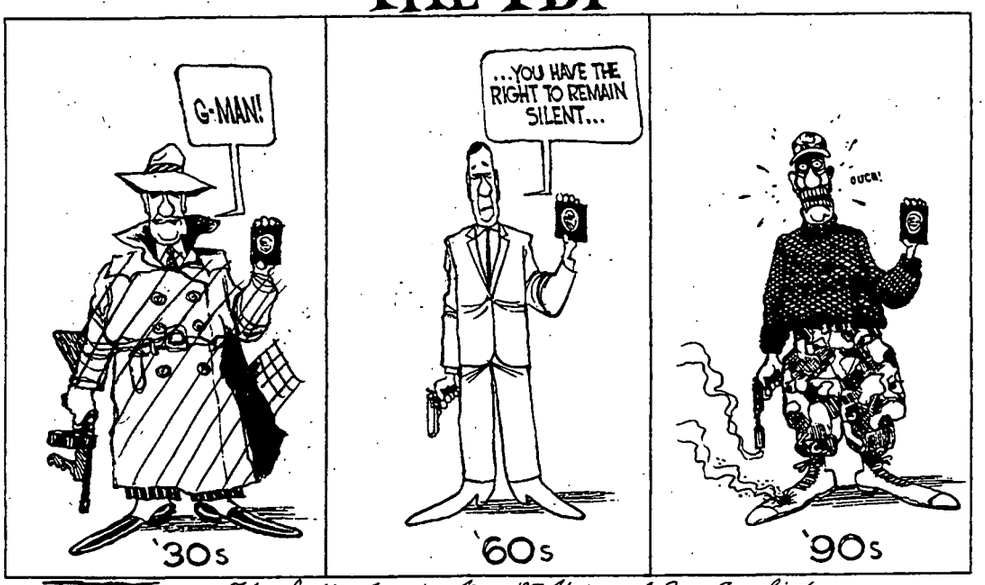
Criminologists David Kopel and Paul Blackman in a paper presented in November at the annual meeting of the American Society of Criminology examined the evidence and concluded: "No probable cause was established by the evidence presented to justify the raid and search."

The BATF agent responsible for the affidavit must be indicted for perjury and tried, and the assistant U.S. attorney who may have abetted him and the magistrate who granted the unwarranted warrant should find themselves under oath before a congressional hearing.

The Ruby Ridge and Waco tragedies did not originate in the FBI's rules of engagement or Attorney General Janet Reno's deplorable judgment. They originated in illegal actions by low-level agents with their own agendas. Their crimes have gone unpunished.

Paul Craig Roberts is a columnist for The Washington Times and is nationally syndicated.

THE FBI



The Dallas Morning News, '95, Universal Press Syndicate

SAMUEL FRANCIS

Limited cover-up inquiry?

Last week the moving finger of the federal leviathan flickered, pushing a check for $3.1 million into the hands of Randy Weaver and those remaining members of his family that the leviathan's fist has not yet smashed into their graves. The payment, which the munchkins of the leviathan were quick to say does not constitute an admission of wrongdoing or legal liability, was intended simply to shut Mr. Weaver up and make him go away.

The Weaver case is less well known than the other federal fiasco of the decade at Waco but perhaps even more outrageous. Entrapped by agents of the Bureau of Alcohol, Tobacco and Firearms into selling them shotguns sawed off just beyond the legal limit, the white separatist, who lived in an isolated Idaho cabin, was the victim for 18 months of government spying, harassment and finally lethal physical assault by the Marshal's Service and the FBI in 1992.

Both Mr. Weaver's son and his wife were killed by federal agents, and he and a companion, Kevin Harris, were then charged with murder (for the killing of a deputy marshal after the marshals had killed the Weaver's dog). Both were acquitted, but not before the court found that the FBI itself had tampered with the evidence. Now, the Justice Department is proceeding with yet another investigation of the attack and possible bureaucratic shenanigans to prevent the truth from coming to light.

For the latter task, the leviathan can depend on forthcoming Senate hearings chaired by that champion of the people, Sen. Arlen Specter, Pennsylvania Republican, best known to history as the author of the Warren Commission's "single bullet" theory. Mr. Specter will perhaps perform an encore in which he proves that the same bullet killed Mrs. Weaver and her son on different days.

But whatever he proves, Mr. Specter hastens to assure us that he will "be very careful that we do not interfere with any ongoing investigations," such as Justice's inquiry into a possible cover-up by the FBI of internal destruction of documents about who gave what orders at the Weaver siege. Mr. Specter says the Justice Department has asked him very politely to steer clear of any such matters in his hearings, now scheduled for September.

How sweet. What exactly does Mr. Specter think he and his committee are going to investigate? That two innocent people were killed at the Weaver cabin? That neither of them nor Mr. Harris ever did anything wrong at all? That Mr. Weaver is guilty at most of minor and largely technical legal infractions? But everyone knows that already. The only thing left to investigate in the Weaver case is precisely what Mr. Specter has assured the Justice Department he won't be investigating.

The mind reels as it contemplates what history might have been had earlier congressional leaders complied with similar requests from munchkins about other congressional investigations of executive branch boondoggles: "Dear Sen. Ervin: Please don't bother to investigate the possible planning and cover-up of illegal activities by the Nixon White House. There's an ongoing investigation of all that. Just stick to discussion of the Watergate burglary, the perpetrators of which are already in jail."

"Dear Mr. Chairman: Please don't bother to investigate Whittaker Chambers' allegations of espionage by Alger Hiss and friends. There's an ongoing investigation of all that. Just stick to discussion of Mr. Chambers' claims about communist cells in the government."

It is precisely the purpose of the investigative powers of Congress to inquire into the competence and integrity of the executive branch. It's a power that dates back to the English Parliament of the 16th century, and it's part of the reason we are a republic, not a monarchy. When Parliament gained the investigative power, the English kings knew their days were numbered, that they could no longer tell the peons that what we, the kings, do is none of your bloody business, we're investigating it ourselves, and we'll let you know what we want you to know when we want you to know it.

Without rigorous exercise of the investigative power, Congress cannot know what the executive branch has done, or whether it's done it well or honestly, and unless Congress knows that, it is unable to pass laws or authorize money that allows the executive to do whatever it is the executive does. In the Weaver case, what the executive branch did is well worth knowing and well worth stopping forever. It's worth a good deal more than $3.1 million, and even if Mr. Specter is afraid to expose it to the light of day, Americans need to know all about it.

Samuel Francis is a nationally syndicated columnist.

ngton Times
, AUGUST 29, 1995

Policies that engendered risks

GEORGIE ANNE GEYER

One of the most touching tributes I have seen in 20 years of observing Washington came from 16-year-old Sarah Frasure after the tragic death of her respected diplomat father in Bosnia.

At the military chapel near Arlington National Cemetery last Tuesday, a tearful but dignified Sarah first voiced her regrets to the audience, which included many of those dignitaries who sent Robert Frasure up that muddy, dangerous mountain road. "I took him for granted," she said. "I never told him I loved him."

What on Earth were our diplomats doing trekking back and forth between Sarajevo and Belgrade with yet another peace plan?

Then she voiced some very important words, ones that this insouciant and careless administration ought to ponder. "One question I will always ask myself is, 'Why?'" she said, speaking before his flag-draped coffin. "I know I will never have the answer to my question."

Well, without being pompous, Sarah, I think we can begin to answer that question. But the truth of his death — and that of the two other equally valiant Americans who were with him — is no more pleasant than the view from that ugly mountain road. So let us first pose other questions:

•Why exactly were any American diplomats or military men forced to skulk around on obscenely dangerous roads — going too fast under lethal conditions to avoid Serbian artillery fire — and all because the Sarajevo airport, against all agreements, was cynically closed by the Serbs? Are we a respected world power or are we not?

Any general who would put his or her troops into such thoughtless danger, when military means were at hand to avoid it, should be court-martialed.

•From a Washington Times editorial: "The inevitable question here — the question that Mr. Clinton ought to be pondering for the remainder of his vacation — is of course, what on Earth were our diplomats doing trekking back and forth between Sarajevo and Belgrade with yet another peace plan? We have been at this for four years now and have never yet succeeded in pressing the Serbian leadership to accept the existence of a Bosnian state in any shape or form."

What makes it worse, Sarah, is that the administration your father served so loyally never, ever learns. This summer, when the Croatians rallied and took the Krajina area away from the Serbs, the world had a unique chance finally to end this ugly conflict. But the Clinton folks cannot move out of their mind-set.

They were still unable to grasp the fact that you build for peace on military victory and military victory alone, and so, instead of using American power to defeat the Serbs, they continued to try to woo those same Serbs with hapless "peace programs" and to partition the Bosnia of the victims. But they themselves didn't go; they sent your father.

I feel so strongly about this, Sarah, because, first, I have covered the former Yugoslavia — and the Croatian and Bosnian wars — since 1989. There is no question in my mind that the Serbs started this war as early as the planning stages of the late 1980s, and that it will end only with their defeat.

Second, I once had the pleasure of sitting next to your father and mother at a small dinner at the Bosnian Embassy here. The quintessential tall, dark and handsome diplomat, your father was also one of the smartest and most thoughtful diplomats I have met. He struck me in his thinking as the very opposite of the Clinton people: He was practical, he judged human nature correctly, and he saw that power, in order to be used wisely, must be used effectively. In short, weakness begets its own destruction.

Unless I am wrong, he disagreed with this policy of wooing the Serbs in order to "bring peace." Indeed, such a policy only gives them more energy to go on killing people. We know that in his last memo to the State Department, he wrote, "We need to decide what waterfall we want to go over."

But this administration cannot decide which diplomatic or military waters it wants to ford — in Bosnia or, for that matter, anywhere. It is characterized by a utopian, pseudo-therapeutic and essentially reactive view of the uses of U.S. power. And so it puts its men and women in unnecessary danger in a world in which others will gladly use their power.

And that, Sarah, is "why."

Georgie Anne Geyer is a nationally syndicated columnist.

JEFFREY HART

Return of radical chic for a new cause

Here we go again. The convicted murderer Mumia Abu-Jamal has been turned into a cause by famous individuals in the United States and in Europe — because he is black and radical and has some literary talent.

It is yet another case where people who have achieved notoriety in one area attempt to translate that fame into authority elsewhere.

People who are famous in what might broadly be called the "arts" claim authority across the board in their pronouncements on such topics as AIDS, taxation and electoral politics.

Like anyone else, celebrities have a right to their opinions. But just because they are movie stars or novelists, it does not follow that those opinions have any special authority.

Just because Edna Millay and John Dos Passos picketed for Sacco and Vanzetti, it did not mean the defendants were innocent.

Sacco and Vanzetti, in fact, were an early radical-chic subject, in this country and abroad. The historical consensus now is that Sacco was guilty of murder and that Vanzetti might have been. Vanzetti died in the electric chair because he failed to sever his case from Sacco's, and thus committed judicial suicide. Vanzetti no doubt was moved by emotions of political solidarity.

Which brings us to Mumia Abu-Jamal. In 1981, Abu-Jamal's brother, William Cook, was driving his cab in Philadelphia — driving the wrong way on a one-way street. Cook was stopped by a police officer named Dan Faulkner, 26. Cook began to struggle with the officer. Abu-Jamal, who had been driving his own cab nearby, put a bullet in the policeman's back. The policeman shot Abu-Jamal in the chest and then collapsed. Abu-Jamal went up to the prone officer and shot him between the eyes, killing him. Then he sat on the curb, dropping his .38, and was arrested.

Despite some claims to the contrary by Abu-Jamal's chic defenders, the high-velocity bullets in the gun and the bullet that killed Dan Faulkner check out.

Despite some claims to the contrary by Abu-Jamal's chic defenders, the high-velocity bullets in the gun and the bullet that killed Dan Faulkner check out.

The case was open and shut. Abu-Jamal was convicted of murder and justly sentenced to be executed this month.

The only things that make the case different from any other run-of-the-mill street murder are the facts that while on death row Abu-Jamal wrote a book of some interest, "Live From Death Row," and that he is a former Black Panther and a supporter of Philadelphia's radical Move sect, which disappeared in a shootout with police.

Support for the murderer, via full-page advertisements in The New York Times and other newspapers, comes from such "arts" figures as Paul Newman, Spike Lee, E.L. Doctorow (who, judging by his novel "The Book of Daniel," thinks the Rosenbergs were innocent), Alice Walker, Garry Wills, Oliver Stone, Norman Mailer (who helped release killer Jack Abbott from prison, only to see him murder once again), Susan Sarandon, Stephen Jay Gould and Maya Angelou.

It is odd that the savvy Tom Wolfe has been quoted as saying that such support does not amount to a "liberal or conservative thing," as if there were a wide spectrum of political opinion here. The spectrum runs from Y to Z and is entirely radical chic.

Of course the celebrities do not give a damn about the dead patrolman or about his widow, Maureen. People like the young Faulkners are much too bourgeois for the radical chic, who go for the black man in the charming dreadlocks who pulled the trigger.

You would think that Tom Wolfe had long since killed off the radical-chic phenomenon with his great essay about Leonard Bernstein's Park Avenue cocktail party for the Black Panthers. In that essay, "Radical Chic," a Panther thug dominates the glitterati in their Guccis among the hors d'oeuvres and the champagne. The essay is hilarious and definitive, but the radical chic have returned, sprouting like toadstools.

Because of the celebrities' outcry, Abu-Jamal has been granted a stay of execution. If we are lucky, it will be brief. Justice should prevail for Dan and Maureen Faulkner, and for law-abiding citizens everywhere.

Jeffrey Hart is a nationally syndicated columnist.

PHOTOCOPY PRESERVATION

Conversations / *Randy Weaver*

He's a Rallying Cry of the Far Right But a Reluctant Symbol

By KEN FUSON

GRAND JUNCTION, Iowa

THREE years ago Aug. 21, a pet Labrador named Striker heard a commotion in the woods of a northern Idaho mountain and scampered off to investigate.

That set off a series of events that left three people dead, two people injured, several families devastated and the integrity of the United States government wounded.

Randy Weaver, 47, the man most associated with those events, sits on a worn-out couch in a rented house in this small Iowa town and searches for words he would rather not say.

"It should never have started," he says. "It should never have happened."

The interview a week ago Friday was Mr. Weaver's first extensive one since July 1993, when he was acquitted of killing a Federal marshal during a gunfight near his cabin on a pristine Idaho mountain knoll known as Ruby Ridge.

He clearly is uncomfortable. "I'll tell you what," he says. "I *don't* like talking about this."

He smokes one cigarette after another. He paces. He taps the metal lid from a bottle of grapefruit juice against a table.

"You know why?" He clears his throat and begins to cry. " 'Cause when you talk about it, you start to visualize it. And it brings back terrible memories."

He remembers hearing his son, Samuel, 14, shout, "I'm coming, Dad!" just before he was shot in the back and killed by a Federal marshal. He remembers seeing Vicki, 43, his wife for 19 years, shot in the head and killed by an F.B.I. sharpshooter as she held their 10-month-old daughter. He remembers waiting 11 days on the floor of the family's cabin, terrified that agents might shoot his three daughters, even if he surrendered.

"I wish my wife was here and I was gone," he says. "She could tell you much better than I can about things. It's hard for me. I can't express my feelings very well. There's turmoil. Lots of turmoil."

And some of that turmoil is self-generated. "I'm not totally without fault in this," he says, without elaboration. He has said previously that if he could do it over he would have appeared in court in 1991 on a gun charge in Idaho. His refusal to do so led to an 18-month standoff with Federal officials.

Much has happened since the family dog chased that noise three years ago:

¶Randy Weaver and Ruby Ridge have joined Waco and Oklahoma City as landmarks on the only map that matters to the militia members and conspiracy buffs who believe their government is evil.

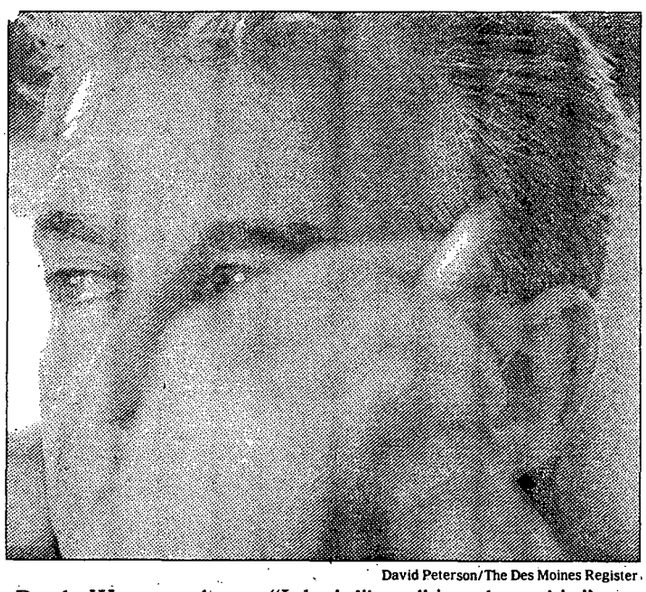
¶F.B.I. Director Louis Freeh has suspended five high-ranking officials and has disciplined agents for their role in the incident.

¶A Senate subcommittee will open hearings Sept. 6 on the Ruby Ridge incident.

¶This month the Justice Department announced that it would pay $3.1 million — $100,000 to Mr. Weaver and $1 million each to his three daughters — to settle the family's legal claims. The department said it intended the agreement as "a substantial step toward healing the wounds the incident inflicted." That's unlikely. "Would you trade your wife and son for $1 million?" asks Sara Weaver, 19, the oldest daughter.

Randy Weaver is expected to be the first witness at the Senate hearings. "One of my concerns is who's going to be on trial — them or me?" he says.

For someone who says he still wants nothing more out of life than to be left alone, Randy Weaver remains a magnet for public curiosity. Strangers from far away stop to meet him. Various groups seek his blessing. But he professes reluctance. "I don't want to lead nobody nowhere," he says.



David Peterson/The Des Moines Register

Randy Weaver at home: "I don't like talking about this."

He lives on the southern edge of Grand Junction, a town of 800 in central Iowa about five miles from Jefferson, his hometown.

He is 5-foot-8, thin, 145 pounds, wearing jeans and a Harley-Davidson T-shirt. His graying hair is combed back, pompadour style, and he has a lined face with sharp features. "Come on in," he says. "I've got my daughter in the tub."

That would be Elisheba, who turns 4 in October. Daughter Rachel, 13, sleeps on a sofa-bed in the living room. "She had a friend over and I think they stayed up pretty late," Mr. Weaver says.

Outside sits his 1982 Buick Riviera with 142,000 miles on it. Aside from parenting his children, he doesn't have a job, and he lives off his wife's Social Security benefits. If this anti-government symbol appreciates the irony of accepting Government payments, he keeps it to himself.

'A Pleasant Guy'

He seems to know everyone on town; Mayor Mick Burkett describes him as "kind of a pleasant guy to have in the community." The other day at Casey's General Store, as Mr. Weaver waited in line, a man in front of him offered congratulations for the financial settlement. Mr. Weaver shrugged, unsure how to respond. "It's not enough, but way to go," the man said.

Back home, the house is hot — he has an air conditioner, but to save money he hasn't installed it. Look inside and you'll find weight-lifting equipment, a Clue game, "Home Alone" videotapes, a teen magazine and a Bible.

Mr. Weaver must stay in Iowa until December under terms of his probation for failure to appear in court. He and his daughters say they dream of eventually living on a ranch and raising horses out West. "I like the mountains," he says. "The scenery. Peace and quiet. Wildlife."

Elisheba comes downstairs, holding a flowery dress. Her father helps her put it on.

Sometimes, he says, she asks about her mother. "I tell her she's in heaven," Mr. Weaver says. "Her and Sam both."

Elisheba was born in the Idaho cabin in October 1991, seven months after her father went into exile to avoid Federal agents who wanted to arrest him. Needing money, he had illegally sold two sawed-off shotguns to a Government informer. Mr. Weaver's lawyers said he was set up because officials wanted him to infiltrate a white supremacist group. When he balked, he was charged.

Why didn't he just show up in court? "I'll explain that later," he says. "There were a lot of reasons." Mr. Weaver's lawyers and relatives have said he was told — or somehow had gotten the impression — that he could lose his land and custody of his children if he went to court.

The Shootout

Mr. Weaver declines to expound on the unorthodox political and religious views that prompted him and Vicki to leave their native Iowa and move to Idaho in 1983. He says people misinterpret his beliefs and use them against him when their attention should be focused on the behavior of Federal officials. He has said he is not a white supremacist, but has not quarreled with being described as a white separatist.

"I'm not the most politically correct person walking on the face of the earth," he says, which prompts Rachel, awake now, to laugh and say, "Close, though. Right, Dad?"

He says it pained him to hear his name connected with the April bombing of the Federal building in Oklahoma City. Authorities say Timothy McVeigh, accused in the blast, was outraged by the Government's actions at Ruby Ridge and the Branch Davidian compound near Waco, Tex.

"Every time my name was mentioned, it bugged me," he says, "I know how the parents of those kids feel. And the spouses."

What happened three years ago remains debated, but trial testimony indicated that the noise Striker heard came from Federal marshals in the woods watching the cabin. According to various accounts, when the dog was shot, Samuel Weaver fired his gun and was killed. Kevin Harris, then 25, a family friend, returned fire. A marshal, William Degan, 42, was killed.

Hundreds of agents surrounded the cabin. Next morning, as he went to check on his son's body, Randy Weaver was shot by an F.B.I. sharpshooter. As he and Mr. Harris returned to the cabin, the agent fired again. The bullet killed Vicki Weaver and injured Mr. Harris.

Randy Weaver and Kevin Harris were acquitted of killing Mr. Degan. An Idaho prosecutor still hasn't decided whether to charge Federal agents in the death of Vicki and Sam Weaver.

Although Mr. Weaver agrees that it now appears elected officials are taking his family's grievances seriously, he says he still wonders whether anyone will be held accountable. "I still don't trust the whole thing," he says.

Another long pause. Another cigarette. More finger taps. "She was my best friend," he says, recalling his wife. "It's hard to live without her. And Sam was a good kid. Jesus Christ, Sam was a good kid." Once again, he cries.

"I hope there's a Judgment Day, I really do," he says. "If there is, I'm cool."

Ken Fuson is a reporter for the Des Moines Register. This article is adapted from one that appeared in the Register last Sunday.

Reno offers help to Weaver hearings

By Jerry Seper
THE WASHINGTON TIMES

Attorney General Janet Reno yesterday said the Justice Department will cooperate in hearings before a Senate subcommittee on the government's involvement in a standoff at white separatist Randall Weaver's Idaho cabin, but she is hopeful they will not interfere with an ongoing investigation.

"We're working in every way we can with Senator Specter's staff," she said during her weekly press briefing. "I think we're going to try to work together and make sure we do everything possible to cooperate with him, while at the same time making sure steps are not taken that would interfere with the pending matter."

The Senate Judiciary subcommittee on terrorism, technology and government information, led by Arlen Specter, Pennsylvania Republican, will begin hearings Sept. 6 into the 11-day siege that ended in the deaths of Mr. Weaver's wife, Vicki; his son, Samuel; and Deputy U.S. Marshal William F. Degan.

Mrs. Weaver, 43, was killed Aug. 22, 1992, by an FBI sniper in what the bureau has described as an accidental shooting. Samuel, 14, and Mr. Degan, 42, died in a shootout a day earlier during an aborted ambush near the remote cabin.

The U.S. Attorney's Office in Washington is looking into accusations that high-ranking FBI officials covered up actions in the case to protect themselves and others. Investigators want to know if top officials and others lied or destroyed papers during bureau inquiries into the siege.

Miss Reno said that in "the best of all worlds" the hearings would be postponed until the end of the investigation, but she was convinced that by "working together" the department and the committee can ensure the probe is not compromised.

"I think he [Mr. Specter] wants to try to work with us to ensure that he can proceed with the oversight process while at the same time being sensitive to our concerns," she said.

Miss Reno also said she has full confidence in FBI Director Louis J. Freeh and believes he acted with the best information available in promoting Larry A. Potts to deputy director despite Mr. Potts' questionable role in the Weaver affair.

Mr. Freeh has "concluded now that if he had it to do again, he would not have done it the way he did it," she said. "And what is again so impressive to me is he's dedicated to getting to the ultimate truth of what happened here and holding those accountable that should be."

Janet Reno

Asked about a change by the FBI in the rules of engagement during the Idaho siege that led to the death of Mrs. Weaver, Miss Reno said she has asked the department's Office of Investigative Agency Policy to make a recommendation on the use of deadly force.

The modified plan gave FBI snipers who ringed the Weaver cabin the authority to shoot any armed man. The "could and should" shoot orders are a key part of the current probe.

Mr. Potts, who was demoted and later suspended with four other FBI officials involved in the case, has denied approving the "could and should" rules.

But Eugene F. Glenn, agent in charge of the FBI's Salt Lake City field office and the bureau's on-site commander at the Weaver cabin, challenged that recollection. He said FBI executives mishandled a review of the case in an effort to protect Mr. Potts.

Mr. Glenn's accusations are outlined in a May 3 letter to the Justice Department's Office of Professional Responsibility. Mr. Glenn, censured, suspended and ordered transferred for his role in the siege, charged that the FBI review was incomplete, inaccurate and designed to "create scapegoats and false impressions."

William L. Bransford, a Washington lawyer who represents Mr. Glenn, has said the revised rules were written by Richard Rogers, FBI hostage rescue team boss, and approved by Mr. Potts. He said Mr. Potts, during an FBI review after Mrs. Weaver's death, acknowledged he had approved the rules.

Mr. Rogers also has told investigators that Mr. Potts approved the modified rules.

Agent E. Michael Kahoe, head of a review team that examined the Weaver siege, was suspended after admitting he destroyed records showing whether Mr. Potts authorized the "could and should" order.

now denies, yes?

The Washington Times
FRIDAY, AUGUST 25, 1995

Farm subsidies found to promote pollution

Study blames pesticides, fertilizers

By David R. Sands
THE WASHINGTON TIMES

The federal government's $10-billion-a-year farm-subsidy programs help underwrite increased uses of polluting pesticides and chemical fertilizers, a new study contends.

Based on an analysis of records from 578 counties in six Midwestern states, ending government payments to farmers of wheat, corn, barley, rice and other subsidized crops could lead to a 35 percent reduction in per-acre chemical pesticide use and a 29 percent per-acre cut in the use of fertilizers, the study said.

"What the government's left hand is trying to control — pollution — the right hand is actively promoting," said Jonathan Tolman, an analyst with the Washington-based Competitive Enterprise Institute, who wrote the new study.

Environmental groups have taken an increasingly visible role as Congress struggles to write a new seven-year farm bill by the end of the year. Environmentalists have joined consumer groups, deficit hawks and free-market economists in a frontal attack on federal farm programs that date back to the Great Depression.

The issue is proving difficult for the new congressional Republican majority because many new GOP members represent Southern and Southwestern districts that have traditionally benefited from crop-support programs.

While U.S. smokestack industries have moved to clean up air and waste-water emissions, runoff from farms has become by far the largest single source of water pollution in the country, Mr. Tolman noted.

Jim Webb, general counsel for the Wilderness Society, said environmentalists have raised particular concern about the effect the government's sugar program has had on the Everglades.

The artificially high price for sugar has encouraged big Florida growers to plant more sugar cane, contributing to phosphorus contamination in the fragile wetlands.

Mr. Tolman said government-guaranteed high prices and the Agriculture Department's supply-control program — paying farmers to keep millions of acres out of production — encourage farmers to wring as much production out of the acres on which they can plant.

That means better equipment and more productive seeds, but also extensive use of pesticides and fertilizers to maximize yield per acre.

Mr. Tolman said ending farm subsidies and supply restrictions could mean more acres were freed to production, but he contended that, on balance, the intensity of agricultural-chemical use and resulting polluted water runoff would be substantially less by ending farm programs.

The Washington Times
FRIDAY, AUGUST 25, 1995

Clash seen as preview of women's conference

By Ben Barber
THE WASHINGTON TIMES

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Actress Sally Field and State Department official Timothy Wirth clashed head-on yesterday with conservative critics who argue that the administration is backing a radical feminist or anti-family agenda for next month's World Conference on Women in China.

In a foretaste of the battles likely to emerge in Beijing, the two ran into skeptical questioning from members of the conservative Family Research Council during an appearance at the National Press Club. The critics suggested the use of the word "gender" in conference documents was a liberal code word that includes homosexuals and transvestites.

"This is preposterous. . . . That is completely irrelevant," replied Miss Field, honorary chairman of the Save the Children Delegation to the conference. She argued the conference was about fundamental issues such as health care, edu-

see WOMEN, *page A10*

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cation and job opportunities for women.

U.N. Ambassador Madeleine Albright, appearing later at the State Department, also denied the conference had an anti-family bias.

"It is my belief this is a pro-family conference," she said. "I am the mother of three daughters all of whom work and have families.

"This is about the ability of women to have more than one role — to be a mother and still get low-interest loans and education equal to their husbands and brothers. That is pro-family, pro-human rights."

Conservative critics of the women's conference have warned that pushing for absolute equality between men and women in the workplace could debase women who choose to remain at home as mothers. They also say working women deprive their children of the parenting needed to establish firm social values.

Muslim critics of the conference also fear their cultural values will be trampled by language in the planning documents.

The draft conference plan of action, which is expected to guide the nearly 180 member nations at the conference, is "largely anti-male, anti-religion and anti-family," Saleha Mahmood of the Muslim World League said in a news release earlier this month.

Conference supporters counter that some Muslim countries deny women the right to vote, to inherit property, to divorce or to be safe from genital mutilation.

Mrs. Albright said yesterday that, too often, women have been the victims of such abuses as coerced abortions and sterilizations, forced prostitution, ritual mutilations and dowry murders.

"The Clinton administration will use the women's conference to underline the truth that violence against women is not cultural, it is criminal, and we all have a responsibility to stop it," she said.

"I think it is wrong to see this as a conference that is out to undermine other countries' cultures," Mrs. Albright added.

Mr. Wirth, undersecretary of state for global affairs, took direct aim during the Press Club session at those who see an anti-family bias in the conference's planning documents.

While acknowledging that "cultural differences exist" between developed and developing nations, he said the U.S. delegation expects to repeat its performance at the Cairo U.N. Conference on Population and Development last year.

Negotiations with Muslim conservatives and the Vatican — which opposes abortion and any form of birth control other than abstinence — eventually produced a document that was broadly acceptable. Such approval, or "consensus," is required for U.N. conference documents.

The Cairo conference took the position that abortion should not be used as a means of family planning but that in countries where it is legal it should be safe.

Mrs. Albright said the detention of human rights activist Harry Wu, whose release in China was announced within minutes of her press briefing, would not be a reason to cancel U.S. participation as demanded by some congressional critics.

"It just does not make sense in the name of human rights to boycott a conference that has as a primary purpose the promotion of human rights," she said.

Mr. Wirth said that with the United States providing some 20 percent of the participants in the conference, as well as being "the leader of the progressive forces in the world . . . there was never any doubt about our going to Beijing."

Mrs. Albright also addressed logistic problems in China, particularly delays in the issuance of visas for many delegates from nongovernmental organizations to a parallel conference beginning next week.

"The U.S. view is that we understand the complexity of hosting such a conference, but we could not excuse a deliberate effort to deny visas to participants who are peaceful but who happen to embrace policies that the Chinese government does not. At issue is China's reputation as a host," she said.

The Washington Times
MONDAY, AUGUST 28, 1995

From Ruby Ridge to Waco

The more facts come out about the feds' disastrous raid at Ruby Ridge, Idaho, the more the incident seems to have in common with the later, even more disastrous raid at Waco, Texas. It appears that law-enforcement agencies have gotten into some bad habits worth exploring at the upcoming Senate hearings.

This newspaper reported Thursday that FBI agents at Ruby Ridge had actually drafted a Waco-like assault plan on the isolated residence of Randy Weaver, who was wanted on weapons charges and failure to appear for a court date. Among other things, the plan called for the use of armored vehicles on the property at the same time agents with loudspeakers called on Mr. Weaver to surrender. If he refused, the armored vehicles would return the following day and begin to demolish outlying buildings by ramming them. If he still refused, the armored vehicles were to begin inserting gas into the main residence.

Obviously, the planned gas attack is reminiscent of the attack on the Branch-Davidian compound known as Mount Carmel, which subsequently went up in flames. Likewise, the proposed demolition at Ruby Ridge is eerily similar to the incident at Waco cited by Rep. John Shadegg, in which a tank systematically destroyed Mount Carmel's gym. Those who watched the House Waco hearings may recall that Attorney General Janet Reno compared the tank to "a good rent-a-car" because it was armed only with gas, not ammunition.

For a variety of reasons, the gas attack at Ruby Ridge never came off. A shootout which left both 14-year-old Samuel Weaver, who was shot in the back, and a federal agent dead apparently forced a change of plans. One day later, a government sniper shot and killed Mr. Weaver's wife, Vicki, as she stood inside her home holding her 10-month old baby in her arms. The government says the shooting was accidental.

Another grim similarity between the two incidents: The Times' Jerry Seper reports that the former head of the U.S. Marshals Service, Henry Hudson, counseled federal prosecutors in Idaho to try a safer arrest tactic. If they would cancel the existing arrest warrant and quietly reissue it under seal, Mr. Weaver might believe it safe enough to come down off the mountain. Then the feds could arrest him away from his residence and avoid the riskier direct attack then under consideration. But Mr. Hudson's proposal was rejected, just at officials with the Bureau of Alcohol, Tobacco and Firearms failed to try arresting Branch-Davidian leader David Koresh when he was outside Mount Carmel.

But perhaps the most important similarity was the degree to which government connivance contributed to the fatal outcomes. The ATF assault, dubbed "Showtime," came in the wake of a "60 Minutes" expose about sexual harassment at the agency that potentially threatened ATF funding at upcoming hearings. So when Mr. Koresh actually invited ATF agents out to Mount Carmel to see his guns, they turned him down and instead pursued the riskier, flashier raid. They invited the media to come along for the ride.

Mr. Weaver's problems started when federal agents tried to get him to become an informant on the racist group Aryan Nation. The idea was to set him up. A federal informant repeatedly tried to get Mr. Weaver to sell him an illegal sawed-off shotgun, and when Mr. Weaver finally did so after initially refusing, the feds tried to use the threat of criminal charges to make him an informant. When Mr. Weaver refused, government officials decided to try him on weapons charges but sent him the wrong court date. When he failed to show up, the feds went after him. Disaster and death followed.

The point here is that what happened at Waco and Ruby Ridge was hardly inevitable. Neither should have occurred. Neither could have occurred without massive government intrigue and incompetence. Understanding that fact is one step toward preventing them from happening again.

The Washington Times
MONDAY, AUGUST 28, 1995

Marion Barry's priorities

The District's most recent cash-flow emergency has shown very clearly just where Mayor Marion Barry's priorities lie. It's now beyond question that Mr. Barry is far more interested in playing politics than in working responsibly to bring an end to the city's fiscal nightmare.

This doesn't necessarily come as much of a surprise to anyone who's been paying attention to the mayor's fancy footwork over the past few months. He all but flat-out refused to take the Congress' and the control board's budget and job-cutting intentions seriously. He threw a tantrum for Congress' benefit, whining that they didn't know how hard it is to run this city. He denounced the board's plans as "unscientific," while simply failing even to offer any hard numbers himself.

And in the meantime, the mayor seems to have gone right ahead with some highly questionable deals that cast doubt on his ethics as well as on his concern for the city. There was the renovation of his house, which seems to have been paid for partly by city funds, partly by a businessman with whom the city does official business — and who is accused of trying to bribe the Barry's former housekeeper to retract her story of campaign money laundering; and there's the move to spend nearly $50 million—on rent and brokerage fees to two old friends and supporters of Mr. Barry — to relocate city workers displaced by the new arena, when there is plenty of vacant city office space already available.

And now we have the great Medicaid ploy. As usual, the city is running out of cash at the end of the fiscal year. And as usual, city officials' view of how to deal with the problem was — run and borrow it from the Treasury. The mayor, in fact, asked the control board to let him borrow another $199 million. Of course, it was a pretty fair bet the answer would be no. When the District last borrowed from the Treasury — several months ago — he'd asked for some $300 million — and had gotten only half that because any more would have put the city over the budget cap set by Congress. That cap has not changed in the past few months, as the mayor has good reason to know perfectly well.

So, publicly putting control board chairman Andrew Brimmer in the position of turning down the loan request was about as transparent a political move as one could hope to see. As was Mr. Barry's decision to freeze Medicaid payments until October. Now, the control board has suggested prioritizing bill payments to make it through the shortfall. The board also recommended renegotiating payments on a $250 million bank loan due at the end of September. Mr. Brimmer even offered to ask Congress to approve a Treasury loan to pay off some of last year's bills — which would not break this year's spending cap and would free up some needed cash.

But while the mayor has taken Mr. Brimmer up on the loan idea, he rejected the other proposals, and went right out and told Medicaid vendors they won't be seeing any money until October. What's more, he told them at a meeting to go talk to the control board and Congress if they want their money. And he gave out the board's phone and fax numbers at the same meeting.

In other words, the mayor is trying to deflect the political heat onto the control board — a move that seems ripe for failure. Mr. Barry is nothing if not a consummate politician, and the voters of this city have shown themselves to be highly susceptible to his snake oil. This time around, though, Mr. Barry has more to reckon with than a mayoral election. He now has the U.S. Congress to deal with. His vaunted charm and charisma won't be enough to keep Congress from turning his job into a purely ceremonial position, if it finds reason to do so.

Potted plants and foreign policy

Whatever happened to American leadership, respect and standing in the world, some might wonder. There are other reasons than the end of the Cold War for the current feeling of American ambivalence over the state of the world, and a recent article in the New York Times' Sunday Magazine goes a long way towards offering an explanation. Written by staff writer Jason DeParle, "The Man Inside Bill Clinton's Foreign Policy" profiles National Security Adviser Anthony Lake. Even though sympathetically written, it is a sad, distressing reminder of the cognitive dissonance at the center of power in Washington.

Personalities and policies mesh in the Clinton administration. Indeed Washington has rarely before seen such a paradoxically low-profile trio of top foreign policy officials: the sweetly professorial Secretary of Defense William Perry, the self-effacingly courteous Secretary of State Warren Christopher, and the positively anonymous National Security Adviser Anthony Lake. Mr. Lake is "by design the most obscure member of the Clinton foreign policy team," writes Mr. DeParle, "surely the only national security adviser ever to stand beside the President in a New York Times photograph and be described as an 'unidentified' man. Yet apart from the President and the Vice President, Lake may also be the most powerful influence on foreign affairs."

That could explain a lot. It may well be that Mr. Lake enjoys his "potted plant" imitations (he says he does), which allow him to move in mysterious ways behind the scenes (though precisely what good he is doing there remains, in the nature of things, unclear), but it is also a reflection of a profound unease with questions of power and principle in U.S. foreign policy.

A "pragmatic neo-Wilsonian" was how Mr. Lake described himself early on in the Clinton administration, a label he quickly dropped as the crises in Somalia and the former Yugoslavia made the United Nations about as popular with Americans as the Internal Revenue Service. Yet, he continues to try to unite what he calls the "hard stuff" and the "soft stuff" of foreign policy, the application of power in the national interest versus its more caring, sharing side, as one might put it.

The problem for Mr. Lake is that even if a balance can be found, both those sides require a certain amount of courage to apply which is not much in evidence in this profile. Granted, Mr. Lake can be an able infighter if he senses a personal slight. However, he was timid even when it came to the act that established his famous reputation for moral rectitude, his resignation from the staff of National Security Adviser Henry Kissinger in 1970, over the invasion of Cambodia. This was done very quietly so as not to upset Mr. Kissinger, the Realpolitician, whom Mr. Lake continued ardently to admire even after resigning.

What would seem to be the result of Mr. Lake's (and his colleagues) ambivalence is a terrible dissonance between rhetoric and reality. Human rights, global affairs, women's causes and what have you, are the banners they wave, yet the administration denies weapons to the Bosnian victims of Serbian attack and dispatches the first lady to cuddle China's dictators. Right now, our ships are gathering in the Persian Gulf to counter potential Iraqi aggression because Saddam Hussein may believe that Washington has not the means nor the guts to oppose him again. With Mr. Lake in charge of affairs, the rest of us might wonder, too.

USA TODAY · THURSDAY, AUGUST 24, 1995

Deadly Idaho siege deepening FBI's wounds

By Robert Davis
USA TODAY

Five key FBI agents are mired in the criminal probe of a fatal siege in rural Idaho in 1992. Congressional hearings into a possible cover-up are set to start in just two weeks.

Suddenly, the FBI under Louis Freeh — who vowed to rid the bureau of corruption — is being likened to the FBI under the notorious J. Edgar Hoover.

"This is very much like the Hoover era," says Ronald Kessler, whose book *The FBI* peers behind the secretive walls of the bureau. "That's the most frightening thing of all."

Freeh promises to root out the problem, even if it includes close friend and former deputy director Larry Potts.

"There is nothing more serious and nothing more grievous as far as we're concerned than the trust of the American public," Freeh says.

"If misconduct has been committed or crimes have been committed, swift action must be taken to restore the confidence people should have — and I hope that they still have — in the FBI."

Few say Freeh, who became director in September 1993, could lose his job over the flap.

But on the heels of criticism over the deadly end to the FBI's 1993 standoff with the Branch Davidian cult near Waco, Texas, the man who came to Washington five months later with sweeping bipartisan praise could be damaged.

By Al Behrman, AP

FREEH: FBI director promises 'swift action' if wrongdoing is uncovered.

Potts is at the center of the controversy, which dates back three years to a remote cabin in northern Idaho.

When snipers from the FBI's Hostage Rescue Team surrounded Randy Weaver's home, they took aim with the most extreme orders in the team's history. The orders, approved by Potts, gave them permission to shoot any armed adult near the cabin.

Although there is still debate over who changed the wording from "could" to "should" shoot, Potts acknowledges he gave agents permission to go against standard procedure of shooting only if another life appears threatened.

A Justice Department review later determined that the orders were unconstitutional.

Because a sniper shot and killed Weaver's wife, Vicki, the Justice Department this month agreed to pay the family $3.1 million in damages.

But Congress now plans to explore further why the FBI staunchly refused to reveal documents related to the shooting to criminal and internal investigators. Both the House and Senate plan hearings, and a federal prosecutor is looking into whether documents were destroyed to protect top officials.

In Naples, Idaho, the district attorney is still considering criminal charges against agents involved in the shooting.

Freeh won't discuss matters under investigation but says he wishes he had never promoted Potts to be his deputy.

"If I knew what I now know, or if I had been privy to some of the information that's being discovered by the investigation, I certainly would not have done the promotions," he says. "I had a great deal of confidence in his judgment. But I made those decisions ... based on a flawed record."

Field agents praise Freeh for slashing bureaucracy, supporting front-line agents and promoting a "big bright line" — a bureau-wide philosophy that aims to rid the FBI of agents who lie or cheat.

But Kessler, who interviewed 314 current and former agents for his book — including Potts — says there are "mixed feelings in the bureau."

"Some say he's not setting a tone of honesty and accountability," Kessler says. "And his promoting his buddies means that unless you knew Louis Freeh back in New York, you should go look for another job."

Others say Freeh should have passed Potts over when it came time to name a deputy because of the simmering Waco and Weaver conflicts.

"Either Freeh doesn't know what's happening, in which case he shouldn't be making statements to the press that he does, or he does know and he's part of the cover-up," says Gerry Spence, Weaver's lawyer.

Potts refuses comment.

But his lawyer, Dan Webb, says Freeh knew everything that Potts said and did about Ruby Ridge. "There's absolutely nothing he could ever deceive the director about."

Freeh agrees — for now.

"I don't, at this point, claim that anyone person or document has deceived me. But I may change that position when I've seen all the facts."

USA TODAY · THURSDAY, AUGUST 24, 1995

With lawmaker's conviction, questions about what's next

By Debbie Howlett
USA TODAY

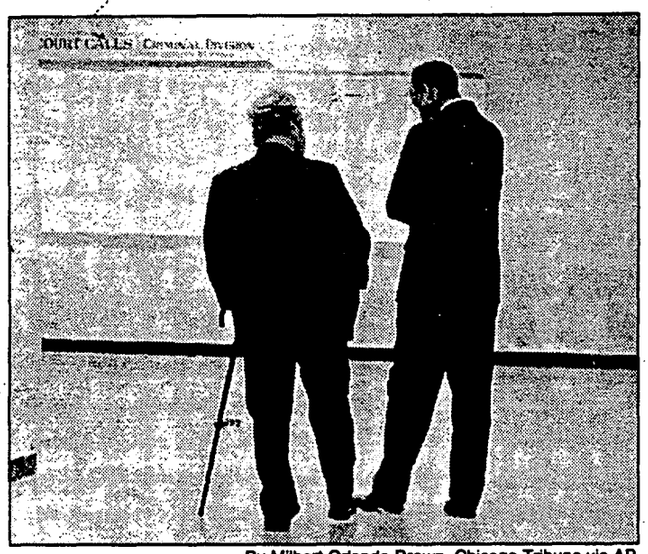
CHICAGO — From the depths of poverty in Mississippi to the pinnacle of leadership in the U.S. House of Representatives, Mel Reynolds seemed bound for glory. Now, he is headed only to prison.

But he does not automatically lose his House seat.

The second-term congressman faces a mandatory four-year prison term after his conviction Tuesday on criminal sexual assault. He could get another 25 years for convictions on sexual abuse, child pornography and obstruction of justice charges related to his sexual relationship with a 16-year-old campaign worker.

The verdict sets in motion an ethics committee inquiry, but House Speaker Newt Gingrich said Wednesday there would be no immediate effort to oust Reynolds from Congress.

"There are no guiding precedents about what the House will do," says Alex Benes of the Center for Public Integrity. "Historically, members either resign or don't run again."



By Milbert Orlando Brown, Chicago Tribune via AP

LAST THOUGHTS: Rep. Mel Reynolds, right, confers with attorney Ed Genson on Tuesday just before the verdict was delivered.

Reynolds, who spent Wednesday at home with his family, remains free on $10,000 bail and has refused comment on the verdicts. "He's very disappointed but he's not giving up anything," said defense lawyer Sam Adam, who is preparing an appeal.

Even though the immediate future is clouded, the line to succeed Reynolds has begun forming. Jesse Jackson Jr., son of the former presidential candidate, is among four local Democrats with eyes on the Second District seat.

If Reynolds is ousted or resigns, Gov. Jim Edgar, a Republican, could call a special election to finish Reynolds' term. But the timing would be tricky. The regular primary election — tantamount to winning the seat in this heavily Democratic district — is just seven months away.

That may be too long to wait for some constituents.

"Maybe he shouldn't go to prison, I don't know," said Robert Kindle, a technician in Homewood. "(But) he definitely should not stay in Congress."

The Reynolds case has sparked outrage and curiosity in a city generally unfazed by political malfeasance — at least 18 aldermen have been convicted of corruption during the past 25 years.

Most titillating — and most damning, according to jurors — were secret recordings of phone conversations with teen-ager Beverly Heard, the state's key witness.

Rife with crude references to intercourse, bragging about the size of his penis and a request for lewd photos of a 15-year-old, the tapes became a public humiliation for Reynolds. "I think the tapes were devastating," defense lawyer Ed Genson said.

And they forced Reynolds to testify in his own defense.

He told jurors that while he did not have "physical sex" with Heard, he did succumb to a "moment of weakness" by engaging in "fantasy phone sex" with Heard.

Reynolds, 43, the father of three toddlers, goes to court again Sept. 12, when he could be sentenced to prison.

It will be a sad end to the political career of a man who made his way through Chicago's housing projects to win a law degree while a Rhodes scholar and a seat in Congress in 1992.

Said Jason Turnstall, a 20-year-old from Flossmoor, a suburban town in Reynolds' district: "He had it all. What could make someone like that mess up so bad?"

Reynolds faces ethics, criminal probes of finances

By Leslie Phillips
USA TODAY

The House ethics committee said Wednesday that it has been investigating Rep. Mel Reynolds, D-Ill., since June 28 on charges unrelated to his sexual misconduct trial. The inquiry is believed to be related to his official duties, possibly involving campaign finances.

Reynolds also is the target of a federal grand jury — meeting in Chicago since early June — that is looking into claims of bank fraud and misuse of campaign donations. And he faces lawsuits for up to $145,000 in personal debt, including unpaid student loans and credit cards.

The ethics committee said it had adopted "a resolution of preliminary inquiry" in June but held off making an announcement until the criminal trial ended.

The panel must meet in the fall to deal with the criminal trial, fulfilling a requirement if a member is convicted of a crime punishable by more than a year in prison.

Its aim then will be to determine whether Reynolds broke House rules, violated official standards of conduct or brought "discredit" to the House in any way. However, the House is not bound by the committee's findings.

Under the constitutional theory of checks and balances, only Congress and the voters have authority to determine whether a member may remain in office after a criminal conviction. Expulsion from either the House or Senate requires approval by a two-thirds majority. Congress has used its power sparingly: Just 15 senators and four representatives have ever been expelled, though many resign or are defeated for re-election first.

Moreover, the Democratic caucus could decide to mete out its own punishment, stripping Reynolds of committee membership or his seniority.

Los Angeles Times first-edition Page 1 for Thursday, Aug. 24, 1995:

Top of page:

Col 1: Feature on medical ethics. Will move in future series.

Col 2: In a disturbing sign of the growing danger of drug-resistant infections, federal researchers have found that 25 percent of people with pneumococcal infections are resistant to penicillin, which was once nearly infallible in killing the bugs. (DRUG-TIMES, moved).

Cols 3-4: The media blitz reaches a peak Thursday, when an estimated $1 billion budgeted by Microsoft and other industry vendors to sell Windows95 and related products begins to generate a flood of print and television ads, including one featuring a popular Rolling Stones song. (with art). (MICROSOFT, moved).

Cols 5-6: Israel's secret security force, the Shin Bet, announces that it has smashed a network of the Hamas militant Islamic movement in the West Bank that it believes planned and executed Monday's suicide bombing attack in Jerusalem and an earlier attack in Tel Aviv. (MIDEAST-TIMES, moved).

Above fold:

Col 2: College-bound seniors in 1995 chalked up the biggest gains in more than a decade in math and verbal skills on the Scholastic Assessment Test, but the significance of the new scores is being debated because of changes made to the test. (SAT-TIMES, moved).

Col 6: Trying to escape expulsion by Zaire, thousands of refugees from Burundi and Rwanda scatter into the countryside in a desperate act that one U.N. official says has ``all the makings of a disaster." (REFUGEES, moved).

Below fold:

Col 3: Public support for a third-party candidate in the 1996 presidential race has been rising steadily as President Clinton's approval rating continues to decline, according to a survey by the Times Mirror Center for the People and the Press. (POLL, moved).

Bottom of page:

Cols 1-3: With a studious jury taking copious notes, an internationally respected evidence expert testifies that bloody prints on the blue jeans of murder victim Ronald Lyle Goldman could have been created by a shoe of a different type than one that left prints leading away from the scene of the crimes. (with art). (SIMPSON, moved).

Cols 5-6: The woman's movement, once the preserve of wealthy Western countries, is spreading to the rest of the world; yet, on the eve of the International Conference on Women in Beijing next month, women everywhere fare worse than men by just about all measures, concludes the 1995 U.N. Development Program report. (WOMEN, will move Thursday).

FBI's Freeh Says Agency Capable of Policing Itself By Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON FBI Director Louis J. Freeh, saying he does not doubt the FBI's ability to police itself, Wednesday rejected any suggestion that bureau officials' conduct be examined by a review process outside the U.S. Justice Department, as has been done at some big city police departments.

At the same time, Freeh said, he could not think of allegations ``more serious" than those against the five senior FBI officials he recently suspended because of accusations that they did not accurately disclose what took place in a 1992 siege at Ruby Ridge, Idaho. A white separatist's wife was killed during the siege by an FBI sniper in what Freeh has described as a ``tragic accident."

If the allegations prove to be true, Freeh said, ``I can't think of anything more serious, and I would be very concerned about undermining the public confidence in the FBI."

Freeh, in a telephone interview, voiced no alarm at a new poll showing that public confidence in the FBI had plummeted in the last three months, possibly tied to congressional hearings on the FBI's 1993 siege of the Branch Davidian compound near Waco, Texas, in which more than 80 people died.

The poll, by the Times Mirror Center for the People & the Press, found that only 16 percent of respondents said that they have a very favorable opinion of the FBI, compared to 34 percent who had a very favorable impression just three months ago in an ABC News/Washington Post poll. Unfavorable views of the bureau increased from 9 percent in May to 28 percent in the current survey.

``The fact remains that in FBI cases going to court, where juries are sitting in judgment of FBI agents and their credibility, they're in the 96 percentile conviction rate, which (shows) confidence in (the agency's) credibility and reliability," Freeh said. ``I would look at much more of a variety of indicators than a question and answer poll."

(Begin optional trim)

Freeh said one lesson from a commission, which investigated New York City police corruption in 1972, ``is that police have to police themselves. If you leave policing of a law enforcement organization to an outside entity exclusively ... there is more of a tolerance by police commanders and officers to certain
kinds of misconduct. ``What you have to do is ensure oversight, as we have in this case, with the oversight of the Department of Justice and the Office of Professional Responsibility, and ultimately the Congress," Freeh said. ``It's essential that organizations have the responsibility to police themselves. If you take that away, you take away the accountability and responsibility for assuring professional conduct."

(End optional trim)

Until the Ruby Ridge controversy, Freeh had enjoyed a reputation as an effective and popular law enforcement leader. Although Freeh was a federal judge when the Ruby Ridge incident occurred, officials he relied on and promoted after taking command of the FBI more than a year later, including former Deputy Director Larry A. Potts, now are subjects of a criminal inquiry by the U.S. Attorney's Office into the Idaho incident.

After removing Potts as his deputy, Freeh suspended him and four others with pay pending the outcome of the inquiry. On the recommendation of the Justice Department's Office of Professional Responsibility, their explanations of what took

USA TODAY • THURSDAY, AUGUST 24, 1995

Beware radical feminists

OPPOSING VIEW **Militants from the USA want to impose their anti-family views on the rest of the world.**

By Armstrong Williams

The women's conference to be held in China next month is being billed as a great step forward for women's health and equality. Actually, it subjects women from other cultures to an ideological makeover to suit the tastes of Western feminists.

The conference's Platform for Action has become a vehicle to impose very Western ideas about proper feminist behavior and thought upon women at home and abroad through government intervention.

Proponents of the conference talk about it blandly, as though it were simply about ensuring women's basic human rights and health.

The simple fact that the conference is located in Communist China belies this. No forum remotely interested in human rights or health would legitimize a regime that enforces a one-child-per-couple policy with forced abortions and sterilizations.

There is method to this madness, though. The conference has its sights set on eradicating not women's health or rights problems, but the very nature of femininity.

Radical feminists, in particular Bella Abzug and her Women's Environmental Development Organization, have had their way in shaping the Platform for Action and in preparing the agenda for the conference. That agenda focuses on government-mandated "sexual freedom and reproductive rights," access to birth control, sterilization and abortion.

The conference seeks to carry the West's sexual revolution to the rest of the world along with widespread abortion, family dissolution and rampant sexually transmitted diseases like AIDS. Feminists have opposed references to "family," "motherhood" or "father."

Do these ideas have nothing to do with women's welfare?

Specific sex differences revolve around procreation. Women are more physically and psychologically geared toward bearing and rearing children. But it is exactly that specifically feminine thing, motherhood, that holds women back from achieving economic and political parity of the type feminists have in mind.

Child rearing is a difficult and spiritual pursuit. It involves the cultivation of minds and souls. It may be the highest natural human calling, and both men and women are participants.

Women, though, are more constrained physically by the process of procreation and are more suited to nurture and care for children. It is this, the very constraint of feminine nature against the more worldly pursuits of lucre and power, against which feminists rage.

That is why the conference launches an all-out assault against fertility in favor of sterility. That is why hosting a supposed "women's" conference in China is not understood by conference organizers as the cruel irony it is. It is almost as if China and feminism have a common foe — the procreative virtue of woman. What the feminists are really at war with is the feminine nature of motherhood and the natural burdens of procreation.

A healthy feminism would seek to accord equal human dignity to men and women worldwide and would include a call for respect and recognition of that vital and uniquely feminine role of motherhood.

This conference would instead abolish womanhood itself and do so in the name of women's health and rights.

Armstrong Williams is a businessman, talk-show host and author in Washington, D.C.

place at Ruby Ridge are being examined as possible false statements or perjury.

(Optional add end)

Based on ``information and allegations that have now come to light," Freeh said, his decision to vigorously support Potts for the FBI's No. 2 position was ``a mistake."

While the criminal inquiry is being conducted, the Office of Professional Responsibility has placed on hold its broader inquiry into Ruby Ridge that extends beyond the five suspended officials.

Freeh said that he has given no consideration to resigning because of the Ruby Ridge controversy.

Support for Independent Candidates on the Rise, Poll Finds By Robert L. Jackson= (c) 1995, Los Angeles Times=

WASHINGTON Public support for a third-party candidate in the 1996 presidential race has been rising steadily as President Clinton's approval rating continues to decline, according to a new poll released Thursday.

The survey by the Times Mirror Center for the People and the Press found as many as 26 percent saying they would like to see an independent candidate elected president, compared to 35 percent favoring an unnamed Republican candidate and 32 percent favoring Clinton's re-election.

The nationwide poll of 1,476 respondents conducted last weekend with a margin of error of plus or minus 4 percentage points showed retired Army Gen. Colin Powell rated highest among possible independent candidates, with a 62 percent favorable rating and 17 percent unfavorable. But even Powell's rating showed some slippage. The hero of the Persian Gulf War, who has not declared his intentions, had received a 67 percent favorable response last February.

The poll found Sen. Bill Bradley, D-N.J., who is considering an independent candidacy, has ``a positive public image" but is known to only about half the electorate.

Clinton's approval rating in the past two months slipped from 50 percent to 44 percent. The response to a Ross Perot candidacy, however, was only 40 percent favorable and 53 percent unfavorable demonstrating that his recent United We Stand America political convention in Dallas had done little to help him.

``It's not just the president who is in trouble with the American public," according to Andrew Kohut, the survey director. ``Every major political figure tested in the current survey has either a very negative or increasingly unfavorable rating."

(Optional add end)

For example, the poll showed that negative ratings for House Speaker Newt Gingrich, R-Ga., have increased the most from 37 percent negative in February to 54 percent currently. These results paralleled growing opposition to Republican policies in Congress.

According to the latest survey, the public disapproves of Republican actions in Congress by a wider margin (45 percent to 38 percent approval) than in mid-June, when disapproval outweighed approval by a margin of 45 percent to 41 percent.

Kohut said the steady growth in potential support for independent candidates seems closely linked to increasing discontent with Republican policies and to a public perception that the Clinton administration is ``gridlocked."

``Fully 63 percent of those who disapprove of both Clinton and the GOP leaders favor an independent candidate in 1996," he said. Among people who describe themselves as political independents, 44 percent said they would cast their ballot for a third-party candidate, while 25 percent said they would support Clinton and 23 percent a Republican challenger, Kohut reported.

Reacting to policies of the Republican-controlled Congress, substantial majorities of respondents disapproved cutting the growth in Medicare spending (61 percent against vs. 34 percent for), reducing funds for public housing programs (59 percent against vs. 37 percent for) and cutting the budget of the Environmental Protection Agency (57 percent opposed vs. 39 percent in favor).

On the other hand, the poll showed most respondents approved cutting funds for foreign aid, for the National Endowment for the Arts and for food stamps.

WASHINGTON INSIGHT: Dole Pursues a Holdout (c) 1995, Los Angeles Times=

WASHINGTON Though Kansas Sen. Bob Dole has collected far more endorsements from party bigwigs than his competitors for the GOP presidential nomination, there is still one holdout Dole would dearly love to add to his collection. That is Stephen Merrill, governor of New Hampshire, which happens to be site of the nation's first presidential primary. Merrill so far has remained steadfastly neutral. This week, Dole breathed a sigh of relief when his New Hampshire agents reported to him that Merrill had turned aside an appeal from Texas Sen. Phil Gramm, Dole's chief rival thus far. Gramm had been hoping his success in the Iowa straw poll, in which he deadlocked with Dole, would gain him Merrill's blessing. Dole has good reason to put a high value on the endorsement, saying he ``found out in 1988 what a governor can do." That was the year when New Hampshire Gov. John H. Sununu helped George Bush score a come-from-behind victory in the state primary, a triumph that doomed Dole's own hopes of winning the nomination.

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STALKING CALIFORNIA: President Clinton will extend his stay away from Washington for a couple of days next week to attend political events in California as part of his continuing quest for the Golden State's electoral vote bonanza. After commemorating the World War II victory over Japan in Hawaii, Clinton will fly to Monterey, Calif., on Sept. 3, spending the night at the home of Democratic fund-raiser Truman Arnold. He will discuss defense conversion with students at Cal State Monterey Bay the next day, then fly to Alameda for the traditional Democratic Labor Day picnic. He returns to Monterey that evening and hopes to play the fabled Pebble Beach golf course Tuesday. The White House is tentatively planning a stop in the Central Valley later that day before Clinton returns to Washington Tuesday night, ending the longest absence from the capital of his presidency three weeks.

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BAILING OUT: The latest defection from the Clinton administration is among its most heralded foreign policy appointments. Harvard University announced Monday that Joseph S. Nye Jr., assistant secretary of defense for international security affairs and former chairman of the National Intelligence Council, the think-tank for all U.S. intelligence outlets, has been appointed dean of the John F. Kennedy School of Government. Nye, a Rhodes Scholar and a popular Harvard professor before he came to Washington,

was said by colleagues to be among the growing number of officials frustrated by the ineffectiveness of U.S. foreign policy. He'll leave in December in time to avoid the campaign season.

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NEWTERED: After two years with President ``Elvis" Clinton as a favorite target, the Capitol Steps, a merry band of ``current and recovering" congressional staffers who perform bipartisan political satire in song, is taking aim at House Speaker Newt Gingrich, R-Ga., and his loyalists. The group, a fixture on the Washington political scene, has released an album with the title song: ``A Whole Newt World." The disc also features a number sung to the tune of ``Supercalifragilisticexpialidocious" (or, in this case, ``Supercallousmeanandnastyrightwing legislation"). An excerpt:

``Noisy Newts, white men in suits, give you the jeepus creepus

Of all the recent Congresses, this one could be the cheapus

Push people off the public trough

Let's treat 'em like grim reapus

We'll make a bet that you'll forget

You do ... not ... have ... to ... keep ... us."

Dornan's Bid for Presidency Fizzles into Obscurity By Gebe Martinez= (c) 1995, Los Angeles Times=

WASHINGTON If Robert K. Dornan's Republican presidential campaign ends soon and the congressman himself has acknowledged that he will make that call by October he may look back to a night last weekend when his plane was hopelessly flying in circles over Chicago.

As most of his nine GOP rivals were serving up beer, barbecue and celebrities to the 10,000-plus party activists gathered in Iowa for a news media-saturated straw poll, Dornan's plane at the mercy of bad weather was about to be re-routed to Peoria, Ill.

``I told the stewardess, 'Go tell the pilot you've got a presidential candidate who's back in the pack and give me a break. Can't he orbit up here a little bit longer?' " the congressman from Garden Grove, Calif., would recall later.

When he finally did arrive in Ames, Iowa, half the crowd was gone, two-thirds of them had already voted in the straw poll and no one was expecting the notoriously feisty Dornan to show up. Dornan beat only Pennsylvania Sen. Arlen Specter, who was jeered by the crowd for his pro-abortion rights stand and whose campaign did not actively compete for votes.

Dornan's plea to the flight attendant goes to the heart of his seemingly marooned campaign: How long can he continue to orbit in the same air space as the GOP presidential favorites?

The answer is probably not long, because Dornan is out of money, nearly out of support, seemingly out of luck and almost out of time to turn his prospects around. About the only thing he has plenty of is the raw energy he draws from his enjoyment of being a member of the presidential pack.

He generally dodges questions about his campaign timetable. But after his speech in Iowa last Saturday night, he conceded that the ``clock is ticking."

As the only candidate who would be forced to give up his current office if he remains in the Republican race, Dornan recently said he will decide by October whether to stay and keep trying to push the campaign debate toward social conservative issues, or file for re-election for a 10th term to his 46th House District seat in central Orange County. The betting is that he will choose the latter course.

``You cannot come in ninth (in the straw vote) and do many things to stay in the race very long," said James P. Pinkerton, a former Bush administration aide now lecturing at George Washington University. ``He has a filing deadline that puts a real ceiling on him ... He would be the better bet to go home and take care of his seat."

But just as he promised last April when he announced his underdog bid for the presidency, Dornan, 62, has left no doubt in recent speeches that if he goes down, he will go down fighting with his boots on.

``I'm hearing people who want to be the commander-in-chief talking about things I've already done," Dornan told the crowd in Iowa. ``What you have a right to ask for in your nominee for the presidency is a consistent, charging conservative who ... is candid, is outspoken, and when the emperor has no clothes, will point at that person and say 'That person is a liar.' "

He took shots at his foes and tried to establish the relevance of his candidacy: ``Yes, I am influencing the message in this campaign."

The speech, Pinkerton observed, sounded like a ``eulogy for his own candidacy."

Dornan, known for his fiery rantings on the House floor and verbal attacks of President Clinton, acknowledged from the start the long odds against his winning the GOP nomination. He didn't have the frontrunner status of Senate Majority Leader Bob Dole of Kansas, nor Texas Sen. Phil Gramm's early money. Except for family members, Dornan also lacked a national campaign organization.

(Begin optional trim)

But he believed that once the public heard his passionate stump speeches against America's ``moral decay," he would pick up enough donations to stay in the race through the first important contests in February: the Iowa caucuses and the New Hampshire primary.

His problem, analysts agree, is that he has found his message obscured by other candidates stressing conservative themes Gramm, political commentator Patrick J. Buchanan, and former Maryland radio talk show host Alan L. Keyes, who frequently has upstaged his rivals on oratorical skills alone.

``Keyes was out there first giving the pure anti-abortion message and Buchanan has great name identification," said GOP strategist William Kristol. ``Dornan was never able to find a role."

(End optional trim)

And even though Dornan is one of the top fund-raisers in the House, his last presidential campaign finance report filed in July showed him raising only $144,109. It was the lowest amount of the nine candidates in the race at that point, and far below the $9.3 million reported by Dole.

``I think he was a victim of his own honesty in assessing the (small) chance of his own campaign," said Brian O'Leary Bennett, a former Dornan staffer who remains a close friend. ``If you continue to repeat it, you are going to sap the enthusiasm of people who would fall on their swords for you."

(Optional add end)

No money meant no grassroots organizations in early primary states, and thus no standing as a ``serious" candidate.

With a little more organization, Dornan might have made a better showing at the weekend's gathering in Iowa, which clearly was tilted to the right of the political spectrum.

``He's got support in the conservative Christian

Waco plan almost used in Idaho

By Jerry Seper
THE WASHINGTON TIMES

A1

An FBI tactical plan for the 1992 siege of Randall Weaver's cabin called for armored vehicles to knock down portions of the white separatist's remote Idaho cabin and insert tear gas to force him, his wife, a family friend and four children to surrender.

Previously undisclosed records show that the plan, including a change in the rules of engagement to allow FBI snipers to shoot any armed man at the Weaver site, was

FBI proposed gas, armored vehicles

detailed in a four-page memo — put together by members of the FBI hostage rescue team, other agents and deputy U.S. marshals at the scene.

The plan, later forwarded to bureau officials in Washington for their approval, was similar to one used eight months later with disastrous results in the Branch Davidian siege near Waco, Texas.

> **"If no response is received at this time, the APCs will be prepared to deliver chemical agents into the residence in anticipation of conducting a tactical entry."**
>
> *— From memo by members of the FBI hostage rescue team, other agents and deputy U.S. marshals*

Whether it was ever formally approved by FBI executives in Washington is the subject of considerable debate and an ongoing Justice Department investigation into accusations that high-ranking FBI officials covered up actions in the Weaver case to protect themselves and others.

Investigators are trying to determine whether top FBI executives and others lied or destroyed papers during inquiries by the bureau into the siege.

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The Washington Times
THURSDAY, AUGUST 24, 1995

From page A1

A Senate subcommittee headed by Sen. Arlen Specter, Pennsylvania Republican, will open hearings on the incident beginning Sept. 6 and is expected to ask about the plan and the modified rules of engagement. Standard FBI rules call for deadly force only when the lives of agents or others are in immediate danger.

The planned assault, according to the memo, was set to begin Aug. 22, 1992, and included "precision fire" from 10 FBI snipers situated around the cabin to control the perimeter "in accordance with stated rules of engagement."

At the time of the planned raid, the FBI was unaware a sniper that day had killed Mr. Weaver's wife, Vicki, while shooting at a man running into the cabin. The sniper had aimed his shot through a curtained window in the door and accidentally hit Mrs. Weaver, who was standing behind the door with her 10-month-old daughter in her arms. Mrs. Weaver's body remained in the house for nine days.

The FBI also was unaware that Mr. Weaver's son, Samuel, had died a day earlier in a shootout with deputy marshals. The teen-ager was located later in an outbuilding near the main cabin.

The plan, a copy of which was obtained by The Washington Times, said the Weavers and family friend, Kevin Harris, 24, would be given two opportunities to surrender and if they failed to do so, armored personnel carriers "will be prepared to begin destruction of portions of the structure," beginning with the "porches and perimeter portions of the residence."

"If no response is received at this time," the memo said, "the APCs will be prepared to deliver chemical agents into the residence in anticipation of conducting a tactical entry into" the cabin.

The plan was scrubbed after FBI agents discovered Samuel Weaver's body in a shack near the main residence. The 14-year-old had been shot in an aborted ambush, during which Deputy U.S. Marshal William F. Degan also was killed. The discovery was made while agents cleared outbuildings around the Weaver cabin in anticipation of putting the tactical plan into effect.

FBI agent Eugene F. Glenn, the on-site commander during the Weaver siege, told bureau investigators looking into the death of Mrs. Weaver that the plan was approved by FBI headquarters. In a signed sworn statement, he said the approval included a modification in the use of deadly force to allow a "could and should" shooting policy.

Mr. Glenn later told Justice Department investigators that then-Assistant Director Larry A. Potts, who headed the FBI's criminal division, personally told him the modified shooting policy had been "approved as formulated and could be put into effect." Mr. Potts directed FBI operations in the Weaver standoff from Washington.

Mr. Potts, who later was promoted to deputy director and since has been demoted and suspended pending a probe into his role in the siege, has denied approving "could and should" deadly force rules. FBI officials also have denied that the tactical plan was formally approved.

But Michael Johnson, a former U.S. marshal in Idaho who took part in command post discussions at the Weaver site, also told Justice Department investigators that the FBI tactical plan was approved.

In notes he made at the time and later included in a "crisis center log" by the Marshals Service concerning the Weaver case and the Degan death, Mr. Johnson, now retired, described the tactical plan as sevenfold:

- Snipers from the hostage rescue team will contain the compound's perimeter.
- Two armored personnel carriers (APCs) will be deployed to the compound, and loudspeakers will be used to order those inside to surrender.
- If Weaver or his older son (now known to be Mr. Harris) leaves the residence armed, snipers will neutralize them.
- If there is no contact, the APCs will retreat, leaving the snipers in place.
- The following day, the APCs will return and agents will again order the suspects to surrender.
- If no compliance, the APCs will begin dismantling the outlying buildings by ramming them.
- If no compliance, tear gas will be deployed into the main house.

According to a transcript of a recent Justice Department interview, Mr. Johnson told investigators that he overheard "a lot of telephone calls to FBI headquarters" by both Mr. Glenn and Richard Rogers, the hostage rescue team's commander, and that the tactical plan had been approved.

"This was the first time I realized that this was pretty serious stuff," he told investigators, adding that Mr. Rogers — after sending the tactical plan to Washington by facsimile — told him that "everything had been OKed."

Mr. Johnson noted that the deployment of gas into the Weaver cabin "presents a high-degree risk to small children," adding that there "may be a 1-year-old baby inside."

The use of CS tear gas in the Waco siege was a key issue in congressional hearings into whether federal authorities had used excessive force. In Waco, 17 children under the age of 9 died when a fire erupted at the Davidian compound after FBI agents knocked down portions of the building and inserted gas in an effort to force sect members to surrender.

Chemical experts said at the time that CS, which had been banned for military use by international treaty, posed a significant health threat to the Davidian children, particularly the infants. The type of gas to be used at the Weaver site was not identified in the tactical plan.

Mr. Johnson testified that "things stopped" after Samuel Weaver's body was found and FBI officials at the scene, who had assumed command of the site after Mr. Degan's death, began to reassess the situation.

"After the body was found, things seem to come to a — maybe the word halt is not correct — but things were stopped or certainly slowed down," Mr. Johnson said. "There was some reassessment. There was some rethinking."

The Washington Times
THURSDAY, AUGUST 24, 1995

China deals prison term, ouster to Wu

U.S. isn't sure which comes first

By Martin Sieff
THE WASHINGTON TIMES

A1

A Chinese court convicted U.S. human rights activist Harry Wu of spying and sentenced him to 15 years in prison and expulsion from the country, China's official Xinhua news agency said today.

A court in the central city of Wuhan early this morning found Mr. Wu guilty of "spying; illegally obtaining, buying and providing state secrets to overseas institutes, organizations and persons; and of passing himself off as a government worker for deceptive activities," Xinhua said.

Reuters said the Chinese dispatch did not make it clear whether the Chinese-born naturalized U.S. citizen would be required to serve out his 15-year prison term before his expulsion. The U.S. Embassy in Beijing also did not know.

Harry Wu

"In accordance with articles of China's criminal law, the court decided to sentence Wu Hongda to 15 years in jail and to expel him from China as punishment for his two crimes," Xinhua said.

Wu Hongda is the defendant's

see WU, page A20

From page A1

Chinese name. A longtime critic of China's prison system, he was arrested after trying to enter China's western Xinjiang region and charged with espionage.

In Washington, anticipation built up throughout the day yesterday that the Wu case, which had become an added thorn in U.S.-Chinese relations for the past two months, was moving toward a denouement.

U.S. officials turned tight-lipped, apparently concerned that further comments could derail any Chinese plans to try and release him before the Sept. 4-15 U.N. women's conference in Beijing.

China, meanwhile, launched a blistering rhetorical salvo at the Clinton administration over decaying Sino-American relations.

Efforts to secure freedom for Mr. Wu, 58, who was arrested in China on June 19, have reached a delicate stage. Undersecretary of State Peter Tarnoff planned to visit Bejing today to Sunday for fence-mending talks with Vice Foreign Minister Li Zhaoxiang.

Freedom for Mr. Wu, an American citizen who earlier spent 19 years in Chinese prisons as a dissident, could clear the way for first lady Hillary Rodham Clinton to travel to Beijing for women's conference.

Upwards of 50,000 people are expected to attend the conference and a related forum of non-governmental organizations that opens Wednesday.

An administration official who asked not to be identified acknowledged that if the Chinese released Mr. Wu, Mrs. Clinton would be much more likely to attend the Beijing conference.

"That could be the development we've been waiting for," the official said. Mrs. Clinton is the honorary head of the U.S. delegation.

Neel Lattimore, a spokesman for Mrs. Clinton, said the White House awaits recommendations from the State Department and the National Security Council.

"We will accept their recommendations," Mr. Lattimore said. He added that staffers are getting ready for the trip in case Mrs. Clinton goes, but an advance team has not left for China.

Mr. McCurry said U.S. officials don't know whether Mr. Tarnoff's mission "will have any bearing on the decision over Mrs. Clinton's trip."

Despite the Tarnoff visit, China yesterday launched one of its most blistering attacks on the United States.

A commentary released by the official Xinhua news agency said columnists, scholars and commentators in the U.S. press had joined in smearing China.

"They calumniated China as a 'new evil empire,' 'a temperamental emerging superpower' with 'belligerent behavior,' " the commentary said.

Xinhua railed at U.S. commentators. "They say that 'there is no more important strategic challenge for the 21st century than how to counter the rise of China.' This cannot but put people on alert," it said.

"We would like to advise those Americans with an anti-China mentality to give up their anachronistic way of thinking and hegemonic psychology so that Cold War Two can be avoided," the commentary said.

Timothy Wirth, undersecretary of state for global affairs, said yesterday Mrs. Clinton can't win on her decision about going to Beijing.

"She is in many ways sort of damned if you do and damned if you don't," Mr. Wirth said in a telephone news conference. He said no decision has been made.

Mr. Wirth, who is alternate chairman of the U.S. delegation to the conference, said that if Mrs. Clinton goes, she will be condemned by groups opposed to women's rights and abortion and by some human rights groups.

"And she'll be criticized by some of the human rights people if she doesn't go. They want her to be there carrying the flag for women's rights," he said.

Pressed to spell out the State Department's advice, he said: "We laid all that out — and that is a choice that she and the White House are going to have to make."

Geraldine Ferraro, U.S. ambassador to the U.N. Human Rights Commission and vice chairman of the U.S. delegation to the Beijing conference, suggested that the United States expects China to try Mr. Wu before the conference.

"I am hoping that if indeed it takes place, that it is very fast and that the decision is that Harry Wu be expelled and told never again to try to come into China," she said during the telephone news conference.

"If indeed that is the result of the trial, I will be delighted that China moved quickly to get it done before we get there and so that we can then move on with the issues at hand for the conference," Mrs. Ferraro said.

China seems receptive to a summit between President Jiang Zemin and President Clinton when Mr. Jiang visits the United States for the U.N. General Assembly next month. But Secretary of State Warren Christopher has indicated such a meeting would be unlikely if China still held Mr. Wu.

China has not given visas to several hundred Americans planning to attend the women's conference, and the delays have caused many to miss their flights, the State Department said yesterday.

State Department spokesman David Johnson said China has issued visas to some Americans and has denied very few applicants. The delays for the remaining applicants have prompted U.N. Ambassador Madeleine Albright and other U.S. diplomats to voice concern to Chinese and U.N. officials, he said.

• *J. Jennings Moss contributed to this report.*

THE WASHINGTON POST
WEDNESDAY, AUGUST 23, 1995
FINAL

Coverup Allegations Distress FBI Chief

By Richard Leiby
and George Lardner Jr.
Washington Post Staff Writers

A1

FBI Director Louis J. Freeh said yesterday that the coverup allegations against senior FBI officials in the Ruby Ridge case are not only "shocking" and "grievous," but the most serious that can be leveled against law enforcement officials entrusted to find the truth. In an interview, Freeh declined to say how much damage has been done to the FBI as a result of the investigation that already has brought the suspension of five high-ranking FBI officials, but said it might be comparable to the Cointelpro scandal of the 1970s, when widespread FBI abuses against political dissidents were exposed.

The Justice Department has opened a criminal investigation to determine whether FBI officials lied or destroyed documents during internal inquiries prompted by the deadly siege of white separatist Randy Weaver's Idaho cabin three years ago. The affair has also called into question Freeh's judgment in promoting Larry Potts, a trusted friend, to be his deputy earlier this year despite Potts's failures in supervising the standoff.

Weaver's wife was killed on Aug. 22, 1992, by an FBI sniper who was deployed under unprecedented rules of engagement that amounted to a "shoot on sight" policy for any armed adults seen around the cabin.

The central question in the current investigation is who at FBI headquarters approved the rules, which later

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FBI, From A1

were held to be illegal and unconstitutional.

Freeh said that in his view as a former FBI street agent, federal prosecutor and federal judge, "there is nothing more shocking or more grievous than for one who is charged with obtaining the facts fairly to be alleged to have corrupted that process and to have either obstructed justice or destroyed evidence or committed perjury.

"It goes to the very heart of the entire FBI system and the judicial system," he said.

Freeh, who came to Washington with a solid reputation for integrity, made plain how personally upset he was to discover that an earlier FBI review of the bureau's role in the siege was incomplete and seriously "flawed."

"It's an extremely distressing and painful personal situation," he said, "but that distress pales in comparison to the anger and sense of frustration that something like this could happen." He pledged "absolutely swift and firm action" to restore public confidence in the bureau.

Freeh declined to discuss details or the extent of the alleged coverup, but he said that if the allegations turn out to be true, "obviously, there was critical information I did not have when I was making judgments about credibility, judgments about integrity, judgments about all the things that went into my decision in January."

That was when Freeh meted out mild discipline to a dozen FBI officials, including Potts, whom he subsequently promoted to the No. 2 FBI job. "Given the facts we now have," Freeh said, "I would not have made that decision."

As a result of the renewed investigation into the Ruby Ridge shooting deaths, Freeh demoted Potts July 14 and then suspended him indefinitely Aug. 11.

Asked why he promoted Potts in the first place, the FBI director said, "The most important part of my decision was really the reputation and the respect which Mr. Potts has inside and outside the FBI as a progressive leader. . . . I thought he was extremely competent and skillful, and I trusted him immensely."

Freeh and Potts had worked closely together during the prolonged investigation of the 1989 mail-bomb murders of a federal circuit judge in Alabama and a civil rights attorney in Georgia. Freeh said his decision to promote Potts "of course, had to be affected by my long relationship with him and my friendship with him." But he said "most of that relationship was professional."

Freeh said in January that the rules of engagement at Ruby Ridge not only violated standard FBI policy on the use of deadly force but were unconstitutional. Under standard FBI policy, agents are not to use deadly force except to protect themselves or others in danger of death or "grievous bodily harm." Whenever possible, warnings are supposed to be given. There was no warning given at Ruby Ridge until about 20 minutes after Vicki Weaver was killed, according to a special Justice Department review.

Freeh said yesterday, however, that he still thinks the sniper who wounded Randy Weaver and killed Vicki Weaver acted legally, within the standard rules. He said the sniper, Lon Horiuchi, thought Randy Weaver was trying to shoot at an FBI helicopter. The sniper was justified in firing a second shot to prevent the Weavers and longtime family friend Kevin Harris, then 24, from shooting back once they reached the safety of the cabin, Freeh said.

Mrs. Weaver, 43, was shot in the face while holding open the cabin door with her baby daughter in her arms. The bullet severed her carotid artery and vein, exited and hit Harris.

In January, Freeh laid most of the blame for the controversial rules of engagement at Ruby Ridge on the two agents in charge, Eugene Glenn, the on-site commander, and Richard Rogers, then head of the FBI's sharpshooting Hostage Rescue Team. He faulted Potts and other headquarters officials only for "a failure of management oversight."

Glenn and Rogers have said that Potts, then an assistant FBI director, was consulted about the rules and fully approved them. A new inquiry into the matter was started in May when Glenn complained to the Justice Department's Office of Professional Responsibility that the FBI review had made him a scapegoat while protecting Potts and others at headquarters.

Glenn was given a 15-day suspension, was taken off his job as agent in charge of the FBI's Salt Lake City office, and reassigned to Washington. Potts was given a letter of censure, the same punishment Freeh once gave himself for losing an FBI cellular phone.

The criminal investigation, which is being conducted under the general supervision of U.S. Attorney Michael Stiles of Philadelphia, was triggered by an interim report from Michael Shaheen, head of the Office of Professional Responsibility, and is limited for the moment to coverup allegations involving Potts and four other officials.

Shaheen, meanwhile, is continuing his own broader review of the events at Ruby Ridge and its aftermath.

The 11-day standoff began with a gunfight that resulted in the death of a deputy U.S. marshal and the Weavers' 14-year-old son.

Freeh said Shaheen "has the authority to look at all Ruby Ridge-related matters. . . . He has basically got a free running field as to whatever aspects he thinks are relevant and important to go into."

The FBI director also said he has taken steps to make sure that Ruby Ridge-style rules of engagement are never promulgated again. What?

On Pentagon's Super Radar Screen: Drug Flights

By Bradley Graham
Washington Post Staff Writer

A1

CHESAPEAKE, Va.—Radar operators at the Navy's long-range tracking facility here spotted the small twin-engine Cessna soon after it left Colombia one night last April, and watched it head northwest across the Caribbean on a suspicious course.

Mexican police, notified by American authorities that the aircraft appeared to be heading to the Yucatan Peninsula, were in position to witness the drop of 900 kilograms of cocaine, seize the shipment and make several arrests. The Cessna, unaware it had been discovered, was allowed to fly back to Colombia, still under the gaze of naval trackers who helped guide Colombian officials to the plane's jungle landing strip.

The episode highlights a new use for a military radar system intended originally to monitor Soviet bombers. With Moscow no longer the worry it once was, the Pentagon thinks it has found a way of salvaging this elaborate multimillion-dollar surveillance network by targeting drug-trafficking planes instead.

As overall U.S. military spending on counter-drug action declines, defense officials say the powerful spying system installed here in the Virginia countryside is a more cost-effective way of keeping tabs on drug-ferrying planes than the network of regional ground stations and balloons on which the United States has relied.

But some law enforcement officials, noting several operational problems with the

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new system and a decline in air trafficking that began before the system's introduction, are not yet sure the super radar is worth the expense.

At a set-up cost of about $14 million a copy and annual operating expenses per facility of $12 million to $14 million, the system is not cheap. Yet even with such high-tech wizardry, drug enforcement authorities end up seizing relatively few planes.

In a typical three-month period, radar detects about 20,000 aircraft traversing the Caribbean, according to figures supplied by the U.S. Atlantic Command. Only 45 of those flights are determined to be "suspect," and only about half are interdicted.

The tiny percentage of captures is a frustration for many involved in the counter-drug effort, including Cmdr. Bob Hillery, who heads Fleet Surveillance Support Command, which operates the new system.

"Surveillance is only part of the problem," he said in an interview. "There also aren't enough players to make the arrests."

The Defense Department is establishing a tracking installation in Texas similar to the one here, and has plans for a third in Puerto Rico (notwithstanding local political opposition to the project). When fully operational in a few years, the three stations should be able to monitor virtually all the planes in the air over the Caribbean and the northern half of South America, where most of the world's cocaine originates.

Using an altogether different kind of technology than conventional line-of-sight microwave radar, the system here works by bouncing signals off the ionosphere, the outer region of the atmosphere that begins about 30 miles above Earth. The greatest advantage of such a "look-down" approach is to eliminate hiding places for drug-ferrying planes, officials say.

Traffickers have been able to elude microwave radar by flying low or behind hills or by maneuvering between closely spaced islands. Such actions do not escape detection under the new system.

But relying on the unstable ionosphere as a kind of radar backboard presents problems. Most important, radar coverage can vary significantly with the time of day, time of year, sunspot activity and other conditions. The new tracking system requires constant adjustment by operators who scan continuously for the most advantageous sections of the ionosphere and the clearest radio frequencies.

"A major sunspot storm and we'll have difficulty tracking," said Petty Officer Jon Seward, among the most experienced operators here. "Sometimes a plane we're following will fly into a black hole in our coverage, and we'll try everything we can but won't be able to find it again."

The Navy originally planned to build 12 such radar facilities to keep its battleships apprised of the location of Soviet aircraft. The system was designed to be mobile—hence its name, Relocatable Over-the-Horizon Radar, or ROTHR—although moving one of these installations is no easy matter. Its hundreds of antennas and miles of wiring require months to unpack and assemble.

The new use was conceived several years ago. While testing a prototype in a remote cornfield about 40 miles south of Norfolk, operators noticed that large commercial aircraft were not the only things the radar was seeing crisscrossing the Caribbean.

"We looked south and saw lots of things flying around," Hillery said. "With the Cold War ending, the Pentagon said, 'Why don't we just leave it where it is and make it part of the counter-drug effort.' "

The system consists of two installations about 70 miles apart: a transmission site in New Kent, Va., consisting of 32 antennas laced with wires; and a receiver site here, 372 pairs of 19-foot tall aluminum poles arranged in two parallel rows stretching 1½ miles. Operators sit in a windowless room at the receiver site staring at dozens of consoles showing color-coded dots, lines and complex patterns.

In general, the Clinton administration has shifted emphasis from interdiction of cocaine shipments toward assistance to South American countries where the narcotic is produced. But a variety of U.S. military assets remain engaged in identifying and tailing aircraft that travel the Caribbean.

U.S. counter-drug authorities draw intelligence from microwave radar systems at ground-based stations throughout the Caribbean, Central America and northern coast of South America. They also employ aerostats, or radar balloons, that float at about 15,000 feet above the surface and are tethered to locations across the southern United States and the Bahamas. Additionally, some P-3 patrol aircraft and old Navy intelligence-gathering ships have been refitted with special radars to assist in monitoring drug flights.

But ROTHR's 24-hour, all-weather capability, 2,000-mile range and wide coverage area add up to a marked advance over anything the military has used before.

"It's the most significant technological upgrade to fight drug operations," said Capt. Bruce Cavey, chief of counter-drug operations for the Atlantic Command.

An outside expert hired by the Pentagon to assess the system also has given ROTHR high marks. "It has improved our overall performance in watching traffickers," said Barry Crane of the Institute of Defense Analyses. "It has allowed us to detect more difficult targets and to monitor better where the aircraft are going."

Not everyone, however, is ready to declare salvaging ROTHR worth the cost. Officials at the Drug Enforcement Administration, for instance, are withholding final judgment until some of the system's limitations are corrected.

"I'm not completely as sanguine as the Defense Department is," said Doug Wankel, DEA's chief of operations. "But I'm comfortable with the direction they're going in."

Because ROTHR was designed initially to track big, fast Soviet warplanes—not small, slow, low-flying aircraft—it has some shortcomings as a counter-drug weapon. For example, it lacks the pinpoint accuracy of microwave radar, providing only the approximate location of a target, give or take 5 miles to 20 miles. It also is unable to determine an aircraft's altitude.

Moreover, the system is cumbersome to operate and unable to provide a quick fix on a suspected trafficking plane, in contrast to the instant identification provided by microwave stations. Additionally, ROTHR's coverage area varies significantly in range and clarity depending on the state of the ionosphere.

Planned improvements in the system's computer software should remedy some of these deficiencies, military officials say. But for now, ROTHR can hardly do the tracking job alone; it must rely on jet fighters and surveillance aircraft to shadow suspected targets and determine their type, exact location, altitude and other details.

Pentagon officials say the system is necessary to maintain a deterrent against air trafficking even though U.S. officials in 1992 began observing smugglers were shifting from aircraft to ships, containers and other means to reduce the risks of detection. ROTHR started operating in April 1993.

The Defense Department is so convinced of ROTHR's superiority over conventional monitoring methods that it has cut the number of ground radar stations from 16 to 8, and aerostats from 14 to 11, to help pay for the new radar. Given the precipitous drop in defense spending on counter-drug efforts in the Caribbean—from $405 million in 1993 to $190 million in the planned 1996 budget—ROTHR stands to consume a large share of the total.

Defense officials say the full extent of ROTHR's capabilities has yet to be explored. They suggest the sky is no limit for the erstwhile Cold War system and point to its ability to detect some ship and train movements.

"Once you tweak this further, could you use it to track other things? The answer is yes," Hillery said.

THE WASHINGTON POST
WEDNESDAY, AUGUST 23, 1995

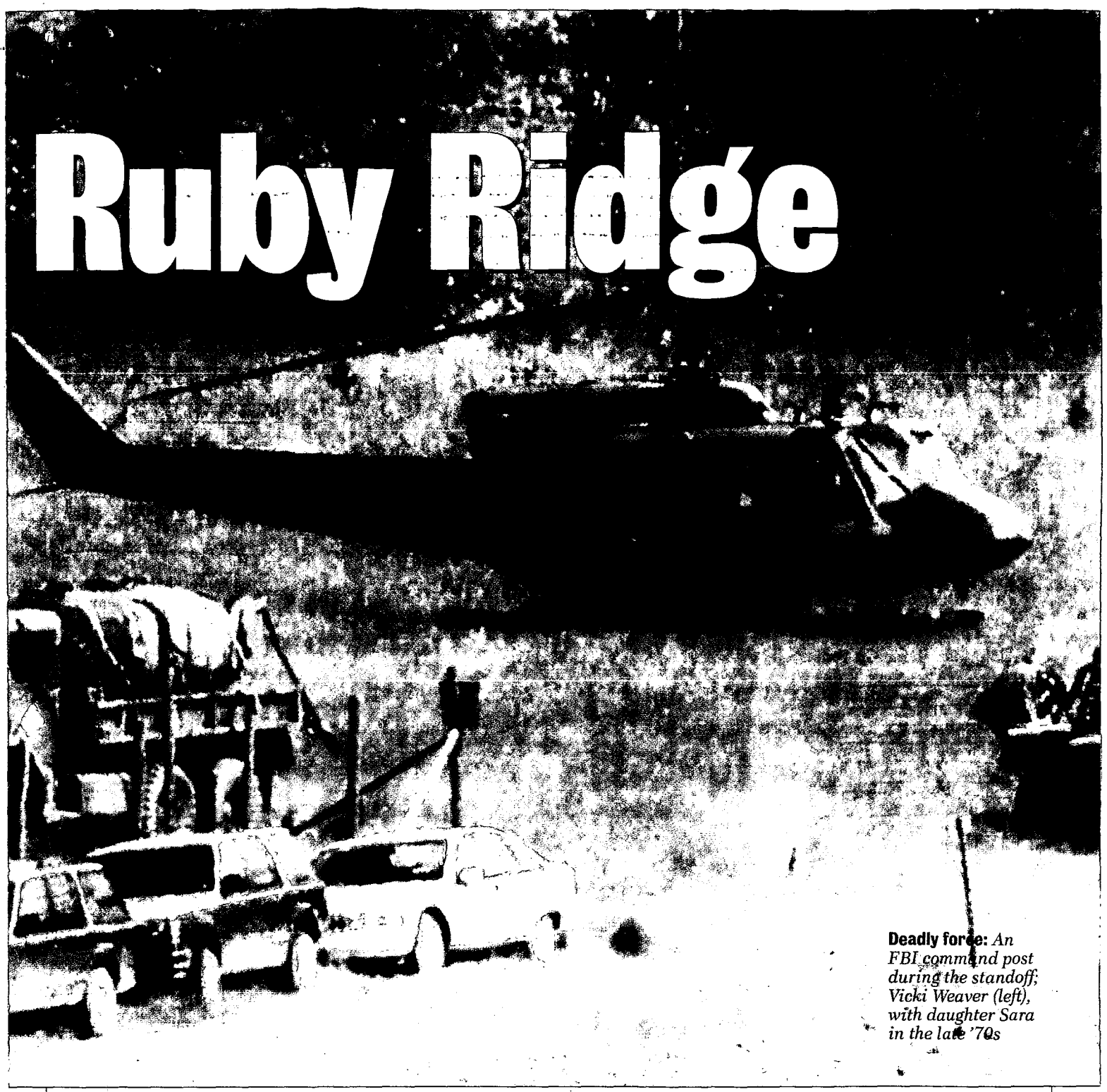
NATIONAL AFFAIRS

The Echoes of

The government quietly capitulates in a lawsuit over the bloody '92 standoff with the separatist Weaver family. But the controversy is far from over—and before it ends, top FBI officials must explain how a shoot-to-kill order turned a routine case to tragedy.

PHOTOCOPY
PRESERVATION

Ruby Ridge



Deadly force: *An FBI command post during the standoff; Vicki Weaver (left), with daughter Sara in the late '70s*

WASHINGTON BEING Washington, there was no photo op—just a one-page press release conceding the government's responsibility for one of the most shameful episodes in the history of American law enforcement. After months of negotiation, the U.S. Department of Justice announced last week that it had agreed to pay $3.1 million to Randall Weaver and his three surviving children, Sara, 19, Rachel, 13, and Elisheba, 3, for the shooting death of Weaver's wife, Vicki, in 1992. "By entering into a settlement, the United States [government] hopes to take a substantial step toward healing the wounds the incident inflicted," the press release said. It did not say that 14-year-old Sammy Weaver had been fatally shot in the back, or that Vicki Weaver had been holding the baby Elisheba in her arms when an FBI sniper, firing from the dense brush outside the Weaver cabin on Ruby Ridge, Idaho, blew off half her face.

Her death has now embroiled the FBI and the Justice Department in a highly politicized scandal that may take months to play out. Like Waco, Ruby Ridge long ago entered the political mythology of the paranoid ultraright. Like Waco, it attests to the emergence of a reckless mentality that sullies the image of the FBI and plays straight into the hands of those who like to demagogue the federal government. Next month a Senate subcommittee chaired by Sen. Arlen Specter will open hearings on the incident and the FBI's conduct. The Justice Department and the U.S. Attorney's Office in Washington, meanwhile, are investigating the possibility of a running cover-up by

COLIN MULVANY—SPOKESMAN-REVIEW. COURTESY JEANE JORDISON (INSET)

PHOTOCOPY PRESERVATION

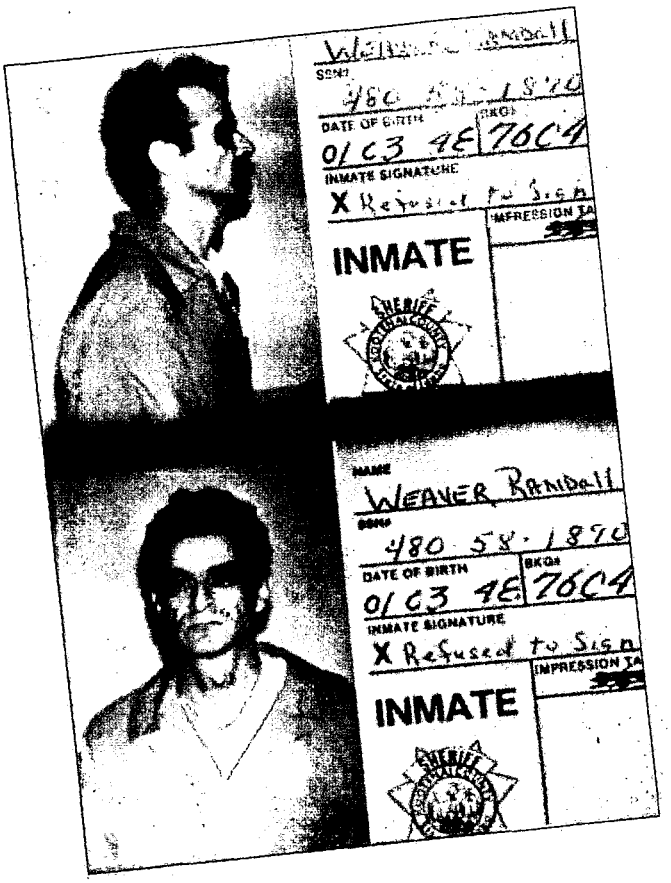
ranking FBI officials. The nation's top law-enforcement agency—the agency all Americans rely upon to root out corruption and official wrongdoing—is itself being investigated for obstruction of justice.

The roots of this scandal go back to 1983, when Randy and Vicki Weaver migrated from Cedar Falls, Iowa, to the wilds of northern Idaho. The Weavers were extreme Christian fundamentalists whose religious views led them to reject modern society. They were survivalists who believed in the imminence of a Biblical Apocalypse, and they were at least somewhat sympathetic with the anti-Semitic, anti-black doctrines of the Aryan Nation, a notoriously violent underground group. Randy Weaver had friends who liked to talk about taking action against the federal government, and that is what eventually led him into trouble with the law.

IT BEGAN WHEN WEAVER met an informer for the Bureau of Alcohol, Tobacco and Firearms in 1986. The informer, Kenneth Fadeley, bought two sawed-off shotguns from Weaver, and the ATF later tried to use the threat of prosecution to force Weaver to spy on the neo-Nazi underground in Idaho and Montana. Weaver refused, and in early 1991 he was arrested and charged on the weapons violation. With his wife's encouragement, he and his family then holed up in their jerry-built cabin on Ruby Ridge for nearly 18 months. The U.S. Marshals Service tried in vain to talk him out and finally decided to force him out—despite the fact that Weaver was known to have an ample supply of weapons and the will to use them.

On Aug. 21, 1992, a team of marshals on a reconnaissance mission ran into Sammy Weaver and a family friend, 24-year-old Kevin Harris, near the family cabin. According to an exclusive NEWSWEEK excerpt (page 28) from a new book about the case by journalist Jess Walter, "Every Knee Shall Bow: The Truth and Tragedy of Ruby Ridge and the Randy Weaver Family," Sammy Weaver and one of the marshals, William Degan, were killed in a fire fight that began when Sammy's dog sniffed out the marshals. The FBI was called in and the siege began the following day—an epic fiasco that involved the bureau's crack Hostage Rescue Team and led to Vicki Weaver's death. In 1993, Weaver and Harris went on trial for Degan's murder, among many other charges. But an Idaho jury, confounded by discrepancies in the prosecution's case, acquitted both men of murder and conspiracy, and Weaver ultimately served a mere four months in prison for missing his court date on the original weapons charge.

The family sued the government for $200 million for the wrongful death of Vicki Weaver. Justice Department experts said they probably would have collected if the case had gone to trial. The agreement, in which the DOJ admits no wrongdoing or legal liability, averted that expensive humiliation.



A very wanted man: *Weaver booked on gun charges in 1991*

But the controversy isn't over—and it has now created what one bureau source calls "turmoil" within the FBI. One reason for this morale problem is the friction between field agents and higher-ups over who is really to blame for the bureau's overreaction at Ruby Ridge. Another reason, potentially far more damaging to the bureau's credibility with Congress, the Clinton administration and the public, is the persistent allegation of a cover-up by a handful of top bureau officials. Though still unproven, the basis of that charge is more than two years of wrangling over who approved the rules of engagement during the siege. These rules governed the conduct of the FBI hostage team and, according to some of the FBI's own experts, led more or less directly to the death of Vicki Weaver.

The man in the middle of this increasingly nasty mess is FBI Director Louis Freeh, a former FBI field agent and U.S. district judge who, until recently, enjoyed a solid-gold reputation for competence and integrity. No one suggests that Freeh took part in any cover-up. But he consistently defended the bureau against critics of the Weaver case, and he accepted the findings of an extensive review whose shortcomings were, or should have been, obvious. Worse, Freeh last spring staked his reputation on promoting an old friend, Larry Potts, as deputy director of the FBI. Potts was the man in charge of Ruby Ridge and Waco—and though he denies any wrongdoing, he is now a subject of the cover-up investigation.

In an interview with NEWSWEEK, Freeh conceded last week that "it's obvious there was a flawed investigation, and I relied on that." He said he took "full responsibility" for the resulting damage to the FBI's image and admitted that he had promoted Potts because of their "long and close association." "Given the facts we now have," Freeh said, "I would not have made the decision." Potts and four other top-level FBI officials have been suspended, and Freeh promised "very swift and very firm action" against those who broke the law. Though he refused to discuss the specifics, he said the allegations being investigated are "quite shocking."

But they are not new. What Freeh and other bureau officials will have a hard time explaining is why they waited until now to explore the patently clear evidence that the FBI ran amok at Ruby Ridge. This evidence was produced at Randy Weaver's trial and was discussed in detail in the DOJ's 1994 internal review; no one disputes it. It boils down to the rules of engagement, or "ROE," that applied to the FBI team during the siege. These rules were devised the evening before the hostage team arrived in Idaho and, according to the testimony of Lon Horiuchi, the sniper who fired the fatal shot, were directly responsible for the death of Vicki Weaver. The rules said that agents "could and should" use lethal force even *before* the FBI announced its presence and called for the Weavers' surrender. Some of the agents

?

PHOTOCOPY PRESERVATION

who took part in the siege were openly incredulous about these rules: the FBI *never* opens fire without warning unless the subject presents a clear threat to agents or civilians. So the ROE were illegal and even unconstitutional.

The mystery is, who approved the rules? The departmental review found that Potts and the hostage-team commander, Richard Rogers, discussed the ROE the night before the FBI took over, and that commanders on the scene then added the phrase "could and should" to the orders on the use of lethal force. The review also pointedly noted there were virtually no records of this crucial wording change at FBI headquarters in Washington, even though the FBI *always* maintains a paper trail and even though agents on the scene later complained that headquarters had micromanaged the whole affair.

In January, Freeh disciplined 12 FBI officials on the basis of that report. The pot simmered until May, when Eugene Glenn, the on-scene commander at Ruby Ridge, wrote an angry letter to FBI headquarters. Glenn had been reassigned—and he was outraged that Potts and others got only administrative reprimands. He charged that the review had been inaccurate, incomplete and designed "to create scapegoats and false impressions."

Although Howard Shapiro, the FBI's general counsel, derided Glenn's charges as "baseless" and "irresponsible," they triggered yet another internal investigation

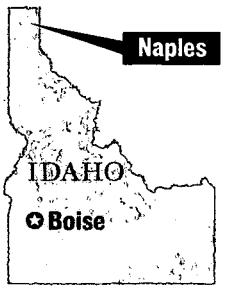
Men in the middle: *(Clockwise from top) Smarting from his demotion, Potts faces troubling questions about a possible cover-up; Freeh has lost some of his glow; Kahoe destroyed a key report*

FLORIDA TIMES-UNION-AP

JOE MARQUETTE—AP (TOP). KATHERINE LAMBERT

A Violent Debacle, Then a Whitewash

Did the FBI cover up after Ruby Ridge? The Feds' woes have only gotten worse since the shooting.



August 1992: Federal agents' long surveillance of Randy Weaver on Ruby Ridge, near Naples, Idaho, ends in a deadly 10-day siege. Weaver's wife, Vicki, and son, Samuel, and Deputy Marshal William Degan are killed.

September 1992: A review led by E. Michael Kahoe, an agent who supervised the siege from Washington, exonerates the FBI.

December 1992: Prosecutors preparing to try Weaver complain when the FBI refuses to supply crucial documents.

July 1993: Weaver is acquitted of serious charges. At the trial, an FBI agent says the then Assistant Director Larry Potts approved shoot-on-sight orders on Ruby Ridge.

January 1995: FBI Director Louis Freeh disciplines 12 agents for misconduct after reading a 542-page report on the siege. Despite a letter of censure, Potts is promoted to FBI's No. 2 spot in May.

July 11–14: Freeh suspends Kahoe, who admits he shredded a key report, and demotes Potts.

Aug. 15: The U.S. government settles with the Weaver family for $3.1 million.

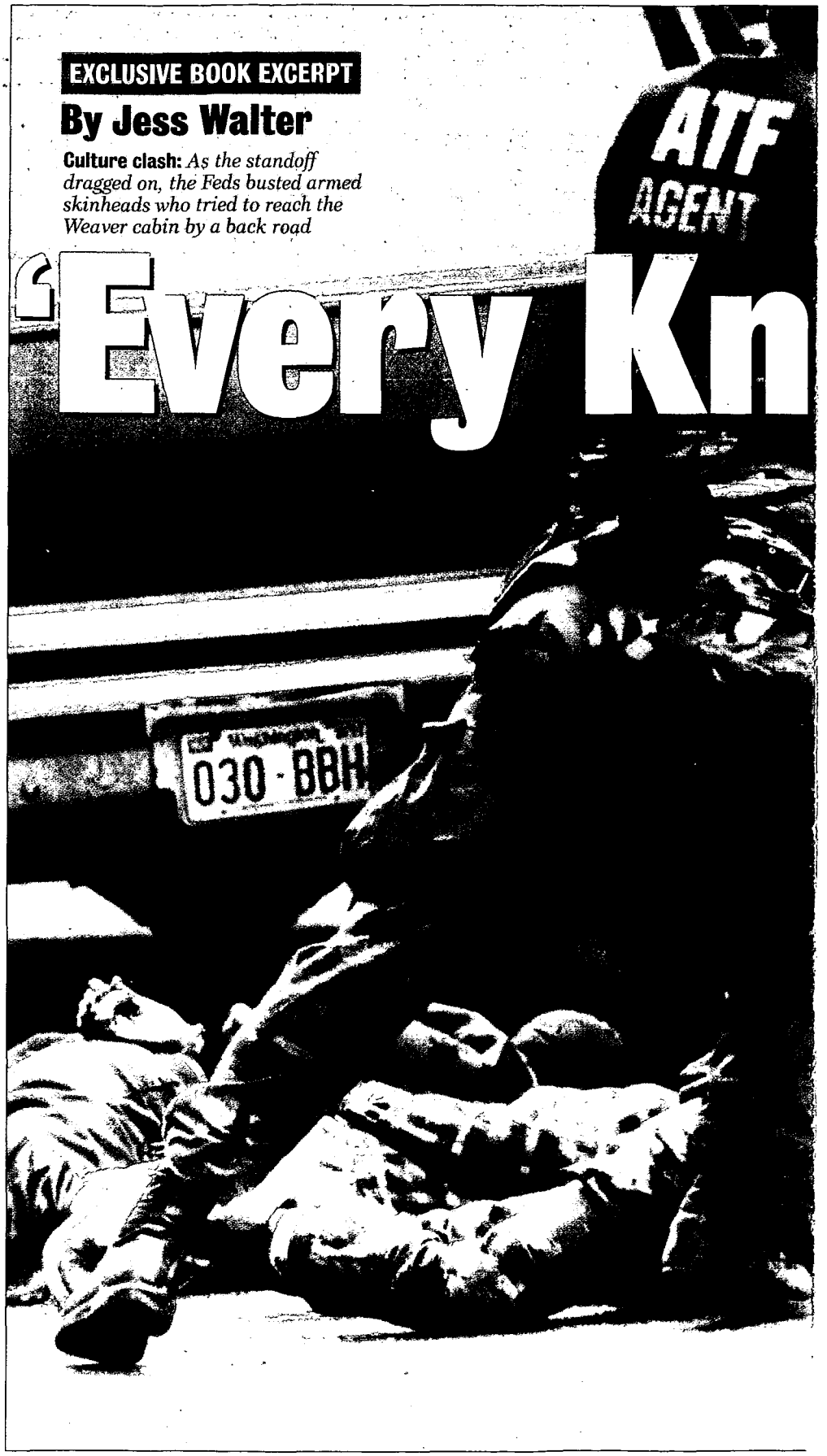
PHOTOCOPY RESERVATION

of Ruby Ridge. This time, the probers focused on E. Michael Kahoe, then head of the FBI's Violent Crime Section in Washington. Kahoe had been among those who supervised the siege from Washington; strangely enough, he had also been the head of a shooting-incident review team that produced one of many after-action reports justifying the hostage team's actions. Kahoe was polygraphed and flunked: he then admitted destroying a report that might have shed light on discussions at headquarters. "We suddenly realized that much of the [1994] report was invalid," said a Justice Department official. Kahoe was suspended. Potts, who had only recently been promoted to the FBI's No. 2 job, was demoted by Freeh. In early August, further investigation suggested that others may also have lied, and the Justice Department sent the case to the U.S. Attorney's Office in Washington for criminal prosecution. Freeh then suspended Potts, Danny Coulson, Gale Richard Evans and Anthony A. Betz, all of whom held headquarters jobs during the siege or its aftermath. All, including Kahoe, deny wrongdoing, and it is simply too early to tell how the investigation will turn out.

DESPITE THE SETTLEMENT WITH the Feds, the Weaver family is still waiting to see whether the government will hold the FBI accountable for Vicki Weaver's death. Randy Weaver, who now lives in Grand Junction, Iowa, with Rachel and Elisheba, could not be reached. Vicki's mother, Jeane Jordison, said, "Money's never going to bring people back—the justice part is what we're interested in." Gerry Spence, the flamboyant Wyoming lawyer who led Weaver's defense team during the 1993 trial, said the issue was "restoring confidence in our police. We cannot restore confidence until the FBI comes forward and acknowledges what it has done." Spence said he asked Attorney General Janet Reno last spring to file murder charges against the sniper, Lon Horiuchi, the held commanders, Eugene Glenn and Richard Rogers, and possibly against Potts. "The only way you can bring the FBI back into good repute," Spence told the attorney general, "is to prosecute the bad apples." Reno, he added, listened coolly and said nothing.

The upcoming hearings will give the FBI's critics a chance to vent their outrage—and a trial in federal court, if the criminal investigation leads to that, would be the highest form of accountability the American system provides. But it should never have come to this—which is why Freeh and the once proud agency he leads now face the kind of critical scrutiny the FBI has not had to endure in years.

TOM MORGANTHAU *with* MICHAEL ISIKOFF *and* BOB COHN *in Washington*



EXCLUSIVE BOOK EXCERPT

By Jess Walter

Culture clash: *As the standoff dragged on, the Feds busted armed skinheads who tried to reach the Weaver cabin by a back road*

'Every Kn

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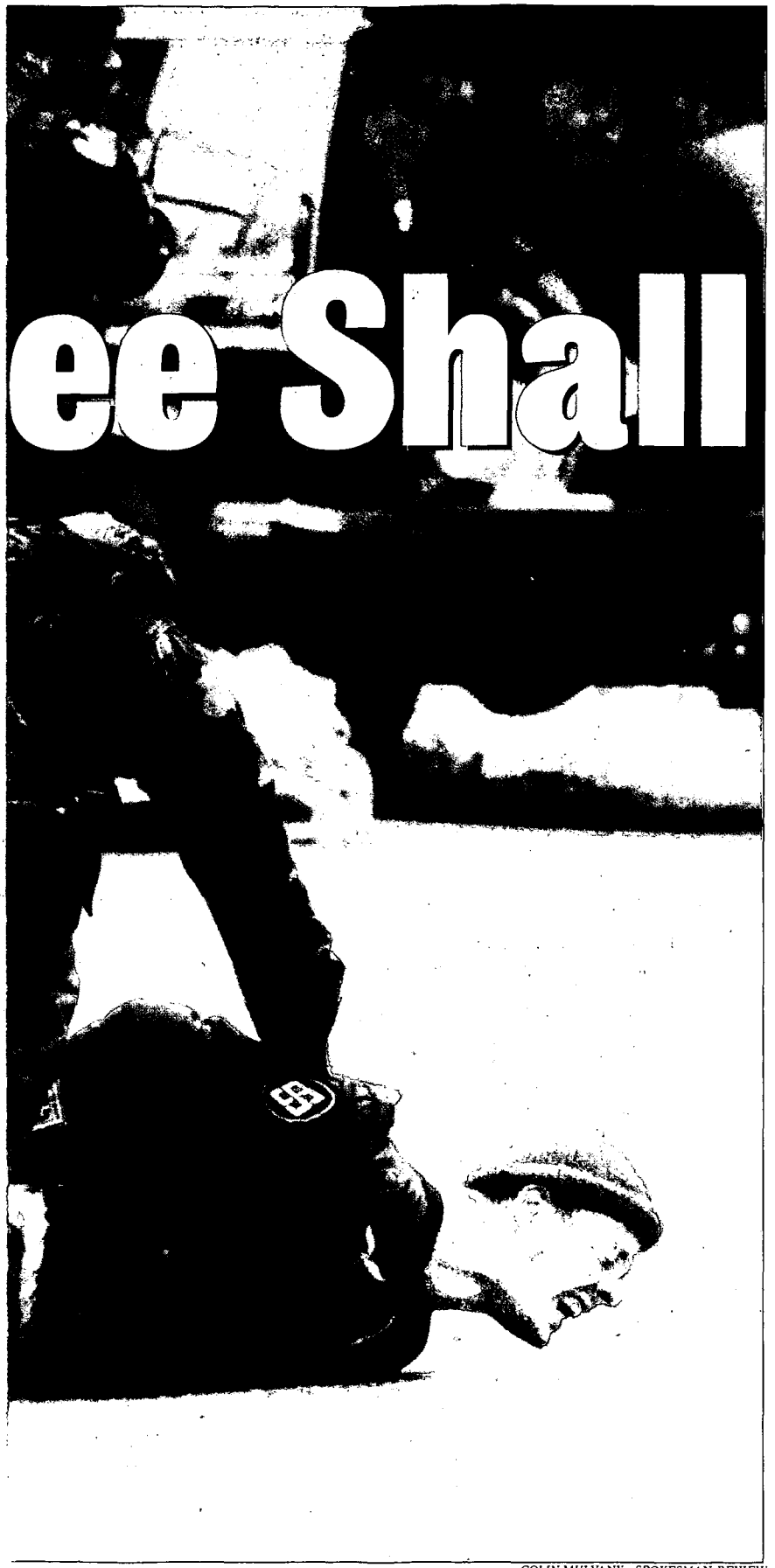


COLIN MULVANY—SPOKESMAN-REVIEW

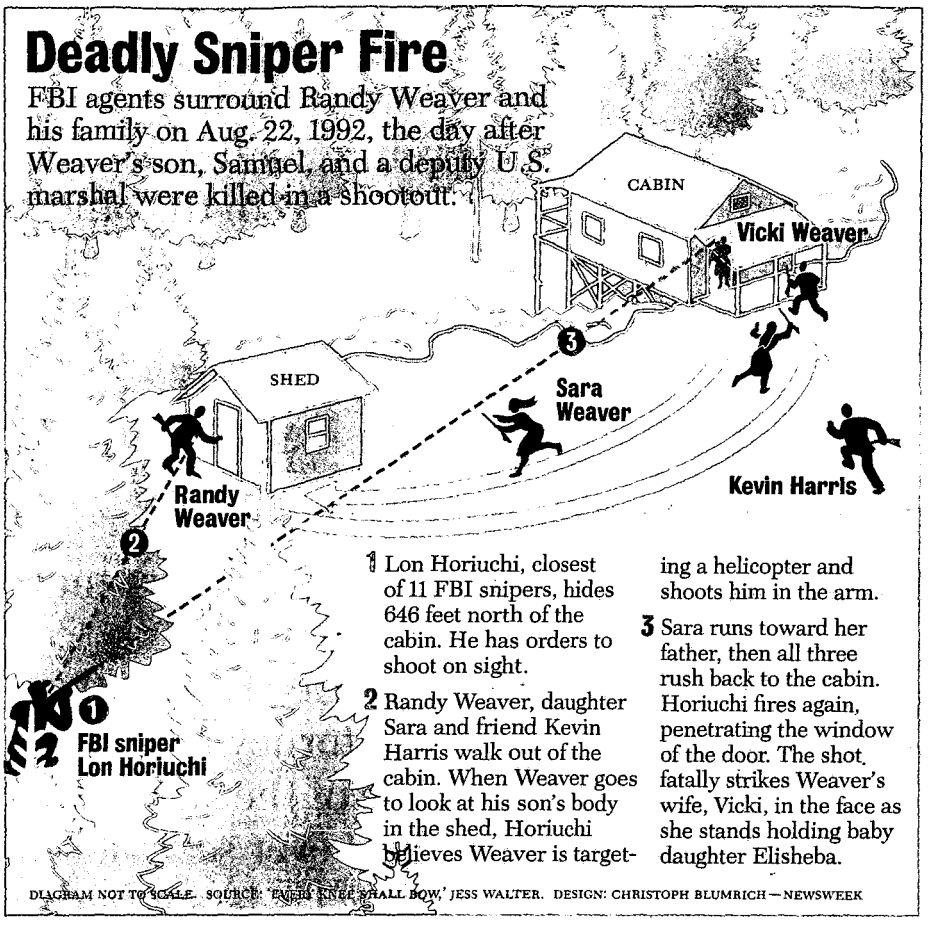
ee Shall Bow'

IN THE MAILBAG AT THE U.S. attorney's office in Boise on Feb. 7, 1991, were letters addressed to the office's 13 lawyers, but only one was addressed to the "Servant of Queen of Babylon."

For Maurice Ellsworth, the U.S. attorney for Idaho, it was one of the strangest letters he'd ever seen. It said the stink of lawless government had reached "Yahweh" and "Yashua." "Whether we live or whether we die," the letter read, "we will not bow to your evil commandments." It was dated Feb. 3, 1991, mailed from a P.O. box in Naples, Idaho, and signed Mrs. Vicki Weaver.

U.S. marshals quickly found out Vicki Weaver was the wife of a guy who'd recently been arrested on a charge of selling sawed-off shotguns without a federal permit. They found out that

PHOTOCOPY PRIESTHOOD



Weaver had been a difficult arrest, and that he had vowed not to be arrested again. Weaver was a survivalist; he and his family lived in a cabin in isolated Ruby Ridge, and at the edge of their property stood a painted plywood sign: "Every knee shall bow to Yashua Messiah."

A son and a marshal die: 'Everything just went to hell'

AS IT HAPPENED, WEAVER'S COURT DATE HAD BEEN changed. His attorney was notified, but Randy was given the wrong date and refused to respond to the attorney's letters. So a failure-to-appear warrant went out, and the case was assigned to the U.S. Marshals Service, which is charged with bringing in fugitives.

So on the morning of Friday, Aug. 21, 1992, Billy Degan dressed quickly in camouflage, lacing his black military boots one rung from the top. He and other members of the U.S. Marshals Service Special Operations Group had talked the night before about wearing body armor, but it was going to be a scorcher on Ruby Ridge that day, a long hot one under the August sun.

This was the way Degan spent much of his adult life. A former Marine, he always did the most dangerous missions—such as the surveillance of a fugitive like Randy Weaver.

Just before dawn, Degan and five other deputies stepped outside the condo the marshals had rented in a nearby ski resort. They loaded canvas bags with cameras, film, medical equipment, and machine guns and set out on a surveillance mission.

A mile from the Weaver cabin, the marshals pulled off the road, grabbed their guns, and started out on foot. The wooded brush was thick, and the deputies followed Deputy Marshal Art Roderick, who had been up the mountain two dozen times already.

A little before 11 a.m., Weaver's 14-year-old son, Sammy, and family friend Kevin Harris, a fellow separatist, walked out of the cabin with their rifles and strolled down the driveway, Sammy's dog Striker running in front of them. Sara Weaver, 16, was a few steps behind them, and Randy ran out to catch up to the kids. Rachel Weaver, 10, came last, skipping, a rifle over each shoulder. Striker alerted on something, and went nosing off into the woods. Randy, Sam, and Kevin walked after the dog. Randy said later he hoped the dog was chasing a deer or an elk. It would be valuable meat for the long winter ahead.

With the shotgun under his short, sinewy arm, Randy ran along the dirt road that traced the top of the nearby forested meadow. Kevin cradled his bulky 30.06 rifle as he jogged down the hill. Sammy, not even 5 feet tall and eighty pounds, ran with him, carrying a lightweight .223 assault-style rifle.

Ahead, Striker was closing in on the marshals, who had made their way to the area. "Dog's coming! Pull back!" At first, Roderick thought they could take cover, and he slid behind a tree and saw the big yellow lab and Kevin Harris aiming straight for them.

"We've got to take this dog out," Roderick said. "He's leading everybody to us."

As the agents recalled it, one of the deputies, Larry Cooper, then saw Weaver on the higher trail, and thought they had fallen into an ambush. He yelled at Weaver: "Back off! U.S. marshal!" Roderick saw him, too, and yelled at him. Cooper heard the dog bark, turned, and saw it growling at him. He pointed his rifle at the dog, but it ran past him toward Roderick. When Cooper looked back at the trail, Randy Weaver was running away.

Then several things happened in rapid, foggy succession. As the dog moved toward Roderick, Degan rose on his knee to identify himself, and both sides agreed that everything just went to hell.

According to the marshals, Kevin Harris wheeled and fired his 30.06, hitting Billy Degan in the chest. Larry Cooper saw his friend knocked backward. He fired right back at Harris, who fell (though he wasn't actually hit).

Degan murmured: "Coop, Coop, I need you."

"I'll be there, Billy, as soon as I get 'em off our ass." He called for Roderick. "Get up here! Billy's been hit!"

But Roderick had his own problems just down the trail. The dog had run up to him, and Roderick had shot it so it wouldn't lead the family to his position. Sammy then appeared in front of him, saw that Striker had been shot, and yelled, "You son of a bitch!" Sammy fired at Roderick. According to Roderick, another round of fire seemed to come from the woods and Roderick dove just as a bullet tore through his shirt and barely missed his chest.

Up the hill a bit, Cooper fired another barrage for cover, darted over the brush, and found Degan lying a few feet away. He put two fingers on the side of Degan's neck, found the carotid artery, and felt the last three beats of his best friend's heart.

Back at the cabin, Sara heard the shots, grabbed her .223, and ran to the rock outcropping. Vicki and Rachel joined her. A few minutes later, Randy arrived, panting and afraid.

Condensed from "Every Knee Shall Bow," © 1995 by Jess Walter. ReganBooks, an imprint of HarperCollins Publishers.

PHOTOCOPY PRESERVATION

"We run into an ambush!"

And then Kevin came through the trees.

"Sam's dead," he said.

The family wailed and fired their guns in the air. The bastards had killed their only son.

Overstating the danger: A decision to 'neutralize'

KEVIN'S RECOLLECTION OF EVENTS WAS COMPLETELY different from the marshals'. Kevin said he and Sammy had been chasing the dog when a man in camouflage stepped out of the woods and shot the dog in the back. "You killed my dog, you son of a bitch!" Sammy yelled. He fired at the marshals, one of whom opened up on him, hitting his right arm and practically tearing it off at the elbow.

Sammy had screamed and turned to run away, but the marshals kept firing at him, so Kevin had wheeled and shot one of the marshals. Another marshal had shot at Kevin, just missing him. But as Sammy ran away, one of the marshals shot at him again and a bullet ripped through his back, dropping him face first on the trail. Kevin scrambled to his feet, and went back to Sammy's body. He couldn't find a pulse, so he ran back to the house.

Randy and Vicki sobbed as they walked down the trail and found Sammy's body. They carried him into the "birthing shed" where Vicki stayed while she was menstruating, cleansed his body and covered it with a sheet. They prayed and cried. They crouched with their rifles on the rocks, waiting for the other marshals to come finish them off.

About that time, one marshal, Dave Hunt, was barreling in the opposite direction. After 45 minutes, Hunt broke through the woods near the cabin of Wayne and Ruth Rau. Hunt dialed marshals' headquarters in Washington, D.C. "This is Operation Northern Exposure. We got one dead, others stuck on mountain."

The word was relayed to Duke Smith, the deputy director of operations, who began notifying Justice Department officials. When agents passed on what had happened, they said marshals were "pinned down" and "receiving fire."

In Washington, the director of the Marshals Service, Henry Hudson, met with FBI brass, told them one of his deputies had been killed, and repeated that two others were "pinned down." FBI officials then briefed director William Sessions and the head of the bureau's criminal division, Larry Potts, who called in the FBI's Hostage Rescue Team, from Quantico, Virginia. The head of that team, Richard Rogers, loaded a helicopter and other supplies in a private FBI jet and left for Idaho. Duke Smith met Rogers at the FBI airstrip at dusk on Friday.

By that time, the overstatement of danger had reached high levels at Justice. Hours after Hunt made it clear that the deputy marshals were no longer taking fire, one of his bosses told the FBI men were "still pinned down by gunfire." The same bad information was relayed through top-level meetings, working Justice into a bureaucratic frenzy over William Degan's death.

In reality, the situation was hazy, and much of Washington's information was simply wrong. Stories had it that Randy Weaver was a combat-trained Vietnam veteran who might have booby-trapped his mountain with bombs and grenades. The officials flying to Idaho knew nothing about Sam Weaver being killed or the dog being shot.

While the team was on its way, Potts met with deputy assistant director Danny Coulson at FBI headquarters. The two concurred: Because of the rugged terrain, the Weavers' extreme beliefs, and the fact that they had apparently gunned down a deputy marshal, this might be the most dangerous situation the Hostage Rescue Team had ever faced.

While aboard the plane Rogers and Potts talked about revising

Inside the Weavers' Isolated World

The family moved to secluded Ruby Ridge in '83 to live a minimalist life. The Weaver obsession with guns—and right-wing causes—first attracted the Feds.

Domestic life: *Before the troubles, the five Weavers (above, in 1989) lived simply in the ramshackle cabin Randy built. Vicki (left), here sweeping the porch's rock steps, would die in the doorway during the '92 fire fight with FBI snipers.*

CLOCKWISE FROM TOP RIGHT: COURTESY JEANE JORDISON (2). BLAIR KOOISTRA—SPOKANE SPOKESMAN-REVIEW

PHOTOCOPY PRESERVATION

the FBI's rules of engagement—which stipulated that agents could fire only if someone's life was in danger—to allow snipers to shoot at the Weavers without provocation. Potts approved changing the rules, Rogers said later. On the plane, Rogers drafted new orders:

"If any adult is seen with a weapon in the vicinity of where this firefight took place, of the Weaver cabin, then this individual could be the subject of deadly force . . ."

Rogers called Potts from the jet and went over the new rules. Potts gave preliminary approval and said they sounded good, but Rogers knew he would have to send the details in writing before enacting them.

Once Rogers and the rescue team reached Idaho, they met inside the Bonners Ferry Armory near Ruby Ridge at 9 a.m. The camouflaged HRT members listened while Rogers briefed them. (At this point, Rogers, Smith and Gene Glenn, the FBI agent in charge at the scene, had not spoken to the marshals who'd actually been in the first gun battle; they were back at their condo.) There will be, Rogers said, "no long siege."

In the armory, the hostage negotiator, Fred Lanceley, wasn't sure he'd heard right. He'd been involved in about 300 hostage situations, and he'd never heard anything like this. With rules of engagement like these, there would be no need for a negotiator.

At the end of the meeting, as snipers prepared to go into the hills, one of Rogers's assistants showed him the rules, and he told the assistant to scratch out what he'd written and to include "and should" after the verb "can." It was the final, critical evolution of verbs: from "could" to "can and should."

"If any adult in the compound is observed with weapons after the

Visions of the Mark of the Beast

FOURTH IN A ROW OF FIVE TIDY HOUSES, Randy and Vicki Weaver's white and brick ranch-style home was set back from tree-lined University Avenue in Cedar Falls, Iowa.

In 1973, the Weavers, both natives of Iowa farms, had been married for two years, and paid $26,000 for the best house on the block, impressive for a couple still sneaking up on 30. They called on their new neighbors, impressing everyone with their friendliness.

But for Randy and Vicki, something was missing. A collection of sports cars (a Mustang, a Corvette, a Triumph) and a short stint selling Amway hadn't given purpose to their lives. Society didn't offer anything better. The antiwar movement had been idiotic and all the hippies made a mockery of Randy and Vicki's generation. And now the " '70s"? Neither Randy nor Vicki could condone such hedonistic lifestyles.

Unhappy, they returned to their religious upbringings. Every Sunday, the Weavers drove east to the Cedarloo Baptist Church and listened to the minister. But there seemed to be no fire or passion, no sense of what was really happening in the world.

They would have to find the truth themselves. They began doing their own research, especially Vicki. And at night, Randy would walk down University, Bible in hand, a cigarette dangling from his mouth. He'd drop by Sambo's, an all-hours coffee shop. Every evening, it filled up with guys from the local John Deere plant where Randy worked, as well as grumpy retirees, off-duty cops, and neighborhood Christians. He'd warn anyone who listened about current politics, tell them to repent, and launch into biblical prophecy advising they escape civilization. It wasn't long before he found a group of about 10 who felt the way he did, coffee-swilling born-agains, and they would meet at the restaurant to debate and share Scripture.

They called themselves legalists, because they believed the Bible was the literal word of God. There would be anywhere from four to 10 people at the Weavers' house, sometimes as often as four nights a week. By 1981, the Old Testament books were opening up for Randy and Vicki, not as outdated stories, but as the never-ending law of the Maker. He was opening their eyes to what was happening now, in the United States, just as Hal Lindsey had foretold in his apocalyptic best-seller, "The Late Great Planet Earth," a Weaver favorite. The forces of evil (the Soviet Union, the U.S. government, Jewish bankers) were ready to strike at any time against American people. They would blend radical right-wing politics, an increasingly virulent strain of anti-Semitism, and Bible verses. From Ezekiel, they read: "Son of man [Christian Americans], set thy face against Gog [the grand conspiracy] . . . And I will call for a sword against him throughout all my mountains, saith the Lord God."

Mixing Scripture and paranoia: *The Weavers in '71*

Clearly, they would need weapons. First, to fight the Communists, who would likely come through Canada, and then, once the tribulation started, government agents and nonbelievers. Randy began sleeping with a loaded pistol under his pillow.

And Matthew: " . . . and then shall the end come . . . And ye shall hear of wars and rumours of wars . . . and there shall be famines and pestilences, and earthquakes in diverse places."

Yes! All those things were happening. Randy and Vicki applied news events to the war, famine, and pestilence litmus test. It all fit! Praise be His glorious name!

"Then shall they deliver you up to be afflicted, and shall kill you: and ye shall be hated of all nations for my name's sake." Yes! Already, they thought they had been mistreated at church and Randy had gotten in trouble for preaching at work. The persecution was beginning.

At one Bible study, Randy talked about Revelation. The beast "causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand or on their foreheads . . . or the name of the beast, or the number of his name . . . and his number is Six hundred threescore and six."Six-six-six.

The beast, Randy said, was a metaphor for computers. Soon, everything would be catalogued on computer: births, schooling, purchases, homes. And every credit card, connected as they are by computers, would mark people with the number of the beast, Vicki said.

There was soon going to be a social breakdown, Randy would say. The government would declare martial law, crushing democracy and killing the good Christian Americans. People will be rioting in the streets and the traitorous government would turn against its own people. The only protection would be clusters of good Christians with guns—which the Weavers, with their move to Idaho in 1983, would become. ■

PHOTOCOPY PRESERVATION

COURTESY JEANE JORDISON

surrender announcement is made," Rogers read to his assistant, who would brief the HRT, "deadly force can and should be used to neutralize this individual."

Since Rogers had arrived in Idaho with Potts's approval to revise the rules, there had been little discussion of whether they were appropriate. But it was still up to Gene Glenn to finalize the orders. About 12:30 p.m. Saturday, Glenn got off the telephone with Potts and said that the FBI official had approved the modified version. He still had to fax the total operations plan to FBI headquarters.

A veteran sniper opens fire: 'Get to the house!'

AT 2:40 P.M., GLENN FAXED THE PLAN TO HEADQUARTERS. After 30-some hours on duty, Potts said later, he had gone home, so Coulson read over the first page of the draft plan. He realized right away there was no option for negotiations. He said he stopped reading before he read the section about the rules of engagement. Instead, he told Glenn to include a better option for negotiations. Fred Lanceley worked out some plans, and Glenn faxed the negotiations addendum and Coulson approved it. Later, no one at FBI headquarters would admit seeing the modified rules, even though they'd been faxed to the office as part of the total operations plan. When Justice Department investigators tried to find out who approved the new orders, they found no record of Potts's or Coulson's discussion of the rules, a "lack of documentation" that was "significant and serious."

Meanwhile, in Idaho, the FBI believed it had permission to shoot any adult who came out of the Weaver cabin with a gun. Problem was, most of the time nobody left that cabin without a gun. Several agents felt the rules were inappropriate and planned to ignore them.

All that overcast and cold Saturday morning, the Weaver family and Kevin Harris cursed and mourned and prayed to Yahweh.

Sara and Randy walked around the cabin, shutting in the chickens and feeding the dogs. Afraid the Feds would try to shut off their water supply, the family filled empty plastic milk jugs with water from the spring. They pulled the navy blue denim curtains and prayed that Yahweh would give them the strength to hold off the enemy. The guns were loaded, but they fully expected the Feds to negotiate with them first.

A free man: *Weaver after his jail time*

Just before 6 p.m., the dogs began barking again. Like always, Sara ran out of the house to check on the dogs before allowing her dad to come out. She didn't see anything, and so she returned and got her dad and Kevin, who followed Sara out the door with rifles.

Randy didn't see anything. But on the way back to the cabin, he stopped and stared full at the shed where his son lay. "I just gotta see Sammy one more time," he said. Weaver stood at the door of the shed, and then, as he reached for the handle, there was a crack. Splinters leaped off the side of the shed. The bullet had ripped through Randy's upper arm and come out his armpit.

When she heard the shot, Sara spun around and ran toward her father. "Get to the house!" she yelled. "Get to the house!"

Randy was running in front, and Sara ran behind him. Harris was bringing up the rear, his rifle dangling in his hand. Vicki had heard the shot, and she ran out of the house, holding daughter Elisheba, age 10 months, under her right arm, her pistol holstered on her hip. A few feet from the door, she saw Randy running toward her.

As she moved back, Vicki yelled at the hill where the shot had come from: "Bastards! Murderers!" She threw open the heavy door which had a curtained window at eye level and looked out in the direction of the shot. She stood behind the door. Randy and Sara were bursting across the threshold, and Kevin was gathering himself to dive into the cabin.

"You bastards!" Vicki yelled. And then there was another shot.

In the coming year, Lon Horiuchi, a 10-year FBI veteran and top sniper, would testify several times about what happened. "It was overcast, but the visibility was excellent," he said. Horiuchi heard the sound of a helicopter nearby. The chopper "was not in front of me . . . I'm assuming it was somewhere behind me, either to my right or left."

Horiuchi saw a man in his sights whom he assumed was Kevin Harris (but was in fact Randy Weaver), possibly reaching up on the shed to swing around behind it. "He seemed to be looking for the helicopter. He seemed to be moving, trying to get back on the other side of the [shed]. By being behind the [shed], he could take a shot . . . I perceived that he may be getting ready to take a shot at the individuals in the helicopter," which probably would have justified his first shot even under the normal rules of engagement. But then Horiuchi fired again.

Inside the cabin, everyone was quiet for a second. Vicki Weaver, who had been killed, was just inside the door. Her hands were still cradling Elisheba, so tightly they had to pry the baby out of her grasp.

Kevin was lying there, too, quiet, a silver-dollar-sized hole in his left upper arm. The bullet that had torn through Vicki's head was lodged in Kevin's upper arm, near his shoulder. His chest and arm were pockmarked with bits of bullet and the bones from Vicki's face.

Then began a 10-day standoff, with helicopters overhead and heavily armed federal agents outside the cabin, trying to communicate from an armored vehicle, or through a special telephone they left outside. Meanwhile, FBI agents had begun investigating the scene of the first firefight and were surprised to discover seven shell casings from Degan's gun spread along 22 feet, meaning not only did he fire his weapon, but he may have been moving when he did it. Along with Samuel Weaver's death, it was another indication that the marshals' initial version of the shoot-out was not the whole truth. It also appeared the family wasn't as dangerous as they'd first believed. They still hadn't fired out of the cabin. The rules of engagement, which, until this point, would've allowed the snipers to try to kill Kevin and Randy again if they saw them, were changed back to normal.

Trying to flush Weaver out of the cabin, the Feds even brought his sister to the scene. But officials also stepped up the pressure with floodlights and loudspeakers blaring recorded messages, mostly directed to Vicki. (They said they didn't realize she had been killed.) Inside the cabin, it seemed like torture, or an effort to set them up for a final slaughter, and for 10 days they refused most requests for dialogue. Only when the name of extremist leader Bo Gritz was raised did Weaver agree to talk, and Gritz went inside and ended the stalemate.

They packed a few things into small cloth bags and looked around the cabin once more. Rachel took off her holster with its .38-caliber snub-nose pistol, and Sara unstrapped her 9-mm. Randy took off his gun belt and then remembered something. He removed his Aryan Nations belt buckle and handed it to Gritz. "I don't want them to get this," he said. They changed Elisheba's diaper, took a deep breath, and stepped toward the door. ■

BLAIR KOOISTRA–SPOKESMAN-REVIEW

PHOTOCOPY PRESERVATION

The Washington Post

AN INDEPENDENT NEWSPAPER

A Ruby Ridge Coverup?

ON FRIDAY the Department of Justice announced the suspension of four high-ranking FBI agents and the opening of a new criminal investigation into a possible coverup of events during and following the 1992 shootings at Ruby Ridge, Idaho. The matter has been under investigation by a series of panels in the Justice Department for almost three years. It now appears that FBI Director Louis Freeh, who had defended and only mildly reprimanded the agents involved, was way off base.

The government's assault on and siege of white separatist Randy Weaver's cabin were a disaster. Seeking to serve a warrant in connection with year-old gun charges, U.S. marshals assaulted the compound, and in the ensuing gunfire both Mr. Weaver's 14-year-old son and a deputy marshal were killed. The following day, an FBI sharpshooter killed Mr. Weaver's wife, who was standing in a doorway with a baby in her arms. All that would be bad enough. Now it looks as if a separate scandal involving a high-level coverup may emerge. Documents have been sent to U.S. Attorney Eric Holder, and four FBI officials, including Mr. Freeh's friend Larry Potts, whose appointment to be deputy director of the bureau he had reportedly urged, have been suspended.

The materials allegedly concealed or destroyed concern the rules of engagement governing the FBI's conduct at Ruby Ridge and whether those rules, which authorized agents to shoot on sight any armed adult, had been approved in Washington. In searching for answers, Justice Department investigators found that a number of documents had been lost or destroyed. Federal prosecutors in Idaho had earlier been angered by the FBI's failure to cooperate in this case, and state prosecutors even considered indicting some bureau officials. That's what's at stake now. Prosecutions for perjury, false statements and obstruction of justice are a real possibility.

Errors of judgment—if that's what they were—made in the midst of a life-threatening siege by those on the scene can perhaps be understood. Stupid and dangerous directions issued from the safety and calm of an office thousands of miles away are indefensible. But actions taken by high government officials in whom great trust and responsibility has been placed to subvert the course of justice, scapegoat lower-level employees and deceive superiors are contemptible.

If that's what happened in the Ruby Ridge case, the bureau, just beginning its ascent back from a series of bad old days, will have been irreparably harmed by some of its most senior leaders. A clearer picture will emerge when the Justice Department's internal investigation is completed in a few weeks and when Sen. Arlen Specter opens a public inquiry on Sept. 6. As of now, the picture looks terrible.

Marshal - any compensation? from Treasury? etc.
Kathy Whalen - fund from OJ

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21

.1m for Idaho siege

Colleagues remember slain Quincy marshal

Deputy US Marshal William Degan of Quincy died in the shootout at Ruby Ridge, Idado, in 1992.

In the Boston office of the US Marshal's Service where Degan was based, the decision to settle with Randy Weaver's family was greeted with anger. "His friends are devastated by the actions of the department. People don't remember that Billy Degan had a family, too," said a US Marshal, a friend of Degan's who asked not to be identified.

His absence is felt, said Timothy Bane, chief deputy of the US Marshal's office.

"Billy Degan was one of the most outstanding and well-respected law enforcement officials in the country," Bane said. "He approached each mission in a professional manner, and was respected by his friends and peers. ... He is missed sorely around this office."

Degan's widow, Karen, refused comment on the settlement.

MICHELE McPHEE

For Prosecutors in Idaho Case, FBI Was Also an Adversary

By Pierre Thomas
Washington Post Staff Writer

Four months after the disastrous August 1992 siege at Ruby Ridge ended, federal prosecutors in Idaho sent an urgent document request to FBI headquarters in Washington.

A frustrated prosecutor was trying to build a murder case against the white separatists involved in the standoff and needed to review FBI records. But he ran into an unusual problem. The FBI refused to produce the materials, claiming at first that they contained "sensitive information" about the events that led to the shooting of Vicki Weaver at a remote Idaho cabin.

The prosecutor appealed, and that same day, his boss, U.S. Attorney Maurice Ellsworth, called a high-ranking Justice Department official to complain about the lack of FBI cooperation.

What seemed at the time like a bureaucratic tug of war over paperwork now has taken on new significance as U.S. Attorney Eric H. Holder Jr. probes a possible high-level coverup of FBI actions in the Ruby Ridge incident. A special Justice Department task force report concluded last year that high-ranking FBI officials went to great lengths to keep documents from prosecutors trying Randy Weaver on charges of murdering a federal marshal.

Most of the bureau officials criticized by the task force for failing to produce documents, including former deputy director Larry Potts, have now been suspended pending the outcome of Holder's investigation. The full text of the task force report has recently been leaked and has become available on the Internet.

The task force also found evidence that a number of documents sought by prosecutors may have been destroyed—not just the one document that the Justice Department has privately acknowledged,

See FBI, A15, Col. 1

FBI, From A1

according to sources. One FBI official has been suspended for destroying a record that could have shed light on the use of deadly force against the Weaver family. The task force cited missing faxes, notes from headquarters and drafts of the operations plan for the siege.

Holder is trying to determine whether a full-scale criminal investigation should be launched into possible obstruction of justice, perjury and other charges. In conducting the probe, he is likely to revisit the portion of the task force report that dealt with resistance to federal prosecutors, sources say.

Ultimately, the task force concluded that the FBI's refusal to turn over the materials impaired the prosecution of Randy Weaver for the slaying of the U.S. marshal in the standoff at the isolated cabin. Weaver was acquitted of murder charges, and this week, the Justice Department announced it will pay the Weaver family $3.1 million in an attempt to help "heal the wounds" from the deaths of Weaver's wife, Vicki, and 14-year-old son, Sammy, who were shot during the August 1992 standoff.

Clearly, law enforcement sources say, government officials handling civil cases brought by the Weavers were concerned that settlement costs could escalate as evidence of government missteps became publicly known.

Some of that evidence already has been gathered by the task force, a group of Justice Department criminal lawyers, attorneys from Justice's Office of Professional Responsibility and FBI inspectors who were asked to review the controversy. The task force found that records disappeared despite an early request by federal prosecutors "to preserve and produce" papers related to the shooting of Weaver's wife, who was killed by a sniper while holding her 10-month-old child.

"We were distressed by the persistent intransigence shown by FBI headquarters personnel," task force officials found. "Indeed, to this day, the prosecutors are not confident that all pertinent materials located in FBI headquarters were shown to them."

Task force officials found evidence that some documents simply disappeared. "There were a number of instances in which an interviewee told us that he had prepared a document but no one could produce a copy of it," the report said. "We were told that there were multiple drafts of the operations plan, yet we were only able to locate one draft version."

Potential problems with the Ruby Ridge case began early, the report shows, with the selection of E. Michael Kahoe to head the bureau's administrative review of the incident. Kahoe, one of the FBI officials recently suspended and accused of destroying a document, had been involved in the headquarters oversight of the standoff.

A critical question involved the FBI's approval of the rules of engagement for snipers at the scene. An FBI sniper said he shot Vicki Weaver while operating under "shoot-on-sight" instructions that he understood had been approved by FBI headquarters. But senior FBI officials gave conflicting accounts about who had approved the rules, which later were deemed to be unconstitutional. Then-Assistant Director Potts denied approving the final rules, but his account was contradicted by two senior FBI officials who were involved in supervising the incident.

In the days immediately following the siege, prosecutors, facing many unanswered questions, wanted the FBI's documents to help prepare their murder case against Weaver and to avoid charges of a "government coverup" that were likely to surface in the trial.

The first documents conflict began about a month after the standoff when an assistant U.S. attorney requested an operations plan and was rejected by an FBI supervisor. The prosecutor threatened to get a court order to obtain the document. Eventually, U.S. attorneys agreed to a compromise: They could look at the document, but not copy it.

"We were distressed by the persistent intransigence shown by FBI headquarters personnel," a Justice Dept. task force said.

Federal prosecutors later learned about a shooting incident report that contained sworn statements of FBI hostage rescue team members who had been on the scene. Prosecutors got the sworn statements but were "never given access to the entire" report, the task force found.

The shooting incident report included autopsy reports, crime scene photographs, diagrams and news clippings. But "notes of the investigators who conducted the interviews of [agents on the scene] were not included as part of the report," the task force found. FBI officials argued they should not have to provide the entire report because they had never done so before for the discovery process.

The U.S. attorney's office learned of more documents and the debate intensified. The disputed documents included the shooting incident report, a memorandum by the shooting incident review group and the operations plan.

Kahoe headed the shooting incident review group, which found the actions at Ruby Ridge lawful and within FBI guidelines. His oversight role left some of his FBI colleagues at headquarters uncomfortable. "At the time, some of us in the bureau thought it [Kahoe's appointment] a little odd," said a former senior headquarters official, who asked not to be named. "He was potentially a subject of the review and here he was in a position to oversee the review."

The document dispute eventually prompted the Justice Department to arrange a meeting with two top FBI officials, Kahoe and Danny Coulson, who as deputy assistant director for the criminal division was Potts's top deputy. Coulson also has been suspended. Kahoe and Coulson, who were involved in the standoff's early stages, argued that the indictment was too broad, and that if it were limited, there would not be a need to produce the documents. At the end of the meeting, the FBI again would agree only to allow federal prosecutors "to view, but not possess or produce" a number of the documents.

Kahoe then instructed a subordinate to send the shooting incident report to an FBI official so that it could be reviewed by prosecutors. However, that subordinate noted to task force investigators that she did not "recall seeing interview notes with the report."

The documents battle did not end there. U.S. Attorney Ellsworth wrote the FBI again asking for the documents. No response. Prosecutors wrote yet another letter in February 1993 asking for the additional documents. Still no response.

"It was not until the middle of March 1993 that . . . Justice officials learned that the FBI still had not produced these documents," the task force found.

Concerned, a Justice official noted in a memo that "the bureau's intransigence appears to emanate from Potts' level or above."

On March 23, 1993, yet another mediation session was called, involving senior Justice lawyers, Potts, Coulson and Kahoe. Coulson finally agreed to produce the documents if "sensitive portions of the operations plan were redacted."

But the task force report shows that obstructionist behavior by the bureau continued. In April, the defense filed a subpoena, which was approved by the federal judge overseeing the case. Weeks passed before the bureau responded, and the task force noted there was "conflicting evidence" as to whether the FBI ever told federal prosecutors about the subpoena.

Prosecutors obtained some of the FBI's records via fourth class mail in June—after the trial was well underway. The items delivered included agents' interview notes and two drawings by the sniper who had fired the shot that killed Vicki Weaver.

The trial judge fined the FBI $1,920 for providing the documents late, calling it "totally inexcusable" and noting he was disturbed about this "pattern" of behavior.

THE WASHINGTON POST
THURSDAY, AUGUST 17, 1995

THE WASHINGTON POST
THURSDAY, AUGUST 17, 1995

FCC Sets Rules To Fight Fraud In Telemarketing

By Albert B. Crenshaw
Washington Post Staff Writer

The Federal Trade Commission yesterday announced new consumer protection rules for telemarketing that it thinks everyone but the crooks can live with.

The rules set national standards governing what telemarketers—businesses that sell products and services over the telephone—may and may not say to consumers. They also enable both state and federal officials to use federal courts to get nationwide injunctions to stop fraudulent operators without having to chase them from state to state.

The rules are "a powerful new tool for law enforcers and consumers to stop [telemarketing] fraud," said Jodie Bernstein, director of the FTC's Bureau of Consumer Protection.

Effective Jan. 1, telemarketers will be required to disclose "promptly" that they are making a sales call and the nature of the products or services being offered.

If a prize is involved, the caller will be required to disclose the odds of winning and that no purchase is necessary to win. They also will be barred from misrepresenting the nature of the prize.

"If you don't hear these disclosures, hang up," Bernstein advised consumers.

The rules also empower consumers to halt repeated calls by telling

See TELEMARKETERS, A11, Col. 4

TELEMARKETERS, From A1

the telemarketer not to call again. If the telemarketer does call, "he's breaking the law," Bernstein said.

Sales calls also will be barred before 8 a.m. and after 9 p.m., a time window also imposed by the Federal Communications Commission.

Fines of $10,000 per violation are permitted under the rules, as is consumer restitution of losses suffered.

Though Bernstein conceded that law enforcement agencies are stretched thin, she said the ability to obtain federal injunctions against telemarketing scams will extend their resources. A state attorney general will be able to shut a company down entirely, rather than merely driving it out of his or her state, she said.

Telemarketing crooks "are a lot like cockroaches—when you chase them out of one location they run somewhere else," said Wisconsin Attorney General James Doyle.

Telemarketing now amounts to a $440 million-a-year industry in the United States, most of it legitimate, Bernstein said. But the part that is crooked—about 10 percent, or roughly $40 million—is having a devastating impact on consumers, especially the elderly and newly unemployed workers who are desperate for new opportunity, she said.

The most common scams involve deceptive prize and contest promotions, Doyle said. He cited the case of an elderly Wisconsin man who was told he had won one of several prizes—including a new car and a cash award—and all he had to do was help in an effort to keep kids off drugs. That help consisted of sending in $398 for materials to give out at schools. The man sent the money but all he got was 15 plastic Frisbees bearing an anti-drug slogan—no car, no cash.

This is the FTC's third version of the rules. It has been trying for months to come up with a set that would be both effective and not overly burdensome on legitimate businesses that sell via the telephone. A draft made public in February caused consternation among businesses ranging from mail-order merchants to newspapers, all fearful that their normal attempts to drum up business could be deemed illegal.

The FTC rewrote the proposal to meet those complaints, and in the view of consumer groups and state law enforcement officials, vastly overdid it. "The FTC has backed so far away from the original proposal that we have a rule that isn't of much value to us," Doyle said in June.

The rules announced yesterday seem at last to have struck a happy medium. Doyle, who shared the podium with Bernstein in announcing the rules, said "the commission has adopted a good rule," and representatives of the Direct Marketing Association and the American Telemarketing Association, two industry groups, said their members can live with the rules as now written.

Both groups said the rules impose substantial new burdens on legitimate business, "but by and large businesses are willing to take on the new obligation to support the FTC and the attorneys general in stopping telephone fraud."

The rules set a national standard, but do not preempt stronger state laws where they exist.

Telemarketers also will be required to obtain a verifiable authorization—either in writing or on tape—to debit a consumer's checking account. A common device for crooks today is to obtain a consumer's bank account number and then use a debit draft to take money from it without permission. Such drafts are not widely known, but they have legitimate uses in business, and FTC officials said they wanted to protect consumers without making these devices too cumbersome.

FOR MORE INFORMATION

To learn more about specific telemarketing scams, see Digital Ink, The Post's on-line service. To learn about Digital Ink, call 1-800-510-5104, ext. 9000.

USA TODAY • THURSDAY, AUGUST 17, 1995

Waiting for justice

Three years ago, when FBI sharpshooters laid siege to the cabin of white separatist Randy Weaver in Ruby Ridge, Idaho, they said they were just enforcing the law.

After federal agents shot Weaver's 14-year-old-son during a firefight that also claimed the life of a U.S. marshal, the FBI said it was an unavoidable tragedy.

The next day, an FBI sniper shot Weaver's 43-year-old wife, Vicki, in the head as she stood cradling her infant daughter. The FBI said it was an unfortunate accident.

Tuesday, the FBI continued ducking blame. Even as the Justice Department shelled out $3.1 million to Weaver and his three surviving children to settle a suit, the FBI legally admitted no guilt.

Well, as the settlement makes clear, the FBI was to blame in 1992, it is to blame now and its actions in the intervening three years leave little reason to believe the whole truth has yet come out.

Consider what's known so far:

▶ Federal agents at Ruby Ridge received an order that all armed males "could and should" be shot. That directive not only departed from the FBI's standard deadly force policy of shooting only in self-defense or to protect others, but it also violated the U.S. Constitution.

▶ FBI Director Louis Freeh's blind trust of his top aide and old friend, Larry Potts, who supervised Ruby Ridge, has been proven grossly misplaced. Initially, Freeh accepted Potts' claim that there had been no cover-up. In January, Freeh disciplined 12 employees, including Potts. But Potts' reprimand was a slap on the wrist, equivalent to the disciplinary action Freeh got as an agent when he lost a cellular phone. Then he made Potts deputy FBI director.

Last month, Freeh had to admit his mistake in judgment publicly when an investigation turned up evidence of document destruction by FBI officials. Potts first was demoted, then suspended last week.

What matters now is what's still *not* known about Ruby Ridge. Neither the Justice Department nor the FBI has adequately explained why the shootout ever took place or who's to blame for its deadly errors in judgment.

As a result, Sen. Arlen Specter, a GOP presidential contender, will open Ruby Ridge hearings Sept. 6. House hearings will follow.

Enough investigating. It's time the Justice Department lived up to its name.

Come clean on what really went down at Ruby Ridge, then take the steps needed to prevent it from ever happening again.

Voices: What do you think of the latest developments in the Simpson trial?

Debate was furious Wednesday over whether Judge Lance Ito should stay on the case. Speculation was fueled by tapes of Detective Mark Fuhrman in which Ito's wife — Capt. Margaret York and Fuhrman's ex-boss — is criticized. Prosecutors finally said Ito should stay on the case because "we want a verdict." USA TODAY found readers do, too.

Mike K. Callaway, 47
Land broker
Ringgold, Ga.

The framers of the Constitution would roll over in their graves if they saw this grave miscarriage of justice. It's unfair to our society to burden the taxpayers with such lengthy proceedings. I believe in the right to a fair and speedy trial, but unfortunately this is neither.

Candy Marshall, 28
Asst. promotions dir.
Carthage, Texas

It's outrageous. The judge should stay on the case and get it over with. Every time you turn around, something new is going on. It's been blown out of proportion, and people are tired of it. They need to make a decision instead of bringing up people's personal lives.

Neal Strand, 71
State legislator
Rapid City, S.D.

I think it's another delaying tactic on the part of the defense. It does put Judge Ito in a terrifically bad position. In order to run an honest jurisprudence system, he's right in stepping aside for a new judge on the issue of the Fuhrman tapes.

Elaine Engleman, 47
Computer analyst
Spotswood, N.J.

I watched it on TV. It's just a circus! I wonder if we'll ever get justice. People in the case are fighting each other politically rather than thinking of the victims. They bring up the victims once in a while, but it doesn't seem there's going to be a just verdict.

Steve Neuverth, 28
Power lineman
Omaha, Neb.

After Judge Ito's been on the case this long, why would the prosecution want him off now? He ought to hang in there. It seems that one way or another it's going to go to a mistrial. The feeling among people I work with is they're ready for this thing to be over with.

USA TODAY · THURSDAY, AUGUST 17, 1995

No room at the jail

How a court order ended up putting criminals back on Philly's streets

Francis A. Biunno, a Philadelphia trial judge, had just sentenced a murderer to death. He then turned to the courtroom, called on those present to sit down and asked the public to reflect on what had led to the killing.

The murder victim was a 21-year-old rookie police officer, Daniel Boyle, who stopped a stolen car in North Philadelphia. The driver of the stolen car, Edward Bracey, fired numerous shots through the windshield of the patrol car, hitting the officer in the head. A few days later, veteran police detective Patrick Boyle buried his only son.

By Sarah B. Vandenbraak, chief of civil litigation, Philadelphia District Attorney's Office.

This tragedy didn't have to happen.

Philadelphia police, the judge said, had previously arrested Bracey for car theft. Twice Bracey had been released without bail or supervision under terms of a federal court order. Twice Bracey had failed to show up for trial — in fact, he was a fugitive from justice when he killed Officer Boyle.

This killing wouldn't have taken place, Judge Biunno suggested, if the federal court hadn't required the defendant's release.

Biunno's criticism was directed to a federal court order placing a cap on the number of inmates in Philadelphia's prisons and sharply restricting the ability of judges to imprison defendants prior to trial.

The federal court's order in Philadelphia is technically called a "consent decree" because it was agreed to by a previous mayor. Philadelphia's present mayor, district attorney and most of the city council are deeply opposed to the consent decree but powerless to overturn it.

In the nine years since the order was approved by U.S. District Court Judge Norma Shapiro, defendants released under the order have gone on to commit tens of thousands of crimes — including murder, rape and armed robbery.

Philadelphia police arrest the same criminals over and over again, only to see them immediately released. Thanks to the court order, the city now has 50,000 fugitives from justice — defendants who have been charged with crimes but who don't bother to show up for trial.

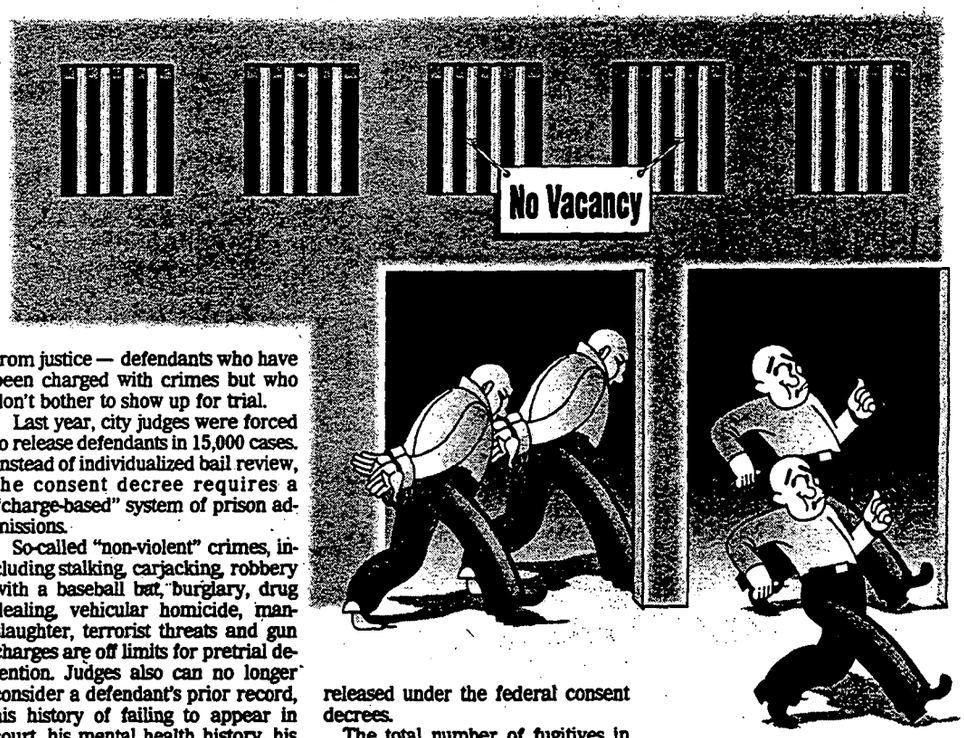
Last year, city judges were forced to release defendants in 15,000 cases. Instead of individualized bail review, the consent decree requires a "charge-based" system of prison admissions.

So-called "non-violent" crimes, including stalking, carjacking, robbery with a baseball bat, burglary, drug dealing, vehicular homicide, manslaughter, terrorist threats and gun charges are off limits for pretrial detention. Judges also can no longer consider a defendant's prior record, his history of failing to appear in court, his mental health history, his ties to the community or his drug or alcohol dependency.

The consent decree cripples the city's already struggling criminal justice system. Once criminals knew they could not be held for trial no matter how many times they failed to appear for court, Philadelphia began recording unprecedented fugitive rates.

A study conducted by John Goldkamp and Kay Harris, nationally recognized experts on the bail process, found, for example, that 76% of all Philadelphia drug dealers become fugitives within one year of their arrest. By comparison, only 3% of Philadelphia defendants charged with aggravated assault — a crime not subject to the release provisions of the consent decree — fail to appear for court.

The result is a criminal justice system with more fugitive defendants than those awaiting trial. In the first six months of 1994, more than 11,000 new bench warrants (the arrest document issued when a criminal defendant does not appear for a court hearing) were issued for defendants released under the federal consent decrees.



By Marcia Staimer, USA TODAY

The total number of fugitives in Philadelphia, meanwhile, has nearly tripled — from 18,000 to almost 50,000, equivalent to a year's worth of criminal prosecutions.

Unfortunately, the defendants released because of the consent decree do not lie low — they just keep committing crimes.

In a 19-month period (January 1993 to June 1994) Philadelphia police arrested 9,732 defendants previously released because of the consent decree. These defendants were charged with 79 murders, 959 robberies, 2,215 drug-dealing crimes, 1,113 assaults, 264 gun-law violations and 127 drunken-driving incidents.

Philadelphia's problem typifies an alarming national trend in prison litigation.

In 1970, not a single U.S. prison system was operating under a sweeping court order. By 1990, 508 municipal jails and more than 1,200 state prisons were operating under court orders or consent decrees, many of which contained prison population "caps" requiring the release of inmates.

Some of these prison cap orders, like Philadelphia's, require the release of pretrial defendants. In other systems, sentenced criminals are inappropriately released on probation or parole under pressure from court-ordered prison caps. The result: 35% of all those arrested for violent crimes nationwide are on parole, probation or pretrial release at the time of their arrest.

Ironically, the Philadelphia Federal Courthouse, where this consent decree is enforced, overlooks Independence Hall, the "cradle of American liberty."

The Declaration of Independence and the Constitution hardly envisioned this perverted system where criminals enjoy life, liberty and the pursuit of crimes at the expense of law-abiding citizens, who often become prisoners in their own homes.

This isn't my idea of history. And it certainly isn't justice.

This article is adapted from a longer article in Policy Review, *the journal of The Heritage Foundation.*

Hearings on Idaho siege omit cover-up

By Laurie Kellman A1
THE WASHINGTON TIMES

Sen. Arlen Specter yesterday said the upcoming hearings on Ruby Ridge will not focus on suspected obstruction of justice by federal agents because the Justice Department has asked him to avoid that issue pending a new criminal investigation.

"I want to be very careful that we do not interfere with any ongoing investigations," Mr. Specter, Pennsylvania Republican and chairman of the hearings on the 1992 standoff and shootings in northern Idaho, told The Washington Times.

He said officials including Deputy Attorney General Jamie Gorelick asked him last week to steer the hearings clear of a criminal investigation of agents suspected of destroying documents detailing who approved the FBI's policy to "shoot on sight" any armed adult at white separatist Randall Weaver's Ruby Ridge cabin.

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From page A1

The Justice Department on Friday asked U.S. Attorney Eric Holder to pursue the criminal investigation and suspended FBI agents suspected of being involved in a cover-up.

"I think they are concerned about that aspect of their investigation being incomplete," Mr. Specter said. "We will take into consideration what the Justice Department is concerned about and still find out what happened at Ruby Ridge."

The hearings before Mr. Specter's Judiciary subcommittee on terrorism, technology and government information are slated to begin Sept. 6 and provide a blow-by-blow account of the 1992 siege.

Mr. Weaver, who Tuesday accepted a $3.1 million settlement from the government, is expected to testify, congressional and law enforcement sources said.

"It was a tragedy: A marshal was killed, and so were Mr. Weaver's wife and son," Mr. Specter said.

Gerry Spence, Mr. Weaver's attorney, said that by focusing on what went wrong at Ruby Ridge, the panel will zero in on the true issue: the government's slaying of Mr. Weaver's wife and son.

"This business of being concerned about this shredded document is a ruse," Mr. Spence said Tuesday. "It's to direct our focus away from the fact that there were two innocent people who were killed."

He suspects, however, that the Justice Department requested a new investigation to give officials reason to decline questions during the hearing.

"When it comes time for the Specter hearings, they'll say, 'We can't give you this information because it will compromise the investigation,'" Mr. Spence said.

The Justice Department seemed to anticipate that charge in annoucing Tuesday's settlement.

Its statement said the settlement is not "intended to interfere with or reduce the availability of information or evidence in connection with the incident."

Coupled with the 1993 siege of the Branch Davidian compound near Waco, Texas, Ruby Ridge has prompted criticism of the Justice Department as the Republican majority in Congress seeks to reshape federal law enforcement procedures.

The Idaho trouble began after Mr. Weaver did not appear at a February 1991 court hearing on a charge that in October 1989 he sold two sawed-off shotguns to an undercover agent of the Bureau of Alcohol, Tobacco and Firearms.

The government set up an 18-month surveillance of his cabin. Gunfire erupted Aug. 21, 1992, when Samuel Weaver, 14, and family friend Kevin Harris, 25, both carrying rifles, stumbled upon six camouflaged U.S. marshals conducting a "reconnaissance mission" outside the cabin.

Who shot first is disputed. A marshal's bullet in the back killed Samuel, and Deputy Marshal William F. Degan, 42, also was killed.

Vicki Weaver, 42, was killed a day later while holding her 10-month-old daughter in the cabin's front doorway.

FBI sniper Lon Horiuchi said he was trying to shoot Mr. Harris, who was armed and running to the door.

Mr. Weaver, wounded in the gunbattle, surrendered eight days later. He was acquitted of murder but convicted on lesser charges. He was released from prison in 1993.

An intense battle for accountability between the Justice Department and the FBI resulted this year in the promotion, demotion and ultimate suspension of FBI official Larry Potts, who supervised the Waco and Ruby Ridge sieges.

A Justice Department review team concluded in December that FBI agents at Ruby Ridge violated bureau policies and constitutional guidelines in the shooting of Mrs. Weaver but declined to press criminal charges against agents.

FBI Director Louis J. Freeh disciplined 12 Ruby Ridge agents but told a Senate panel in February that an exhaustive review uncovered no evidence of misconduct by agents.

In July, Mr. Freeh suspended E. Michael Kahoe. Mr. Kahoe, special agent in charge of the FBI field office in Jacksonville, Fla., had received a 15-day suspension and letter of censure in January; the July action came over suspicions he tampered with documents tied to Ruby Ridge.

On the eve of House Waco hearings in July, Mr. Freeh demoted Mr. Potts from deputy director to an undisclosed position at the FBI training academy at Quantico, Va., because the controversy undermined Mr. Potts' ability to do his job. Pending the conclusion of Mr. Holder's investigation, the Justice Department on Friday suspended Mr. Potts and three other agents.

The Washington Times
THURSDAY, AUGUST 17, 1995

my dates wrong!

The Washington Times
THURSDAY, AUGUST 17, 1995

White House backs off rights concerns

Beijing conference leads to changes

By Paul Bedard
THE WASHINGTON TIMES

JACKSON HOLE, Wyo. — The Clinton administration yesterday soft-pedaled concerns about China's history of human rights violations, anticipating criticism from congressional foes of U.S. participation in the U.N. women's conference in Beijing.

The change in course came as the White House continued to grapple with first lady Hillary Rodham Clinton's plans to attend the conference and the heightened attention her visit in early September would bring to the conference.

As an internal battle was being waged over the first lady's participation, White House spokesman Michael McCurry indicated that her visit should not be linked to human rights violations by China's Communist government.

"I don't necessarily see a direct connection between the two. I don't think they're necessarily related," he said in Washington.

White House officials here with Mr. Clinton, who is on a 17-day vacation with his wife, said no decisions have been made on Mrs. Clinton's travel to China.

"We're still looking at the issue of Mrs. Clinton traveling to China as honorary chair of the women conference, and no decisions have been made," White House spokeswoman Ginny Terzano said.

State Department spokesman David Johnson said: "We believe this is an important conference. It's a conference that's not about China; it's about women. We believe the reasons for going are compelling."

White House officials have always said the conference is important, despite criticism from congressional Republicans who want the administration to boycott the conference because it is being held in Beijing.

They cite China's horrible human rights record, which includes forcing some women to have abortions to avoid having more than one child per family, and the recent arrest of Chinese-American human rights activist Harry Wu.

Mr. Wu's wife, Ching Lee Wu, wrote Mrs. Clinton this week asking her not to attend the conference, White House officials said. Miss Terzano characterized it as "very personal."

Previously, the administration said that if Mrs. Clinton attended the conference, she would be expected to meet with Chinese officials. Aides are no longer stressing that point.

The White House, however, is making contingency plans for Mrs. Clinton to attend and has even sent an advance team to lay the groundwork for a visit.

Administration officials said that while Mrs. Clinton wants to attend the conference, she won't go if the trip is opposed by the State Department and the National Security Council, which is studying the impact of the trip.

Administration sources said officials in both agencies have made conflicting recommendations on Mrs. Clinton's participation at the women's conference, the first in 10 years.

In Washington, Madeleine Albright, the U.S. ambassador to the United Nations, was appointed to head the U.S. delegation.

Officials here indicated that a decision on Mrs. Clinton's trip will be made in the next week, but officials in Washington said the decision could be further delayed.

Secretary of State Warren Christopher and Deputy National Security Adviser Samuel Berger met with Mrs. Clinton late Monday to assess the benefits and drawbacks of her participation.

• *This article is based in part on wire service reports.*

Ruby Ridge clippings
Aug 16.

The Washington Times
WEDNESDAY, AUGUST 16, 1995

Seven years to zero dollars

Rep. Pat Roberts, the chairman of the House Agriculture Committee, has described the "Freedom to Farm Act" he recently outlines as very much a work in progress. As Mr. Roberts' cosponsor, William Barrett, said in their press release, "This isn't set in stone, it's just a starting point." And a decent starting point it is. But there will have to be some significant changes as the bill moves along.

The best aspect of the Roberts/Barrett proposal is its elimination of the cumbersome government central-planning logic of agriculture programs. Annual set-asides, under which Washington pays farmers not to farm, would be done away with. So too, farmers would no longer be required to plant a given crop in perpetuity just to remain eligible for government assistance. And finally, federal farm loan programs that obligate the government to buy farmers' crops when a given commodity's price falls below a level set in Washington would be turned into a true safety net: The government would pay only 70 percent of the five-year-average crop price. All of these excellent elements are joined under one broad concept — that farmers should be freed to farm according to market forces.

Making such changes does not come without a price. Though agricultural interests are annoyed by the meddlesome federal bureaucracies that require tiresome paperwork and uneconomical farming practices, the cash from Washington more than compensates. Farmers, frankly, would be happy to see the socialistic features of the New Deal farm programs junked. But they are not so eager to forgo the steady stream of federal subsidies. Thus the Roberts/Barrett bill would perpetuate large cash payments to farmers for seven years, even while removing almost all the hoops agribusiness used to have to jump through to get its money. There is no economic explanation for why farmers will need tens of thousands of dollars each year once they are allowed to run their spreads according to the dictates of the market. In other words, the seven years of cash payments is the cost of buying the political support of farmers in the quest to reform the federal budget.

Even recognizing that the seven years of continued payments for farmers is little more than a payoff, it would still be worth it if the end result is the final elimination of farm subsidies. This seems to be what the bill's backers are promising: The farm payments are to be reduced every year, at a total savings over seven years of some $13 billion. But the reductions as currently envisioned are marginal, not the sorts of cuts to get even close to zero at the end of the seven years. The seven-year spending path would have Washington give farmers $7.6 billion in 1996, $6.7 billion in 1997, $6.5 billion in 1998 and so on down to $5 billion in 2002. True, the amount of payments would be trimmed in actual dollars — no small feat by Washington standards — but at the end of the period, the federal government will still be giving farmers two-thirds of what they have been receiving all along. That means farmers who have gained this entitlement will still be a highly organized interest motivated to fight for the maintenance and expansion of payments.

In this context, the bill's proposal to create a commission to assess the federal role in farming in the 21st century is also problematic. With its members named by the president and members of the House and Senate agriculture committees — and with payments at the end of seven years still at the $5 billion level — the commission could be just one more constituency for perpetual subsidy.

A three-year transition from price supports and subsidies would seem to provide ample time for farmers to adjust their methods and expectations to the demands of the market. Surely a seven-year transition to zero — with, recall, no strings attached to the money — would be adequate to the point of generosity. In fact, a period so long can only be justified as a way to buy lawmakers political cover with farm constituents.

That's fine, so long as real reform is the outcome. The seven-year period is the right one to bring farm subsidies down to zero, not to $5 billion. Mr. Roberts and Mr. Barrett have made a useful start toward taming the federal agriculture budget, but for it to be worth the effort the end result needs to be arrival at a truly free market for agriculture.

A settlement for Ruby Ridge

The Justice Department announced yesterday that the U.S. government is paying $3.1 million to settle claims brought by the family of Randall Weaver, whose wife and son were killed by federal agents in 1992 in Ruby Ridge, Idaho. The decision to settle the suit, coming when it does, is another indication of the complete collapse of the government's position in relation to its handling of events at Ruby Ridge.

Vicki Weaver was shot and killed by an FBI sharpshooter as she stood in the door of her cabin holding her infant son. The previous day, during a reconnaissance mission by federal agents on property belonging to Randall Weaver, whom federal agents were pursuing in connection with illegal weapons charges, an exchange of gunfire left 14-year-old Samuel Weaver and a deputy federal marshal dead. Randall Weaver and another man were subsequently charged and acquitted in the killing of the marshal.

Although the FBI has maintained that Mrs. Weaver was killed accidentally as a result of being downrange of the actual target, what has clearly rankled in the case has been the FBI's "shoot on sight" rules of engagement. Who gave those orders and why? The FBI has been shockingly unforthcoming on this question. In fact, it now appears that senior agents covered up the sequence leading to the decision and destroyed documents related to it. FBI Director Louis Freeh just last week suspended five senior officials involved in the case — including his former No. 2 Larry Potts — and U.S. Attorney Eric Holder is now investigating possible obstruction of justice.

In settling with the Weaver family — according to the terms, each of the three surviving Weaver children get $1 million and Randall Weaver receives $100,000 — the Justice Department has admitted no wrongdoing or liability. But it grows more and more clear with each passing day that something went badly wrong at Ruby Ridge.

The issue here is not Randall Weaver and his bizarre, survivalist views — any more than the issue in Waco was David Koresh's views. The issue is the federal government's actions leading to the death of innocent people. If it seems like the FBI and Justice Department are now eager to get past this matter — including by settling with the Weaver family — that's fine, so long as it comes only after a complete accounting of what happened and on whose authority. Sen. Arlen Specter will soon convene hearings on the matter. The FBI has a lot of explaining to do.

The Washington Times
WEDNESDAY, AUGUST 16, 1995

WALTER WILLIAMS

When there is a will to overcome

With disbelief and sometimes sorrow, I listen to poor blacks and their welfare-state advocates give one excuse after another for dependency.

During the boom of the 1980s, some said they knew where work was available but complained it took too much commute time, or they had no one to take care of their kids, or it was a low-pay dead-end job. Life doesn't always deal a fair hand, but you just don't sit, surrender and rest on excuses. The least fair hand was dealt to our enslaved ancestors. But let's look at some of their responses, with an eye toward asking: How much sympathy should we have for those among their descendants who whine and make excuses?

Historian Loren Schweninger's book, "Black Property Owners in the South: 1790-1915," gives numerous stories like: "Two ambitious Charles Town bricklayers, Tony and Primus, who spent their days building a church under the supervision of their master, secretly rented themselves to local builders at night and on weekends."

How much sympathy should we have for those among their descendants who whine and make excuses?

Several of plantation owner John Liddell's slaves worked all day in the field. Under the cover of darkness, they'd steal away to work for wages, returning to the field the next morning to put in another day's work. When Liddell discovered this, he sought legal action, telling his lawyer, "I request that you would forthwith proceed to prosecute John S. Sullivan of Troy, Parish of Catahoula, for hiring four of my Negro men, secretly, and without my knowledge or permission, at midnight on the 12th of August last 1849 (or between midnight and day)."

In Tennessee, it was illegal for a slave to practice medicine; however, a slave called "Doctor Jack" practiced with "great & unparalleled success" even though he was forced to give a sizable portion of his earnings to his owner. After his owner's death, Doctor Jack set up practice in Nashville. White patients valued his services so much they petitioned the state legislature, saying: "The undersigned citizens of Tennessee respectfully petition the Honourable Legislature of the State to repeal, amend or so modify the Act of 1831, which prohibits Slaves from practicing medicine, as to exempt from its operation a Slave named Jack, the property of William H. Macon, Esq., of Fayette County."

Many women were found among slave entrepreneurs. They established stalls and small stores. They managed tiny businesses as seamstresses, laundresses and weavers. A Maryland slave recalled, "After my father was sold, my master gave my mother permission to work for herself, provided she gave him one-half [of the profits]." She ran two businesses — a coffee shop at an army garrison and a secondhand store selling trousers, shoes, caps and other items. In the face of protests by poor whites, she "made quite a respectable living."

So prevalent was the practice of slaves illegally working and in business the term quasi-free Negroes emerged.

Sometimes whites didn't play fair in business, but whining was out and acumen in. Take Robert Gordon, who purchased his freedom and moved to Cincinnati, where he invested $15,000 in a coal yard and a private dock on the waterfront. White competitors tried to run him out of business through ruthless price cutting. Gordon simply hired fair-complexioned mulattoes to purchase coal from price-cutting competitors to fill his own customers' orders.

Black history is full of examples of people making a bad situation better. But compare the message then with today's. An 1848 black convention in New York resolved, "To be dependent is to be degraded. Men may pity us, but they cannot respect us." And in 1853, Frederick Douglass warned, "Learn trades or starve!" Today, it's handouts, reparations and society owes us something.

Walter Williams, an economics professor at George Mason University, is a nationally syndicated columnist.

The Washington Times
WEDNESDAY, AUGUST 16, 1995

Lawmakers balk at tobacco regulation

Offer alternatives to FDA authority

By Joyce Price
THE WASHINGTON TIMES

Opposition is mounting among Democrats and Republicans alike to President Clinton's plan to have the Food and Drug Administration regulate tobacco.

Rep. L.F. Payne Jr., a Virginia Democrat whose constituency includes many tobacco farmers, says that when Congress reconvenes early next month, he'll introduce a bill that would bar the FDA from "regulating the sale or use of tobacco or tobacco products."

A spokeswoman for Senate Democratic Whip Wendell H. Ford of Kentucky says he plans to introduce a bill that would "codify" restrictions Mr. Clinton has proposed for keeping tobacco out of the hands of minors. The Ford bill, however, "would stay away from having the FDA regulate tobacco," spokeswoman Meg Conlon said yesterday.

April Lassiter, spokeswoman for House Majority Whip Tom DeLay, Texas Republican, said her boss "believes the regulation of tobacco is an expansive power for the FDA, a real slippery slope." She said she believes he'd probably "support the kind of provision" Mr. Payne has proposed, although she could not say with certainty he'd support the Virginia Democrat's bill.

"We'd prefer that it read that the FDA not expand its powers to regulate . . . without congressional approval," Ms. Lassiter said.

Rep. Clifford B. Stearns, Florida Republican and a member of Commerce's Health and Environment subcommittee that has oversight over the FDA, shares the concerns Ms. Lassiter expressed.

He said that he believes the subcommittee "needs to look at" what Mr. Clinton has proposed, and that the Payne bill would be a "step" in helping Congress determine if "all the president has proposed is necessary.

"We should do things to protect children, not increase regulations" and erode the "freedom of individuals," Mr. Stearns said in an interview.

However, it's uncertain whether the subcommittee, chaired by Rep. Thomas Bliley, Virginia Republican, would take up a tobacco-related bill such as Mr. Payne's.

"Whether the FDA has legal authority to regulate tobacco is a question for the courts, not Congress," Mr. Bliley, also Commerce Committee chairman, said in a statement last week.

Rep. Ron Wyden, Oregon Democrat, who is on the Commerce Committee and its health and education subcommittee, said he recognizes Congress has "many tobacco-friendly legislators who are not going to be receptive to aggressive measures" against the industry.

Mr. Wyden said "regulation could be kept in abeyance" if the federal government and tobacco companies would "enter into a legal enforcement agreement" with measures that would penalize vendors that sold tobacco products to children.

In a related development yesterday, a federal appeals court refused to order Mr. Wyden and Rep. Henry Waxman, California Democrat, to turn over internal documents of Brown & Williamson Tobacco Co. they received from a whistleblower.

The two congressmen are constitutionally protected from having to provide the documents to the cigarette maker, said the U.S. Court of Appeals for the District of Columbia Circuit.

Judge Laurence Silberman wrote for the three-judge panel that Mr. Wyden and Mr. Waxman are protected by a clause of the Constitution that shields members of Congress from being questioned about any "speech or debate" in the House or Senate.

• *This article is based in part on wire service reports.*

Ruby Ridge became a mantra for anti-government militias

By Alan McConagha
THE WASHINGTON TIMES

Ruby Ridge was a call to arms for Americans, fearful of overweening federal law enforcement.

Along with the attack on Branch Davidians at Waco, Texas, the incident on a Idaho mountainside on Aug. 21, 1992, mobilized militias and others who feared they were the objects of a violent federal conspiracy because they held unpopular or anti-government ideas.

"The incident at Ruby Ridge was a virtual recruiting drive for the Idaho militia. Gradually, Ruby Ridge and Waco have become the Alamos of militia lore, concrete evidence for those already inclined to fear the worst from government," Newsday said in a report on the militia movement.

The Dallas Morning News called Ruby Ridge a "galvanizing moment" for militia members. Ralph Turner, a spokesman for the Northern Region of the Texas Constitutional Militia, told the newspaper, "Ruby Ridge started the process."

The outcry focused on an FBI sharpshooter's slaying of an unarmed woman as she held a baby in the doorway of an isolated Idaho cabin during a siege in 1992. Yesterday the Justice Department announced payment of $3.1 million to settle claims made by her family.

The dead woman was Vicki Weaver, and she became a martyr for a movement. She was the wife of Randall Weaver, a self-proclaimed white separatist who surrendered to federal authorities after a gunfight in which his 14-year-old son, Samuel, and Deputy U.S. Marshal William Degan were also killed.

There was plenty of evidence yesterday that the Ruby Ridge episode is far from over. For instance, Sen. Arlen Specter, Pennsylvania Republican, is planning to hold hearings next month into the case, which has led to the suspension of four FBI agents and the opening of a new criminal investigation.

Rep. Helen Chenoweth, an Idaho Republican who has been supported by local militias, said she was pleased the Weaver family and the Justice Department had reached a settlement.

"The remaining issue concerns how this tragedy was allowed to happen in the first place," she said. "There still needs to be a complete investigation into this incident — with guilty parties appropriately punished — and changes instituted to prevent anything like this from happening again."

Tanya Metaksa, National Rifle Association lobbyist, supported that view. Calling for a trial of "whoever was responsible," she said: "One more thing needs to be done. Some people need to be brought to justice."

Mrs. Metaksa said the way to rebuild public confidence in federal law enforcement "is by holding people accountable." She added that giving taxpayer money to the Weaver family "doesn't hold anybody accountable."

The NRA official also noted that her organization was one of the first to speak out in the case. "We always thought that it showed there was a problem of leadership in federal law enforcement."

In July 1993, an Idaho jury acquitted Weaver, 45, and a family friend, Kevin Harris, 25, in the Degan death. Jurors said Mr. Harris, who acknowledged shooting Mr. Degan after Samuel had been hit, acted in self-defense. They also rejected charges that the two men conspired to force a confrontation with the officers.

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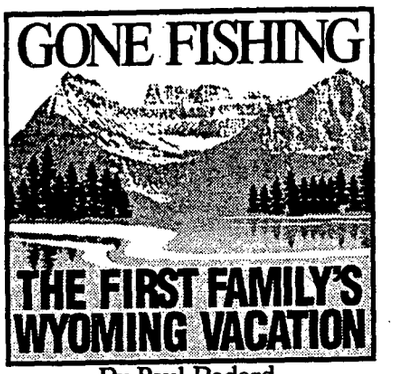
WEDNESDAY, AUGUST 16, 1995

Rest tops agenda of Clinton getaway



By Paul Bedard

THE WASHINGTON TIMES

Four days later than planned, President Clinton and first lady Hillary Rodham Clinton left steamy Washington yesterday for Valley House, the Jackson Hole, Wyo., summer home of Sen. John D. Rockefeller IV, West Virginia Democrat.

"You gotta do it, you gotta just go," Mr. Clinton said as his scaled-down DC-9 Air Force One took off.

He wants to play golf, read, ride and make an overnight camping trip, maybe in Grand Teton National Park or Yellowstone, 50 miles away.

"First, I'm going to lie down," the weary-looking president said. "I'm tired." Mr. Clinton, who arrived here still dressed in a suit, said he will "ride horses, read, have fun, mostly just try to rest."

"He really wants to camp," said an aide, aware of Mr. Clinton's tales of boyhood sleep-outs, campfires and the moldy smell of canvas tents.

Before leaving Washington for his 17-day Western vacation, Mr. Clinton told reporters that his fondness for hiking in national parks won out over a destination more politically favorable. He noted that it's unlikely Wyoming will vote for him in a presidential election.

Toasting marshmallows will take a back seat to playing golf, according to the few presidential aides here. Mr. Rockefeller's 8,000-square-foot ranch sits on the southern tip of Grant Teton National Park and inside the Jackson Hole Golf and Tennis Club, designed by golf course architect Robert Trent Jones.

Reluctant vacationer

While he appeared at ease upon arriving at the airport shaded by the Grand Tetons, or the "three breasts," as described by French trappers long ago, Mr. Clinton was a reluctant vacationer keeping an eye on Bosnia and other hot spots.

Relaxing has its limits for Mr. Clinton. Aides said he will leave abruptly on Air Force One if a crisis breaks out.

Unlike President Bush, who used to say that the White House traveled with him every time he vacationed in Kennebunkport, Maine, Mr. Clinton feels he has to work out of the Oval Office and will return to manage any danger, spokesman Michael McCurry said in Washington. Mr. McCurry is the first press secretary in recent memory not to accompany a president on vacation.

By comparison, Mr. Bush remained in Maine with his top aides during the early days of the Persian Gulf buildup and the attempted coup against Soviet President Mikhail Gorbachev. Mr. Bush held frequent news conferences and even announced the Supreme Court nomination of Clarence Thomas from his family house on the Atlantic Ocean.

The fun ship

Just when it appeared that the White House travel office had run out of air charter companies bidding to fly the press plane on costly presidential trips, along came Carnival Cruises.

The "Fun Ships" airline flew the press corps and White House press staff to Jackson Hole aboard a Boeing 737, one of the few ever used by the press, which is used to flying old 727s. The 737 is quieter and meets the Jackson Hole airport's noise-abatement program, intended to protect elk herds from scattering in fear.

The airline lived up to its name when, after a steward warned passengers that it was illegal to smoke on board, a stewardess added: "If you are caught smoking, we will have to ask you to leave."

Western Vineyard

The Clintons had planned to vacation here during the president's first summer in office but instead chose tony Martha's Vineyard, where the president and first lady relaxed on the beaches and golf courses during the day and socialized well into the night at the estates of the island's Democratic, media and entertainment elite.

While Wyoming is blue-blooded Republican, the first family won't be home-bound, thanks to many of Jackson Hole's summer residents, who have planned evening parties and a birthday bash. Mr. Clinton turns 49 Saturday.

Local media report that World Bank and Kennedy Center Chairman James D. Wolfsensohn will play host to the birthday party Saturday, and movie star Harrison Ford is planning a small social for the Clintons at his rustic Snake River home.

The Washington Times
WEDNESDAY, AUGUST 16, 1995

Justice Dept. agrees to pay Weaver family

Siege hearings start Sept. 6

By Laurie Kellman
THE WASHINGTON TIMES

A1

The Justice Department yesterday agreed to pay the family of Randall Weaver $3.1 million, four days after it suspended four agents involved in the government's 1992 killing of his wife and 14-year-old son and three weeks before a Senate panel opens hearings into the matter.

The settlement, in which the government admits no wrongdoing or legal liability, also comes days after the Justice Department asked the U.S. attorney for a criminal investigation into a purported cover-up of who approved the plan to "shoot on sight" any armed adult seen on the Weaver property near Ruby Ridge, Idaho.

"The settlement reflects the loss to the Weaver children of their mother and brother," the Justice Department said in a statement. "By entering into a settlement, the United States hopes to take a substantial step toward healing the wounds the incident inflicted."

But the timing of the settlement, framed by Senate hearings to open Sept. 6 and the suspensions and criminal investigation announced by Justice on Friday, shows that the department hopes to accomplish an additional goal, Mr. Weaver's attorney said.

"This is an opportunity for the federal government to say, 'We've paid them. Now why don't you leave us alone?'" Gerry Spence said. "The answer, of course, is that justice can't be bought."

And Sen. Arlen Specter, chairman of the Judiciary subcommittee on terrorism, said the Senate has no intention of backing off in its own inquiry. "This latest action continues to reinforce the need for full, fair and complete hearings," the Pennsylvania Republican said in a statement.

"This settlement obviously shows some real government concern, but I wouldn't read too much into it," Mr. Specter said in a subsequent statement. "A civil settlement does not necessarily mean an admission of fault. It does show the inquiry needs to be pursued."

A Justice Department spokesman did not return a call for comment, but a statement said the settlement is not "intended to interfere with or reduce the availability of information or evidence in connection with the incident."

Nearly three months of negotiations led to the settlement, which will pay each of the three surviving Weaver children $1 million and Mr. Weaver $100,000, according to Mr. Spence and the Justice Department.

see WEAVER, page A8

From page A1

The Weavers had filed civil claims against the government and a lawsuit against specific federal agents seeking $200 million in damages, but the settlement "resolved all claims by the Randy Weaver family against the United States and its employees," the Justice Department said.

"The United States does not admit wrongdoing or legal liability to the plaintiffs," the statement said.

Nevertheless, the Justice Department is under political siege for the 1992 incident, which has become a rallying point for those who believe the government persecutes people with unorthodox beliefs.

The Weavers still seek criminal prosecution for agents who fatally shot 14-year-old Samuel Weaver in the back and fatally shot Vicki Weaver in the head as she stood, unarmed, in the cabin doorway holding her 10-month-old daughter, Mr. Spence said.

Last year, the department decided that no federal agents would be charged with federal crimes as a result of the shootings, although a local Idaho prosecutor is considering filing criminal charges.

Instead, the Justice Department has requested a criminal investigation into charges of false claims or obstruction of justice by the suspended agents, at least two of whom have admitted to internal investigators that they destroyed FBI documents about the siege, Justice officials have said. ?!

Another suspended FBI official has acknowledged knowing that documents were destroyed during the internal inquiries over the shooting rules.

Recently demoted FBI Deputy Director Larry Potts, who supervised the Weaver incident and the disastrous 1993 siege of the Branch Davidians near Waco, Texas, was one of those suspended.

Two agents blamed for the killings in Idaho have sworn that Mr. Potts approved the "shoot on sight" rule over the department's longtime ban on lethal force except for self-defense or to defend another. Mr. Potts staunchly denies that charge.

The shootout came after Mr. Weaver, a self-described white separatist, refused to attend a February 1991 court hearing on a charge that in October 1989 he sold two illegal sawed-off shotguns to an undercover agent for the Bureau of Alcohol, Tobacco and Firearms.

The government set up an 18-month surveillance of his cabin. Gunfire erupted on Aug. 21, 1992, when Samuel and family friend Kevin Harris, 25, both carrying rifles, stumbled upon six camouflaged U.S. marshals on a "reconnaissance mission" outside the cabin.

Who shot first is disputed. A marshal's bullet in the back killed Samuel, and Deputy Marshal William F. Degan, 42, also lay dead when the gunfire stopped.

Mr. Weaver's wife, Vicki, 42, was killed a day later while holding her 10-month-old daughter as she held open the cabin's front door.

The Washington Times
WEDNESDAY, AUGUST 16, 1995

FAA puts diversity above qualifications

Hiring guide contradicts Clinton order

By Ruth Larson
THE WASHINGTON TIMES

A1

A new Federal Aviation Administration diversity handbook advises managers to explore alternative means of hiring and promoting workers — even unqualified ones — to achieve diversity goals.

"The merit promotion process is but one means of filling vacancies, which need not be utilized if it will not promote your diversity goals," according to "Diversity and the Selection Process: A Guide for Managers and Supervisors," issued this summer throughout the agency's Southwest region.

One program highlighted is Upward Mobility, designed for employees trapped in low-level positions who "have high potential but cannot meet qualification requirements for higher grades."

"Competition can, and normally should, be limited to candidates who do not meet standard qualification requirements," the guide advises, adding that "qualification analysis may be applied ... to screen out candidates who meet the specialized experience requirements for the target position."

One FAA employee familiar with the guide said, "This flies in the face of everything the president has said."

On July 19, President Clinton directed all department and agency heads to evaluate their affirmative-action programs and terminate them if they create quotas, involve preferences for unqualified people or foster reverse discrimination.

see FAA, *page A13*

From page A1

But an FAA job announcement from December obtained by The Washington Times specified, "Only those applicants who do not meet the Office of Personnel Management requirements ... will be eligible to compete."

The announcement also said, "Applicants who meet the qualification requirements ... cannot be considered for this position."

An FAA spokeswoman said the agency was reviewing its diversity programs, but not as a result of Mr. Clinton's directive. "Diversity is not the same as affirmative action," she said.

Justice Department guidance, issued in June for agencies to use in reviewing their affirmative-action programs, advised that such programs "must show that greater diversity would foster some larger societal goal beyond diversity for diversity's sake."

Teri Bruner, human resources division manager for the FAA's Southwest region, said the diversity guide should not be interpreted as favoring diversity over qualifications in hiring or promoting.

"We don't hire people who don't meet the qualifications," she said.

People selected under the Upward Mobility program, for example, must agree to undergo at least a year of on-the-job training to prepare for the position. Managers may not fill vacancies using only Upward Mobility candidates; they must select some qualified applicants, she said.

While she acknowledged that some of the guide's phrases are strangely worded, Ms. Bruner said all instructions were based on Transportation Department regulations. Upward Mobility, for example, is based on a 1988 department directive.

Ms. Bruner said the publication is intended as an informal guide in plain English for managers unaware of the options to fill positions.

The guide was under development for about 18 months, well before affirmative action burst to the top of the national agenda, Ms. Bruner said.

The guide advises managers to work with personnel specialists to "identify knowledges, skills and abilities which accurately reflect the position's requirements and which do not negatively impact women and/or minorities."

"If you are aware of a candidate ... whose placement would improve your unit's diversity, you should further indicate your desire to 'name request' that eligible [candidate]," the guide says, because by-name requests are ranked ahead of other candidates.

The guide was distributed to 600 managers in the five-state Southwest region — Arizona, Louisiana, New Mexico, Oklahoma and Texas — where about 5,000 FAA employees work.

The agency's top officials have long stressed the need for aggressive diversity programs.

A January diversity briefing to FAA Deputy Administrator Linda Daschle recommended that each office "develop a specific plan for how they will increase percentages of minorities and women in key positions, especially given the downsizing of the agency."

The agency's air traffic service has committed to filling "one out of every two vacancies with a diversity selection," said William Jeffers, the FAA's director for air traffic, quoted in an internal agency newsletter in November. From May 1993 to November 1994, 58 percent of GS-15 management slots were filled by minorities and women, Mr. Jeffers said.

An FAA diversity plan published in February directed managers to prepare affirmative-action plans "to ensure the FAA employment profile evolves toward mirroring the American population."

who once was that service's highest ranking lawyer, said in an interview that the Pentagon was forced into a position of re-examining the case because of the intense media pressure and public outcry.

"It got a little hot in the kitchen," said Brahms, now in private practice in Carlsbad, Calif. "Even senior officers at the Pentagon began to wonder what the hell was going on here."

What is unusual in this case, he said, is that the Air Force publicly announced the discipline. Often, Brahms said, military careers just quietly come to an end.

"You don't always have to post someone's bloody head on the gate outside the city," he said. "Careers often end without such a drastic and public reaction."

Government Pays $3.1 million to Settle Ruby Ridge Claim By Ronald J. Ostrow= (c) 1995, Los Angeles Times=

WASHINGTON The U.S. Justice Department agreed Tuesday to pay $3.1 million to white separatist Randy Weaver and his three surviving children for the loss of his wife and 14-year-old son who were killed by federal agents in 1992 at Ruby Ridge, Idaho.

The payments $1 million to each child and $100,000 to Weaver settle $200 million in claims filed by the family over the incident, in which a deputy U.S. marshal also was slain.

"The settlement reflects the loss to the Weaver children of their mother and brother," the department said in announcing the action. "By entering into a settlement, the United States hopes to take a substantial step toward healing the wounds the incident inflicted."

Justice Department officials said the settlement had no relationship to Senate hearings on the Ruby Ridge action, to begin in three weeks, or to a federal criminal inquiry into whether five now-suspended FBI officials participated in a cover-up to protect themselves from blame over the killing of Weaver's wife, Vicki.

The government admitted no wrongdoing or legal liability to the Weaver family plaintiffs in the settlement. At the government's suggestion, the settlement said it was not intended to interfere with or reduce the availability of information or evidence related to the incident.

Nevertheless, the payments could add fuel to critics of the government's action at Ruby Ridge and the following year at the Branch Davidian compound near Waco, Tex., who contend they both were over-reactions by federal agents. Despite the government's denials, the payments could be interpreted as an admission of error.

"In the Weavers' eyes, the government acknowledges wrongdoing by the payment of these moneys as damages," said Weaver's attorney Gerry Spence.

He added that the payment "in no way lessens the family's determination to see that those guilty of killing their mother and brother be brought to trial and held responsible in the criminal courts."

The Ruby Ridge firefight began Aug. 21, 1992, when deputy marshals tried to conduct surveillance on Weaver's remote North Idaho cabin because he had failed to appear for a 1991 trial on weapons charges. But they ran into Weaver, his son Samuel, and friend Kevin Harris at a trail crossing and there was an exchange of gunfire that left deputy U.S. Marshal William Degan dead from a chest wound and Sammy, as he was known, killed by a shot in the back.

With a deputy marshal dead, the FBI was called in, and the next day Weaver's wife was killed by an FBI sharpshooter as she stood, with an infant in her arms, behind a cabin door. The sharpshooter said she was out of sight and that he was aiming for Harris, who was armed and fleeing toward the cabin.

(Begin optional trim)

The matter grew complicated because the FBI's "rules of engagement" had been ordered changed from the standard lethal force policy, which states that agents can fire only to protect themselves or innocent people. Instead, the altered rules provided that agents "could and should" use deadly force against any armed adult male spotted in the open.

In disciplining 12 FBI officials over the incident last January, FBI Director Louis J. Freeh concluded that the sharpshooter was following the standard deadly force policy, not the more permissive rules, which he agreed were probably illegal. Freeh contended that the sharpshooter fired in response to an armed man he believed was threatening a helicopter overhead carrying federal agents.

But in reaching that conclusion, Freeh relied on an FBI inquiry and summary that the Justice Department's internal watchdog, the office of professional responsibility, now suspects was flawed by a document being destroyed and false statements.

That led Freeh to suspend the five officials, including Larry A. Potts, who he recently removed as deputy director after vigorously fighting for his promotion, until completion of the criminal inquiry by U.S. Attorney Eric Holder Jr.

(End optional trim)

After the shootout, the Justice Department brought Weaver and Harris to trial on conspiracy and murder charges. They were acquitted on those charges, but Weaver was convicted of failing to appear for trial on the earlier weapons charge and served a prison term.

Assistant Attorney General Frank W. Holder, who heads the civil division that reached the settlement, was asked Tuesday if he saw any irony in paying $100,000 to a man the government sought unsuccessfully to convict on murder charges.

"He was acquitted," Hunger said.

Size of Federal Work Force Has Changed Little in 50 Years By Jennifer Corbett= (c) 1995, Los Angeles Times=

WASHINGTON Has the federal work force become bloated with a government payroll that gobbles tax revenues ever faster?

The answer is an unequivocal yes for many Americans, including members of Congress who are on a crusade to rein in "big government" and transfer many federal responsibilities to the states.

A peek at the federal work roster, however, yields an unexpected counter-argument: Since the end of World War II, the number of federal workers, excluding military personnel, has actually changed little.

"Most people are staggeringly surprised when they find out the level of federal bureaucrats hasn't changed in 50 years," said Donald Kettl, a professor of public affairs at the University of Wisconsin, Madison, and a senior fellow at the Brookings Institution, a non-partisan Washington research and policy organization.

Moreover, the rate of federal employment a ratio comparing the number of federal employees to the overall U.S. population has dropped sharply over the last five decades. The government employs 1 worker out of 90 Americans today. In 1946, the ratio was 1 in 62. In absolute terms, the number of federal employees has risen from 2.2 million in 1946 to 2.8 million today, according to the Bureau of Labor Statistics. During that period, the nation's population rose from 140 million to 250 million.

So why the impression of an exploding federal work force?

``The federal government is mainly in the business of transferring (money), which doesn't take a lot of people," said Sarah Ritchie, the assistant director of the Center for the Study of the States at the Rockefeller Institute of Government in Albany, N.Y. Yet the ``magnitude of expenditures at the federal level plus the deficit has created the impression that the federal bureaucracy is bloated and growing."

But at the same time, other figures appear to belie the notion that state and local governments are somehow more efficient than federal operations. Over the five decades when the ratio of federal workers to population was falling, the same ratio for state and local governments more than tripled.

In 1946, state and local government workers nationwide stood at 1 per 42 Americans. It is 1 to 16 today. In absolute numbers, the total rose from 3.3 million in 1946 to 16.5 million now.

Put another way: In 1946 there were roughly three state and local government workers for every two federal employees; today there are about six for every one federal employee.

Direct government services account for much of the expansion at state and local levels. As communities grow, more employees are needed to provide services such as teaching, police protection, trash collection, and road and sewer construction and repair.

Kettl said there has been a tremendous growth in county work forces, which provide social services and maintain parks and recreational services.

The number of schoolteachers, administrators and support personnel has also grown, with about half of all state and local employees working in public schools from the elementary to the college level.

``The schools are offering more varied curriculums," Kettl said. ``There are more career counselors, more art teachers and more gym teachers."

In 1955, the first year the Bureau of Labor Statistics kept such figures, 2.1 million state and local workers were involved in education and 2.6 million were involved in other areas. In 1994, 8.4 million people were involved in public education and 7.9 million in other government service areas.

Prisons and jails also have proved to be big growth industries at state and local levels. During the 1980s, corrections department jobs increased 108 percent nationwide, or eight times as much as the growth in all jobs at those levels of government.

(Optional add end)

Ritchie said tougher sentencing laws and the ``war on drugs" led to enormous increases in prison populations, which resulted in more hiring.

Today, the rate of growth at those levels of government appears to be slowing, although it continues to increase. Between June 1990 and June 1993, state employment grew 3.3 percent and local employment 5.5 percent.

At the federal level, however, employment dropped 12 percent during the same period. Since mid-1993, the federal work force continued to shrink slightly, 2.7 percent, and with more budget cuts certain from Congress, more federal jobs will be eliminated.

Kettl says those effects will be felt outside of Washington too, because nine out of every 10 federal workers live and work outside of the capital.

``The fact is there are as many federal employees in California as there are in Washington," he said.

Civil Rights Groups Ask Quashing of Wilson Affirmative Action Suit By Cathleen Decker= (c) 1995, Los Angeles Times=

The legal future of California's affirmative action programs grew ever murkier Tuesday as a statewide coalition of women's and civil rights groups asked the state Court of Appeal to toss out Gov. Pete Wilson's lawsuit aimed at gutting the programs.

At the same time, Attorney General Dan Lungren announced that he cannot defend the seven state agencies named as defendants in Wilson's lawsuit against California meaning that taxpayers will have to pick up the tab for the governor's court action.

In a letter to the presiding justice of the state Court of Appeal in Sacramento, Lungren cited a conflict of interest because his office represents both the plaintiff Wilson and the defendants in a range of other lawsuits.

The Attorney General said he wanted to ensure that ``this office's availability to all concerned remain unimpaired now and in the future."

The decision means that private lawyers will have to be brought into the case, at a cost which outside attorneys estimate could reach millions of dollars. At a Los Angeles news conference, Wilson's critics scored the governor for what they said was sticking the taxpayers for the costs of a lawsuit intended to bolster his presidential campaign.

``As with everything else with this governor, his lawsuit sacrifices democratic principles to political expediency," said Mark Rosenbaum, legal director of the American Civil Liberties Union Foundation of Southern California. ``His action will cost taxpayers of this state millions and millions of dollars in the transparent pursuit of his sagging presidential ambitions."

The ACLU and 14 other organizations, including the Mexican American Legal Defense and Education Fund, the California Women's Law Center and the NAACP Legal Defense
Fund, filed a brief with the appeals court in Sacramento Tuesday asking justices to throw out Wilson's suit.

The brief argued three basic points: that Wilson has not been damaged by the state's affirmative action laws and thus has no standing to sue; that he sued the wrong people; and that the suit should have been filed with the Superior Court, not the Court of Appeal.

Legal aides for the governor disagreed. They said that Wilson has standing to ask that the affirmative action statutes be ruled unconstitutional because he is charged with enforcing those laws. They said that the suit accurately targeted those state agencies which are pushing the affirmative action programs, and that it was filed with the appellate court because that is the only court that can overturn statutes.

(Optional Add End)

A spokesman for Wilson said that the lawsuit's cost to the taxpayers will be far less than the $12.7 million the state currently spends to enforce affirmative action programs.

Last Thursday, Wilson filed suit against the state he governs, arguing that statutes which make up the core of California's affirmative action programs were unconstitutional. Those sued included the state personnel board, the chancellor and board of governors of the state's community colleges, the state treasurer and controller, the director of the state lottery, the lottery commission and the Department of General Services.

Critics said that the fact that Wilson, who has held office since 1991, only objected to the state's affirmative action programs as he decided to run for president proves that his intentions are less than pure.

Ruby Ridge outcry unlikely to fade

By Robert Davis
and Mark Potok
USA TODAY

In the three years since federal agents shot his son in the back and his wife in the head, Randy Weaver's name has become a rallying cry at angry gatherings ranging from secret militia meetings to televised congressional hearings.

Supporters say what happened to the 47-year-old white separatist is proof that the FBI and other federal police agencies are out of control.

On Tuesday, the government apologized for the 1992 shootout and standoff at Weaver's remote cabin in Ruby Ridge, Idaho, by awarding Weaver $100,000 and his three children $1 million each. The award settles $200 million in claims filed by Weaver and his surviving children, Sara, 19, Rachel, 13, and Elisheba, 3.

In a carefully worded statement, the Justice Department claimed no "wrongdoing or legal liability to the plaintiffs." By agreeing to the payment, Justice said: "The settlement reflects the loss to the Weaver children of their mother and brother."

But Weaver and his supporters aren't ready to forgive or forget.

"We want criminal charges brought against those who committed the crime," says Randy Trochmann, co-founder of the Militia of Montana, one of the nation's best-organized militias. "At least by (Justice) agreeing to settle, it's a de facto admission of wrongdoing."

The National Rifle Association, which has come under harsh criticism for calling some federal agents "jack-booted thugs," also wants criminal charges filed. "You don't change law enforcement leadership unless you hold them accountable," says NRA lobbyist Tanya Metaksa.

The incident at Ruby Ridge began when U.S. marshals went to Weaver's cabin to arrest him for failing to appear in court on weapons charges. Shooting started when they killed his dog; 11 days later, Weaver's wife, son and a U.S. marshal were killed. Weaver was eventually sentenced to 18 months behind bars on the weapons charges. But the siege continues to be controversial.

An internal FBI review into the sniper shot that killed Weaver's wife found that the rules the sniper was operating under, to shoot on sight, were unconstitutional. And an investigation continues to determine who was responsible for the orders.

Metaksa says that, if not for recent congressional hearings into the role of federal law enforcement, there may have been no action. The hearings focused on what the FBI did during the 1993 siege near Waco, Texas, that left more than 80 members of the Branch Davidian cult dead.

Gerry Spence, Weaver's lawyer, agrees: "Nobody controls the federal police force, and when they get in trouble, they try to cover it up."

But Rep. Charles Schumer, D-N.Y. — ranking Democrat on the Crime Subcommittee of the House Judiciary Committee, which will hold hearings into Ruby Ridge this fall, after Senate hearings — says it's time for the FBI to learn from mistakes.

"It's important for law enforcement to get the Ruby Ridge incident behind them so that they can learn from their mistakes and heal old wounds," he says. "Hopefully, this will help put the Ruby Ridge incident to rest, especially in the minds of those who believe that it, along with Waco, was part of a grand government conspiracy."

Rex Davis, former head of the Bureau of Alcohol, Tobacco and Firearms, says critics of federal law enforcement should remember why agents used deadly force in the first place — at Ruby Ridge and at Waco.

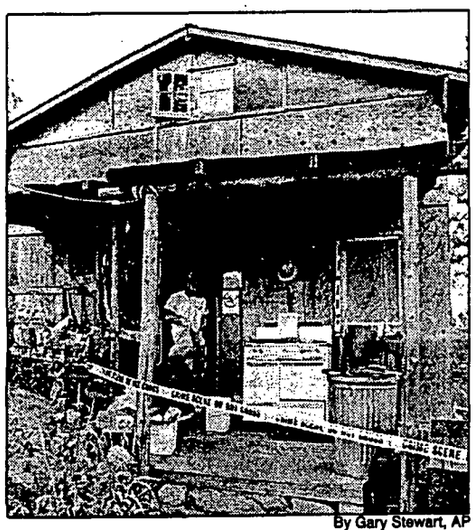
"Everybody regrets what happened in both incidents," says Davis. "But there has to be some responsibility placed on the people who resist legal processes with arms."

Brent Smith, criminal justice professor at University of Alabama at Birmingham who has written a book on terrorism in the USA, says the settlement shows the system works.

Militia adherents "are not going to be completely satisfied," says Smith. "They may say they're just being appeased. But in general ... most people who rationally look at these issues would have to conclude that the federal government responded. They addressed the concerns, and they took appropriate action."

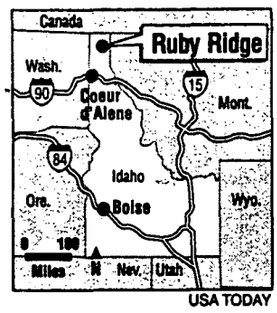
Still, the furor goes on: The FBI's domestic terrorism unit has warned federal offices across the nation to beware possible attacks on Aug. 21, anniversary of the day Randy Weaver became a national symbol.

▶ Feds to pay, 1A



By Gary Stewart, AP

AUG. 31, 1992: A federal agent gathers evidence from Randy Weaver's home on the day he was arrested.



USA TODAY

AP

WEAVER: Idaho white separatist

TIMELINE OF EVENTS

▶ **AUG. 21, 1992:** U.S. marshals converge on the Ruby Ridge, Idaho, mountain cabin of white separatist Randy Weaver to arrest him on weapons charges. Three marshals shoot and kill Weaver's dog, Striker. Gunfire erupts. U.S. Marshal William Degan and Weaver's son Sammy, 14, are killed. In a standoff, the FBI takes over, bringing in a hostage rescue team, armored personnel carriers and helicopters.

▶ **AUG. 22:** An FBI sniper sees Weaver, his friend Kevin Harris and Weaver's daughter Sara, 16, come out the front door. Thinking that one of the men is trying to shoot at an FBI helicopter, the sniper fires and wounds Weaver. His second shot hits Harris, then goes on to kill Weaver's wife, Vicki, 43, who is standing in the doorway with a baby in her arms.

▶ **AUG. 30:** Harris surrenders and is arrested on a murder charge. Weaver surrenders the next day and is also charged with murder. The siege ends with Weaver and his supporters saying his wife and son were murdered.

▶ **JULY 8, 1993:** Weaver and Harris are acquitted of the murder charges. Weaver is convicted of two charges related to his failure to appear at a 1991 trial on weapons charges.

▶ **OCT. 18:** Weaver, already in jail for nearly 14 months, is sentenced to serve 18 months and fined $10,000.

▶ **JAN. 6, 1995:** After a bureau review of events in the siege, FBI Director Louis Freeh disciplines 12 employees, including his friend Larry Potts, the supervisor at Ruby Ridge. Potts also was supervisor during the FBI's 1993 siege of the Branch Davidian compound near Waco, Texas.

▶ **MAY 3:** The former head of the FBI's Salt Lake City office tells Justice Department investigators Potts approved rules of engagement at Ruby Ridge that said sharpshooters "could and should" use deadly force against armed adult males at Weaver's cabin. Potts, who has been promoted to deputy director, denies approving the order.

▶ **JULY 13:** Justice Department pledges thorough probe.

▶ **AUG. 10:** Freeh suspends five senior FBI officials — including Potts, who had already been demoted — for suspected wrongdoing in the investigation. At least two admit they destroyed documents about the siege; another admits knowing of the documents' destruction.

▶ **AUG. 15:** Justice Department agrees to pay Weaver and his children $3.1 million. Federal prosecutors say they're considering criminal charges for possible false statements or obstruction of justice. Idaho prosecutors are considering whether to bring state charges against the federal agents.

Senate hearings are due to begin Sept. 6.

In shadows of Okla. bombing site, suspects plead not guilty

By Kevin Johnson
USA TODAY

OKLAHOMA CITY — In a packed courtroom across the street from where the Alfred P. Murrah Federal Building once stood, Timothy McVeigh and Terry Nichols pleaded not guilty Tuesday to the April 19 bombing that killed 168 people.

Whisked here at dawn from the nearby El Reno Federal Corrections Institute, they entered their pleas in separate proceedings before U.S. Magistrate Ronald Howland.

The only issue in either of the 10-minute sessions was raised by Nichols' lawyer, Michael Tigar, who was denied a request to have Nichols' family members moved to the front of the courtroom so they could be near the defendant.

An unshackled Nichols, 40, entered the courtroom dressed in an ill-fitting blue blazer, khaki slacks and button-down shirt. Among those looking on was his brother James Nichols, once held as a possible witness in the case and on three unrelated explosives charges dismissed last week.

"Your honor, I am innocent," he said when asked to enter a plea to the 11-count indictment. Death is the maximum penalty for each charge.

AP

TERRY NICHOLS

USA TODAY

McVEIGH

Before being taken from the crowded courtroom and allowed a brief visit with his brother, mother, sister and brother-in-law, Nichols sat at the defense table and signed colorful birthday cards intended for young family members. James Nichols said he spent about five minutes with his brother "laughing and joking." He called the case against Terry Nichols the product of a cover-up and said: "I want to hear some facts, not hysteria."

Earlier, McVeigh was escorted to the courtroom where he smiled broadly while being greeted by defense lawyers Stephen Jones, Robert Nigh and Richard Burr. Wearing a khaki shirt and matching pants, the pale 27-year-old stood with his hands behind his back as he listened to Assistant U.S. Attorney Arlene Joplin recite the charges.

The 15-page indictment singles out McVeigh as the man who drove the 4,800-pound fertilizer and fuel bomb to Oklahoma City and detonated it outside the Murrah building. "Sir, I plead not guilty," McVeigh said.

Outside the courthouse, both defense lawyers stepped up their calls for the trial to be moved. "Everyone within the sound of my voice knows this case should be tried in another venue," Jones said. "We cannot get a fair trial in a city where judges know people who were killed and whose own offices were damaged."

Lawyers for both men are expected to file formal requests to move the trial and demand separate proceedings for their clients.

USA TODAY • WEDNESDAY, AUGUST 16, 1995

Reining in out-of-control schools

Reformers are gaining momentum

By Bruce Frankel
USA TODAY

NEW YORK — A growing furor over the continuing failure of urban schools and the stubborn bureaucracies that run them is giving the school reform movement its biggest boost in years, experts say.

It has been 12 years since a federal commission warned that rotten public schools were putting the "nation at risk," yet test scores have barely budged.

In that time, parents, politicians and educators have become so frustrated that they are ready to tear down the current structure.

In New York this week, Mayor Rudolph Giuliani said the nation's largest school system is "close to collapse" and called for "radical reform" modeled on less bureaucratic Catholic schools.

Chicago Mayor Richard Daley vowed "business as usual is over" after state legislators put him in charge.

Educational experiments are flourishing: local control of schools is being tested citywide in Chicago, small schools are springing up in New York and in the worst cases, states are taking control of schools.

"The people in charge of these large systems no longer have any claim to know how to do anything" says Herbert Kohl, longtime writer on educational issues.

Judges ordered state takeovers of school systems in Newark, N.J., and Cleveland. And Wisconsin expanded Milwaukee's experiment with publicly financed vouchers, allowing more poor students to attend religious schools.

Washington, D.C., is debating whether to turn to private management amid worries that Congress will order a takeover of the capital's schools.

At least 15 states have allowed states to take over schools. But takeovers in Jersey City and Paterson, N.J., show it's easier to change physical and fiscal conditions than to better performance.

Frustration is growing with the lack of demonstrable results. That's already turning into demands that someone — teachers, principals, mayors — be held accountable.

"We have reached the limit of our ability to let school systems try to reform themselves from within," Kohl says.

Still, rising expectations and "the widening gap between what schools are doing and what they need to do" is causing dissatisfaction to "bubble over," says Robert Berne, dean of New York University's Wagner School of Public Service.

But neither frustration nor momentum guarantees success. Some experts warn that disgust with poor schools is so universal, the concept of public education is in jeopardy.

"Even people who most need the system to work," the urban poor, are losing confidence, says Jeff Canada, of the Rheedlen Centers for Children and Families in Harlem.

If people decide urban public schools cannot be fixed and turn to private schools "it very quickly becomes a slippery slope," Canada says. Those programs could quickly siphon off the remaining good teachers and students from public schools, he fears.

There are hopeful signs. More students stay in school, more take higher level math and science, and blacks and Hispanics have made significant gains in the last 25 years, a recent Rand study found.

But the perception and much of the reality is grim. "And one thing is clear: The public is still in search of a quick fix," Berne says.

While experts see no single cure, a national consensus is forming: The most effective way to improve results is to raise expectations and not reward failure with promotion.

Historically, urban schools have disproportionately placed minority students in "remedial, bone-head courses that aren't good for Skippy the puppy," says Phyllis Hart, Achievement Council in Los Angeles.

Many of the recent takeovers have different political and legal histories, but they reflect a new political willingness to get rid of the bureaucracies that have run urban school districts for generations.

The takeover of Chicago's schools comes six years after the huge school system began the nation's most sweeping changes. In 1988, the Illinois Legislature gave neighborhoods power to hire and fire principals and devise curriculums at 353 schools.

The experiment produced some striking results: Over the first four years, violence in the schools fell by 46%; the dropout rate declined from 53% to 42%. Many schools made major changes.

Many didn't. That, combined with disappointing test scores and fiscal bungling by the central school board, spurred the Republican legislature to thrust responsibility for the schools into Democrat Daley's welcoming lap.

Education advocates are talking not only about breaking away from 19th-century models of "factory-style" education, but also of reinventing school districts. Instead of using geography, they want to organize districts by educational philosophy or curriculum.

New York has taken a step in that direction by creating Learning Zone, a mini-school system where schools have more decision-making authority and monetary control.

Says small-schools innovator Deborah Meier: "We need a climate in which parents and teachers are making important decisions."

U.S. to Pay Family In FBI Idaho Raid

THE WASHINGTON POST
WEDNESDAY, AUGUST 16, 1995

$3.1 Million Settlement Admits No Liability

By George Lardner Jr.
and Pierre Thomas
Washington Post Staff Writers

A1

The Justice Department yesterday agreed to pay $3.1 million to the family of Randy Weaver, the white separatist whose wife and 14-year-old son were killed in a violent 1992 standoff with federal law enforcement agents at a remote cabin in northern Idaho.

The government admitted no wrongdoing or legal liability in settling the claims brought by Weaver's family. Still, federal officials were clearly attempting to resolve a matter that has rocked the top ranks of the FBI and could prove more costly to resolve as evidence of possible government missteps in handling the cases is publicly aired.

"The settlement reflects the loss to the Weaver children of their mother and brother," a Justice Department release states. "By entering into a settlement, the United States hopes to take a substantial step toward healing the wounds the incident inflicted."

Under the settlement, each of the three surviving Weaver children—Sara, 19; Rachel, 13; and Elisheba, 3—will receive $1 million and Randy Weaver will be paid $100,000 in satisfaction of "all claims . . . against the United States and its employees." Lawyers for the Weaver family had filed wrongful death claims totaling $200 million against the government and individual officials.

Yesterday's settlement comes on the heels of last week's Justice De-

See FBI, A12, Col. 1

FBI, From A1

partment decision to open a criminal investigation to determine whether senior FBI officials lied or obstructed justice in an effort to undermine internal inquiries that followed the shootings. A Senate inquiry on the standoff is scheduled to begin early next month.

On Aug. 21, 1992, Weaver's son Samuel was killed in a firefight with U.S. marshals that also left Deputy U.S. Marshal William Degan dead. A day later, an FBI sniper killed Randy Weaver's wife, Vicki, as she stood holding her 10-month-old daughter at the door of their Ruby Ridge cabin. FBI officials have claimed that Vicki Weaver's shooting was accidental, but lawyers for the Weavers have sharply contested that claim.

Justice Department civil lawyers began private negotiations with Weaver's attorneys several months ago and reached a verbal agreement the first week of August. "We recognized that an Idaho jury probably would give Weaver $200 million," said one Justice Department source. "They [the federal government] got off cheap," said Bo Gritz, the former Green Beret who successfully negotiated an end to the 11-day siege by persuading Weaver to surrender. "This is certainly no repayment for your mother."

"We hope that the ones responsible will be made accountable for what they've done—we've always felt that way," said Vicki's mother, Jeane Jordison. "Money's never going to bring people back. The justice part is what we're interested in." The crisis started when a team of U. S. marshals were conducting what was described as a surveillance of Weaver's cabin and surrounding property as part of an elaborate, long-range plan to arrest him. He was wanted on charges of selling two sawed-off shotguns to a government informant and then failing to show up for trial. The marshals tossed rocks at the Weavers' dogs, then shot and killed one of them. In the ensuing gunfight, Degan and the Weaver boy were killed.

The FBI's Hostage Rescue Team and hundreds of other law enforcement officers were quickly dispatched to the scene. FBI snipers were deployed under permissive rules of engagement that amounted to a "shoot on sight" policy. The next evening, Weaver, his daughter Sara, and foster son, Kevin Harris, 24, emerged from the cabin and headed for a shed where they had placed Sammy's body.

FBI sniper Lon Horiuchi fired a shot at Weaver, hitting him in the upper back as he was reaching up to unlatch the door of the shed. Weaver ran for the house, followed by his daughter and then Harris. Horiuchi fired again, just as Harris reached the door which Vicki Weaver was holding open. The bullet hit her in the head and then tore into Harris, landing in his chest.

The FBI's first internal review of the killing absolved everyone involved in the incident, at Ruby Ridge and at FBI headquarters, concluding Horiuchi was justified in shooting Vicki Weaver because "she willfully placed herself in harm's way."

The bureau, however, resisted producing the review and backup papers when defense lawyers for Weaver and Harris demanded them in connection with the 1993 trial of the two men. Both were acquitted of all but minor charges. Since then, Justice Department officials have acknowledged the threat at Ruby Ridge was exaggerated and a special Justice Department task force concluded last year that the shot that killed Vicki Weaver was unjustified and the orders given to the snipers, unconstitutional. The task force report, still not officially released, shows that some FBI records concerning the incident disappeared. Task force investigators said "there were a number of instances in which an interviewee told us that he had prepared a document but no one could produce a copy of it," the report states.

Much of the recent controversy over Ruby Ridge has centered on whether then-assistant FBI director Larry Potts and other FBI headquarters officials approved the controversial "rules of engagement" which said that any armed adult in the vicinity of the Weaver cabin "could and should" be shot. Potts was demoted as FBI deputy director and then suspended last week along with three other senior FBI officials.

Weaver's lawyer, Gerry Spence, said he was troubled by the attention being paid in Washington to charges of a coverup because it "permits the FBI to focus on the shredding of papers instead of the shredding of human beings." He also voiced concern that much of the information needed for the upcoming Senate hearings "won't be forthcoming" because Justice Department officials will say it would interfere with administrative and criminal investigations now under way.

Staff writer Richard Leiby contributed to this report.

FOR MORE INFORMATION

To read a recent Post profile of Larry Potts, the FBI's former No. 2 official who was in charge of the Weaver raid, see Digital Ink, The Post's on-line service. To learn about Digital Ink, call 1-800-510-5104, ext. 9000.

THE WASHINGTON POST
WEDNESDAY, AUGUST 16, 1995

U.S. Targets 'Slave Labor' Sweatshop

Back Wages Sought From Clothing Makers

A1

By Frank Swoboda
and Margaret Webb Pressler
Washington Post Staff Writers

The federal government said yesterday it would seek $5 million in back wages from clothing manufacturers that subcontracted with a Southern California sweatshop that held immigrant workers in "slave labor" conditions inside a barbed-wire compound and forced them to work seven days a week for as little as 50 cents an hour.

Labor Secretary Robert B. Reich called the conditions that state and federal investigators found during an Aug 2. raid in El Monte, Calif., east of Los Angeles "the most heinous thing we've seen. This really was slave labor inside the United States," he said in an interview.

Seven Thai nationals were taken into custody, according to Labor Department officials. Authorities are trying to determine ownership of the operation, which was run under several company names, the officials said.

Garments made at the El Monte shop were found in the stores of some of the nation's leading retailers, including Hecht Co., the Washington area's largest department store chain. Goods also were sold at the stores of Sears, Roebuck & Co., Filene's Basement Corp., Macy's West, Neiman Marcus Co., the Limited Inc., Dayton Hudson Corp. and Montgomery Ward & Co., the Labor Department said.

Reich said there was no evidence that any of the retailers knew the garments were illegally manufactured.

May Co., which owns Hecht's, issued a statement yesterday saying it was trying to determine whether the El Monte operation was manufactur-

See SWEATSHOP, A13, Col. 5

SWEATSHOP, From A1

ing goods for any May division and pledged full cooperation with the ongoing government investigations.

The Labor Department also announced it would hold a meeting of major retailers Sept. 7 in Washington in an effort to find ways to keep illegally manufactured goods from reaching consumer markets. The meeting is an effort by the Labor Department to pressure major retailers to help in cracking down on sweatshop manufacturers.

Government investigators raided the compound of the El Monte garment subcontractor and discovered more than 60 immigrants from Thailand—most of them women illegally in the United States—being held in peonage.

The workers were threatened with rape or murder if they tried to escape from the compound, the Labor Department said. In addition, they were told they had to stay until they had paid back the cost of bringing them to the United States from Thailand, the Labor Department officials said.

Reich said yesterday that while he believed the extreme nature of the El Monte operation was isolated, the Labor Department has seen

> *"This really was slave labor inside the United States."*
>
> — Labor Secretary Robert B. Reich

more evidence of illegal immigrants being hired in the United States under abusive conditions in recent years.

"We are witnessing the development of a Third World economy—both workers and employers—in the very midst of the First World," he said.

Under federal law, the government can use a provision of the Fair Labor Standards Act to force manufacturers to pay back wages owed workers employed by their subcontractors.

In the El Monte case, 14 manufacturers used the illegal shop and each can be held liable for the full $5 million in back wages if the other companies can't pay their share.

But retailers cannot be held liable unless they knowingly received illegally produced goods. The government can, however, block retailers from receiving shipments of illegally produced goods.

Reich said yesterday the government needs to enlist the support of the retailers to put pressure on the manufacturers not to subcontract work to illegal sweatshops.

Reich said it was a "black eye" for retailers to be found selling goods produced by workers employed under inhumane conditions.

"No one wants to be associated commercially with this kind of enterprise," he said.

Steve Pfister, vice president of the National Retail Federation, a trade association representing many of the nation's largest retailers, said his group welcomed a chance to participate in the Sept. 7 meeting, but that retailers were not the problem.

"Retailers deal with literally hundreds of vendors and it's virtually impossible for the retailer to know that this is going on," he said.

Reich said May, Sears and Federated Department Stores Inc., which owns Bloomingdale's, Macy's and other large retail chains, have agreed to attend the retailer conference.

THE NEW YORK TIMES, WEDNESDAY, AUGUST 16, 1995

Japan Apologizes

Prime Minister Tomiichi Murayama of Japan has finally offered the apology for his nation's World War II conduct that generations of Asians have waited so long to hear. To understand the significance of his words, uttered yesterday on the 50th anniversary of Japan's surrender, it is necessary to recall the enormity of Tokyo's war crimes.

Millions of Chinese civilians were gratuitously slaughtered, 300,000 in a single massacre at Nanjing. Millions of Koreans were enslaved, including tens of thousands of women forced to provide sexual services to Japanese troops. Gruesome chemical and biological warfare experiments were carried out on Chinese civilians and European prisoners of war. In a vast arc of land and sea sweeping from the borders of India to those of Siberia, 20 million died.

In Western memory, these atrocities tend to be overshadowed by the horrors of Nazism. Americans recall mainly Pearl Harbor, the Bataan death march and the costly victories at Iwo Jima and Okinawa. But in Asia, Japan's murderous savageries are scorched into national memories, although relatively few survivors of that era remain.

Some Asians remain aggrieved that only Mr. Murayama apologized, not Japan's Parliament. Others still press for monetary reparations to Japan's victims and their survivors. But in general, Asians are reacting favorably to his statement.

It is difficult, too, for outsiders to understand why Japanese politicians found it so hard for so many years to apologize. Part of the answer is the long dominance of the Liberal Democratic Party, a conservative grouping that has embraced strong nationalists and even former war criminals. Another factor is what might be called the official version of war guilt, presented at the postwar Tokyo War Crimes Tribunal and implicity endorsed by United States occupation authorities. According to this view, a largely unknowing Japanese nation was hijacked by a small militarist clique. It followed that the military elite, not the nation as a whole, was responsible for wartime atrocities. A later Japanese elaboration of this official version drew on the atomic bombing of Hiroshima and Nagasaki to portray Japan as purely a victim nation, ignoring the context of earlier Japanese aggression.

For all of Japan's official amnesia, nobody seriously believed that the absence of an apology meant Tokyo might again embark on the path of military conquest. The practical concern was that without accepting responsibility for its conduct in the war, an economically powerful Japan could not comfortably take its appropriate place in Asian discussions of security. With potential problems from Korean reunification to tensions in the Taiwan Straits and South China Sea now looming large, Japan's absence from these discussions was growing increasingly awkward.

Fifty years have now passed since the end of the war. New generations have grown up. At last Japan has expressed an unambiguous apology. How much better to look ahead to the emerging issues of the 21st century than to continue tongue-tied about the horrors of the mid-20th.

The F.B.I. and Ruby Ridge

F.B.I. Director Louis Freeh has moved quickly to correct the egregious error he made earlier this year when, trusting his longtime friend Larry Potts, he declared that there had been no cover-up of the Bureau's activities in the 1992 standoff between agents and a white separatist family in Idaho.

The Government is already paying for that error in money and trust. Yesterday it awarded $3.1 million to Randall Weaver, whose wife and son were killed at Ruby Ridge by Federal agents. But the worst damage was to the Government's reputation. The incident has fueled concerns that the nation's highest law enforcement agency has grievously abused its powers.

Mr. Potts was head of the F.B.I.'s criminal division and sent the Hostage Rescue Team to break a siege at the home of Mr. Weaver. Federal marshals had surprised Mr. Weaver's son and the family dog. In the ensuing incident a marshal and the boy were killed. The disastrous siege ended with an F.B.I. sharpshooter killing Mr. Weaver's wife.

One key question was why the Bureau's usual rules of engagement, which allow agents to fire only in self-defense, were relaxed, allowing an agent to fire on an unarmed Mrs. Weaver. Mr. Potts blamed the commander at the scene, Eugene Glenn. Mr. Glenn, who was suspended after the incident, contended he was being punished unfairly and that Mr. Potts had authorized the changed rules.

His complaints finally led the Justice Department's Office of Professional Responsibility to take an interest. Now Mr. Potts, along with four other top-ranking F.B.I. officials, is the subject of a criminal investigation for possible obstruction of justice in withholding information about Ruby Ridge. Mr. Freeh suspended him last week.

Mr. Potts and Mr. Freeh are friends. Mr. Freeh issued a mild letter of censure after Ruby Ridge, apparently believing Mr. Potts's description of who was responsible for the rules of engagement. After that he raised Mr. Potts to the No. 2 position at the bureau, then demoted him after more questions were raised about his role in the incident.

Documents relating to Ruby Ridge are still missing. One F.B.I. official, Michael Kahoe, is suspected of destroying an agency analysis of the standoff. The Justice Department believes other officials lied about the events surrounding the siege.

Since the paranoid days of J. Edgar Hoover, the F.B.I. has been struggling to free itself of an institutional incapacity to admit its mistakes and punish wrongdoing by senior officials. Mr. Freeh, who was entrusted with this task, seems to have put misplaced confidence in a longtime friend and associate. It is troubling that he ignored the protests of Mr. Glenn and did not question Mr. Potts's story until an independent body launched an inquiry.

Now the situation is out of his hands. If Mr. Potts is subject to criminal charges, the courts will have the last word. Mr. Freeh is said to be infuriated that his trust was abused. Well he should be furious — especially at himself.

THE NEW YORK TIMES, WEDNESDAY, AUGUST 16, 1995

Schools, Not Rules, for Immigrant Kids

To control overcrowding and cut expenses, school districts often require proof that students actually reside in the community. For many families, coming up with proof-of-residency requirements, like rental agreements and utility bills, is merely an inconvenience. For immigrant families, though, it can be a burden. Some of these families, doubled up with relatives, do not make payments in their own names. Others may have fled their native countries for their lives, leaving documents behind.

Several Long Island school districts are now insisting on strict residency rules, which critics think discriminate against immigrant children. Districts surely have the right to determine whether the children they educate live in the neighborhood. But in their zeal, some districts may be skirting the edges of the law.

The New York State Education Department takes a flexible view. Its guidelines suggest that residence could be based on a student's *physical* presence within the district. Thus, proof might be established by a simple affidavit, not a rental agreement. The problem here is arbitrariness; districts pretty much set their own rules. In Hempstead, for example, Hispanic parents charge that residency rules are randomly applied, with some district workers accepting one form of proof that others reject.

Last year the town of Elmont circulated registration forms that, in effect, requested green-card numbers. That could be subject to legal challenge under a 1982 U.S. Supreme Court ruling that states may not deny a free public education to undocumented immigrant children.

Districts certainly have a right to know where students live. But immigrant children also have a right to be educated. The key here is flexibility; if districts showed more restraint in requiring proof of residence, then more immigrant children would be encouraged to attend school.

The Gift of a Lifetime

Multimillion-dollar gifts to colleges and universities have become almost routine. Bill and Camille Cosby gave $20 million to Spelman College. Henry Rowan, who runs a manufacturing business, and his wife, Betty, gave $100 million to Glassboro State College, which was then renamed Rowan College of New Jersey. The billionaire Walter Annenberg gave $25 million to Harvard and $120 million to the University of Pennsylvania.

So why is it even noteworthy when Oseola McCarty, an elderly black woman, donates $150,000 to the University of Southern Mississippi? In the case of Ms. McCarty, it is the heart behind the gift, and the lifetime of effort that went into it.

Ms. McCarty, now 87, earned her money washing clothes for people in her hometown of Hattiesburg, Miss., which is also the home of the university. With no husband or children, no travel or expensive hobbies to claim the dollars and change she earned, she just continued to save it up over the years. After taking out what she needs to maintain her modest life style, she is donating $150,000 to the university for scholarships for black students. The University of Southern Mississippi was first opened to blacks only 30 years ago.

Ms. McCarty, whose one major regret in life is that she never finished school after having to drop out in the sixth grade, is living proof to impatient young people that dignity and reward in work is what you make of it. She exemplifies donors who struggled to achieve a measure of success in one generation and then reach forward to help the next generation.

The first recipient of one of Ms. McCarty's scholarships, Stephanie Bullock, plans to major in business and has all but adopted her benefactor. Ms. Bullock and subsequent scholarship winners can be grateful for a special gift from a special woman.

THE NEW YORK TIMES, WEDNESDAY, AUGUST 16, 1995

WHITE SEPARATIST GETS $3.1 MILLION FROM GOVERNMENT

AGENTS KILLED RELATIVES

Settlement for Family Seeks to Dampen Repercussions From '92 Idaho Siege

By STEPHEN LABATON A1

WASHINGTON, Aug. 15 — The Government agreed today to pay $3.1 million to the family of a white separatist whose wife and teen-age son were killed three years ago by Federal agents during a standoff on a remote Idaho mountainside.

The payment settles claims by the separatist, Randall C. Weaver, and his three surviving daughters. They accused Federal agents of violating the family's constitutional rights by shooting at members of the family by their home on a bluff known as Ruby Ridge, causing the wrongful death of Mr. Weaver's wife, Vicki, and 14-year-old son, Samuel.

Although the Government did not admit wrongdoing, lawyers involved in the negotiations said the size of the settlement was a tacit acknowledgment that it feared a substantially larger verdict if the case had gone to a jury in Idaho.

The decision to give Mr. Weaver and his children any money was particularly stunning, since Federal prosecutors tried two years ago to have him convicted in the murder of a Federal marshal at Ruby Ridge, and sought the death penalty. He was ultimately acquitted on the most serious charges, and Federal investigators involved in the case were rebuked by the judge who presided over the trial.

The settlement was approved by the Justice Department's No. 2 official, Deputy Attorney General Jaime Gorelick. Attorney General Janet Reno was apprised of the details and did not object to the final agreement, which officials said today was drafted in the hope that it would begin to close a painful chapter in law-enforcement history.

"The settlement reflects the loss to the Weaver children of their mother and brother," said Carl Stern, the Justice Department's chief spokesman. "For the department, there was a genuine desire to take a step towards healing the wounds the incident inflicted."

The terms of the settlement provide $100,000 to Mr. Weaver, and $1 million to each of his three daughters: Rachel Marie, Elisheba Ann and Sara Lyn. Mr. Weaver's lawyer, Gerry Spence, said his client is now living on Social Security.

"The issue never was money, it was restoring confidence in our po-

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lice," Mr. Spence said. "We cannot restore confidence until the F.B.I. comes forward and acknowledges what it has done. Money doesn't buy justice. Justice is not a commodity for sale."

The case has also taken on political dimensions. Some conservative groups have cited the shootout, along with the 1993 F.B.I. assault on the Branch Davidian compound near Waco, Tex., as examples of Government abuse of power. Senator Arlen Spector, the Pennsylvania Republican who is running for President, recently met with Mr. Weaver and intends to hold hearings on the incident as early as next month.

The shootout on Ruby Ridge has also deeply shaken the Federal Bureau of Investigation. Last Friday, F.B.I. Director Louis J. Freeh announced that he had suspended four top-ranking officials and that prosecutors had begun a broad investigation into the possibility of a high-level cover-up of what happened on Ruby Ridge.

The suspended officials included Larry A. Potts, a close friend of Mr. Freeh's who was promoted earlier this year to the No. 2 position in the F.B.I., before being demoted for his role in the shootout and its aftermath.

The first blood was shed on Ruby Ridge on Aug. 21, 1992. A decorated United States marshal, William Degan, and Mr. Weaver's 14-year old son, Samuel, were killed in a shootout at Ruby Ridge that also involved a Weaver family friend, Kevin Harris. Who shot first has remained a matter of dispute.

The marshals had spent months planning how to capture Mr. Weaver after he failed to make a court appearance on a charge of selling two illegal sawed-off shotguns to undercover agents. It turned out that Mr. Weaver's absence from court was not entirely his fault. A court clerk's error had led authorities to mail him a summons with the wrong date for the hearing.

A few hours after Mr. Degan was killed, Mr. Potts dispatched the F.B.I.'s hostage rescue team to Ruby Ridge.

The F.B.I.'s hostage rescue team, with its black Ninja uniforms and body armor, its crack snipers and assault specialists, enjoyed near-heroic status within the F.B.I. and the Justice Department.

The team's members had taken part in dozens of operations, including the storming of a Georgia prison cell block in 1991 to free hostages without firing a shot. A few months after Ruby Ridge, the team used tear gas to try to dislodge the Branch Davidians near Waco after a 51-day siege. The plan failed when the cult's compound became enveloped in a fire that killed more than 80 Davidians.

Associated Press

Randall C. Weaver, in jail in 1993

It was a cold and drizzling Saturday afternoon that the 11 F.B.I. snipers from the rescue team took up positions surrounding the Weaver cabin. At about 6 P.M., one of the experienced marksmen, Lon T. Horiuchi, wounded Mr. Weaver as he emerged from his cabin.

Seconds later, Mr. Horiuchi fired again, at Mr. Weaver and Mr. Harris as they dashed for cover. The bullet struck Mrs. Weaver in the head as she stood unarmed in the cabin doorway cradling her infant daughter. Mrs. Weaver died instantly.

Under longstanding policy, F.B.I. agents may fire their weapons only if someone is under imminent threat of serious bodily injury. But a looser set of rules of engagement were adopted during the siege — allowing the agents to shoot on sight virtually anyone who was armed — and the F.B.I. has been roiled ever since by a series of investigations into who approved the change.

Ten days after Mrs. Weaver was killed, Mr. Weaver and Mr. Harris surrendered. The two men were acquitted in 1993 of murder and conspiracy charges in connection with the shootout. Mr. Weaver was convicted on two relatively minor charges and sentenced to 18 months in prison.

Earlier this year, Mr. Freeh found that the changes in the rules of engagement were unconstitutional. But he also handed down the most mild punishment possible against Mr. Potts and announced that he would be promoted to deputy director of the F.B.I. His promotion was approved by Ms. Reno.

Last month, Mr. Potts was demoted after an investigation found evidence that senior F.B.I. officials had destroyed documents concerning the shootout. The decision to suspend Mr. Potts last week came as the Justice Department forwarded new information for possible use in a criminal prosecution to Eric Holder, the United States Attorney for the District of Columbia.

Mr. Holder's office has begun an obstruction-of-justice investigation of the senior F.B.I. officials.

THE NEW YORK TIMES, WEDNESDAY, AUGUST 16, 1995

U.S. Muslims Say Their Aid Pays for Charity, Not Terror

By JAMES BROOKE and ELAINE SCIOLINO A1

At the Holy Land Bakery and Grocery on Chicago's north side, Mohammed Joma Hilmi Jarad scoffed at the notion that the militant Islamic movement Hamas depends on American fund-raising for its terror campaign to sabotage peace between Palestinians and Israelis.

"To blow up a house, you only need a bomb this size," said the Palestinian-American grocer, hefting a grenade-sized can of chick peas. "But to build a house, you need a lot of money."

Housing and hospitals, not bombs, are the fruits of American Muslim generosity, said Mr. Jarad, who spent six months in an Israeli prison in 1993 on suspicion of being a Hamas organizer.

The role of Hamas in the United States has become a subject of anxious attention as Federal prosecutors seek to prove that a Hamas leader detained in New York, Mousa Mohammed Abu Marzook, channeled large sums of money from the United States to Gaza and the West Bank to finance attacks on Israeli targets.

In his defense, Mr. Marzook has said that the money he raised went to Hamas-controled charities, which support a network of free schools, hospitals, orphanages and clinics in the occupied territories.

Responding to threats of a terrorist bombing by Islamic radicals within the United States, the Clinton Administration has ordered security at New York airports tightened to the highest levels since the 1991 Persian Gulf War. Officials have declined to give any details on the threat, which they say may be related to Hamas, whose suicide bomb attacks have so far been confined to targets inside Israel, Gaza, East Jerusalem and the West Bank.

No one suggests that funds raised in the United States account for more than a small fraction of the total money spent by Hamas each year, whether for blowing up buses or feeding orphans. But the case of Mr. Marzook, and the more general question of fund-raising for Hamas, poses difficult issues for American law enforcement because — as was long the case with money raised in the United States for Northern Ire-

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land — the line between support for charity and support for terrorism is blurred.

Jihad in Chicago?

Cheerleading Or Terrorism

In Chicago, home to a major nucleus of Hamas support in the United States, the hard-line Palestinian movement has won the sympathy of many local Muslims who say that the Palestine Liberation Organization has sold out. Support also exists among Muslims in Detroit, Dallas and New York.

Not limited to nostalgic, first generation immigrants, the aggressive attitudes toward Israel are being passed down to the second generation of Palestinian-American youth.

Bread or Bullets

Money for Hamas

A special report.

Last December, about 5,000 people packed the Hyatt Regency hotel in downtown Chicago for the annual meeting of the Muslim Arab Youth Association. Midway through the meeting, a speaker suddenly announced that a Palestinian policeman had bombed a Jerusalem bus, killing himself and wounding 12 Israelis.

"Allah Akhbar," roared the crowd, offering spontaneous praise.

On the South side, the copper crescent and dome of the Bridgeview mosque rises against a industrial backdrop of freight rail lines and high tension power wires. Despite the gritty setting, the appeal of the militant fundamentalist message burns so strongly that the mosque has become Chicago's largest. With prayer rugs spilling out the doors on Friday afternoons, the neighborhood is adopting parking restrictions for nearby streets during the weekly flood of cars.

Over the last three years, Israeli police have detained six members of the mosque, including Mr. Jarad, while they were visiting the occupied territories. The Israelis have accused the mosque's leader, Sheikh Jamal Said, of being a senior Hamas official in the United States.

"Totally fraudulent," the burly, bearded Palestinian-born religious leader said of the charge, before sweeping off in his long gray robes to address the overflow crowd gathering for last Friday's prayers.

Later, over lamb kebab at the nearby Cairo Restaurant, Rafeeq A. Jaber, the Palestinian-born president of the Bridgeview Mosque Foundation, vowed: "The Israelis will never have security as long as they are taking someone else's rights. The Israelis will always be afraid because they are living on someone else's land."

On Chicago's north side, Mr. Jarad, the grocer whose store is redolent with the aroma of cinnamon and freshly ground coffee, recalled his experience being interrogated in Israel.

"They tied my hands behind my back and made me sit on a small chair, a kindergarten chair, with a dirty bag over my head," said the 39-year-old Palestinian-American, who wore the cap often worn by Muslim men who have made the pilgrimage to Mecca. "They didn't let me sleep for two or three days."

After one month of interrogation, Mr. Jarad signed a confession to organizing for Hamas in the occupied territories. His lawyer objected that the confession was writted in Hebrew, a language that Mr. Jarad does not understand. After six months in jail, Mr. Jarad was released without charges. He has never returned to visit relatives in the West Bank.

"It is our duty to send money to help the churches, mosques and hospitals of our people," the grocer said. "But I warn my friends that anyone going there now should expect these things."

To date, the only American citizen convicted in Israeli courts of carrying money to Hamas is Mohammed Al-Hamid Khalil Salah, a member of the Bridgeview mosque who was arrested with Mr. Jarad on the West Bank. A Chicago used car salesman, Mr. Salah was convicted in a closed military trial of membership in Hamas and of carrying $650,000 for its operations from the United States. He is now serving a five-year sentence in an Israeli prison.

Further feeding Israeli suspicions about Chicago's Palestinian community, a military court in Israel two years ago convicted Nasser Issa Galal Hidmi, a former Kansas State University student of undergoing Hamas military training in Chicago. According to Mr. Hidmi's confession, he attended Hamas meetings in Chicago in 1990 and 1991 and underwent Hamas training there in the use of hand grenades and in the manufacture of car bombs.

But some Palestinian-Americans are skeptical that the radical exile politics goes beyond cheerleading.

"I don't see any bake sales in Chicago for Hamas," said Raymond Hanania, a Chicagoan who recently was elected president of the Palestinian American Congress. Speaking of the estimated 500,000 Americans of Palestinian origin, Mr. Hanania, a Christian, said of the fund-raising stories, "If they do it, they raise it quietly."

Even the Israelis, who requested Mr. Abu Marzook's arrest and want him extradited to stand trial on terrorism charges, concede that Hamas does not need American money to finance its military wing.

"Hamas doesn't need much money to run its terrorist activities," a senior Israeli military official said in an interview in Tel Aviv. "It's pocket money. To have a cell of suicide bombers you need four guys and four Kalashnikovs and one booby-trapped car. Give me $7,000 and I can run it for a year."

Much more expensive than low-level urban warfare, Hamas social aid projects depend on foreign money, some of it from donors in the United States.

But critics contend that the distinction between Hamas terror and Hamas good works is dubious. Charity, they say, helps raise the political stature of a group that promotes terror. And once the money reaches the Middle East, dollars are dollars.

"Once the charity money hits its foreign destination, it is very difficult to determine where it really goes," said Oliver B. Revell, a Texas security consultant who ran the F.B.I.'s counterterrorism program until 1991.

"There is very much a parallel with the success that the I.R.A. had with Noraid in the U.S. in the 1970's," he said, referring to British allegations that the Irish Northern Aid Committee funnels money to the Irish Republican Army.

To curtail "charitable" donations to political groups with military wings, President Clinton signed into law last fall a measure calling for up to 10 years in prison for anyone convicted of knowingly raising money for terrorist operations. This fall, Congress is expected to pass legislation to allow Federal scrutiny of financial records of charities suspected of providing money to terrorist groups. For well over a year, the F.B.I. has monitored Hamas supporters in several American cities.

In fund-raising campaigns in the United States, Hamas has rarely been identified as the final beneficiary. In January, President Clinton ordered a freeze on all banking assets owned by 12 Middle East and Israeli groups, including Hamas, and 18 individuals and issued an executive order making it illegal to donate money to Hamas or its related charities. The executive order includes a provision allowing Hamas to apply for licenses to raise money exclusively for charity. As of last May, the Treasury Department had frozen

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FBI agents shocked by shooting rules

'Severe' policy set for Weaver

The Washington Times
TUESDAY, AUGUST 22, 1995

By Jerry Seper
THE WASHINGTON TIMES

An FBI hostage negotiator and the head of the bureau's hostage rescue team told Justice Department investigators that a new shooting policy approved in Washington during a standoff at the Idaho cabin of Randall Weaver was the most severe they had ever seen.

Negotiator Frederick Lanceley said he was "surprised and shocked" by the new rules of engagement, which are expected to come under scrutiny during hearings beginning Sept. 6 before a Senate Judiciary subcommittee.

The rules changed the bureau's shooting policy from one in which agents could shoot if their lives or the lives of others were threatened to one where they "could and should" shoot any armed man.

Mr. Lanceley, who was at the Idaho standoff, described the rules as the "most severe" he had seen in the 300 hostage situations in which he had been involved and said they were "inconsistent" with standard FBI policy on the use of deadly force.

Hostage rescue team chief Richard Rogers told investigators that neither he nor any member of the rescue team at Ruby Ridge, Idaho, had operated under rules of engagement such as those that led to the Aug. 22, 1992, fatal shooting of Mr. Weaver's wife, Vicki.

Mr. Rogers, who has since been reassigned, explained to investigators that the new rules gave the 10 FBI snipers surrounding the Weaver cabin the right to use deadly force and suggested that they "should utilize it, if an opportunity presented itself."

Their concerns are outlined in a 542-page Justice Department investigation of the Weaver siege.

Mrs. Weaver, 43, was killed by a sniper as she stood in the doorway of the cabin holding her 10-month-old daughter. Her husband had

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been wounded by the same sniper and was running to the cabin when a shot hit her in the head.

Lon Horiuchi has testified he was trying to shoot Kevin Harris, a Weaver family friend who was armed and running to the cabin, when he hit Mrs. Weaver. She died instantly.

FBI Director Louis J. Freeh, who described the shooting as "accidental and tragic," has suspended four FBI officials involved in directing the siege, including former Deputy Director Larry A. Potts, who oversaw the standoff and helped write the new rules of engagement.

The Senate subcommittee, led by Sen. Arlen Specter, Pennsylvania Republican, will look into the circumstances that led to the deaths of Mrs. Weaver, her son, Samuel, and a U.S. marshal during the August 1992 siege at the Weaver cabin.

Samuel Weaver, 14, and Deputy Marshal William F. Degan, 42, were killed in a shootout that erupted during an aborted ambush a day before Mrs. Weaver's death. Mr. Harris killed Mr. Degan in what an Idaho jury ruled was self-defense.

Mr. Weaver, who accepted a $3.1 million government settlement in the case last week, is expected to testify before the Senate panel.

Records showing who ultimately approved the rules of engagement that led directly to Mrs. Weaver's death are missing from FBI headquarters, and who made the decision is not clear.

Mr. Potts has denied approving a change in the FBI's rules of engagement during the standoff.

But Eugene F. Glenn, agent in charge of the FBI's Salt Lake City field office and the bureau's on-site commander at the Weaver cabin, has challenged that recollection. He told FBI executives they had mishandled an internal review of the Idaho siege in a scheme to protect Mr. Potts.

Mr. Glenn's accusations are outlined in a May 3 letter he sent the Justice Department's Office of Professional Responsibility. Mr. Glenn, who was censured, suspended and ordered transferred for his part in the siege, charged that an FBI review of the standoff was incomplete, inaccurate and designed to "create scapegoats and false impressions."

Mr. Glenn told investigators he spoke by phone with Mr. Potts a few hours before Mrs. Weaver's death and was told that the new rules of engagement had been approved and he could act on them.

William L. Bransford, a Washington lawyer who represents Mr. Glenn, has said the revised rules were written by Mr. Rogers and approved by Mr. Potts. He said Mr. Potts, during an FBI review of the shooting after Mrs. Weaver's death, acknowledged that he had approved the rules.

Mr. Freeh placed another senior FBI official, E. Michael Kahoe, on administrative leave after he admitted destroying records showing whether Mr. Potts had authorized the "could and should" shoot order. Mr. Kahoe, head of a shooting-incident review team that examined the Weaver siege, failed a polygraph, then acknowledged destroying a report concerning a change in the rules of engagement.

Justice Department investigators were told by snipers at the Weaver siege that they saw the new rules of engagement "as not merely heightening their sense of danger, but as modifying the usual deadly force policy."

Sniper Dale Monroe said he interpreted the rules as a "green light" to use deadly force. Sniper Warren Bamford said the rules were "not consistent with the standard FBI deadly force policy, in that the obvious and imminent threat of danger or grievous bodily harm had been predetermined."

Mr. Horiuchi told investigators he had never been asked to operate under similar "could and should" rules, adding that the "decision that we were already in danger had already been made for us prior to going on the hill."

d end)

er's effort to manage Bosnia from Hanoi points problem: It unintentionally furthers the e image abroad of America, the Distracted ower a country too big and self-absorbed to care any one place.

he worst example of this sort of distraction, however, oes not come from Christopher's travels.

It occurs back home in Washington. These days, when the world's leaders have talks at the White House and appear afterward at joint news conferences with President Clinton, they and their foreign ministers and leading journalists of their countries are increasingly obliged to stand by silently while the White House press corps asks Clinton a series of questions about Whitewater or Waco or whatever the main story of the day happens to be.

It seems needlessly insulting to these heads of state and government who, after all, did not fly thousands of miles to Washington just to be used as props in America's political process.

Couldn't the White House arrange for Clinton to give White House reporters a separate news conference to ask whatever questions they want, either immediately before or after the president's joint appearance with another head of state? And if the White House offered this, then during the joint news conference, couldn't reporters stick to subjects related at least tangentially to the foreign leader's visit?

If U.S. foreign policy seems unfocused these days, one reason may be that our leaders don't have time to focus.

Independents Hear the Presidential Trumpet=
(c) 1995, Los Angeles Times= The following editorial appeared in Monday's Los Angeles Times:

Bill Bradley has decided to call it quits next year after serving three terms as a Democratic senator from New Jersey, but rather than abandoning politics he's thinking about running for president as an independent. Ross Perot, the Texas billionaire, has by no means shut the door on another try for the presidency himself; in 1992 he won nearly 20 million votes, almost 19 percent of the total, after a quirky in-and-out and then back-in-again campaign. The Rev. Jesse Jackson indicates he might run again as an independent if he's unhappy about where the Democratic Party is headed. Ditto Pat Buchanan if he can't get the Republican nomination and doesn't much like the candidate who does. And of course retired Army general Colin Powell, party affiliation unknown, plans unclear, is on everyone's list as a potential candidate.

POLITICAL VOID: To be sure, talk is cheap and running a credible race for president is discouragingly expensive. In ordinary times the prospects of not just one but even two or three well-supported candidates running as independents would have little credence. But these aren't ordinary times.

As Bradley said the other day, summing up what many Americans feel, the major political parties are no longer perceived as speaking to people ``where they live their lives." That feeling defines a large and apparently growing void in our political culture. The underlying sense that, however venal some politicians might be, the system itself ultimately works and can be trusted has broken down. Thus opportunities have opened for independent candidates unconnected with what many see as the failures and self-serving missions of the major parties.

STABILITY AT RISK: There is nothing sacred about the two-party system. The chief virtues of the system are that it forces the major parties to be fairly broad-based, which helps keep extremism in check, and that it assures a winning presidential candidate will be the choice of a clear majority or at least a near-majority. In short, the system fosters political stability. But when the political process is seen as increasingly unresponsive to real needs, when it leaves not just the ideological extremes but large constituencies of ordinary voters feeling frustrated and betrayed, then the stability argument begins to fall apart. That's when the field invites independent candidates.

The best thing about having independents running for president is they have the freedom and often the courage to talk about things the major-party candidates won't talk about. Much of what an independent says might of course be extremist nonsense, but if a political centrist or two runs next year say a Bradley or a Powell there might just be a chance the electorate will hear some ideas better than the sound-bite pap we have become used to. Anything that raises the level of political discourse in our democracy would be warmly welcomed.

A Challenge To Credibility

F.B.I. Chief Confronts Charges of Cover-Up

By NEIL A. LEWIS

WASHINGTON, Aug. 12 — Earlier this year, Louis J. Freeh, the director of the Federal Bureau of Investigation went out on a limb and confidently asserted there had been no cover-up by bureau officials about what happened in a deadly standoff two years ago with a white separatist in Idaho.

News Analysis

Mr. Freeh was so confident that he promoted Larry A. Potts, a longtime friend to be the bureau's second-ranking official, even though Mr. Potts was the subject of cover-up charges by agents in the field.

But a report completed this week by the Justice Department's Office of Professional Responsibility shattered Mr. Freeh's confidence, a senior Clinton Administration official said today, and showed him that he might have been wrong all along.

The official, who would speak only on the condition of anonymity, said that Mr. Freeh was well aware that the issue of whether there was a cover-up of the events in the siege at Ruby Ridge, Idaho, has presented him with the biggest challenge to his leadership since he took office two years ago.

The Justice Department report raised fundamental questions about the credibility and integrity of the F.B.I. because it suggested the possibility that bureau officials may have destroyed documents to protect themselves and their superiors and lied to Federal prosecutors.

On Friday, Mr. Freeh suspended four senior officials, including Mr. Potts, while the Justice Department referred the matter to Eric F. Holder Jr., the United States Attorney for the District of Columbia, for possible prosecution of obstruction of justice charges. The prosecutor will also investigate E. Michael Kahoe, a fifth F.B.I. official who was suspended earlier by Mr. Freeh after investigators concluded that he had destroyed documents assessing the Idaho incident.

The event underlying the investigation was a confrontation with Randall C. Weaver at his remote mountaintop cabin in Ruby Ridge. On a drizzly August day, two years ago, an F.B.I. sharpshooter, Lon Horiuchi, killed Mr. Weaver's wife, Vicki, as she stood unarmed holding her infant daughter.

Mr. Horiuchi said he was trying to shoot someone else who was armed and could be fired upon under special rules of engagement that allowed bureau marksmen to kill any armed person virtually on sight.

Justice Department investigators have been unable to determine definitively who gave the orders to change the rules of engagement which normally allow deadly force to be used only when someone's life is in immediate danger. The agents in the field said the orders came from Mr. Potts; he said those in the field were responsible.

Last month, Mr. Freeh transferred Mr. Potts to the bureau's training division saying that questions about his role at Ruby Ridge compromised his effectiveness. Although his suspension Friday of Mr. Potts was a further retreat from his earlier defense of him, Mr. Freeh has received no criticism but only support for his handling of the issue.

Senator Orrin G. Hatch, the Utah Republican who is chairman of the Judiciary Committee, said he had spoken with Mr. Freeh on Friday and believed he was committed to getting to the bottom of what happened at Ruby Ridge.

A senior White House official, speaking on the condition of anonymity, said that it appeared that Mr. Freeh had acted swiftly enough to cut his losses with Mr. Potts. And Representative Bill McCollum, a Florida Republican and chairman of a House Judiciary subcommittee, praised Mr. Freeh for facing up to the situation.

"I believe he is handling it as well as anybody could," Mr. McCollum said. "I view the way he has responded as a sign that he is properly in control."

Mr. McCollum said that Mr. Freeh has significant support in Congress partially because he has always been scrupulous in keeping members of Congress properly informed of such matters. "When he comes up here he has a certain list of people to talk with," he said. "He understands better than anybody the necessity of maintaining the F.B.I.'s credibility."

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1st FBI rev - Sept 92 - all justified.

FBI inquiry ended last Jan - (1995?) disciplining of 12 agents what led to this inquiry?

ington Post

FINAL

Inside: Real Estate
Today's Contents on Page A2

said Potts approved

CURRENT:

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Prices May Vary in Areas Outside Metropolitan Washington (See Box on A4)

25¢

OPR inquiry → referral to Justice
↑ incident/inves
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rules of evy!

4 at FBI Suspended as Justice Probes Bureau in Idaho Siege

The Nov 82 - group led by Kahle (the Kahoe was involved)

Sejain said: take no action.

By George Lardner Jr.
Washington Post Staff Writer

The Justice Department has opened a criminal investigation to determine whether high-ranking bureau officials lied or obstructed justice during internal inquiries prompted by the fatal 1992 siege of a white separatist's cabin in northern Idaho.

As the result of a separate inquiry into the Ruby Ridge shooting and its aftermath, FBI Director Louis J. Freeh yesterday suspended his former deputy director, Larry Potts, and three other senior FBI officials.

One senior Justice Department official said the review underway by the Office of Professional Responsibility had become "jolting and devastating in its potential in terms of the numbers [of FBI officials] who might be involved."

The criminal investigation was triggered by OPR's interim report to Deputy Attorney General Jamie S. Gorelick, who turned it over to U.S. attorney for the District of Columbia, Eric H. Holder Jr. The inquiry by Holder's office is limited, for the moment, to the actions and statements of FBI officials, particularly at headquarters here, following the tragedy at Ruby Ridge. An FBI sniper killed the separatist's wife, Vicki Weaver, while she was holding a 10-month-old infant in her arms.

Freeh said in a statement that he was "committed to obtaining the full truth about what occurred during and after the tragic events at Ruby Ridge.

See FBI, A10, Col. 1

CLINTON LIBRARY PHOTOCOPY

PHOTOCOPY PRESERVATION

Justice Dept. Opens Probe of FBI Brass in Alleged Idaho Coverup

FBI, From A1

Any wrongdoing by FBI employees in connection with those events will result in tough and swift action against them."

Placed on indefinite leave with pay were Potts, who was named by Freeh to the FBI's No. 2 job earlier this year and recently demoted to the FBI training division; Danny Coulson, now special agent in charge of the FBI's field office in Dallas; Anthony A. Betz, assistant special agent in charge in Baltimore, and Gale Richard Evans, assistant special agent in charge in Salt Lake City. A fifth official, E. Michael Kahoe, special agent in charge in Jacksonville, Fla., was suspended July 11 after officials found evidence that a key document related to the Ruby Ridge incident had been destroyed. All were in the chain of command at FBI headquarters during the 1992 siege of Randy Weaver's cabin and during the reviews and inquiries that followed, officials said.

"We're not looking at anything that occurred at Ruby Ridge, only the aftermath," said an official familiar with Holder's assignment. "We're looking at allegations of obstruction of justice: whether anyone in the group destroyed documents or made false statements or requested anyone else to do so."

But OPR's administrative inquiry has cast a broader net and is looking at the FBI's conduct at Ruby Ridge as well as the alleged coverup that took place afterward.

"They've got a lot more work to do," a senior Justice Department official said. "We're talking about false statements and perjury." He said OPR Director Michael E. Shaheen Jr. had been planning to complete his work before Sept. 6 when a Senate Judiciary subcommittee headed by Arlen Specter (R-Pa.) is scheduled to open hearings on Ruby Ridge, but recently concluded that this would be impossible.

The official added that the most recent FBI inquiry into the matter, which culminated last January in the disciplining of a dozen FBI officials, was "based on a wink and a nod. It was clear by the way they asked questions that they did not want any answers that did not comport with a predetermined point of view.

"It was like, 'Now Mr. A, you were there when Mr. B took out his gun and then the lights went out and when they went on again, there was a dead body on the floor.' Mr. A says, 'Yes.' And they say, 'Thank you very much.' "

One key question about the FBI siege in Idaho was whether Potts and other headquarters officials approved the rules of engagement given to the FBI snipers deployed above the Weavers' remote mountain cabin on Aug. 22, 1992. The snipers were sent in a day after a federal marshal was killed along with Randy Weaver's 14-year-old son during a shootout below the Weaver cabin. The rules amounted to a "shoot on sight" policy for any armed adult seen in the vicinity of the cabin.

Potts's attorney, Dan K. Webb of Chicago, called his suspension "completely unwarranted." He said, "There is absolutely no evidence of wrongdoing by Mr. Potts" and predicted that Potts would be reinstated in the near future.

A source in Holder's office said that "the truth of the matter is that there is not hard evidence against [Potts] yet. There is, however, evidence that an agent destroyed documents in an apparent coverup attempt. The questions that then arise are why did he do this, was he doing this to benefit Potts and did Potts tell him to do it?"

The first FBI inquiry following Vicki Weaver's death was conducted by a shooting incident review team that asserted in September 1992 that the FBI was justified in killing her because "she willfully placed herself in harm's way" by holding her cabin door open for the man they were shooting at.

The sniper, Lon Horiuchi, said he had been aiming at the Weaver's semi-adopted son, Kevin Harris, 24, as he was fleeing Horiuchi's first shot and did not see Vicki Weaver through the door's curtained window. No warnings or orders to surrender were given before the shots were fired.

The review team's report exonerated all bureau personnel involved in the standoff. It concluded that "the FBI responded promptly and decisively to an emergency situation" and said it was "fully justified in the one incident where deadly force was used." The report said the rules of engagement—telling the snipers that they "could and should" use deadly force against any armed adults—had been "thoroughly discussed and approved by AD [Assistant Director] Potts."

The report was then submitted to a shooting review group headed by Kahoe, then chief of the Violent Crimes and Major Offenders Section in Potts's division. Kahoe oversaw the group's work despite his having played a role in overseeing the standoff from FBI headquarters.

At one point on Aug. 21, 1992, he called an FBI legal adviser and asked whether deadly force could be used "if agents would encounter armed adults in the compound [the area around the Weaver cabin]."

Kahoe and his group decided in November 1992 that "no administrative action should be taken against any FBI employee as a result of this incident."

When Randy Weaver and Kevin Harris went to trial on murder charges in 1993, FBI officials strenuously resisted production of the shooting team's report as well as other records the trial judge had ordered. In a post-trial decree, Judge Edward J. Lodge of U.S. District Court in Boise, Idaho, angrily fined the FBI $1,920 and said "its behavior served to obstruct the administration of justice."

"The actions of the government, acting through the FBI, evidence a callous disregard for the rights of the defendants and the interests of justice and demonstrate a complete lack of respect for the order and directions of this court," Lodge said.

The trial ended with Harris's acquittal on all charges and Weaver's acquittal on all but two minor counts. At that point, a special Justice Department task force began a review of coverup charges that had been repeatedly voiced by defense lawyers and other critics.

The task force concluded that the shot that killed Mrs. Weaver was unjustified and the orders given to snipers were unconstitutional. It also recommended that the incident be considered for "prosecutive merit" but the recommendation was rejected by other units in the Justice Department.

A number of Ruby Ridge documents were found to be missing from FBI headquarters during the task force review, but a senior Justice Department official said investigators accepted the explanation that the records had been destroyed as part of "routine" housecleaning procedures.

After the task force finished its work, an FBI inquiry was conducted, leading to Freeh's January assertions that there had been "no conspiracy to either obstruct justice or deny the defendants their information." He disciplined Potts with a letter of censure, but said at the same time that he retained "complete confidence" in him and subsequently pressed for his promotion to the bureau's No. 2 job.

The Justice Department's current OPR inquiry was started in May when Eugene Glenn, the FBI's field commander at Ruby Ridge, complained that the FBI review had been unfair and distorted to protect Potts.

Specter said last night that he still intends to open hearings Sept. 6, but a spokesperson indicated they will be staged so as not to interfere with the Justice Department's investigations. "This latest action," he said of the FBI suspensions, "just reinforces the need for full, fair and complete hearings."

Staff writers Pierre Thomas, Toni Locy and Richard Leiby contributed to this report.

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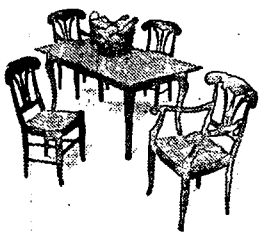

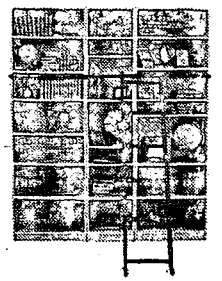

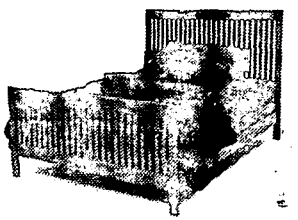

COVER STORIES

ATF UNDER SIE

Demon agency? Far from it. Torn by internal strife, the bureau has lost its sense

By ERIK LARSON

A DETROIT COMPUTER BULletin board lists the names of local agents of the Bureau of Alcohol, Tobacco and Firearms and offers helpful advice on how to harass them. A licensed gun dealer, required to surrender his business records to ATF's national tracing center, coated them first with rat excrement. A flyer found posted in Pennsylvania reads WANTED: ATF AGENT. DEAD.

The ATF may be the most hated federal agency in America today, surpassing even the IRS in its notoriety. Gun-rights advocates have demonized the agency as a dark legion of storm troopers who trample the rights of ordinary citizens. Critics have gone so far as to compare its treatment of gun owners to Nazi persecution of Jews during World War II. In a best-selling book published last year, Wayne LaPierre of the National Rifle Association described ATF's disastrous raid at Waco, which began the 51-day siege that ended in conflagration, as "reminiscent of the standoff at the Warsaw ghetto." Opposition to ATF has become so intense in gun-toting quarters as to resemble a religion, says Gerald Nunziato, who heads the ATF tracing center. He distills its creed: "The gun is God; the N.R.A. is the congregation; and ATF is the devil."

The bureau is not the jackbooted

Last week at a training camp in Daytona, Florida, ATF agents stormed a house made of tires in a simulated raid

ALEX QUESADA MATRIX FOR TIME

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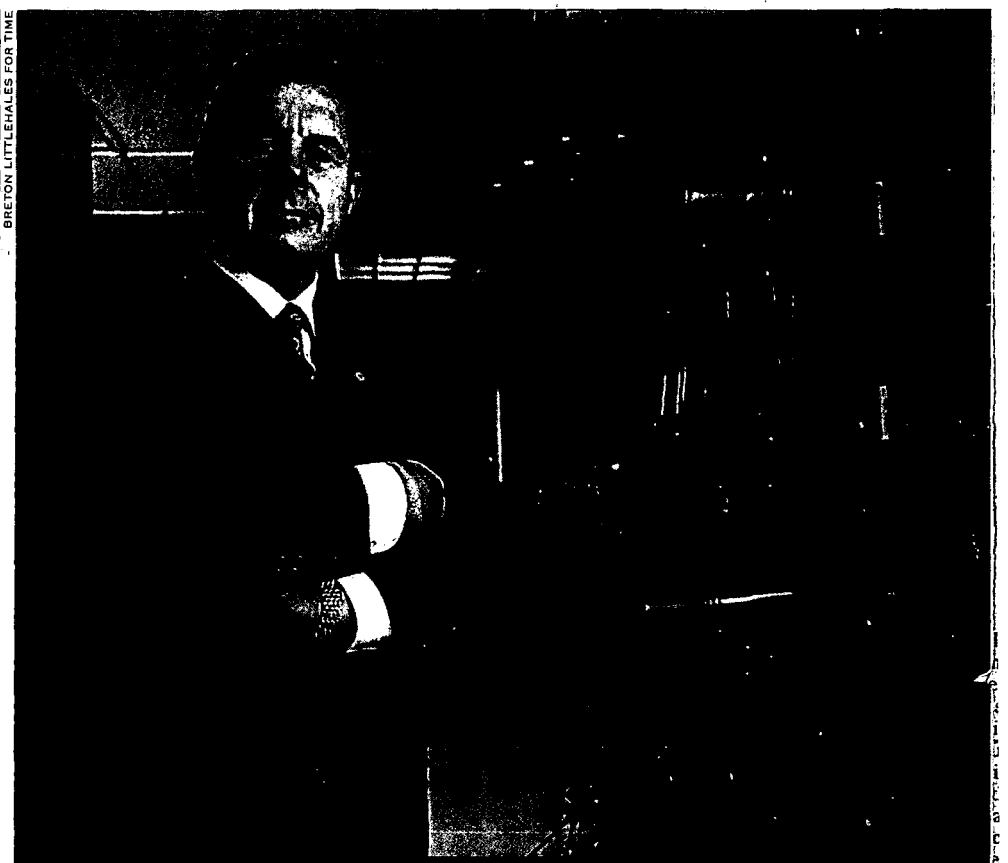
of mission

monolith of N.R.A. lore, however. Far from it: court documents and internal reports uncovered in a two-month TIME investigation reveal ATF as a divided and troubled agency far more likely to abuse the rights of its own employees than those of law-abiding citizens. If anything, its internal troubles have impaired its law-enforcement abilities by embroiling agents and managers in a web of in-house scandals and divisive controversies. The agency faces a class action by black agents who claim widespread discrimination and intimidation, including the posting at one office of a "State of Oklahoma Nigger Hunting License." Last week charges resurfaced that ATF agents attended a racist gathering in Tennessee, the annual "Good O' Boys Roundup." Agents complain too of a management culture that doles harsh discipline to agents but goes to great lengths to protect its managers. In one case, a former head of its Dallas office who sexually harassed an employee received a demotion and transfer—to the Virgin Islands. "Any agent who's honest with you will tell you this agency has to be gutted," says Diane Klipfel, a supervisory agent in ATF's Chicago division who is mired in a battle with the bureau that began when she accused her commanders of corruption.

Two decades of outside scrutiny and persistent threats to its survival have so cowed the bureau that it now shies from certain categories of investigations, including probes of licensed gun dealers. Instead the ATF focuses more on such politically safe targets as crack gangs, outlaw bikers and ordinary killers. One indicator: the number of firearms ATF has taken into custody dropped 27%, to 12,965, from 1992 to 1994. Of those guns, 6,261 were handguns, or about three for each of the bureau's 2,000 agents. An ATF spokesman says such fluctuations are meaningless, but Kay Kubicki, a former ATF agent who is now counsel for the National Association of Treasury Agents, disagrees. "The only reason the total of guns [seized] would go down is morale," she says. "There's a direct correlation between the turmoil in the agency and the decline."

A theory voiced by ATF agents holds that the agency's skittishness may have contributed to its spectacular failure in the initial 1993 raid at Waco, in which four agents and six Branch Davidians were killed. David Koresh, so the theory went, made an ideal safe target—an apparent madman leading a cult that had armed itself with vast quantities of weapons. While it was the FBI that directed the final assault in which 81 people died, it was the ATF that targeted the compound in the first place. Says Kubicki, without a trace of irony: "Waco was a need to look pretty."

John Magaw, installed as ATF's director in 1993 in a post-Waco shuffle, has vowed to reform the agency and resolve its interior conflicts. But some agents question his commitment, especially in light of his decision to rehire two leaders of the Waco raid fired last October after the Treasury Department's scathing "Blue Book" report blamed them for botching the action and later lying about why it had failed. The rehiring caused ATF self-esteem to droop yet again. "I've never been more ashamed of being an ATF agent than I am right now," an agent wrote in a recent letter to a magazine published by the agents' association. "This is an agency out of control!"



BRETON LITTLEHALES FOR TIME

ATF director Magaw aims to launch a review committee to dole fair punishment to misbehaving agents

At a rally near the Lincoln Memorial in June, protesters condemned the ATF and the government's handling of Waco

AND MAGAW MAY BE RUNNING OUT of time. The bureau faces a long hot summer of scrutiny, starting this week when the House subcommittees on crime and national security begin a joint eight-day hearing on ATF and FBI actions at Waco. The crime subcommittee plans two more hearings after the August congressional recess to examine other alleged ATF abuses and the enforcement of firearms laws in general. In short, congressional Republicans aim to ask whether the bureau should be allowed to survive. One of this week's inquisitors will be Representative Bob Barr of Georgia, an N.R.A. member who heads Newt Gingrich's Firearms Legislation Task Force. Barr asks, "At this point, do we really need ATF?"

THE N.R.A. IS BEYOND DOUBT THE ATF'S most committed opponent. Over the years the 3.5 million-member organization has built an infrastructure to ensure that far-flung cases of alleged ATF abuse get direct scrutiny from Congress. The organization is relentless. "The natural enemy of a gopher is a rattlesnake," says Gerry Spence, the flamboyant Wyoming defense attorney who defended Randy Weaver after the federal siege at Ruby Ridge, Idaho. "The natural enemy of the N.R.A. is the ATF."

The N.R.A.'s favorite strategy in harrying the agency is to publicize individual cases of alleged ATF abuses, in the process ignoring the thousands of investigations that conform even to the N.R.A.'s own anti-crime platform. In 1994 ATF recommended 10,000 defendants for prosecution, of whom 47% were previously convicted felons. The bureau's critics also sidestep the fact that on the same day as the Waco raid, an ATF investigator, working with a New York City bomb-squad detective, found the vital shard of evidence that broke the World Trade Center bombing

PHOTOCOPY PRESERVATION

LES STONE—SYGMA

case. Agents from the bureau's office in Charlotte, North Carolina, recently took down a murderous street gang and sent a dozen members to prison, many for life terms. And last month Charlotte agents played a central role in capturing carjackers believed to have killed an Oregon businesswoman, the kind of case special agent in charge Paul Lyon sees as the bureau's "salvation." He feels Congress and the public have turned their back on ATF, even though the bureau is only trying to fulfill a mandate that Congress itself designated. "Now and for years, I have felt what people who came out of Vietnam felt," he says.

The N.R.A.'s atrocity stories typically omit details that might muddy its anti-ATF message. High on its list, for example, is the Randy Weaver case. In January 1991, ATF agents arrested Weaver for having sold two sawed-off shotguns to an ATF informant. Weaver was released on his own recognizance. When he failed to appear in court, a fugitive warrant was issued, and the case was passed to the U.S. Marshals Service, which caught up with Weaver in August 1992. A gunfight followed in which a deputy U.S. marshal and Weaver's 14-year-old son were killed. The FBI took over, and one of its snipers killed Weaver's wife. Contrary to public perception, however, ATF played no direct role in the shootings. In July 1993 a federal jury found Weaver guilty of failing to appear in court but acquitted him of the original weapons charge after his attorney, Gerry Spence, argued that ATF had entrapped him.

THE BUREAU HAS ALWAYS WALKED A DIFFICULT beat, one that lies at the heart of American ambivalence. Largely through historic accident, the agency acquired responsibility for regulating three of the nation's most popular yet dangerous products: booze, cigarettes and guns. Its forebears include the "revenuers" who hunted moonshiners and enforced Prohibition. Eliot Ness remains the bureau's chief institutional hero. Today large framed posters from the 1987 movie *The Untouchables* hang in many ATF offices.

The IRS agents became gun cops after a period of escalating violence prompted Congress in 1934 to regulate machine guns and certain other weapons. Their jurisdiction widened with the Gun Control Act of 1968, which barred felons, minors and others from buying guns and required licensed dealers to keep records of who bought their firearms. This new authority delighted the agents, who felt they had been promoted to real crime fighters, but top IRS officials viewed the combined role of tax collection and gun control as a public relations nightmare. So in 1972 the Treasury spun off ATF into a free-standing bureau.

In its early days, according to some current and retired agents, ATF often overstepped its bounds. The gun laws were full of opportunities for making felony cases against otherwise solid citizens accustomed to America's wide-open gun trade. At the same time, the arrival of serious gun control in the 1968 Gun Control Act radicalized the N.R.A., prompting the association to shift its emphasis from promoting marksmanship to gutting the act and harrying the enforcers. In 1980 the N.R.A. produced a film, *It Can't Happen Here,* in which Representative John Dingell of Michigan, then a member of the N.R.A.'s board of directors, states, "If I were to select a jackbooted group of fascists who are perhaps as large a danger to American society as I could pick today, I would pick BATF." (The bureau later shortened its logo to ATF.) The N.R.A.'s campaign was so effective that in 1981 President Reagan announced he would make good on a campaign promise to dismantle ATF. But he underestimated the depth of respect ac-

PHOTOCOPY PRESERVATION

corded the bureau among other law-enforcement agencies and was forced to backpedal. He announced later that he would still demolish ATF but assign its agents to the U.S. Secret Service. ATF agents, who saw the shift as conferring instant prestige, loved the idea; the N.R.A., however, realized it was about to lose one of its best fund-raising assets. Suddenly the N.R.A. rode to ATF's rescue, blocking its demise. The reversal drew an acid appraisal from New Jersey Representative William Hughes, who accused the association of retreating because the Secret Service "might actually take the functions seriously and not be so easy to intimidate."

The bureau survived, but as a shattered agency. An internal Treasury review, completed in October 1981 but little known outside the bureau, produced a portrait of an agency in agony, "grinding to a standstill." Unsure of its mission, it was readily buffeted by shifting political winds. Said the report: "There is widespread distrust of top management. There is little unity within the organization. Morale is very poor. This situation goes far beyond the normal criticisms and complaints which are leveled against management in any organization."

THE RISING TORRENT of anti-ATF rhetoric has nurtured the perception that ATF agents are justifiable targets for heckling, if not outright assassination, an attitude that Ron Noble, Under Secretary of the Treasury for enforcement, likens to the 1960s protest ethos that branded all police officers "pigs." ATF's opponents, he says, don't loathe the bureau itself, just the laws it must enforce. "So what do you do?" he asks. "You attack an agency that not very many people know a lot about." Says a supervisory agent: "If you can't get the laws overturned, you pound on the agents. Be-

Legend in the Making: The Raid That Wasn't

By ERIK LARSON BUCYRUS

IT HAS BECOME THE QUICKEST WAY TO FAME IN AMERICA'S GUN culture. And one morning in May 1992 it happened to Louis Katona III, a Bucyrus, Ohio, real estate salesman and part-time police officer. He got to tell all about it when the National Rifle Association flew him to its annual meeting in Phoenix last spring—how agents of the Bureau of Alcohol, Tobacco and Firearms, the "jackbooted fascists" of N.R.A. lore, had raided his home and seized his machine-gun collection. At the time, he estimated the guns' value at about $300,000 and kept them locked inside a walk-in vault in his basement, expecting them one day to pay for the college educations of his son and his second child, whose birth he expected in seven months. One version of what happened next appeared in a recent full-page N.R.A. advertisement: "When shouting and cursing ATF agents rushed into his home to seize his firearms collection, they grabbed his pregnant wife Kim and shoved her into a wall. Within days she suffered a miscarriage." The Katona episode is one of the most vivid horror stories the N.R.A. has been telling lately in its campaign to pillory the ATF. In a lawsuit now pending in Cleveland federal court, the Katonas are charging the ATF with the death of their unborn child and other offenses. But there's much more, or ultimately less, to this story than the N.R.A. would have people understand.

What prompted the "raid" was Katona's arsenal of machine guns. Under the National Firearms Act of 1934, anyone hoping to buy a machine gun must first fill out a federal authorization and have it signed by the chief law-enforcement officer of the community. Until September 1988 Katona was an auxiliary Bucyrus police officer and took his forms to his boss, Chief Joseph Beran—an immense, bearded man with a shaved head and a passion for Harley-Davidson motorcycles. At one point, Katona claims, the chief presigned a large stack of forms. Beran denies it.

During the summer of 1988, their relationship decayed. The department demanded that Katona turn in an old Bucyrus police chief's badge that his father had bought for him at a gun show. The department claimed it had been stolen long ago from another collector. When Katona refused, he was forced to resign. Meanwhile, Crawford County sheriff Ronny Shawber had persuaded almost all the county's police chiefs to agree to a moratorium on authorizing machine-gun purchases. Beran agreed. In August 1989 he wrote to Katona: "Dear Louis, I'm sorry, but I am not signing these forms any longer." Over the next two years, however, Katona kept buying machine guns and submitting the required forms to ATF, all apparently bearing the chief's signature.

In choosing the targets of its investigations, the ATF relies heavily on tips from local police. In March 1991 the Cleveland office of ATF got a call from Sheriff Shawber, who had come to suspect, erroneously, that out-of-towners were buying machine guns from Louis Katona's father, Louis Katona Jr., a licensed dealer, and then listing false local addresses on their registration forms.

STEVE LISS FOR TIME (2)

N.R.A. heroes Louis Katona and family in his gun vault

PHOTOCOPY PRESERVATION

cause if you pound on them long enough, they'll turn around and say, 'Why bother?'"

The strategy is working. ATF agents often quote a maxim: "Big cases, big problems; no cases, no problems." The intense and well-orchestrated opposition has succeeded in discouraging ATF from aggressively pursuing investigations of gun shows, flea markets and licensed gun dealers, even though these often prove to be major conduits for the diversion of guns to criminals. The bureau's reluctance to investigate dealers has long driven agents to jokingly describe a dealer's license as "the $10 immunity." (Until two years ago, the annual licensing fee was $10.) A series of standing ATF orders closely choreographs all such investigations and requires that they be monitored from ATF headquarters in Washington. "You have to jump through six hoops of fire," says Kubicki, the agents' association counsel. Says Phil McGuire, a former ATF deputy director: "There's no question the N.R.A. has dictated exactly [the rules for] such things as dealer investigations and investigations of gun shows."

FAR FROM CRACKING DOWN, ATF allowed the number of licensed gun dealers to swell to nearly 300,000 by 1993. Often it failed to conduct thorough background checks for prior criminal offenses. In a survey it found that 72% of its licensed dealers never even bothered to open a bona fide store, but operated instead from their homes. Under Magaw, however, the bureau has lately got much tougher on applicants, requiring for the first time that they submit fingerprints and a photograph. Now the number of dealers is falling at a rate of 150 dealers a day, an ATF spokesman says, and the bureau expects the total to level off at somewhere between 70,000 and 90,000.

The persistent barrage of outside attack also helped create a culture in which senior managers and agents face each other across a vast reservoir of distrust and hostility, according to hundreds of pages of internal reports and court documents reviewed by TIME. Rank-and-file agents have long protested how managers use ATF's internal-affairs unit, which routinely conducts three to five times as many internal probes as the Secret Service's apparatus, even though each agency has roughly 4,000 employees. Magaw explains the differential as partly because of the fact that ATF agents conduct far more gritty street investigations and thus are likely to draw

The ATF waited almost a year before dispatching compliance inspector Thomas Scoufis to check the elder Katona's records. In the process he stumbled across records of the son's purchases and quickly became suspicious, according to an ATF affidavit. He showed Beran a form with the chief's own signature, but Beran said he could not have signed it; he had honored the moratorium.

Scoufis alerted ATF's Cleveland office. Soon afterward, special agent Lance Kimmell met with Beran and showed him more forms bearing his signature but dated after his letter to Katona. The chief denied signing them. In a deposition, Kimmell said, "I had all the probable cause in the world to believe that the firearms had been transferred illegally, and there had been a mass forgery of documents that took place."

Beran's statements brought ATF raiders to Bucyrus

A federal magistrate agreed and on May 7, 1992, authorized a search warrant. In contrast with a recent N.R.A. ad that showed a photograph of ATF agents in battle gear rushing toward the reader, the raiding party that stormed Bucyrus the next morning consisted of three ATF agents, one in a suit, the rest casually dressed. No one brandished any weapons. As a matter of protocol, they invited Bucyrus police officer Jerry Agee to come along.

While Agee and special agent Stephen Wells waited outside Katona's house, agent Kimmell and group supervisor Stephen St. Pierre went to Katona's office and waited for him to return from an errand. They told him they had a warrant to search his house. As the search began, according to Officer Agee, Katona offered the raiders "coffee and pop."

Katona charges that Kimmell handled the guns roughly. "He started holding the guns one at a time up to his belt level and turning [to] me and giving me a little sneer and dropping them one at a time on the concrete," Katona stated in a deposition. Officer Agee told ATF Internal Affairs investigators the height was more like three to six inches. Agent Wells said he and his colleagues took good care of the guns.

But the most infamous moment came midway through the search when Katona's pregnant wife Kimberly arrived, furious at the intrusion and embarrassed that the agents would see her laundry room. Seconds later, the Katonas say, ATF supervisor St. Pierre grabbed Kimberly and "slammed" her against a wall, shouting, "Get this woman the hell out of here." But agent Agee and lawyer James Pry both said the agents did not handle Mrs. Katona roughly.

She began bleeding that night, the Katonas charge, the beginning of a miscarriage. Ten days later she underwent a pelvic ultrasound examination, but medical records obtained by TIME show this exam yielded an unexpected discovery: an "intrauterine gestational sac without embryonic echoes, suggesting a blighted ovum." Three specialists, asked by TIME to review Kimberly Katona's records, agree in their conclusion: she had lost her baby well before the raid even began. The sac was empty, but her body had continued to develop as if the pregnancy were viable. Says Ilan Timor, head of Columbia University's obstetrics-gynecology ultrasound unit: "That bleeding would have come sooner or later anyway, whether there had been a raid or not."

ATF won an indictment against Katona, but handwriting experts for both sides agreed they had found no conclusive evidence linking the alleged forgeries to Katona or anyone else. As a result, the judge dismissed the case.

Kimberly Katona, in a tear-filled deposition, said the agents didn't have to raid the house but could simply have asked Katona to explain how he got the signatures on the forms. ATF director John Magaw agrees, saying the agents should have asked themselves some questions first: "What is this we're trying to enforce? What is the danger to the public here?" He adds, "We're going to work a case like this differently in the future."

But Sheriff Shawber wonders why the case got tagged as an example of federal abuse in the first place. "It just baffles me," he says. "Because it would appear to me that there was something going on there. There were forged documents." ■

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STEVE LISS FOR TIME

Chicago ATF whistle-blowers Diane Klipfel and Mike Casali worry about retaliation, so they keep their children away from the windows

more flak inside and outside the agency. But Magaw also sees the difference as the result of ATF's failure to train its agents adequately and of the unsettling effect of so much outside criticism.

The tempest that has wracked ATF's Chicago field division gives a flavor for the forces long at play within the bureau. The division, one of ATF's largest, has been riven with charges of corruption, sexual harassment, racial discrimination and management retaliation. Two veteran agents, Diane Klipfel and her husband Mike Casali, now face imminent discharge; they claim in a federal lawsuit that the bureau took the action in reprisal for their having reported corruption and sexual harassment, including allegations that police officers assigned to ATF had stolen money from a drug dealer. Prompted by their disclosures, investigators from Treasury's Office of the Inspector General in November 1992 conducted an unprecedented raid on the Chicago office to seize financial documents. The interlocking scandals caused the transfer of the division's top three officials and the firing of a first-line supervisor (who was reinstated this year by a federal appeals court in Chicago). The experience, however, took a grave toll on the pair's careers and personal lives. For two months, Klipfel says, the couple had their children sleep in a second-floor closet as a precaution against retaliatory shootings.

But ATF officials say Klipfel and Casali will be fired because the bureau believes they too had engaged in past misconduct. For example, it charges that Casali conducted evidence searches without federal warrants and that Klipfel maintained an inappropriate relationship with the target of an investigation. Raymond Risley, assistant deputy superintendent of internal affairs for the Chicago police, says his unit conducted a thorough investigation and found no evidence of theft. He says, however, that ATF would not let his investigators interview Casali or Klipfel and that the drug dealer's lawyer would not allow the dealer to be questioned.

The ATF rumor mill went into overdrive, accusing Klipfel in particular of everything from dealing cocaine to sleeping with a drug dealer. Yes, declares Klipfel with weary sarcasm, "I try to fit it all in. I'm a supermom."

Until the events of February 1992, she and her husband were well-regarded agents. Klipfel had been nominated four times for a top women's law-enforcement award. Casali had been decorated for heroism. "They were not only good agents; they were exceptional agents," says Robert Sanders, a former assistant director of ATF and now an attorney who specializes in defending gun owners against the agency.

But on Feb. 20, Klipfel led a series of raids with the help of two Chicago police officers. In the course of the day, Klipfel began to suspect the officers had stolen money from the raiding party's first target, a 30-year-old drug dealer named Darrin Pippin. The evening of the raid, Klipfel challenged the officers, triggering a violent argument in which one of the officers kicked the door of her car and threatened her and her family, according to a formal statement she filed with ATF. "The cops were so mad," Klipfel says. "I just couldn't be sure. I felt that my children just were not safe." She got home at 1 a.m. and immediately moved her children into the closet.

She reported her allegations to her superiors in the division, but charges that they failed to pass her report to ATF headquarters. "Now that was unconscionable for a law-enforcement organization," says Sanders, who earlier had supervised Klipfel and Casali. "That's corruption. You cannot sit on an allegation of corruption. You report it and let the chips fall where they may."

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Eventually Klipfel alerted Treasury's Inspector General, this time adding charges of misconduct by her commanders, Joseph Vince, at that time the Chicago office's agent in charge, and Jimmie Adamcik, his assistant. Among the charges: that Adamcik had sent ATF cars to a friend's repair business and had associated openly with John Boyle, head of an armored-car company who was under indictment for stealing more than $4 million, much of it in coins entrusted to his company. (Boyle later pleaded no contest to all charges and was sentenced to 38 months in prison.)

Adamcik and Vince eventually were transferred to other posts. Vince's attorney, Dave Stetler, calls the allegations against his client "absolutely false" and says ATF disciplined Vince without formally charging him with anything. (Adamcik could not be reached for comment.) An internal investigation sustained some of Klipfel's allegations. It reported that Boyle had arranged free use of a nightclub for the division's 1992 Eliot Ness Birthday Party. Adamcik had also invited Boyle to play in the division's Eliot Ness Golf Tournament, held in Indiana on a workday. Boyle couldn't attend, however. Awaiting sentencing, he wasn't allowed to leave Illinois.

Klipfel's husband Mike Casali says he too passed along disturbing news about a Chicago cop, this from an informant who reported a rumor that a cop assigned to ATF was selling guns to gang members and had helped cover up a murder.

CASALI AND KLIPFEL, LABELED AS snitches, fast became outcasts. Klipfel found a black plastic rat in her office. Pictures of her children were knocked off her desk repeatedly. In a lawsuit they filed in Chicago federal court, Klipfel and Casali allege that ATF conducted a "deliberate and strenuous" campaign of retribution meant to suppress further disclosures of misconduct. Says Sanders: "Retaliation is so obvious."

ATF director Magaw denies the couple's charges but declines to discuss their case further. "Both people in Chicago are going to be fired," he states. "I'm going to continue that process. They deserve to be fired."

Retaliation is something of a pattern within the ATF, according to a recent internal investigation by the Treasury Inspector General's office. In a report sent to Magaw last year, the investigators said they found that of 370 Equal Employment Opportunity complaints filed by employees, 105 resulted in charges being filed with Internal Affairs against the complainers or their supporting witnesses. In 54 of these cases, Internal Affairs launched full investigations. The report cited an array of management practices that "created at least a perception among some ATF employees that managers abused their authority by retaliating, harassing or intimidating the work force."

ATF's black agents say they in particular have experienced such behavior. Although the "Good O' Boys Roundup" made news last week, ATF's leadership has long known of the annual affair and its racist trappings. The black agents' class action cited the event as just one of dozens of racist incidents. Dondi Albritton, who heads the bureau's Explosives Technology branch in Washington and is a plaintiff in the lawsuit, said he once saw an invitation to the roundup that was printed on ATF letterhead and mailed in an ATF envelope. At this year's outing, racist slogans and T shirts were reportedly on display, including one with Martin Luther King Jr.'s face behind a target. Last week Magaw called for a Treasury probe of the event, and Senate Judiciary Committee chairman Orrin Hatch scheduled a hearing for July 21. Said he: "I'm very upset about it. We're not going to sit around and let this type of stuff happen."

ATF's black agents describe a lonely, isolated life in a culture still dominated by attitudes carried forward from ATF's moonshine-hunting days. "With ATF it's always

A Painful Purge at the FBI

SCOTT APPLEWHITE—AP

Larry Potts: Demoted

THOUGH THE ATF IS THE PET DEMON OF THE MILITANT right, it is the FBI that handled the violent conclusions of two infamous confrontations: the 1992 standoff at Ruby Ridge, Idaho, and the 1993 siege in Waco, Texas. This week two House subcommittees will open hearings into the Waco assault; in the fall, hearings will delve into the FBI "shoot-on-sight" orders that some critics believe were responsible for the Idaho death of Vicki Weaver, the wife of white separatist Randy Weaver.

Last week FBI director Louis Freeh signaled his intent to cooperate with both investigations and to restore order and morale within the FBI. In a move that took a heavy personal toll, Freeh demoted deputy director Larry Potts, 47, a 21-year veteran long under fire for his supervision of the Waco and Ruby Ridge sieges. Freeh and Potts had been close friends and confidants since 1990, when they were detailed to Atlanta and successfully prosecuted a murderous mail bomber. They soon became the FBI's odd couple. Freeh was the steely, immaculately tailored prosecutor whom colleagues respected and feared; Potts was the kindly, slightly rumpled investigator agents admired and loved. Three months ago, when Potts was promoted to the No. 2 spot, Freeh boasted, "He is the very best the FBI has." Last week Freeh said Potts was "unable to effectively perform his duties" and reassigned his friend to the FBI's training division in Quantico, Virginia. Many agents felt that Potts was getting a bum rap; they believe he was one of the agency's staunchest defenders of civil rights principles.

COLIN MULVANY—THE SPOKESMAN REVIEW

Ruby Ridge: The results shook FBI morale

Potts had seemed to redeem himself last April, when he expertly handled the FBI's investigation of the Oklahoma City blast. But last week he came under renewed scrutiny after another FBI official, E. Michael Kahoe, admitted destroying documents collected during an internal investigation of the Ruby Ridge episode. Now congressional investigators must confront several questions: Did Kahoe act on the orders of a superior, possibly Potts? And did the destroyed papers contain the identity of the official who issued the shoot-on-sight order? At least one FBI agent has charged that Potts gave the signal. Potts insists he did not. ■

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been the good ole boy system, white males from the Southeast," Albritton says. The generation of ATF officials who hired today's senior managers were typically men hired for their knowledge of Southern mores and their skill at outwitting deep-country bootleggers. Once these woodcraft experts reached positions of authority, says Larry Stewart, assistant special agent in charge of ATF's Atlanta office, "they hired people who looked like them, who talked like them, who had the same habits." As soon as Stewart began reporting acts of discrimination, he charges, he was repeatedly passed over for promotions and subjected to petty acts of reprisal.

One episode, which he describes as retaliation for his participation in the lawsuit, aggrieved him deeply. Stewart had led a group of ATF agents who took part in a complex 1990 investigation of mail bombings that killed an attorney and a federal judge. The arrest of the bomber prompted President Bush to invite all the participants to the Rose Garden for presidential commendations. Stewart wasn't invited. ATF also gave out awards to Stewart's agents, to his boss Thomas Stokes, even to the boss's secretary. But again, not to Stewart.

"When I found out ..."

He stops, turns away. "I'm sorry."

He tries again. "When I found out that Tom Stokes' secretary had been given an award ... when I found out that all my agents, that ATF internally was going to give them awards, when I heard that managers above me were given awards and I was not even mentioned—I don't think I have the words to describe how I felt, how hurt, how devastated I felt."

It is a mark of ATF's curious culture, however, that even the most critical agents often proclaim a deep respect for the agency and its mission. "I love this agency," Stewart says. "I love this agency so much I would work for it 24 hours a day if they'd let me." Vanessa McLemore, another class-action plaintiff, says she wanted to become an ATF agent since high school. "Deep down I'm happy. I would not go to another agency. I love what I'm supposed to do. What I don't like is not being given an equal opportunity to do it."

Director Magaw says ATF has begun to change. His first priority, he says, was to address what he saw as the central lesson of the Waco disaster: lack of training, even among field commanders. The initial raid, which took place Feb. 28, 1993, was by all accounts an inexcusable disaster. The Treasury's Blue Book outlined in cold detail a cascade of errors and placed primary blame on the fact that the raid leaders allowed it to proceed even after learning that they had lost the element of surprise.

Here Magaw disagrees. The worst error, he says, was the decision by the raid's top two commanders to take part in the assault, thus eliminating the perspective that might have allowed them to call it off and avert disaster. One leader rode in a helicopter, the other joined the raiding party that entered the compound. "It's the same effect as if the Redskins would send their coaches onto the field," Magaw says. "Your coaches were where they couldn't see what was taking place." The ATF, he says, had never trained the leaders to recognize the flaws in their thinking. "Had I only had the training they had, would I have made some of these same mistakes?" Magaw asks. "The answer is clear in my mind: Yes."

He insists now that every new agent read the Blue Book report. He expects soon to require that all agents undergo bouts of refresher training every three or four years, just as the Secret Service's do.

How a Cascade of Errors Led ATF to Disaster at Waco

PERHAPS THE HARSHEST CRITIC OF THE ATF'S WACO RAID was the bureau's own master, the Treasury Department. In the raid's aftermath, the department launched an investigation by veteran agents from its other law-enforcement agencies, backed up by independent outside reviewers, including Willie Williams, the Los Angeles chief of police. The result was a 500-page indictment that pulled no punches yet whose details, surprisingly, went largely unreported. The Blue Book, as it is known, portrayed a dark carnival of ATF errors. Among them:

- ATF established an undercover house adjacent to the compound and installed eight agents there under the guise of students at Texas State Technical College. But they were too old to be convincing. They carried briefcases and drove cars too new and expensive for students to afford. Raid planners gravely underestimated David Koresh's savvy and suspicion—the review team discovered that Koresh had had checks run on the cars and found that three of the four had no credit liens outstanding.
- The raid planners had chosen a direct assault in part because they believed Koresh never left the Branch Davidian compound, and thus could never be isolated from his followers. But Koresh did leave the compound—several times in late 1992 and only weeks before the February 1993 raid. ATF just never knew it. The report blamed this on its "failure to establish an effective intelligence operation."
- Faulty intelligence also led ATF to believe the Branch Davidians kept their guns under lock and key in a central location.

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He has established a new position of assistant director for training to allow the bureau's training staff to compete more effectively for internal funds. "If you have good people and you train them," he says, "you will survive in spite of yourself."

HE HAS BOLSTERED TOP-LEVEL decision making as well. A new Treasury review board, consisting of ATF officials and one person each from the Customs Service, Secret Service and Justice Department, must approve ATF's most sensitive undercover cases. An internal directive obtained by TIME, dated May 5, defines such cases to include investigations "of possible criminal conduct by any foreign official or government, religious organization, political organization, or the news media." Says Magaw: "Anybody who questions why we're doing it differently now than we did before need only look at Waco."

Now he is turning his attention to ATF's internal troubles. Within the past year, he says, he put the bureau's 24 special agents in charge on notice that he would be watching closely to ensure they dispense disciplinary action consistently and fairly, but he was not satisfied with the results. Now he is about to launch a five-member professional review committee that will examine every internal investigation and vote on the discipline required. He also established eight peer groups to give black agents, female agents and six other subgroups—including white males—a clear channel for venting grievances.

Despite all those changes, some agents wonder if life within ATF has really changed. Immediately after the Waco raid, many agents were outraged when the raid leaders, Phillip Chojnacki and Chuck Sarabyn, tried to blame the fiasco on a young undercover agent. The Treasury report, which condemned both leaders for serious errors and for lying to postraid investigators, stated, "Their consistent attempts to place blame on a junior agent were one of the most disturbing aspects of the conduct of senior ATF officials."

But last December Magaw rehired the men. ATF had discharged them two months earlier, after both had spent nearly a year on administrative leave at full pay. The settlements granted the men full back pay for the brief period of their formal terminations, expunged their records of all disciplinary action, and restored their past salaries and their eligibility for law-enforcement pensions. It did, however, strip them of their official status as federal investigators empowered to carry guns and enforce federal law. Magaw says he took into account the men's long years of service and his opinion that their performance was partly ATF's fault for training them poorly in the first place. Despite ATF's concessions, the settlement is punishment enough, he says.

Jim Jorgensen, an ATF agent and deputy executive director of the National Association of Treasury Agents, disagrees. "It just really sends the wrong message to the public," he says. And with the start of the latest congressional investigation of Waco, public perception has again become a matter of intense concern. If history is any guide, this new round of scrutiny will once again blow the agency into a period of angst and self-doubt. "We've always been defensive," says Charlotte ATF agent in charge Paul Lyon. "We have always been susceptible to light breezes—it doesn't even take a full storm." But this week the agency is bracing itself once again for gale-force winds that may well threaten its survival. ■

BOB STRONG—SIPA

As if unaware of its own disastrous role in the Waco tragedy, ATF raised its flag over the charred Mount Carmel compound

In fact, the guns were distributed and readily available. Likewise, ATF agents responsible for surveillance reported the compound had no sentries. It did.

- Eleven days before the Feb. 28 raid, ATF ended surveillance of the compound. Several of the bureau's tactical planners said they didn't learn of this gap until members of the Treasury review team told them about it.
- Raid planners believed only 75 people lived at the compound. In fact, 125 were present on Feb. 28.
- ATF's plan relied on catching most of the compound's male members at work in a large pit on the grounds. Yet the highest number ATF ever recorded in the pit at one time was 13.
- The raid planners expected armed resistance from only male Branch Davidians, and possibly one woman, a former police officer. The review states, "They [the agents] studiously ignored or discounted evidence that other women might also be prepared for armed resistance."
- "The raid commanders did not even arrange to have the telephone number for the compound on the day of the raid," the report says. In the midst of the gun battle, an agent did find the number—jotted on a calendar in the undercover house.
- At one point, an ATF agent posing as a United Parcel Service trainee accompanied a UPS driver during a delivery to the compound, but the act failed to be convincing. The truck stopped first at an outlying building, where the ATF agent insisted that the driver ask Koresh's followers to let them use the phone and a bathroom, something that a UPS driver wouldn't ordinarily do. This accomplished, they then moved on to the compound itself to try the same plan again. This time, Koresh and another member, David Jones, met them at the gate. Jones was carrying a roll of toilet paper.

—*By Erik Larson*

PHOTOCOPY PRESERVATION