

NLWJC- Kagan

Counsel - Box 009 - Folder 008

Ruby Ridge [2]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Michael Shaheen Jr. to the Attorney General re: "Ruby Ridge Report" (5 pages)	06/30/1994	P5

COLLECTION:

Clinton Presidential Records
Counsel's Office
Elena Kagan
OA/Box Number: 8249

FOLDER TITLE:

Ruby Ridge [2]

2009-1006-F

bm11

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Permissive 'Rules of Engagement' at Issue in Ruby Ridge Shooting

THE WASHINGTON POST
FRIDAY, JULY 14, 1995

THE PRESIDENT HAS SEEN

7/14/95

By George Lardner Jr. and Richard Leiby
Washington Post Staff Writers

"Good morning, Mrs. Weaver," the FBI loudspeaker blared tauntingly at the mountaintop cabin. "We had pancakes this morning. And what did you have for breakfast?"

Vicki Weaver couldn't answer. She was dead, lying on the floor after an FBI sniper's bullet smashed into her head as she stood in a doorway, her 10-month-old baby in her arms.

That shot is echoing more loudly than ever in Washington this week. The Justice Department has opened a new investigation into the possibility of an FBI coverup in connection with the 1992 Idaho shooting and the "rules of engagement" that encouraged it. A ranking FBI official has already been suspended, reportedly for shredding a document that could have shed light on decisions made during the siege, particularly by Larry Potts, now the FBI's deputy director.

The rules were the most permissive ever laid down on the use of deadly force by the FBI. One veteran FBI hostage negotiator, Frederick W. Lancelly, told Justice Department investigators in an earlier inquiry that he was surprised and shocked by the wording. Another agent deployed to the siege at Ruby Ridge said he understood the rules to mean "if you see 'em, shoot 'em."

Since that bloody siege, there have been repeated internal investigations of the FBI's conduct, but it is only now that the detailed findings are beginning to emerge. A special Justice Department task force produced a 542-page report last year, but that remained under wraps until it was obtained by the Legal Times and posted on the Internet.

The biggest controversy centers on the rules of engagement, telling FBI sharpshooters what they were to do in the effort to capture Vicki Weaver's white separatist husband, Randy, and a friend, Kevin Harris, following the killing of a federal marshal near the mountaintop retreat a day earlier. Introduced at Weaver's trial in 1993, they said:

"If an 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 an adult male is observed with a weapon prior to the announcement, deadly force can and should be employed—if a shot can be taken without endangering the children."

Justice Department officials later deemed the rules not only confusing but unconstitutional. But how they were drawn up and who approved them are still unclear almost two years after the death of Vicki Weaver. According to an internal Justice Department report on the incident, she was shot and killed before FBI agents on the scene asked for surrender.

The FBI did not make a "surrender announcement" to the cabin's occupants until 6:15 p.m., more than a quarter of an hour after the shots were fired. The Justice Department task force called the lapse "inexcusable and unjustifiable."

"The announcement should have been a priority at Ruby Ridge, not a rushed afterthought," the task force said. FBI Director Louis J. Freeh, who was not on the job at the time of the Idaho incident, later censured Potts for his poor oversight at Ruby Ridge "with regard to the rules of engagement" and promoted him to the No. 2 job. Freeh declared Vicki Weaver's killing tragic but accidental.

She was shot on Aug. 22, 1992, after FBI sharpshooters from the bureau's hostage rescue team had taken positions on a ridge overlooking the compound. At the time, according to government reports, agents thought they were facing a heavily armed, possibly booby-trapped compound occupied by white separatists who had just killed Deputy U.S. Marshal William Degan when he tried to arrest Weaver.

The gunfire that day, Aug. 21, erupted after a team of marshals, clad in jungle camouflage and attempting to serve a warrant, shot and killed the Weaver family dog, Striker, a yellow Lab that had sniffed them out. Weaver's 14-year-old son, Sammy, was also killed.

The FBI took over from there, bringing in its elite hostage rescue team along with armored personnel carriers and helicopters. Potts has said he deemed the standoff "the most dangerous situation into which the FBI had ever gone" although Justice Department officials later said the threat had been exaggerated. There were no booby-traps or mines, Weaver had no arsenal, and the only people in the cabin were Weaver, his wife, their three daughters and Kevin Harris.

Potts said in a September 1992 affidavit that he and Richard Rogers, the head of the rescue team, agreed on rules of engagement by telephone on the evening of Aug. 21 as Rog-

ers was flying to Idaho.

Here is where the accounts begin to conflict. Potts said he and Rogers agreed that any adult with a weapon who was observed in the vicinity of the cabin "could be the subject of deadly force."

That would appear to mean that armed adults could be shot on sight. One FBI agent has said he heard Rogers tell his team that this would be "no long siege."

Shortly before 6 p.m., FBI sniper/observer Lon Horiuchi saw two men and a woman—Weaver, Harris and Weaver's 16-year-old daughter, Sara—come out the front door of the cabin. They later said they were going out to have a last look at Weaver's dead son, whose body was in an outbuilding. Horiuchi said he thought one of the men was armed and seemed at one point to be trying to fire at an FBI helicopter, which was at least 200 yards away.

Horiuchi fired, wounding Weaver without realizing it. As the trio ran back to the cabin, Horiuchi fired again. The bullet hit Harris first, and then Vicki Weaver in the doorway.

"The subjects were never given a chance to drop their arms to show that they did not pose a threat," a 1994 report by a Justice Department task force stated. "The subjects simply did what any person would do under the circumstances: they ran for cover."

The FBI conducted its review last fall and Freeh concluded it last January, announcing he was disciplining 12 FBI employees, including Potts. The penalty for Potts was a letter of censure, the same Freeh had once given himself for losing a cellular telephone. Potts, who also supervised the siege at Waco, retained the director's confidence and was put in charge of the Oklahoma City bombing investigation.

In his January announcement, Freeh agreed the rules of engagement could "be read by agents to act contrary to law and policy," but he maintained that the FBI sniper's decision to shoot was "guided by the FBI's policy permitting the use of deadly force in self-defense or the defense of others."

"[N]obody, thank God, was following the rules of engagement," Freeh said at a news conference.

"Either he's lying or he's ignorant or both," Weaver's defense lawyer, Gerry Spence, said of Freeh. The Wyoming lawyer said Horiuchi himself testified at Weaver's trial that he fired the shots he did "because of the rules of engagement" and his boss, Rogers, "said the same thing."

Freeh defended Horiuchi's second shot as "an attempt to prevent the armed suspect from gaining the tactical advantage of the cover of the fortified cabin from which he could have fired upon law enforcement officers."

Potts told Justice Department investigators in their earlier inquiry that the rules he and Rogers drafted "were not intended to supersede standard deadly force policy." He said the rules he approved over the telephone said only that deadly force "could" be used and not that it "can and should be." Potts went on to say that "should" does not mean "must."

Both Rogers and Eugene F. Glenn, the field agent in charge at Ruby Ridge, said that Potts had approved both the "could" and the "should" language. In a sworn statement to FBI reviewers, Glenn said: "FBI Headquarters approved the operations plan which included . . . Rules of Engagement."

The Justice Department's 1994 report said that there was no "written record" of what version of the rules was approved at FBI headquarters, but added that "it is inconceivable to us that FBI headquarters remained ignorant of the exact wording of the Rules of Engagement."

Glenn was given the severest penalty for failings at Ruby Ridge—a 15-day suspension, a letter of censure and reassignment to Washington—and it was Glenn who triggered the current inquiry in a May letter to the Justice Department's Office of Professional Responsibility.

He complained that the FBI's review had been unfair and distorted to protect Potts and others. Weaver was persuaded to surrender peacefully by former Green Beret Bo Gritz, a hero of militia-survivalist devotees, on Aug. 31, 1992. It was not until then that the FBI says it discovered that Vicki Weaver had been shot and killed. FBI agents had planted surveillance devices to pick up conversations in the cabin, but said later that the audio surveillance was of poor quality and that Sara Weaver's voice may have been mistaken for her mother's.

Weaver and Harris were subsequently acquitted on charges of murdering Deputy Marshal Degan. Weaver was found guilty only of missing a court date.

Telecon Delaval Ohn 10/12 re Ruby Ridge

Testim tomorrow -

Panel 1 - Denver SWAT team - FBI agents, critical of RDE

Panel 2 - All FBI plus ¹main Justice. Problems re producing documents at trial.

18th - Potts back. Insisted on ^{DOT} producing docs - own contempor notes. They help him.

When to finish up?

Dispute btw Hatch + Gecker - latter wants to get into coverage.

H. wants lat. Waco. S. wanted to go to Nov.

Wed or Thurs - FBI director, Deputy, maybe AG.

Order? ~~to~~ DOT rec'd that Director/Deputy be on 1 panel.

Documents - produced when they absolutely demand.

RUBY RIDGE

Q: Do you condone the actions of the law enforcement officials -- ATF agents, US Marshals, and FBI agents -- at Ruby Ridge?

A: It appears that federal law enforcement officials made some real mistakes at Ruby Ridge. And while these events occurred before I became President, I like all Americans feel there must be a full accounting, so that these mistakes will not be repeated in the future. In this regard, the Senate Judiciary Committee is conducting hearings, and the Department of Justice is exploring whether criminal charges are in order. In prior reviews of the incident, both Attorney General Reno and FBI Director Freeh criticized some aspects of the operation -- in particular, the "rules of engagement" which directed FBI agents as to when they could use deadly force. So while we still don't know everything about what happened on Ruby Ridge, it's clear the operation was far from perfect from a law enforcement standpoint.

But let's be clear: Randy Weaver is not free from blame, as he himself has now admitted. If Weaver had obeyed the law in the first place, federal law enforcement officials would never have been up on that mountain. And we should remember that one of the people killed on Ruby Ridge was a much-decorated U.S. Marshal, William Degan, who left a wife and two small children behind him. There is tragedy on all sides of this incident, and we all need to bear that in mind as we proceed.

Q: Do you believe there was an FBI cover-up when that agency first looked at the events of Ruby Ridge and, if so, shouldn't you discipline Director Freeh and all others who bear responsibility?

A: In its review so far, the Department of Justice has found evidence of perjury and document destruction. If these charges are borne out, then those responsible for such actions must be disciplined and disciplined severely. For what they have done is wholly inconsistent with the mission of law enforcement, and indeed, undermines that vital mission. Like all concerned citizens, I'm determined to get to the bottom of this, and I'm confident that we will in the near future.

Q: It's been over three years since the events at Ruby Ridge. During that time, this Administration has handed down only mild reprimands to a few agents, and worse, has promoted an individual [Larry Potts to Deputy Director of the FBI] thought to be in the middle of the controversy. Why has it taken so long for you to get tough on those who abuse the public trust in carrying out their law enforcement duties?

A: It has taken a long time -- too long -- to uncover the facts about what happened at Ruby Ridge and to discipline all those who committed errors. That's true for the prior administration, which conducted the first set of reviews and disciplined no one. And it is also true for this administration, which did discipline certain officials, but perhaps not severely enough. The FBI and Justice Department are now investigating whether further discipline, and even criminal prosecution, is warranted; and already, five FBI officials have been suspended, including the former FBI Deputy Director.

NOTE: Larry Potts is a career FBI official, hand-picked by Director Freeh and approved by Attorney General Reno to be Deputy Director of the FBI. Even at the time, the appointment was controversial, because of Potts' role in both Ruby Ridge and Waco. When news of a possible cover-up surfaced, Director Freeh first demoted Potts and then suspended him. There is some suspicion that Potts approved the unconstitutional "shoot-to-kill" rules of engagement in place at Ruby Ridge, and that he then attempted to cover-up his role during earlier reviews of Ruby Ridge.

Q: Do the events at Waco and Ruby Ridge suggest that our domestic law enforcement agencies are transforming themselves into military assault forces, directed at our fellow U.S. citizens?

A: I do not think that is the case. There is a real divide between the functions of the military in engaging in combat and the functions of domestic law enforcement officials in maintaining law and order. That is precisely why a pivotal question in the current Ruby Ridge inquiry is the nature of the "rules of engagement," which, quite frankly, I think were unconstitutional. Let me go on record: we should not be adopting military rules of engagement in domestic situations. There are, however, extraordinary circumstances -- such as in responding to acts of terrorism -- when law enforcement officials may need to draw upon certain techniques first developed in the military. I have great confidence in their ability to discern when that is necessary. And while admitting errors when they occur, we must all guard against undermining or unduly limiting the ability of law enforcement officials to perform their vital functions in a free society.

Shannie - Pls send copies
red-dot to
Cheryl & Elena
Jc

EXECUTIVE OFFICE OF THE PRESIDENT

14-Sep-1995 11:52am

TO: (See Below)
FROM: Julie E. Mason
Office of the Press Secretary
SUBJECT: sample Q-and-A for Radio Town Hall Meeting

Julia Moffett e-mailed you information detailing the upcoming Radio Town Hall Meeting. Julia is collecting the Qs-and-As.

Please use the attached Q-and-A as a guideline in preparing Q-and-As for the upcoming Radio Town Hall Meeting.

Please note:

-times roman font
-issue topics are in bold and centered on the page
-answers should be in "sound bite" format; put additional information in a separate paragraph under "Background"

Call me with any questions (6-2712).

Distribution:

TO: Rahm Emanuel
TO: Christa T. Robinson
TO: Bruce N. Reed
TO: Michael Waldman
TO: Brian J. Johnson
TO: Karen L. Hancox
TO: Jeremy D. Benami
TO: Jane C. Sherburne
TO: Kimberly A. Holliday
TO: Gene B. Sperling
TO: Jason S. Goldberg
TO: Jennifer M. O'Connor
TO: LeeAnn Inadomi
TO: Jeffrey J. Connaughton
TO: Christopher C. Jennings
TO: LAWRENCE J. HAAS

CC: Phillip M. Caplan
CC: Allison Wilkie
CC: Mary Ellen Glynn
CC: Richard L. Siewert
CC: Donald A. Baer

POLITICAL

Q: Is the campaign going to be run out of the White House in 1996?

A: The campaign will be run out of the campaign and the White House will stay in the governing business. I think that's the best way to run a campaign and the best way to run a government.

Q: When will you be hiring a campaign manager and campaign staff?

A: We're doing a good job of laying the necessary groundwork and we'll make and announce staffing decisions at the appropriate time. I'm not going to rush the timetable just because the Republicans have decided they want to fly around the country and start this thing up early. Personally, I'd like to stay out of the campaigning for re-election stuff for the time being.

Q: Right now, the betting is that Bob Dole will be your opponent in 1996. What will be your message to the American people against Bob Dole?

A: Bob Dole's been an elected official in Washington since the 1960's. He's served with Republican presidents, with Democratic presidents, as a member of the majority party, as a member of the minority party, as Majority Leader, as Minority Leader. I think he's had a lot of time and opportunities to try to solve our country's problems, many of which were created during the long period he's been here. I've only been in Washington for just two-and-a-half years now, and I've spent those two years trying to fix the problems that have resulted from decades of "politics-as-usual".

Q: Isn't the Perot vote essential to your reelection? If so, why aren't you going to the Perot event in Dallas? How are you reaching out to the Perot supporters?

A: Every day I am President, I work on two important issues, one balancing the budget and two, government ethics reform. I am trying to make balancing the budget work for Americans. As far as government and campaign ethics, I shook Speaker Gingrich's hand and we agrees to deal with this issue and now he is not ready to work on this issue.

Q: The DNC has been in disarray since you've been in office. How will you get your feet on the ground before 1996?

A: There do not appear to be any difficulties in raising money for the DNC. They have

raised record numbers since I took office. Senator Dodd and Chairman Fowler are both doing a great job. When a party is driven from a legislative perspective so long and changes to an executive perspective, it takes some adjusting. We are moving ahead with building our state parties and building our technical infrastructures. I am pleased with where the Democratic Party is at this point.

EXECUTIVE OFFICE OF THE PRESIDENT

14-Sep-1995 10:53am

TO: (See Below)

FROM: Julia Moffett
Office of Communications

SUBJECT: Radio Town Hall Meeting Briefing Materials--IMPORTANT

The President is participating in a NATIONAL radio town hall meeting on Thursday, September 21, 1995. The show is being done live from Los Angeles with over 200 radio stations from around the country participating. Larry King will host and the President will take questions for an hour.

We are starting to pull the briefing materials together. The President has a large block of briefing time on Wednesday for this event. We will most likely need to send the briefing out on Monday.

Listed below are the subject areas we will need Q & A from and who I assume the contacts are. Please let me know if the contact is someone else. As you compile your Q & A, please keep in mind that this is a briefing for questions from a wide range of talk radio listeners all across America. The questions ARE NOT from journalists, so Q & A should be written in jargon-free language. Please call me (6-5690) if you need any additional information or guidance.

Please have your Q & A in disc and hard copy form to me by 11:00 am on Monday. This should give us enough time to make additions or revisions if necessary. Some updates may be necessary since the town hall is not until Thursday. Julie Mason is sending you a copy of the preferable format under separate cover.

Thank you for your help!

Foreign Policy	(David Johnson)
Budget	(Gene Sperling/Larry Haas)
Medicare/Medicaid	(Gene Sperling/Chris Jennings)
Welfare Reform	(Rahm Emanuel/Bruce Reed)
Immigration	(Rahm Emanuel/Bruce Reed)
Crime	(Rahm Emanuel)
Education	(Jeremy Ben-Ami)
Political Reform	(Michael Waldman)
Environment	(Brian Johnson)
Political	(Karen Hancox)
Whitewater	(Jane Sherburne/Mark Fabiani)
HRC	(Lisa Caputo)
Affirmative Action	(Lee Ann Inadomi)
Tobacco	(Jennifer O'Connor)
Child Pornography/	

4 sent

Ruby Ridge/WACO

(Jeff Connaughton)

Distribution:

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CC: Julie E. Mason
CC: Allison Wilkie
CC: Mary Ellen Glynn
CC: Richard L. Siewert
CC: Donald A. Baer
CC: Evelyn S. Lieberman
CC: Phillip M. Caplan

RUBY RIDGE

Q: Did federal law enforcement officials act properly at Ruby Ridge?

A: Federal law enforcement officials made some real mistakes at Ruby Ridge. Of course, that incident occurred before I became President. But Attorney General Reno and FBI Director Freeh have determined, in their review of the incident, that there were errors -- most notably, in the "rules of engagement" that told FBI agents when they could shoot. We still don't know everything about what happened on Ruby Ridge; we're continuing to investigate the matter; we're continuing to learn a lot about it. But it's clear the operation was far from perfect.

We should remember, though, that Randy Weaver is not free from blame, as he himself has admitted. If Weaver had respected and responded to a court summons, federal law enforcement officials would never have been up on that mountain. And we should also remember that one of the people who was killed on Ruby Ridge was U.S. Marshal William Degan, who left a wife and two small children behind him. Law enforcement is a tough job. That doesn't mean we should excuse the mistakes of law enforcement. But it does mean we shouldn't condone those people who, by refusing to obey the law, make law enforcement's job harder.

Q: Isn't it proof of improper action that the FBI agent who shot and killed Vicky Weaver invoked the Fifth Amendment, rather than testify at Senate hearings?

A: It's a sad day for law enforcement when an agent takes the Fifth; it flies in the face of everything an agent is supposed to do. But I understand that this agent may have wanted to testify and took the Fifth only on the advice of counsel. And it's not true that just because a person takes the Fifth, that means he's guilty. There may be wrongdoing on the agent's part; there may not be. I can tell you that the Justice Department is continuing to look into this.

Q: There's lots of evidence that a cover-up of Ruby Ridge occurred within the FBI during your Administration. Why hasn't your Administration gotten to the bottom of the Ruby Ridge incident more quickly? Do you still have confidence in FBI Director Freeh?

A: There is evidence that FBI agents shredded documents or perjured themselves during the FBI and Justice Department reviews of Ruby Ridge. That's shocking. That's not law enforcement; it's criminality. I'm determined to get to the bottom of it, and I'm confident that the Justice Department will get to the bottom of it. There's just been a criminal referral to a US Attorney, and I think we can expect him to bring whatever

criminal charges are warranted. There's a lot more to learn about what exactly happened within the FBI; there's a lot I don't know and no one knows yet. I have great respect for Director Freeh and for many of the things he's done at the FBI, and I know he wasn't involved in any cover-up. I also have confidence that this sort of wrongdoing isn't remotely typical of FBI agents. But we do have to ask what might have allowed this kind of dishonesty to happen and what we can do to prevent it from happening again.

Q: What is your view of the Senate hearings on Ruby Ridge?

A: I think they've been fair, and I think they've been helpful in uncovering some more facts about Ruby Ridge. Unlike the Waco hearings, they've been conducted in a spirit of bipartisanship; and unlike the Waco hearings, they've tried to get at the truth, rather than just to discredit law enforcement agencies. There are some real issues about how far the hearings can go, before they start interfering with the Justice Department's ability to bring criminal prosecutions against wrongdoers. But so far the Senate and the Justice Department have reached a good accommodation on these issues, and I'm hopeful they can continue to do so.

Same
as #1

5

Mr. President, the actions of the ATF
at Waco and the FBI at Waco and
Ruby Ridge suggest a picture of
law enforcement agencies who ~~do~~ do not
care about the constitutional rights of
its citizens ...

2 do not

6

Mr. President, do you approve of
law enforcement agencies acting like
the military in domestic situations
like Waco +

Standoff

Ruby Ridge

7

Mr. President, do you think the federal
law enforcement agencies should work to
entrap & innocent citizens, like Ruder,
(and others)

When, into violating the law?

8

Mr. President, will the ^{FBI and ATF agents who were bad} bad actors in Ruby Ridge,
~~why should~~

escape punishment and prosecute
like just as the agents did in U.S. 17

(8)

a) Mr. President, aren't we getting to a point in this country where anyone who has a number of ~~legally obtained~~ firearms in his possession will be a target of ~~the~~ ATF or FBI?

(o) Mr. Pen, is the DOJ's recent settlement of Randy Weaver's ~~law~~ wrongful death action for \$13.1 million an admission that ~~he~~ it broke the ~~law~~ acted brutally and beyond outrage its authority in killing his wife and son?

Nancy
McFADDEN

EXECUTIVE OFFICE OF THE PRESIDENT

02-Oct-1995 01:05pm

TO: (See Below)
FROM: Julia R. Green
Office of the Press Secretary
SUBJECT: Hearst Interview

Next Tuesday, 10/10, the President will have a Q/A session with Hearst Newspapers. The President will be taking questions on various subject matters. In preparation for this, could you please update the information you provided for the President's recent Sperling Lunch and give my a hard copy by 5 p.m. on Friday. Hearst publishes newspapers in New York, Illinois, Michigan, California, Washington, and Texas. If you have region specific info. related to your subject are that would be helpful to include. Please call me at x65669 with any questions. Thank you.

Distribution:

- TO: Bruce N. Reed
- TO: Rahm Emanuel
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- TO: Brian J. Johnson
- TO: Jeremy D. Benami
- TO: Natalie S. Wozniak
- TO: J. Fred Dohse

- CC: Lorraine McHugh
- CC: Julie E. Mason
- CC: Allison Wilkie
- CC: Evelyn S. Lieberman
- CC: Michael McCurry

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

21-Sep-1995 09:09am

TO: (See Below)

FROM: Julie E. Mason
 Office of the Press Secretary

SUBJECT: Sperling Lunch

Next Monday, September 25, the President will participate in a Sperling Lunch.

This event is named for Godfrey "Budge" Sperling of the Christian Science Monitor. Sperling has held over 2,600 Sperling Breakfasts/Lunches. The luncheon guests consist of approximately 55 prominent Washington journalists, including bureau chiefs and syndicated columnists. The first hour of the lunch will be in a question-and-answer format, and the topics of discussion are not restricted.

Therefore, we need to prepare Qs-and-As as we would for a regular press conference, on only a slightly lesser scale. The Qs-and-As you prepared for today's Westwood One radio interview will be a good start. The difference is that instead of taking questions from a wide range of audience listeners, the President will be taking questions from studied journalists whose questions will be more political.

In preparation for this forum, please e-mail and get a hard copy of the Qs-and-As to me tomorrow (Friday, Sept. 22) by 2:00pm.

Please call me questions x62712, and let me know if you need to see a sample of the specific Q-and-A format Staff Secretary now requires. Thanks.

ISSUES:

Affirmative Action:	Inadomi
Budget:	Sperling, Haas
Child Pornography:	Connaughton
Crime:	Reed, Emanuel
Education:	Ben-Ami
Environment:	Brian Johnson
Foreign Policy:	Dohse, David Johnson
HRC:	Caputo
Immigration:	Reed, Emanuel

Medicare/Medicaid: Sperling, Jennings
Political: Hancox
Political Reform: Waldman
Ruby Ridge: Connaughton, Emanuel
Tobacco: O'Connor
Waco: Connaughton, Emanuel
Welfare: Reed, Emanuel
Whitewater: Sherburne, Fabiani

Distribution:

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TO: Brian J. Johnson
TO: Jeremy D. Benami
TO: Natalie S. Wozniak
TO: J. Fred Dohse

Kid - FBI shouldn't be
investigating ^{alt.}
THE WHITE HOUSE
WASHINGTON

Site A
Glenn Potts approved to 7E
cover-up: thrown to hungry sharks
soft IV
no 5 re rules of ev.
damage - cut?

Justice note - no 701 in
whether 2nd shot coast?

Matthews says
rule created
in scene

field commander of the operation testified
that the bureau's inves of the
incident asked to a cover-up.

GRITZ testimony -
targeting of Vicki Weaver
No negotiations

2/19

Glenn

Matthews - author of FBI admin review

? Thomas Miller - author of shooting incident report

Costanza / Smith - helicopter people

2/20

Lanceley - never any role for reports

Gritz - "targeted U. W."

Neighbors panel

Fachie Brown - negotiator / neighbor

Rau - They're Nazis

Terrera - sister panel

suggestion: Terwilliger

phone log - J. Howard deputy

↓ not called

turn over to media FOIA

Carlson??

↓?

> sit together

2/21

Potts

Drop Gow? (who is for?) (dep director?)

Ed Gonzalez?

current head of
marshal service?

NO.

McGarin

Gove

Itzen

Montgomery

} may take
5th

Asked for subpoena

listed to specific / all others (very broad)

300,000 + PP.

FBI civil

- review / redact

DC US Atty's office

- ask to withhold some

- a) banish shits

b) arguably banish

c) impair inves.

2 prohib topics - (cont/docs)

- cover up

- rules of eng.

lots of core documents →

AS - wasn't asked for.

At same time - repeatedly ignored

w/r/t witnesses

1992

1. STD FBI Shooting Incident Report

9/30/92

FBI Inspection Division

Miller's report

At issue in trial

~~objection~~ ^{Financing} All published - RW/KH/VW

RW w/in R/E + STD DF Policy

w/hold, but
got from other
sources

(assumes intentional) → VW - also above - she posed imminent threat

2. Shooting Inc. Review Op.

11/92

Kahoe's report

Reviews above -

more qualitative analysis of what took place.

all proper pros followed

all posed threat

3. 2/93 -

Alleg of improper conduct by def counsel
8th practice - wait till end of crim case

7/93

Then immed starts internal inves



4 ^{start} 7/93 - Task Force Report

OPR atty w/ 4 other attys from Crim Div

mandate - inves everything suspected improper -
investigation, apprehension, prosecution of PW

Version on Internet

Not disclosed, for Priv Act reasons

↳ wk w/ FBI investigators from

There's an OPR at FBI ←

Some detailed from field

(1 being considered as IRT)

Not typically done w/
Crim Div attys -
Reasons - a) big task;
b) needed more support

5. Jan 94 - FBI Official inspection
report / Walsh report

(w/hold)

factual report of FBI agents alone

In theory - non-clerical, non-judgmental

Most IIs done by these agents

Wk product to facilitate JF report

6. 6/94 - Task Force report issued

based on, Walsh report

relies heavily on

Delivered to OPR

*

2 weeks later
Shahen

OPR issues memorandum to Deputy AG -
disag

usually - would have just
wh product of OPR. so
above wouldn't happen

6/94 - ATF report -

targeting of Weaver / enhancement issues.

TF report sent to Marshall, Crv Rts, FBI, US Atty in
All look

(Shahen's memo too?)

CR div - mandate to look at R/E, 2nd shot
on basis of factual recitation in TF report
tainted / untainted team

2 memos - 1 considering banish
mat'l

Oct 94 - untainted

Nov -94 - tainted

} w/hold
but one on
Criminal Connect

starts 10/94
finishes
12/94

FBI Gen'l Counsel's office
studies all issues relating to FBI

Jack board on
TF report
(which
board on
water
rep)

Board on this report - 1/95

Freeh took admin action's based on this

Promotion to
Acting Deputy

Who are
these
people?

4/95 - Deputy AG does her findings -
takes everything + writes up this thing
starts at very big

Goes back to all component - ask for corrective
action, if not already taken

DC to send me

Harsh criticism

→ Potts then promoted to Deputy

A month later - Glenn writes letter
thrust personal - punishment disproportionate
process unfair - as to who asked who what

8/95

Went to Shaheen

W/in a wk - OTR opens up inves.

relatively low threshold for this to happen.

[5/12/95 - Gonzalez (Marshals Service)

→ everything Marshals did was great]

May - August 95

OTR inves. 55 ~~into~~ Ms.

Shaheen - status reports to Deputy throughout
One led to suspension of Koloe in July

July 14 - Fresh demotes Potts

can't do job. /disbarred

Aug 8¹⁰

Dep AG - Criminal referral to US Atty

suspension of 4 FBI employees

OTR shift stayed.

All this
wholly typical

Pending

1. Crim inves - US Atty's Office
a White
2. OPR - if all above declined, admin action taken
3. Glenn appeal of suspension -
in Deputy's office
held up for everything else.
4. Disc. action aft HURK
(in ^{then} OUSA)
held in abeyance

Msg

- 1) Look - no foot-dragging. Lot of action
 - 2) Can clean up our own house -
respected ^{blen} complaint etc
- process of cleaning isn't over yet.

true, flawed RF report

reason: perjury, doc
destruction, now prosecuting

Task Force / Deputy -
recommended
involvement of DOJ in crisis mgmt, shutting
reviews etc.

Lots of things new in place

that wouldn't allow such an incident to happen

- very little involvement of top DOJ brass
in Aug 4/1/22 -

even before - not involved where head of Marshals
is involved / when hi-profile case

Also - on-ground crisis mgmt systems much btr.



U. S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

FACSIMILE COVERSHEET

DATE: September 6, 1995

TO: Chris Cerf
White House Council

Fax No. () 456 - 2146

FROM: **Debra L.W. Cohn**
Counsel to the Deputy Attorney General

Telephone No. (202) 514 - 3052 Fax No. (202) 307 - 0097

TRANSMISSION CONTAINS 16 SHEETS INCLUDING THIS COVERSHEET

THIS IS THE SECOND OF TWO TRANSMISSIONS

SPECIAL NOTE(S) Pursuant to your request, I am forwarding
(1) excerpts from the task force report (Executive Summary
and chronology); Office of Professional Responsibility memo
(these are not public); (2) preliminary witness list. I can be
reached at 514-3052 or 514-4376.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Michael Shaheen Jr. to the Attorney General re: "Ruby Ridge Report" (5 pages)	06/30/1994	P5

COLLECTION:

Clinton Presidential Records
Counsel's Office
Elena Kagan
OA/Box Number: 8249

FOLDER TITLE:

Ruby Ridge [2]

2009-1006-F
bm11

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

I. EXECUTIVE SUMMARY

A. Overview

In February 1993, the Office of Professional Responsibility ("OPR") of the U.S. Department of Justice (the "Department") was informed of allegations made by defense counsel for Randall ("Randy") Weaver and Kevin Harris in the criminal case of United States v. Weaver which was pending in the federal district court in Idaho. Defense counsel alleged that employees of several components of the Department had engaged in criminal and professional misconduct during the investigation, apprehension and prosecution of Randy Weaver and Kevin Harris. The Department decided to defer action on this matter until the criminal trial was completed.

In July 1993, a jury acquitted Weaver and Harris of charges stemming from the murder of a federal officer. Following the acquittal, numerous additional allegations were raised by defense counsel and other sources against the Bureau of Alcohol, Tobacco and Firearms ("BATF"), the U.S. Marshals Service ("Marshals Service"), the Federal Bureau of Investigation ("FBI" or "Bureau") and the U.S. Attorney's Office for the District of Idaho ("USAO"). Included among these allegations were claims that Department employees had unlawfully caused the deaths of Sammy and Vicki Weaver, had taken actions that had obstructed justice, had committed perjury and had engaged in other criminal and ethical misconduct. In late July 1993, attorneys from OPR and the Criminal Division of the Department, assisted by inspectors from the FBI, began an investigation of these allegations.

This report details the results of this investigation and traces chronologically the events that occurred in the Weaver matter. The early sections of the report focus on Weaver's sale of illegal firearms to a BATF informant, BATF's unsuccessful attempt to enlist Weaver as an informant, the subsequent governmental delay in seeking an indictment on the firearms violations, and Weaver's arrest on weapons charges followed by his subsequent failure to appear for trial on those charges. Another area of investigative inquiry focuses on the efforts of the Marshals Service to apprehend Weaver. These efforts culminated in the August 21, 1992 gun battle at Ruby Ridge which took the lives of Deputy Marshal William Degan and Weaver's son, Sammy Weaver. Next, the report contains a discussion of the involvement of the FBI in the Weaver matter, including its initial intervention in the crisis, its responsibility for the death of Vicki Weaver and wounding of Kevin Harris on August 22, 1992, its handling of the crisis including its attempts to end the week-long standoff, its handling of the crime scene searches and its subsequent activities in assisting the USAO in preparing the Weaver case for trial. Finally, the last sections of the report address the handling by the USAO and the investigative

agencies of the prosecution of Weaver and Harris including representations made by the U.S. Attorney to the court prior to the beginning of Harris' preliminary hearing, the conduct of the Assistant U.S. Attorney before the grand jury and the untimely disclosure of critical information to the defense.

We found that many of the allegations of misconduct were not supported by the evidence. However, we did find merit in some of the more serious charges. As a result, we have asked that the appropriate component of the Department examine for prosecutive merit the conduct of the FBI sniper/observer who fired the shots on August 22, 1992. In addition, because our investigation indicated that Assistant U.S. Attorney Ronald Howen took certain questionable actions during the investigation and prosecution of the Weaver case, we have recommended that the Executive Office for United States Attorneys examine our analysis of his conduct and take whatever administrative action it deems appropriate. Finally, we have formulated a series of recommendations that address the problems that we reviewed or uncovered during our investigation.

B. Significant Findings

In October 1989, Randy Weaver sold illegal weapons to a BATF informant. When BATF agents later attempted to enlist Weaver as an informant in their investigation of the Aryan Nations, Weaver refused to cooperate. Seven months later, the government indicted Weaver for the illegal weapons sales. We have found no evidence to support the claim that BATF targeted Weaver because of his religious or political beliefs. Similarly, we found insufficient evidence to sustain the charge that Weaver was illegally entrapped into selling the weapons.

When Weaver was arraigned on the weapons charges in January 1991, he was told that his trial would commence on February 19, 1991. Two weeks later, the court clerk notified the parties that the trial date had been changed to February 20, 1991. Shortly thereafter, the U.S. Probation Office sent Weaver a letter which incorrectly referenced his trial date as March 20, 1991. After Weaver failed to appear for trial on February 20, the court issued a bench warrant for his arrest. Three weeks later, on March 14, a federal grand jury indicted Weaver for his failure to appear for trial. We found that: the government, especially the USAO, was unnecessarily rigid in its approach to the issues created by the erroneous letter; that the USAO improvidently sought an indictment before March 20, 1991;

[G.J.]

From February 1991 through August 1992, the Marshals Service was involved in efforts to apprehend Weaver to stand trial for the weapons charges and for his failure to appear for trial.

These efforts included gathering information about Weaver and developing a plan to arrest him. Based on information that it collected, the Marshals Service learned that for many years Weaver had made statements about his intent to violently confront federal law enforcement officials. As a result, the Marshals Service concluded that Weaver intended to resist violently governmental attempts to arrest him. Thereafter, the Marshals Service investigated and carefully considered alternatives that would enable it to arrest Weaver without endangering his family or law enforcement personnel. It concluded that an undercover operation would be the most prudent way to proceed.

In August 1992, six marshals travelled to an area in northern Idaho known as Ruby Ridge to conduct surveillance of the Weaver residence in preparation for the undercover operation. During the surveillance mission, the Weaver dog discovered the marshals and began to bark. The marshals retreated with the dog, Harris, Randy Weaver and his son, Sammy Weaver, and other family members in pursuit. At an area known as the "Y," a gun battle occurred in which Deputy Marshal Degan and Sammy Weaver were killed.

We conclude that the marshals took a measured approach in developing a plan to apprehend Weaver. Throughout the 18 month period that the marshals were responsible for apprehending Weaver, they carefully devised a plan intended to pose the least amount of risk to Weaver, his family and the marshals. At no time did we find that it was the intent of the marshals to force a confrontation with Weaver or his family. Although some may question the expenditures of manpower and resources by the Marshals Service during this 18 month period, we believe that institutional pressure created by the existence of a bench warrant and an indictment, left the Marshals Service with little choice but to proceed as it did. Moreover, the USAO did little to assist the Marshals Service in this matter. Indeed, during the first part of this process the USAO thwarted the efforts of the Director of the Marshals Service to focus the court on the danger involved in making the arrest and incorrectly terminated efforts by the Marshals Service to negotiate with Weaver through intermediaries.

With regard to the responsibility for the deaths that occurred at the Y, the marshals assert that Harris initiated the fire fight when he shot Deputy Marshal Degan while Weaver and Harris claim that the marshals fired the first shots. After a thorough review of all of the evidence made available to us, we have been unable to determine conclusively who fired the first shot during the exchange of gunfire. Although there is evidence that one of the marshals shot Sammy Weaver during the exchange of gunfire, we found no proof that the shooting of the boy was anything other than an accident. In fact, the evidence indicates that the marshals did not know that Sammy Weaver had been killed

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or wounded until his body was discovered by the FBI in a shed outside the Weaver cabin two days later. Nor did we discover any evidence indicating that the marshals attempted to coverup their roles in the incident or that they exaggerated the events to cause a more drastic FBI response than was appropriate.

Soon after learning of the August 21 incident at Ruby Ridge, the FBI officials in Washington, D.C. evaluated the information made available to them and decided to deploy its Hostage Rescue Team ("HRT") to Idaho to deal with the crisis. HRT members assumed their positions around the Weaver compound late in the afternoon of August 22, 1992 but before doing so they were instructed that their conduct was to be governed by specially formulated Rules of Engagement ("Rules"). These Rules instructed the HRT snipers that before a surrender announcement was made they could and should shoot all armed adult males appearing outside the cabin. Operating under these Rules on August 22, an FBI sniper/observer fired two shots in quick succession. The first shot was at an armed adult male whom he believed was about to fire at a HRT helicopter on an observation mission. The first shot wounded Randy Weaver while in front of a building at the Weaver compound known as the birthing shed. The second shot was fired at Harris while Harris was retreating into the Weaver cabin. The second shot seriously wounded Harris and killed Vicki Weaver who was behind the cabin door.

Following this shooting incident FBI officials spent the next eight days attempting to convince Weaver and Harris to surrender to federal authorities. Finally, due largely to the efforts of nongovernmental negotiators, Harris and Weaver surrendered on August 30 and August 31 respectively. Thereafter, the FBI completed its searches of the cabin and surrounding areas. During the following month, the FBI also conducted an internal review of the shooting incident to determine if the sniper had responded appropriately.

Our review found numerous problems with the conduct of the FBI at Ruby Ridge. Although we concluded that the decision to deploy the HRT to Ruby Ridge was appropriate and consistent with Department policy, we do not believe that the FBI's initial attempts at intelligence gathering at the scene were sufficiently thorough. We also found serious problems with the terms of the Rules of Engagement in force at Ruby Ridge. Certain portions of these Rules not only departed from the FBI's standard deadly force policy but also contravened the Constitution of the United States. In addition, we found these Rules to be imprecise and believe that they may have created an atmosphere that encouraged the use of deadly force thereby having the effect of contributing to an unintentional death.

With regard to the two shots fired on August 22, we concluded that the first shot met the standard of "objective

reasonableness" the Constitution requires for the legal use of deadly force but that the second shot did not satisfy that standard. It is our conclusion that the sniper/observer who took the second shot intended to shoot Kevin Harris but accidentally killed Vicki Weaver whom he did not see behind the curtained door. We also found the internal FBI review of the shooting incident was not been sufficiently thorough and reached incorrect conclusions about the second shot.

Our examination of the command and control of the crisis by the FBI, found numerous shortcomings. These shortcomings included initial inadequacies in utilizing negotiating personnel, communicating with FBI Headquarters, documenting decisions and securing the site.

During and after the crisis, the crime scenes were searched by many law enforcement officials under the direct supervision of the FBI. We found the FBI's handling of the crime scene searches to be inadequate including its failure to use basic crime scene techniques in collecting evidence. Furthermore, the general disorganization and inexperience of some of the participants coupled with inaccuracies in the searches adversely affected the prosecution and contributed to the negative impression of the government generated during the trial. We found no evidence that these deficiencies were intentional or that the FBI staged evidence for the prosecution's benefit.

Shortly after their arrest, separate preliminary hearings were held for Weaver and Harris. While arguing the government's motion requesting a continuance of the Harris preliminary hearing, U.S. Attorney Ellsworth made statements indicating that the government would allow Harris to have a complete preliminary hearing in return for consenting to the continuance. Thereafter, Harris consented to the continuance with the understanding that he would have a full preliminary hearing. An indictment was returned against Harris while his preliminary hearing was in progress. We have found that the U.S. Attorney did not intentionally misrepresent the government's position but that he failed to appreciate the impact of his statements and that he neglected to pay sufficient attention to the information that he received concerning the probable length of the preliminary hearing.

After the first indictments were returned against Weaver and Harris, the Assistant U.S. Attorney continued to present evidence to the grand jury which led to the return of two superseding indictments, each containing a conspiracy count. We found these conspiracy counts to be overly broad and to contain some overt acts for which there was insufficient evidence.

[G.J.]

[G.J.]

Later the USAO decided to seek the death penalty against Weaver and Harris even though the applicable federal appellate court had held that the offense charged could not constitutionally support the imposition of a death sentence. We have concluded that the decision to seek the death penalty, although made in good faith, gave the appearance that the government was overreaching.

From the moment that the USAO began to prepare the case for trial, it met with resistance from the FBI. This resistance took many forms, all of which served to make preparation of the case more difficult. The FBI continuously opposed actions the prosecutors requested to prepare the case for trial, ranging from having the case agents conduct out-of state interviews to enlisting agents from other agencies to help prepare the case. The FBI, which wanted to be the only agency or, at a minimum, the lead agency on the case, resisted working as a coequal member of the prosecution team. Furthermore, when the USAO sought advice and assistance from the FBI Laboratory they met with unjustified delays and resistance that created discord within the team and disrupted trial preparation. These problems contributed to the USAO's decision to retain private forensic experts.

In addition, the FBI unjustifiably delayed producing materials to the USAO that were needed for trial preparation and that were clearly discoverable under federal law and the discovery stipulation signed by the parties. This action unreasonably delayed the availability of these materials for trial preparation and for discovery. Particularly at the headquarters level, we found that the FBI's efforts to locate and produce discoverable documents to be disorganized and incomplete. The late production during trial of material associated with the FBI Shooting Incident Report negatively affected the court's and the jury's perception of the government and the government's case. In addition, the delays in discovery caused by the disorganization of and mistakes committed by the FBI Laboratory contributed to the delay of the trial and to the perception that the government was uncooperative and not being totally forthcoming.

However, the FBI was not alone in failing to make timely disclosure of critical information to the defense. The USAO was also responsible for not promptly revealing certain important

information to the defense. Although in some instances we found these tardy disclosures to be unjustified or negligent, we do not believe that they were improperly motivated or taken intentionally to obstruct the Weaver trial.

C. Significant Recommendations

As the result of our investigation, we have made seven broad recommendations. First, we recommend that all federal law enforcement officers be governed by a standard deadly force policy and that the Department of Justice be responsible for developing such a policy. In addition to specifying clearly the circumstances in which deadly force may be used, the policy should define the occasions in which special Rules of Engagement may be implemented and the process by which such rules should be approved.

Second, we recommend that a crisis response team, including specially trained crisis managers, be available to respond to crises. In addition, we endorse the proposal to include specially trained prosecutors to provide legal support to tactical teams when needed. We also propose periodic joint training exercises by the various federal and local law enforcement agencies which are responsible for responding to crisis situations.

Third, we recommend that a panel comprised of representatives from federal law enforcement agencies, including an attorney from the Department of Justice, be created to examine the internal reviews that law enforcement agencies conduct after shooting incidents occur. This examination would focus on the thoroughness and prosecutive merit of the internal review.

Fourth, we recommend steps be taken to improve the coordination between the FBI and federal prosecutors in responding to discovery. Such steps should include having the Department of Justice develop a policy governing the retention and release of FBI material in criminal discovery and having the FBI denominate a unit to coordinate and monitor discovery.

Fifth, we recommend that FBI field offices that do not have a team in place to recover evidence after major hostage/barricade crises like Ruby Ridge request the assistance of the Evidence Response Team at FBI Headquarters. We further recommend that procedures be adopted to improve the coordination between the FBI Laboratory and the federal prosecutors and that an examination be done of the FBI procedures regarding the memorializing of interviews.

Sixth, we recommend that all U.S. Attorneys' Offices institute a review process for indictments, at least for significant cases.

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Finally, we recommend that our findings concerning the events surrounding the shooting of Vicki Weaver on August 22, 1992 be referred to the appropriate component of the Department of Justice to assess prosecutive merit. In addition, we recommend that our analysis of the conduct of Assistant U.S. Attorney Ronald Howen be referred to the Executive Office for United States Attorneys for whatever administrative action it deems appropriate.

Direct Witnesses

PRELIMINARY OUTLINE OF WITNESSES
FOR RUBY RIDGE HEARINGS

Turaburish? Sentur? Bred

<u>DAY</u>	<u>TIME</u>	<u>ROOM</u>	<u>WITNESS</u>	<u>IDENTIFICATION</u>
9/6	10:00 a.m.	SH-216	Randall Weaver Sara Weaver	
9/7	2:00 p.m.	SH-216	<u>Panel</u> ATF Agent Herb Byerly Andrew Vils	Case Agent on Weaver Case Asst. Director of Enforcement-ATF
9/8	10:00 a.m.	SH-216	John Magaw <u>Panel</u> Henry Hudson Michael Johnson	ATF Director Director, U.S. Marshals Service at time of events in question U.S. Marshal, District of Idaho at time of events in question
9/14	2:00 p.m.	SD-G50	<u>Panel</u> John Haynes Louis E. Stagg <u>Panel</u> DUSM Frank Norris - <i>LSJG</i> DUSM Joe Thomas DUSM David Hunt - <i>LSJG</i>	USMS SOG Commander USMS SOG Deputy Commander August 21 - in observation post during firefight
9/15	10:00 a.m.	SD-G50	<u>Panel</u> DUSM Arthur Roderick DUSM Larry Cooper <u>Testimony re: Physical Evidence</u> Possible Expert Testimony	August 21 firefight - involved with shootings

Watkins

Fred Lawson

9/19 10:00 a.m.

SD-GSO

Panel
Eugene F. Glenn
Stephen F. McGavin
Robin L. Montgomery
Richard Rogers
William D. Gore

FBI SAIC
Supervisory SA
FBI SAIC
Commander/FBI HRT

Panel
Leo Horluchi
Edward C. Wenger, Jr.
Christopher Whitcomb
Dale Monroe

FBI Salper
FBI Salper
FBI Salper
FBI Salper

9/20 2:00 p.m.

SD-GSO

Panel
Danny O. Coulson
Douglas Cow
Larry A. Feltz

was FBI Dep. Asst. Director, CID FBI HQ
Asst. Dep. Dir. Investigations FBI HQ
Asst. Dir. CID FBI HQ

Panel
Michael E. Kahoe
Charles Mathews

Section Chief Violent Crimes CID FBI HQ

9/21 2:00 p.m.

SD-GSO

Constitutional Law Scholar

Louis J. Fresh

08/08/85 12:25 202 307 0097

SP COUNSEL FIF

016-016



U. S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

FACSIMILE COVERSHEET

DATE: September 6, 1995

TO: Chris Cerf
White House Council

Fax No. () 456 - 2146

FROM: **Debra L.W. Cohn**
Counsel to the Deputy Attorney General

Telephone No. (202) 514 - 3052 Fax No. (202) 307 - 0097

TRANSMISSION CONTAINS 20 SHEETS INCLUDING THIS COVERSHEET

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CHRONOLOGY, EXCERPTED FROM DOJ
RUBY RIDGE TASK FORCE REPORT, 19

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VI. CHRONOLOGY OF EVENTS

DATE	EVENT
January - May 1985	U.S. Secret Service ("USSS") investigates allegations from neighbors of Randy Weaver that Weaver threatened to kill President Reagan, Idaho Governor John Evans and other unspecified law enforcement officials. USSS learns through interviews that Weaver associates with members of the Aryan Nations.
	USSS interviews Weaver who denies affiliation with Aryan Nations and denies making threats against President Reagan and Governor Evans. No charges are filed against Weaver as result of alleged threats.
	On February 28, 1985, Weaver and his wife, Vicki Weaver, file affidavit with Boundary County Idaho clerk claiming that false allegations made to USSS were part of a plot designed to provoke federal authorities into storming their home. Weaver writes he "may have to defend myself and my family from physical attack on my life."
	In May 1985, Weaver sends letter to President Reagan apologizing for false allegations made by his neighbors against him.
July, 1986 - July 1989	BATF informant Kenneth Fadeley introduced to Weaver at World Aryan Congress, Hayden Lake, Idaho. Fadeley meets Weaver again in January 1987 and at July 1987 and July 1989 Aryan World Congresses. At July 1989 Congress, Weaver invites Fadeley to his house to discuss forming group to fight against "Zionist Organized Government" (ZOG).
October 11, 1989	BATF informant Fadeley meets with Weaver at restaurant in Sandpoint, Idaho at which time Weaver says he could supply sawed-off shotguns.
October 24, 1989	Weaver sells two sawed-off shotguns to BATF informant Fadeley in a park in Sandpoint, Idaho. Fadeley breaks contact with Weaver following November 30, 1989 meeting, when Weaver accuses Fadeley of being a "cop".

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DATE	EVENT
May 21, 1990	BATF Agent Herbert Byerly submits case report to U.S. Attorney's Office, Boise, Idaho, recommending that Weaver be prosecuted for the sale of sawed-off shotguns.
June 12, 1990	BATF agents Byerly and Steve Gunderson approach Weaver in Sandpoint, Idaho, and attempt to enlist him as an informant regarding illegal activities of Aryan Nations members. Weaver says he won't be a "snitch."
December 13, 1990	A federal grand jury in the District of Idaho indicts Weaver for manufacturing and possessing unregistered firearms in violation of 26 USC § 5861(d), (f).
January 17, 1991	BATF agents, posing as stranded motorists, arrest Weaver on weapons charge. Weaver tells the arresting agents, "nice trick; you'll never do that again."
January 18, 1991	Weaver arraigned before U.S. Magistrate Judge Stephen M. Ayers in Coeur d'Alene, Idaho. Judge Ayers appoints Everett Hofmeister as counsel for Weaver, releases Weaver on a \$10,000 Personal Recognizance Bond and directs Weaver to appear at U.S. District Court for trial on February 19, 1991.
January 22, 1991	Weaver calls Karl Richins pursuant to the terms of his conditions of release.
February 5, 1991	U.S. District Court Clerk in Boise, Idaho, sends a notice to the parties that the trial date has been changed to February 20, 1991
February 7, 1991	The U.S. Attorney's office in Boise, Idaho receives two letters from Vicki Weaver dated January 22, 1991 and February 3, 1991 and addressed to "the Queen of Babylon." Because

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DATE	EVENT
February 7, 1991	U.S. Probation Officer Karl Richins sends Randy Weaver a letter requesting Weaver to contact him and then erroneously refers to the trial date as <u>March</u> 20, 1991 rather than the correct date of February 20, 1991.
February 20, 1991	Weaver does not appear for trial on either February 19 or February 20 and Chief U.S. District Court Judge Harold Ryan issues a bench warrant for Weaver.
March 5, 1991	Deputy U.S. Marshals Hunt and Mays initiate contacts with Bill and Judy Grider, who are friends of the Weavers. The Griders give the marshals a letter signed by the Weaver family saying "we will not obey your lawless government."
March 14, 1991	A federal grand jury in the District of Idaho indicts Weaver for failure to appear.
March 18, 1991	Chief Deputy U.S. Marshall Ron Evans, District of Idaho, provides Marshals Service Headquarters with analysis of Weaver situation and requests assistance from the Marshals Service's Special Operations Group ("SOG").
March 28, 1991	Evans briefs SOG personnel at SOG Tactical Center in Camp Beauregard, Louisiana on developments in the Weaver case. The decision is made to send SOG team to Idaho to gather information to develop plan to arrest Weaver.
June 17-24, 1991	SOG reconnaissance team travels to Northern Idaho and conducts assessment of the Weaver case. The team develops a plan for the safe arrest of Weaver on his property and away from his wife and children. Plan describes Weaver as "extremely dangerous and suicidal."

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DATE	EVENT
July 9, 1991	Deputy Marshal Cluff and Weaver's appointed counsel, Everett Hofmeister, meet with Rodney Willey and ask Willey to try and convince Weaver to surrender. Willey reports the following day that Weaver said he won't surrender because his "rights will be violated."
September 28, 1991	SOG team dispatched to Northern Idaho to assist in the planned arrest of Weaver. However, plan to arrest Weaver is cancelled because team finds that information on which plan was based was not accurate.
October 9, 1991	Senior Deputy Marshal Hunt and Chief Deputy Marshal Evans ask Alan Jeppeson, a friend of the Weavers, to convey an offer of negotiations to Weaver. The marshals formulate formal surrender terms.
October 12, 1991	Hunt and Evans propose offering formal surrender terms to Weaver and request authorization from the U.S. Attorney's Office.
October 17, 1991	Assistant U.S. Attorney Ronald Howen sends letter to Hunt and Evans directing that all contact with Weaver must be through Weavers' appointed counsel, Everett Hoffmeister. In addition, Howen does not authorize further negotiations with Weaver as proposed by the Marshals Service.
March 4, 1992	Deputy Marshal Cluff and Chief Deputy Marshal Evans drive up to Weaver property in an unmarked vehicle. They are met by Randy Weaver, who is armed with a rifle. Weaver tells Cluff and Evans that they are trespassing and the marshals leave without incident.

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DATE	EVENT
March 27, 1992	<p>Acting Marshals Service Director Henry Hudson was briefed on developments in the Weaver case. Hudson asks U.S. Attorney Maurice Ellsworth to consider dismissing warrant and reissuing it under seal. Ellsworth rejects the proposal. Hudson directs that any plan to arrest Weaver must eliminate possibility of harm to Vicki Weaver and the Weaver children.</p> <p>Marshals Service Enforcement Division Branch Chief Arthur Roderick is given primary responsibility for devising a suitable plan to arrest Weaver. Three phase operation plan is developed.</p>
April 2-12, 1992	During Phase I of their operation plan, the marshals conduct surveillance of the Weaver property and determine technical requirements for additional surveillance.
April 13, 1992	Acting Director Hudson approves operation plan for Phase II, during which surveillance cameras would be utilized to gather information about Weavers' daily actions so that options could be developed for Phase III, the actual arrest of Weaver.
April 17 through 1st Week of May, 1992	Marshals install surveillance cameras on ridges overlooking Weaver property and make three fact-finding trips onto the Weaver property.
April 18, 1992	Marshals Service are informed that the television crew from Geraldo Rivera's program "Now It Can Be Told" may have been shot at while flying over the Weaver property in a helicopter.
May 5, 1992	Marshals Service surveillance camera stolen from the north ridge overlooking the Weaver property.

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DATE	EVENT
May 27, 1992	Undercover plan developed by Marshals Service after Acting Director Hudson rejects plans to forcibly arrest Weaver using either "lethal" or "non-lethal" weapons. Undercover operation contemplates Marshal Service surreptitiously buying a plot of land north of the Weaver property and that two deputy marshals, posing as husband and wife, would visit and develop the property, and that eventually an opportunity would arise to arrest Weaver out of the presence of other family members. Plan put on hold pending Hudson's confirmation as Director by U.S. Senate.
Early August, 1992	Hudson gives verbal approval to the undercover plan after being confirmed as Marshals Service Director.
August 17, 1992	Deputy Marshals Degan, Cooper, Roderick, Norris, Thomas and Hunt arrive in Northern Idaho to update intelligence for undercover plan.
August 20, 1992	Deputy Marshals Roderick, Cooper, Degan, and Hunt, along with local marshal and deputy sheriffs use firing range west of Spokane, Washington to test their weapons as required by internal Marshals Service practice.
Friday, August 21, 1992	<p data-bbox="584 1549 1500 1676">At 2:30 a.m., Marshals Service team of Roderick, Cooper, Degan, Hunt, Norris and Thomas leave condominium at Schweitzer Mountain to begin surveillance of Weaver residence.</p> <p data-bbox="584 1698 1483 1825">At 4:30 a.m., Marshals Service team arrives at residence of Wayne and Ruth Rau, park their vehicle and move to surveillance positions on Ruby Ridge.</p> <p data-bbox="584 1847 1500 2049">The team splits into two three-man teams at the "Y." The observation post ("OP") team (Hunt, Norris and Thomas) goes to site above the Weaver compound while the reconnaissance ("Recon") team (Roderick, Cooper and Degan) proceeds up the trail from "Y" toward the Weaver compound.</p>

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DATE	EVENT
Friday, August 21, 1992	<p>At 9:00 a.m. the Recon team joins the OP team at the observation post above the Weaver compound to discuss their observations. The Recon team proceeds to area 200-250 yards from the Weaver cabin where Roderick tosses rocks in the direction of the Weaver compound. The Recon team moves to garden/spring house area below the Weaver cabin.</p>
	<p>At 10:00 a.m., while Recon team gets ready to leave garden/spring house area, Norris, at the observation post, radios that a vehicle is approaching and that the Weavers are responding. Recon team retreats through the woods toward the fern field while pursued by Kevin Harris and the Weaver dog, Striker. As the Recon team passes the fern field proceeding towards the "Y", Sammy Weaver is seen with Harris and the dog in pursuit.</p>
	<p>At 10:30 a.m., a gun battle occurs at the "Y", in which Deputy Marshal Degan and Sammy Weaver are killed. Upon hearing the shots the OP team runs through the woods to assist the Recon team and are fired upon when running from the fern field to the "Y." None of the marshals are aware that Sammy Weaver has been shot and killed.</p>
	<p>At 10:45 a.m., Hunt and Thomas leave the "Y" to go to the Rau house to call for assistance. Roderick, Cooper and Norris stay with Degan's body.</p>
	<p>At 11:20 a.m., Hunt makes a 911 emergency call to the Boundary County Sheriff's office, Bonners Ferry, Idaho.</p>
	<p>At 11:40 a.m., the Marshals Service Crisis Center is activated under the direction of Duke Smith, Associate Director for Operations. The Marshals Service Special Operations Group ("SOG") is alerted to deploy. Hunt reports to the Crisis Center that the surveillance team came under fire from occupants of the Weaver compound and are still pinned down in defensive positions.</p>
<p>At 1:30 p.m., in Washington, D.C., Marshals Service Director Hudson and other Marshals Service officials meet with FBI Associate Deputy Director Douglas Gow and FBI Assistant Director Larry Potts to discuss the response to</p>	

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DATE	EVENT
Friday, August 21, 1992	In the late afternoon, Assistant Director Potts orders the FBI Hostage Rescue Team ("HRT") deployed.
	At 6:30 p.m., HRT Commander Richard Rogers and the advance team of HRT personnel depart for Idaho accompanied by Marshals Service Director of Operations Duke Smith. While en route, Rogers has a series of conversations with Assistant Director Potts and Deputy Assistant Director Coulson about proposed Rules of Engagement.
	At 1:00 p.m., the Idaho State Police Critical Response Team ("CRT") is informed of the incident and proceed to form a command post near the Rau house.
	At 8:30 p.m., Idaho State Police CRT leaves the command post to rescue Deputy Marshals Roderick, Cooper and Norris and the body of Deputy Marshal Degan.
	At 9:30 p.m., FBI Special Agent in Charge Gene Glenn arrives at the command post at Ruby Ridge. Glenn assumes overall responsibility for the FBI operations at Ruby Ridge.
	In the afternoon, U.S. Marshal Michael Johnson notifies U.S. Attorney Ellsworth of the shooting at Ruby Ridge. Ellsworth sends Ron Howen to Ruby Ridge to act as the U.S. Attorney's representative. Howen arrives at Ruby Ridge late in the evening.
Saturday, August 22, 1992	At 1:00 a.m., Idaho State Police CRT arrives back at the command post and brings with it the three deputy marshals and the body of Deputy Marshal Degan. Thereafter, the marshals are taken to the Boundary County Hospital for examination and then are taken back to their condominium at Schweitzer Mountain, arriving at approximately 3:00 a.m.
	Sometime in the afternoon, FBI agents interview the marshals involved in the August 21 incident. A criminal complaint is filed charging Weaver and Harris with murder of Deputy Marshal Degan in violation of 18 U.S.C. §§ 111, 1111 and 1114.

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DATE	EVENT
Saturday, August 22, 1992	At 9:00 a.m., HRT Commander Rogers briefs HRT members at the National Guard Armory, Bonners Ferry, Idaho. The Rules of Engagement are still being drafted.
	At 10:30 a.m., the HRT and SOG are assembling the operations plan.
	At 2:40 p.m., the operations plan, including Rules of Engagement, are sent to FBI Headquarters and the Marshals Service for review.
	Between 2:30-3:30 p.m., the HRT sniper/observers briefed on approved Rules of Engagement and depart on foot to their observation posts on the mountain.
	From 5:07 p.m. to 5:22 p.m., the HRT sniper/observer teams arrive at their positions on the ridge overlooking the Weaver cabin.
	At Approximately 5:58 p.m., HRT sniper/observer Lon Horiuchi fires round which wounds Randy Weaver. Seconds later, Horiuchi fires a round which kills Vicki Weaver and wounds Kevin Harris.
	At 6:30 p.m., an Armored Personnel Carrier ("APC") arrives at the cabin area. FBI hostage negotiator delivers message over loud speaker that there are arrest warrants for Randy Weaver and Kevin Harris and asks Weaver to accept negotiations telephone..
	At 8:00 p.m., HRT sniper/observer teams and SOG personnel are withdrawn from their mountain observation posts because of cold weather. During the evening, FBI SWAT teams are deployed around the command post and control access to the road leading to the Weaver cabin.
Sunday, August 23, 1992	At 6:00 a.m., the HRT teams are sent back to their position on the mountain and arrive there at about 7:30 a.m.
	HRT Commander Rogers takes two teams of HRT personnel to the Weaver cabin area, and makes repeated announcements over bull-horn for those inside to enter into negotiations. No response is heard.

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DATE	EVENT
Sunday, August 23, 1992	At 8:01 p.m., APCs are used to remove outbuildings near the Weaver cabin. During the clearing of the birthing shed the body of Sammy Weaver is found in the shed.
Monday, August 24, 1992	Negotiators try to make contact with Randy Weaver using a loud speaker. They address Vicki Weaver for the first time. No response is heard from the cabin. Assessment sent to crisis site includes proposal to use third parties in negotiations.
August 24, 27-31 and September 1, 1992	FBI conducts searches of the "Y" area.
Tuesday, August 25, 1992	Negotiators continue efforts for Weaver/Harris group to surrender. These efforts include statements directed specifically at Vicki Weaver. No response is heard from the cabin.
Wednesday, August 26, 1992	<p>At 10:53 a.m., The Rules of Engagement that were in effect since the arrival of the HRT on August 22 are revoked. At the direction of Glenn, the FBI's Standard Deadly Force Policy replaces the Rules of Engagement to guide law enforcement personnel deployed on cabin perimeter concerning the use of deadly force..</p> <p>At approximately 3:00 p.m. the first contact is made with Randy Weaver. Weaver says he wants to talk to his sister, Marnis Joy.</p>
Thursday, August 27, 1992	Marnis Joy attempts to speak with Randy Weaver, but is unsuccessful.
Friday, August 28, 1992	<p>Further attempts by Marnis Joy to speak with Weaver are unsuccessful. At 5:15 p.m., Weaver states he will talk to Bo Gritz.</p> <p>At 6:58 p.m., Bo Gritz enters the Weaver compound in APC. Gritz speaks with Weaver at the cabin. Weaver advises him that Vicki Weaver was killed and that he and Kevin Harris</p>

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DATE	EVENT
Saturday, August 29, 1992	<p>Gritz and Weaver family friend, Jackie Brown, speak with Weaver, his daughter and Kevin Harris at the cabin.</p> <p>At 5:07 p.m., Jackie Brown enters Weaver cabin. At 9:10 p.m. she advises of status of Weaver and Kevin Harris.</p>
Sunday, August 30, 1992	<p>In mid-morning, Harris decides to surrender after talking with Gritz and Jack McLamb, a retired police officer assisting Gritz in the negotiations.</p> <p>At 6:27 p.m., Jackie Brown and Bo Gritz carry Vicki Weaver's body from the cabin. After delivering the body, Jackie Brown returns to the cabin to clean the blood from the floor.</p>
Monday, August 31, 1992	<p>At 9:40 a.m., Gritz and McLamb return to the cabin to begin negotiations. Later, Randy Weaver and his children surrender.</p> <p>In the late morning, FBI Special Agent Larry Wages discovers bullet intact at center of the "Y." Because a photographer was unavailable to label and photograph the bullet, Wages removed it before participating in a search of the Weaver cabin. Later that day he returned the bullet and had it photographed at the spot where it was originally retrieved. This bullet later receives the designation L-1 and is referred to as the "pristine bullet" by the defense.</p>
August 31, September 1 and September 10, 1992	Searches of the Weaver cabin, grounds and outbuildings are conducted under the supervision of the FBI.
September 3 and September 8, 1992	U.S. Attorney Ellsworth requests FBI Special Agent in Charge Glenn to present and produce a broad range of documents for use in discovery and at trial.
September 10,	A combined preliminary examination and

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DATE	EVENT
September 11, 1992	U.S. Attorney Ellsworth argues motion to continue preliminary hearing of Harris from September 14 to September 15. He enters into stipulation with defense counsel Nevin and represents that Harris will have a preliminary hearing on September 15.
September 15, 1992	Preliminary Hearing of Harris begins before U.S. Magistrate Judge Boyle. New grand jury for the United States District Court for the District of Idaho is sworn in.
September 16, 1992	Grand Jury indicts Harris and Weaver for the assault and murder of Deputy Marshal Degan. Defense Counsel Nevin makes an oral motion to quash the indictment against Harris. Magistrate Judge Boyle took the matter under advisement and began the detention phase of the hearing. After hearing argument from the parties Judge Williams, who was presiding over the Weaver preliminary hearing decided to terminate that hearing and to proceed to the detention hearing phase.
September 17, 1992	<p>Judge Boyle denies Harris' motion to quash the indictment and begins the detention phase of the proceeding.</p> <p>Weaver pleads not guilty to aiding and abetting Deputy Marshal Degan's murder.</p>
September 18, 1992	Harris pleads innocent to murdering Deputy Marshal Degan.
September 23, 1992	Assistant U.S. Attorney Lindquist and Special Agent Rampton travel to Quantico, Virginia to meet with HRT Commander Rogers. Rogers resists providing the operations plan and signed statements of HRT members to Lindquist.
September 30, 1992	The investigative team from the FBI Inspection

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DATE	EVENT
October 1, 1992	The grand jury returns a superseding 10 count indictment against Weaver and Harris which added a conspiracy count, among others, to earlier charges.
October 16, 1992	The Government and the defendants enter into a discovery stipulation to provide the reciprocal disclosure of materials.
Late October, 1992	Deputy Marshals Robert Masaitis and John Stafford and BATF Agents Herbert Byerly and Jane Hefner are assigned to assist the USAO in preparing the case for trial.
October 30, 1992	<p>Assistant U.S. Attorney Howen, Deputy Marshals Stafford, Masaitis and Hunt and Sheriff Whittaker participate in an experiment at Ruby Ridge to determine if they could distinguish the types of weapons heard and whether echoes were heard.</p> <p>First team meeting is held in Post Falls, Idaho, with members from the USAO, FBI, USMS, and BATF in attendance.</p>
November 9, 1992	The FBI Shooting Incident Review Group issues a 4-page report concluding that no administrative action necessary regarding the shootings by the HRT at Ruby Ridge.
November 16, 1992	Weaver and Harris file formal motions to dismiss the indictments against them alleging that their preliminary hearings had been improperly terminated.
November 19, 1992	The grand jury returns a Second Superseding Indictment against Weaver and Harris. The indictment charges violations of 18 U.S.C. 2, 3, 111, 115, 371, 922(g)(2), 924(c)(1), 1071, 1111, 1114, 3146(a)(1) and 3147 and 26 U.S.C. 5861(d) and (f). The case proceeds to trial on this indictment.

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DATE	EVENT
December 22, 1992	The diagram of the "Y" generated by the FBI Visual Information Specialists is discovered to be inaccurate.
January 6, 1993	Magistrate Judge Williams issues a Report, Recommendation and Order denying Weaver's motion to dismiss because of the alleged improper termination of the Weaver preliminary hearing.
January 6, 1993	Magistrate Judge Boyle issues Report, Order and Recommendation denying Harris' motion to dismiss because of alleged improper termination of the Weaver preliminary hearing.
January 7, 1993	Meeting between officials from Department of Justice and the FBI Headquarters to discuss the discovery dispute in the Weaver matter.
January 8, 1993	A conference is held in the chambers of U.S. District Judge Lodge. The defense requests a trial continuance from February 2, 1993 due to the volume of evidence and because the FBI Laboratory examinations were not completed and provided. Judge Lodge admonishes the prosecutors to have the FBI Laboratory complete the exams and provide the results to the defense quickly.
	Weaver and Harris file a joint Motion to Disqualify the U.S. Attorney's Office, To Dismiss the Indictments, To Strike Prejudicial Allegations, To Order an Evidentiary Hearing and for a Continuance Pending an Investigation by the U.S. Attorney General and Pending Interlocutory Appeals by the Parties.
	FBI Headquarters sends Shooting Incident Report to the Boise Resident Agency with instructions that the USAO could review but not copy the report.
January 12, 1993	FBI Headquarters sends remaining documents involved in discovery dispute with USAO to Boise Resident Agency with the instructions that the USAO may review, but not copy the

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DATE	EVENT
January 20, 1993	Assistant U.S. Attorney Lindquist reviews at the Boise Resident Agency the documents at issue in the discovery dispute between the USAO and the FBI.
February 17, 1993	District Judge Lodge issues order adopting ruling of the magistrate judges to reject Weaver and Harris' motion to dismiss the indictments based on the alleged improper termination of the preliminary hearing.
March 22-23, 1993	Additional searches of the "Y" and the Weaver cabin and grounds are conducted.
March 23, 1993	Department of Justice officials hold second meeting with FBI officials in an attempt to resolve the discovery dispute between the USAO and the FBI.
April 7, 1993	Prosecution produces the Shooting Incident Report to the defense.
Early April 1993	Assistant U.S. Attorney Howen meets with Special Agent Wages to discuss his trial testimony. Wages informs Howen that the "Y" scenes photographs were taken after the bullets had been removed and replaced. Howen takes notes of this disclosure.
April 10, 1993	Prosecution produces the Situation Reports and the Operations Plan to defense.
April 12, 1993	Prosecution produces the Shooting Incident Review Group memo and the Marshal's Critique to the defense.
April 13, 1993	The Harris/Weaver trial begins in federal court in Boise, Idaho before the Honorable Edward Lodge.

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DATE	EVENT
April 13, 1993	The defense files an ex parte application for subpoenas duces tecum. Included among the requested subpoenas is one to FBI Inspector Miller to bring any and all records used by the Shooting Incident Review Team; other subpoenas requested the FBI and the Marshals Service to produce copies of certain manual provisions and personnel files.
April 14, 1993	Judge Lodge approved the defense ex parte application for subpoenas duces tecum.
April 14 or 15, 1993	At FBI Headquarters, Brian Callihan of the Civil Litigation Unit is informed of the defense subpoena seeking the Shooting Incident Report and supporting materials.
April 20, 1993	Government informant Fadeley reveals on cross examination that he was expecting a monetary award following his work on the Weaver case.
April 21, 1993	Defense moves to strike the testimony of Fadeley arguing that he was a contingent fee witness.
April 23, 1993	Defense files a motion to hold the government in contempt or to compel it to produce the personnel files and manual provisions subpoenaed on April 14. Later that day, the USAO files a motion for a protective order.
April 23-May 3, 1993	The court recessed the trial. On April 24, Howen interviews Captain David Neal and other members of the Idaho State Police CRT, who rescued the marshals late on August 21, 1992.
April 30, 1993	Callihan requests the Civil Discovery Review Unit of the FBI Legal Counsel Division to "locate and process for release" documents responsive to the defense subpoena for the Shooting Incident Report. This request is

DATE	EVENT
May 11, 1993	Monique Wilson forwards to Brian Callihan the documents responsive to the defense subpoena for the shooting incident report.
May 12, 1993	USAO files <u>Henthorn</u> certificates for the personnel files of Horiuchi, Roderick, Cooper and Degan.
May 17, 1993	Judge Lodge denies the motion to strike the Fadeley testimony.
May 20, 1993	Special Agent Calley finds additional notes of the Cooper interview and the draft FD-302 in his desk.
May 21, 1993	Howen advises the court and defense counsel that, three weeks earlier, he had interviewed David Neal, the Idaho Police Captain who rescued the marshals on August 21st, and that during this interview Neal indicated that it was his impression from a statement made by Deputy Marshal Roderick that Roderick fired the first shot. The court calls a recess to give the defense the opportunity to interview Neal.
	Howen informs the court and the defense of the notes FBI Special Agent Calley found in his desk drawer. These notes related to the August 1992 interviews of Deputy Marshal Cooper and appeared to contradict Cooper's trial testimony about critical events. Howen produces the notes to the defense.
	Brian Callihan prepares package containing documents responsive to the defense subpoena for the Shooting Incident Report and transmits it to the FBI mail room.
May 23-24, 1993	Sometime during this period, Special Agent Wages during his trial preparation reminded Howen about the circumstances surrounding the taking of the L series photographs.

DATE	EVENT
May 25, 1993	Howen discloses to the court the circumstances surrounding the taking of the L series photographs and produces additional search photographs, some of which appear to be pictures of the L bullets before being removed.
June 4, 1993	HRT sniper Lon Horiuchi completes his testimony. Documents responsive to the April 13, 1993 defense subpoenas to the FBI and that were mailed by the FBI on May 21, 1993, are received at the U.S. Attorney's Office. Judge Lodge calls action "totally inexcusable."
June 9, 1993	Judge Lodge fines the government \$3240 for failing to comply with the courts discovery order to produce materials in a timely manner and orders that Lon Horiuchi be returned for further questioning.
June 11, 1993	Judge Lodge dismisses two counts of the ten count indictment (Count Six charged violations of 18 U.S.C. §§ 2 and 111, and Count Eight charged a violation of 18 U.S.C. § 922(g)(2)) in the indictment for lack of evidence.
June 16, 1993	Jury deliberations begin on the 42nd day of the trial.
July 8, 1993	The jury acquits Weaver and Harris for the murder of Deputy Marshal Degan. Harris is also acquitted of all other charges against him. Weaver is convicted on Count Three (Failure to Appear, 18 U.S.C. § 3146(A)(1)) and Count Nine (Committing an Offense While on Release, 18 U.S.C. § 3147(1)) and found not guilty on all other counts. Weaver is incarcerated pending sentencing.
August 19-20, 1993	The Boundary County Sheriff's Office conducts a search of the vicinity around the Weaver cabin, including the "Y".

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DATE	EVENT
October 18, 1993	Weaver is sentenced to 18 months incarceration, three years probation and receives a \$10,000 fine upon conviction for failure to appear and committing an offense while on release
October 26, 1993	Judge Lodge issues an order imposing a \$1920 fine against the FBI. This fine represented the attorney fees paid to defense counsel when Horiuchi had to be called back to testify because of the untimely production of certain Shooting Incident Report materials. Judge Lodge was critical of the FBI's actions in producing discoverable materials.
December 18, 1993	Weaver is released from incarceration.



Citizens Committee for the Right to Keep and Bear Arms

Liberty Park • 12500 N.E. Tenth Place • Bellevue, WA 98005 • (206) 454-4911 • FAX (206)451-3959

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Ken Jacobson
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John M. Snyder
Director of Public Affairs
Robert Kukla
Legislative Director

"...the right of the people to keep and bear Arms, shall not be infringed."

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To: Members of the Terrorism, Technology and Government Information Subcommittee
From: Nancy Ross and Deborah Green
(for information or questions, please call: (202) 638-4858; fax: (202) 638-4857)
Date: September 5, 1995
Re: SUGGESTED QUESTIONS FOR SUBCOMMITTEE HEARINGS ON RUBY RIDGE

I. Origins of Law Enforcement Interest in Randall Weaver:

A jury acquitted Randall Weaver of the weapons charge that was the starting point of Weaver's conflict with federal law enforcement; they apparently decided that he had been entrapped. A paid informant for the ATF, Kenneth Fadeley (alias Gus Magisono) had asked Randall Weaver to illegally saw off the barrels of two shotguns, and sell them to him. The following questions inquire as to the propriety of the ATF's original interactions with Randall Weaver.

1. What was the original predicate for the ATF's interest in Randall Weaver?
2. Was his attendance at meetings of the Aryan Nation and his incidental association with individuals who were targets of ATF investigation the cause of ATF's scrutiny? If so, under what nexus? (Was the suspected criminal activity clearly under ATF jurisdiction?)
3. If another agency brought Weaver to the attention of ATF, which agency? If it was an informant, was the informant working for ATF or another agency as a *quid pro quo* to avoid prosecution for another offense? Had the informant proven reliable in other investigations?
4. Did orders for the original investigation originate at the local level or come from Washington? If from Washington, who ordered the probe?
5. Which event occurred first: the entrapment of Weaver on the sawed-off shotgun transfer, or the need for an informant (Weaver) with ties to the extremist groups targeted by ATF and/or other agencies?

(The BATF's review on its involvement with the Weaver case, which was provided to Senator Larry Craig, is equivocal on this issue. The ATF said Weaver was not a target until October 11, 1989, when an ATF informant attempted to use Weaver as an "unwitting introduction to a potential suspect," presumably, Chuck Holworth. The ATF alleges that in the course of a conversation between Weaver and the informant, Weaver "initiated" an offer to supply sawed-off shotguns to the informant, yet years passed before Weaver could be encouraged to do so.)

6. Was Kenneth Fadeley, the informant who entrapped Randy Weaver, promised a bonus payment if a conviction of Weaver was obtained? How and when did Fadeley first meet Weaver?

7. Fadeley usually wore a wire in his conversations with Weaver. Why wasn't the conversation in which Weaver supposedly "initiated" the offer to supply the sawed-off shotguns to Fadeley, taped? (The Department of Justice Task Force review admits that the only account of this "crucial meeting" comes from paid informant Fadeley.)

8. According to the DOJ Task Force report, Fadeley admitted telling Weaver where on the barrel to saw off the shotgun, ensuring that the barrel would be short enough to be illegal. Why was this not taken into account in the ATF's review of its involvement in the Ruby Ridge events?

9. Fadeley had also purchased sawed-off shotguns from Frank Kumnick, an arms trafficker who was never prosecuted. Why was Kumnick never prosecuted?

10. Over a year passed between Weaver's sale of the shotguns, and his arrest by BATF agents. During this time, was the ATF trying to extort Weaver's cooperation as an informant against extremist groupings?

(The DOJ Task Force report finds "no evidence" that the indictment was delayed for this purpose. However, the BATF review language is clearly suggestive of the offer of such a *quid pro quo*.)

11. The BATF review states that after Weaver's arrest, the ATF case agent called the probation officer and recommended that the court detain Weaver, citing a U.S. Secret Service report that accused Weaver of making threats against the President of the United States. The DOJ report, however, notes that Weaver had met with Secret Service agents and denied making such threats, and took steps to assure the government that this was slander against him. Was the case agent unaware of this history, or did he deliberately and opportunistically distort it?

II. Weaver's Failure to Appear in Court:

When Randall Weaver missed his court date, his case was turned over to Federal Marshals, who considered him so dangerous that they mounted a year-long surveillance of Randy Weaver and his family, which clearly increased Weaver's sense of persecution, and created the conditions for a violent confrontation.

1. Why was this man, who had never shot at or hurt another human being, and who had an exemplary military record, considered so extraordinarily dangerous?

2. What was law enforcement's source for the information -- proved erroneous -- that Weaver had fortified his mountain home with booby traps, pipe bombs, bunkers and tunnels? Was any attempt made to corroborate this information? Did the surveillance reports confirming this error get passed along to supervising case officers?
3. One of the "experts" providing information to law enforcement was Dr. Walter Stenning, who provided a "psychological profile" of Weaver. Stenning never interviewed Weaver, and even got his name wrong, calling him "Mr. Randall." Stenning was one source of the information that Weaver should be considered suicidal, and likely to kill his own children. What qualified Stenning to make such a judgment? Did Stenning have any training or expertise in the theology of apocalyptic religions, which would enable him to decode and assess Weaver's statements? Was Weaver's religion used as part of his "dangerous" profile? If so, how important a factor was it?
4. Another source of the allegations that the Weavers would kill their children rather than let them fall into the hands of the federal government was Terry Kinnison, a former Weaver friend who admitted at trial that he filed a false civil complaint against Weaver in an attempt to enforce a claim to Weaver's property. Did federal officials make any attempt to corroborate information such as this, which is obtained from a known antagonist of the accused?
5. When the Marshals Service was given the assignment of bringing in the "fugitive" Weaver, did the ATF advise and guide the Marshals? If so, for how long and with what frequency? Which agency initiated each contact?
6. Who recommended the elaborate surveillance system be established, rather than adopt a more forthright attempt to negotiate the surrender or capture of the "fugitive."
7. Who recommended the acquisition of neighboring property for surveillance purposes?
8. Who recommended the elaborate electronic and aerial surveillance?
9. Did anyone in a supervisory position ever question the dedication of so much federal staff and funding resources for the purpose of apprehending a "fugitive" charged with a relatively minor, non-violent gun offense? If so, what reasons and what evidence was used to justify what appears to be an excessive response? Was this issue ever reviewed by Washington, and if so, by whom?
10. What was the total cost to the U.S. taxpayer of this 18 month surveillance operation? Of the siege? Of the trial? Of the internal investigation?
11. Knowing they had a weak case against Weaver (because of the entrapment issue), did ATF/Marshals exaggerate the danger posed by Weaver to justify their actions?

III. The Controversy over "Who Shot First":

1. Were the Marshals trying to lure Weaver out into an ambush? The Marshals told the FBI that they were ambushed, but the facts seem to indicate that the Weaver party stumbled upon the Marshals who were engaged in surveillance. Did the Marshals throw

rocks at the Weaver dog to lure the dog and the Weaver party to where the Marshals were waiting?

2. Deputy U.S. Marshal Larry Cooper testified he was positioned to Marshall Degan's right, when Degan, kneeling behind a stump, called for Kevin Harris to halt. According to the Marshal's version of the story, Harris wheeled around and shot Degan. Was Cooper coached in this testimony, and if so, by whom? (Forensic evidence shows Degan was on his feet, moving and firing his weapon.)

3. On the other hand, the defense says Harris shot Marshal Degan after seeing him shoot at Sam Weaver, who was running away. Sam was shot twice, the second time fatally, by Degan. Why did they fire on Sam after he was wounded (his one arm useless), and retreating?

4. Why did the Marshals not identify themselves before they fired? Why didn't they wear identifying clothing, hats and badges?

5. Were the Marshals acting under explicit orders or rules of engagement when they encountered the Weaver contingent?

6. Did the Marshals deliberately provoke the Weaver contingent in order to end Operation Northern Exposure?

IV. What Information Was Conveyed to Washington: Overstatement of Danger:

1. The FBI was told that "Marshals were pinned down and receiving fire" -- did the Marshals know this was false when they conveyed this? Why did they make no effort to convey a corrective, once they got a better picture of what was really going on?

(After Marshal Dave Hunt told his superior they were no longer taking fire, the information that they were continued to be relayed.)

2. When the FBI intervened in the case, they knew nothing about the shooting of Sam Weaver or the dog. When FBI reconnaissance discovered Sam's body, they assumed he had been killed by his own family. Why were they ready to believe that story? Why was that impression not corrected by the Marshals?

3. Why were details of the events intentionally managed to confuse the public about what occurred at Ruby Ridge?

4. Did the cover-up of the original shoot-out (which became evident in the trial, because of the concealment and misdirection of evidence, and has become public three years later) begin when the FBI assumed responsibility for the case during the siege or later?

5. Or was the cover-up commenced during the trial or after the jury acquitted Weaver and Harris at the trial?

V. Rules of Engagement and Negotiations:

1. There has been much discussion about the rules of engagement. What was different about this particular case that made any of the officials believe they needed different rules of engagement?
2. The marshals watched the Weaver residence for 18 months, and therefore knew that adults never left the house unarmed. Why did this information not make it to those who formulated rules of engagement allowing agents to shoot armed adults on sight?
3. Did any of the officials supervising the FBI involvement ever question why so much firepower was being brought to bear against suspects who, though well-armed, did not fire upon any federal agents, except to return fire in the original fire-fight?
4. Did a negotiation plan exist? What exactly was the role played by negotiator Fred Lanceley?
5. Why was no attempt made to establish a communications link between the Weaver cabin and federal agents?

VI. The Shooting of Vicki Weaver:

1. Has anyone ever examined what a person or doorway looks like through the scope of the power used on the rifle fired by FBI Sniper Lon Horiuchi? What is the probability of a trained sniper mistaking a person running or walking in the open for a doorway? Are FBI snipers trained to be sure of their backstop and bystanders when firing?
2. Was Horiuchi present when part-time Idaho State Police reserve officer Mike Weland advised federal agents the day before Mrs. Weaver was killed that they should try to separate the Weaver couple, since Mrs. Weaver was the strength of the family?
3. The record shows that the marshals told the FBI that Mrs. Weaver was a religious zealot who might kill her children and herself. What evidence did the marshals have that Vicki Weaver had ever threatened suicide, or that she threatened to kill her own children?
4. According to Bo Gritz, who acted as an intermediary during the siege, HRT commander Richard Rogers told him that Vicki Weaver had been "targeted" because the FBI feared she would kill her children rather than surrender. Was Vicki Weaver targeted by the FBI?
5. FBI sniper Horiuchi claimed he shot Kevin Harris (and accidentally shot Mrs. Weaver) because Harris was threatening to shoot a helicopter. But Harris had his back to the helicopter. During the trial, Judge Lodge ruled that there was no evidence of a threat to the helicopter, and threw out this charge against Harris. Was the "threat to the helicopter" a justification fabricated by Horiuchi after the fact or by someone else to enhance trial testimony?

VII. Government Obstruction of Justice:

1. Who coached Horiuchi for his various trial appearances?
2. Who is responsible for mailing Horiuchi's file to the defense team by fourth class mail? This resulted in court sanctions against federal prosecutors.
3. FBI agents staged critical photographs of evidence presented during the trial -- evidence of bullets found on the mountain. Who has been held responsible for this fabrication of evidence? Who ordered the fabrication of this evidence?
4. The Department of Justice Task Force found violations of the US constitution. These violations led to the death of Vicki Weaver. Yet the DOJ said there would be no criminal prosecutions. Why?
5. FBI Director Louis J. Freeh on January 6, 1995 stated that "Based on the killing of Deputy Marshall Degan and the known willingness of the Weavers to violently resist the lawful authority of the Federal government, the crisis was one of the most dangerous and potentially violent situations to which FBI Agents have ever been assigned." Freeh has yet to retract a word of this assessment, even though it is clear that the "danger" posed by Weaver was orchestrated by Federal law enforcement agencies, beginning with the entrapment of Weaver by ATF agents and ending with the deaths of Vicki and Sam. Freeh has let this record of his remarks stand. Is he willing to correct the record now?
6. Freeh also said that changing the rules of engagement was "not causally related to the shooting death of Vicki Weaver. . ." Is this still his position?

USACO

Government Reform and Oversight Committee

Subcommittee on National Security, International Affairs, and Criminal Justice

8-373 Rayburn House Office Building
Washington, DC 20515
Voice: (202) 225-2577
Fax: (202) 225-2373



FACSIMILE TRANSMISSION

TO: Judge M
FROM: Congressman Zeff
DATE: June 8, 1995
PHONE: (202) 456-2032 fax: (202) 456-6279

There will be a total of 6 pages, including this page.

Comments: contact Murch Bell (202) 225-2577

If there are any questions or problems regarding this transmission, please call the sender at (202) 225-2577.

Congress of the United States
House of Representatives
Washington, D.C. 20515

8 June 1995

The Honorable Abner Mikva
The White House
1600 Pennsylvania Ave. NW
Washington, D.C.

Dear Judge Mikva:

Pursuant to our oversight responsibilities under Rules X and XI of the Rules of the U.S. House of Representatives, the Subcommittee on Crime of the Committee on the Judiciary and the Subcommittee on National Security, International Affairs and Criminal Justice of the Committee on Government Reform and Oversight are investigating the adequacy and effectiveness of the overall management of government operations and activities and general execution of the laws of the United States. See House Rules X(1)(g) and (j); X(2)(b)(2); X(4)(c)(2). In support of our oversight responsibilities, the Subcommittees request copies of the following records and information relating to the Matter of the Branch Davidians near Waco, Texas and the Matter of Randy Weaver at Ruby Ridge, Idaho from the White House.

Definitions and Instructions

(1) For the purposes of this request, the phrase "Matter of the Branch Davidians" shall include any and all events relating to or describing the investigation, dynamic entry, siege, fire, prosecution and subsequent reports and activities of any kind by Departments of Treasury, Justice and Defense and all components thereof up to the date of this letter and continuing through July 1995; and the phrase "Matter of Randy Weaver" shall include any and all events relating to or describing the investigation and subsequent acts, reports and activities of any kind by the Departments of Treasury, Justice and Defense, and all components thereof up to the date of this letter and continuing through July 1995.

(2) For the purposes of this request, the word "record" shall include but shall not be limited to any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes but is not limited to any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all documents, computer entries, memoranda, diaries, telephone

The Honorable Abner Mikva
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June 8, 1995

logs, tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, Form 3270's, opinions, analyses, messages, summaries, bulletins, e-mail, disks, briefing materials and notes, executive secretariat cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" shall also include redacted and unredacted versions of the same record.

(3) For purposes of this request, "You or Your" refers to the White House and the Executive Office of the President (EOP) and any and all personnel thereof.

(4) For purposes of this request "Koresh" refers to David Koresh aka Vernon Howell.

(5) For purposes of this request "Residence of David Koresh and the Branch Davidians" refers to the property destroyed by fire on April 19, 1993.

(6) For purposes of this request "Branch Davidians" refers to persons residing at the Residence of David Koresh and the Branch Davidians in the 12 months prior to the dynamic entry and during the Siege and the survivors of The Fire.

(7) For purposes of this request "the Mag Bag" refers to the property where initial gun deliveries were made and where Branch Davidians performed automotive work.

(8) For purposes of this request, "Investigation" refers to the time period beginning with the initial communication of any ATF personnel with any other person on the topic or referring to Koresh or any Branch Davidians, or Henry McMahon, or Paul Fatta and continuing through the conclusion of the criminal trial of the surviving Branch Davidians.

(9) For purposes of this request, "The Fire" refers to the fire which destroyed the Residence of Koresh and the Branch Davidians on April 19, 1993.

(10) For purposes of this request "Dynamic Entry" refers to the ATF tactic of service of the search and arrest warrants used on February 28, 1993.

(11) For purposes of this request "Siege" refers to events beginning with the dynamic entry on February 28, 1993 and continues through the destruction of the Residence of Koresh and the Branch Davidians on April 19, 1993.

(12) For purposes of this request "The Prosecution" refers to any and all work done by any federal employee or consultant or other person in preparation for trial of any person connected with the Matter of the Branch Davidians.

The Honorable Abner Mikva

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June 8, 1995

(13) For purposes of this request "White House" refers to any and all employees of the White House and Executive Office of the President, as well as any and all consultants whether paid or not paid.

(14) For purposes of this request "Treasury Report" refers to the report issued by the Department of the Treasury, ISBN 0-16-042025-3; "Justice Report" refers to the report issued by the Department of Justice, ISBN 0-16-042973-0.

(15) For purposes of this request, the terms "refer or relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

In order to assist the Subcommittees please provide copies of the following:

(1) All records of any communication designed to keep the White House informed regarding the Matter of the Branch Davidians, including the persons designated by Treasury or Department of Justice to do so and the persons within the White House to whom the information was provided.

(2) All records of or concerning how the "President's instructions" affected the "rules of engagement" as discussed by Assistant FBI Director Larry Potts and SAC Jamar in the Justice Report.

(3) All records of or concerning any presidential communication, action or finding pursuant to Executive Order 11850, or otherwise related to the use of CS gas.

(4) All records of or concerning the National Response Plan (NRP) in effect on February 28, 1993.

(5) All records of or concerning communications of any kind whatever, and without limitation, between the White House and any ATF, Treasury, or prospective Treasury personnel regarding the Matter of the Branch Davidians: (i) before February 28, 1993; and, (ii) on and after February 28, 1993.

(6) All records of or concerning communications of any kind whatever, and without limitation, between the White House and any FBI or Department of Justice personnel, and regarding the Matter of the Branch Davidians: (i) before

The Honorable Abner Mikva
Page 4
June 8, 1995

February 28, 1993; and, (ii) on and after February 28, 1993.

(7) All records provided to the White House of or concerning the decision to insert CS gas into the Residence on Koresh and the Branch Davidians on April 19, 1993.

(8) All records provided to the White House of or concerning any evidence of child sexual or physical abuse by Koresh or the Branch Davidians.

(a) All records of or concerning communications on the matter of Koresh and the Branch Davidians, between or among the White House staff, including between or among the President, or former Counsel Vincent Foster, or former Counsel Bernard Nussbaum, or George Stepenopolus or Joshua Steiner.

Please deliver the records to the Subcommittee in B-373 Rayburn beginning not later than 7 days after the date of this letter but all records should be provided by 14 days after the date of this letter. Any classified material will be handled appropriately by the Subcommittees or by the full Judiciary or Government Reform and Oversight Committees. Should you have any questions regarding this request please contact March Bell at (202) 225-2577.

We believe that the White House will agree that a full and complete disclosure, oversight and investigation into the matter of David Koresh and the Branch Davidians is necessary to restore full confidence and public trust in federal law enforcement agencies and will ensure proper accountability for the events under review. In connection with the raid on the Residence of Koresh and the Branch Davidians, we as Chairmen and Ranking Minority Members are firmly committed to these goals and believe that the American

The Honorable Abner Mikva

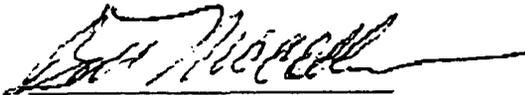
Page 5

June 7, 1995

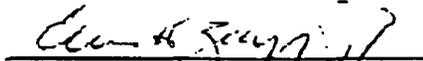
people deserve a full accounting of the events that led to the investigation, assault and loss of life of ATF agents, the Branch Davidians and members of the Weaver family.

Thank you for your time and cooperation. The Subcommittees are looking forward to your timely reply.

Sincerely yours,



Bill McCollum, Chairman
Subcommittee on Crime



William H. Zetiff, Jr., Chairman
Subcommittee on National Security, International
Affairs and Criminal Justice

June 13, 1995

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE OFFICE,
OFFICE OF THE VICE PRESIDENT, OFFICE OF POLICY
DEVELOPMENT, NATIONAL SECURITY COUNCIL, EXECUTIVE
RESIDENCE, AND OFFICE OF NATIONAL DRUG CONTROL

FROM: ABNER J. MIKVA
COUNSEL TO THE PRESIDENT

CHERYL MILLS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Congressional Document Request

The Subcommittee on Crime and the Subcommittee on National Security, International Affairs and Criminal Justice of the U.S. House of Representatives have announced intentions to hold hearings this July regarding the loss of life of law enforcement officials and Branch Davidians near Waco, Texas between February 28, 1993 and April 19, 1993 as well as the matter of Randy Weaver at Ruby Ridge, Idaho. In connection with these subcommittees' preparation for hearings, the Chairmen have requested documents from the White House.

Please review your records and computer files and provide to Cheryl Mills, Room 128, by 5:00 p.m. on Friday, June 16, 1995, any documents, records (memoranda, correspondence, notes, calendar or journal entries, or phone log entries) or other materials related in any way to David Koresh, the Branch Davidians, Randy Weaver, or the actions and decisions of federal officials leading up to or arising after the destruction of the Branch Davidian compound by fire on April 19, 1993, including:

- a) all records reflecting communications -- including any communications between White House and any FBI, ATF, Justice Department or Treasury Department personnel or prospective personnel -- about or designed to inform the White House about David Koresh, the Branch Davidians, Randy Weaver, or law enforcement officials' proposed and actual actions regarding the Davidian compound, including the persons designated by the Treasury or Justice Departments or the White House to give or receive information about these matters;
- b) any records related to the "President's instructions" regarding the "rules of engagement" (as discussed by Assistant FBI Director Larry Potts in the Justice Department Report);

- c) any records related to Presidential communications, actions or findings under Executive Order 11850, the use of CS gas, or the decision to use CS gas at the Branch Davidian compound on April 19, 1993;
- d) any records related to the National Response Plan (NRP) in effect on February 28, 1993; and,
- e) all records provided to the White House or concerning any evidence of child sexual or physical abuse by David Koresh or other Branch Davidians.

Each EOP agency general counsel (or agency head in the case of OPD and the Executive Residence) is responsible for ensuring a comprehensive search by agency personnel. In the White House Office, each Assistant or Deputy Assistant to the President with supervisory responsibility for an office is responsible for ensuring the adequacy of searches within their office.

To minimize the burden on individual White House Office members, we will collect any materials responsive to this request that you have forwarded to Records Management. If you have sent such records to Records Management, please alert Terry Good (6-2240) in that Office.

Please contact Cheryl Mills, at 6-7900, or Chris Cerf, at 6-6229, in the Counsel's Office if you have any questions.

ORRIN G. HATCH, UTAH, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 15, 1995

The Honorable Abner Mikva
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Judge Mikva:

Pursuant to U.S. Senate Rule 26, the Committee on the Judiciary is conducting an investigation into the matter of David Koresh and the Branch Davidians near Waco, Texas. We are also conducting an investigation into the events that occurred at Ruby Ridge, Idaho involving the Weaver family. Document requests regarding the Ruby Ridge incident will be forthcoming. The Waco investigation, however, will include any and all events relating to or describing the initial inquiry and surveillance of the Branch Davidians by various state, local and federal law enforcement agencies, the investigations by those law enforcement agencies, the "dynamic entry" by the Bureau of Alcohol, Tobacco and Firearms (ATF) on February 28, 1993, the ensuing siege and fire of April 19, 1993, the subsequent prosecution of the Branch Davidians and any succeeding report or activities of any kind by the Departments of Justice, Treasury and Defense through and until September 1995.

In furtherance of this investigation, the Committee requests that the White House produce copies of the following documents and information:

- (1) All records of any communication designed to keep the White House informed regarding the matter of the Branch Davidians, including the persons designated by the Departments of Treasury (Treasury) or Justice (DoJ) to do so and the persons within the White House to whom the information was provided;
- (2) All records of or concerning how the "President's instructions" affected the "rules of engagement" as discussed by Assistant FBI Director Larry Potts and Special Agent In Charge Jamar in the Justice Report ISBN 0-16-042973-0;
- (3) All records of or concerning any presidential communication, action or finding pursuant to Executive Order 11850, or otherwise related to the use of CS gas;

June 15, 1995

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(4) All records of or concerning the National Response Plan (NRP) in effect on February 28, 1993;

(5) All records of or concerning communications of any kind whatever, and without limitation, between the White House and any Bureau of Alcohol Tobacco and Firearms (ATF), Treasury, or prospective Treasury personnel regarding the matter of the Branch Davidians;

(6) All records of or concerning communications of any kind whatever, and without limitation, between the White House and any Federal Bureau of Investigations (FBI) or DOJ personnel, and regarding the matter of the Branch Davidians.

For purposes of this request, the term "record" or "document" shall include, but is not limited to, any and all originals and drafts of any information whether in written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, photographed, video or audio taped, however produced or reproduced. This request shall include, but is not limited to, any and all memoranda, computer entries, e-mails, diaries, telephone logs, tapes, notes, talking points, letters journal entries, reports, studies, drawings, calendars, manuals, press releases, speeches, Form 3270's, opinion documents, position papers, analyses, messages, summaries, bulletins, disks, briefing materials and notes, executive secretariat cover sheets or routing cover sheets, whether prepared by current or former employees, agents, consultants, or by any non-employee without limitation. "Record" or "document" shall also include unredacted versions of the same documents. Multiple copies of a document should be provided if the additional versions have some differing feature (i.e., handwritten notes).

The Committee requests that the White House designate each document page with a bates stamp number using the prefix "W" before each number. Moreover, using the bates stamp numbers, please provide an index identifying which documents are responsive to which specific requests. The Committee understands that substantially similar or identical requests have been made by two subcommittees in the U.S. House of Representatives and are in the process of being produced by the White House. To the extent that the production made to the House of Representatives was bates stamped, please number all Senate documents with the same bates number used on the corresponding House documents. Be assured that any classified material will be handled in accordance with the security procedures currently implemented by the Committee for handling other sensitive material.

June 15, 1995

Page 3

Please deliver the requested documents to the Committee in 224 Dirksen Senate Office Building by Monday, June 26, 1995. If you have any questions, please contact the Committee Senior Investigative Counsel, Lisa Kaufman at 224-5225.

Thank you for your cooperation and prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Orrin Hatch". The signature is written in black ink and is positioned below the word "Sincerely,".

Orrin G. Hatch
Chairman

OGH:lk

Vice / Priority

(B. opening stmt)

Specter - bidelines - concentrate on most important
"significant firearms sources"

A possibility - he said up to 5 shotguns a wk, to go
to Streetgangs.

Possibility: Is that the std used?

Go after him he supplied or he wanted an informant?

Not an exp target. ?^d

Didn't go after primarily because wanted as informant
Factual predicate for belief that he could be major
gun dealer/supplier.

Oct 11 / Oct 13

Kohl - Total # of firearms - 2 s.o. shotguns. From Line.

No knowledge of any other sales.

Rationally speaking - how do we decide this is a
major dealer?

RW said - up to 5 per week

Then why not pursue up to point where he
was supplying such #s?

Root is speculative.

How did Bush get paid?

Ord expenses. Otherwise, paid for info, contacts

More successful, more pay? Yes

Test of success - ability to conduct arms traffic?

lab, purchases of illegal arms.

It decided entrapment? It didn't decide that. (No!!!)

Jury given instruction on entrapment, but 2 not
perked.

Where "per wk" ⁵? Not in your stmt.

Right.

Why not just target him for arrest at end the bot?
Handle things differently? No

Boley - how much pay? 5000

Vita - RW fell into net. Offered to sell guns. Vis/DJ
fed law. Also - profile consistent w/ major source
of supply.

Thompson - Repeats taped conv.

Not a lot here. Just unrecorded stmts - have to
rely on informant - for anything other than
small-time guy who'd cut some barrels of
some guns.

Int. gov's paid - so he's not so reliable.

Have to use real caution

LT (??) saying RW had been connected.

1) Never connected. A "typo error."

2) Did connect by phone.

3) Don't recall - discussed case w/ AUSA. - knew
no prior crim activ.

Leahy - Little things that jump out.

All this from a guy w/ 2 shotguns?

special training

Any guidelines/line how to deal w/ political
orgs. in which some but only some members
participate in illegal activities?

Yes

~~Yes~~ Modified since 1951 as result of ZW case?

~~Yes~~ I'm sure. (w/AAF?)

Feinstein Reads long transcript

seems to be talking abt more than 1 or 2 guns

GRASSLEY

Late disclosure by AAF agent. - acc to DOJ

No discipline. Treas IG said no wrapping

STATEMENT OF JOHN W. MAGAW
DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
BEFORE THE
SUBCOMMITTEE ON TERRORISM, TECHNOLOGY,
AND GOVERNMENT INFORMATION
OF THE SENATE COMMITTEE ON THE JUDICIARY

September 7, 1995

Chairman Specter and distinguished Subcommittee Members, I am pleased to come before you today as the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF) representing the outstanding women and men who comprise our Bureau to discuss with you ATF's role in the Federal case against Randall Weaver in Idaho. Let me assure you that ATF shares your desire to make known the facts of this case and to ensure that Federal investigations are conducted in a fair and lawful manner and with the utmost regard for the rights of our citizens. In light of the misunderstandings and misrepresentations concerning ATF's role, I welcome the opportunity to help set the record straight and candidly answer all of your questions. After reviewing the actions of ATF special agents regarding Mr. Weaver, I am convinced that our agents' conduct was lawful and proper in every respect.

ATF's role in this matter was the investigation and subsequent referral of Federal firearms charges to the United States Attorney for prosecutorial consideration. A young boy is dead, his mother is dead, three young people are without a mother. A deputy U.S. Marshal is dead, and Marshal Degan's family is without a husband and father. Should any criminal case justify these consequences? Of course not. But it was Mr. Weaver's actions that set this into play. The investigation of Mr. Weaver was opened only after he offered to supply illegal firearms to our informant. He hadn't been offered money and wasn't even the target of any investigation until then. He demonstrated his knowledge that his offer to supply firearms was illegal by suggesting he had a source for untraceable (off-book) firearms, and by his use of code words such as "chain saw" in taped telephone conversation. He demonstrated bad motive when he stated that he hoped the guns were going to street gangs. He later stated that he had five more guns to sell. This is the conduct by Mr. Weaver that led to gun charges being filed against him. Weaver's decision not to appear for trial led to the next confrontation with Federal authorities.

Until Mr. Weaver offered to sell illegal firearms to our undercover informer in October 1989, he was not the focus of

the ATF criminal investigation underway at that time. Rather, ATF was investigating, and had been investigating since 1983, members of the Aryan Nation and members of splinter groups called "Order I" and "Order II" suspected of numerous crimes, including bombings and other violent crimes. In conducting these investigations, ATF was pursuing its highest order of business -- the investigation of violent crimes involving the criminal misuse of firearms and explosives. During this time, ATF productively shared information and worked in conjunction with other Federal, State and local law enforcement agencies. Allow me to share with you the nature and results of these investigations.

The "Order I" investigation, which was conducted by the FBI, with assistance provided by the Secret Service, ATF and State and local agencies, led to the conviction of over 25 members of the organization. Between March and October, 1986, members of the group known as "Order II" terrorized the residents of Coeur d'Alene, Idaho with a series of 5 bombings and 2 attempted bombings. In September, 1986, these individuals bombed the Coeur d'Alene Federal Building, a local business, and a restaurant parking lot. A task force comprised of ATF, FBI, IRS, local police, and State

police was formed to investigate these incidents. A suspect eventually confessed his involvement in the bombings and implicated 2 associates.

In October 1986, based on information provided by the suspect and other information corroborated by task force investigators, search warrants were executed at the residence of a chief of security for the Aryan Nation, a licensed Federal firearms dealer. Investigators seized materials for use in making bombs, counterfeit money, a printing press, and 100 firearms not recorded in the dealer's records. The execution of a search warrant at adjoining property turned up over \$27,000 in counterfeit bills.

The investigation also disclosed that several members of the Aryan Nation group had conspired to rob banks and National Guard armories, commit murder, counterfeit money, and commit more bombings to advance their white separatist cause. Several convictions resulted.

In 1986, ATF began using an informer to gather information regarding illegal activities of some members of the Aryan Nation movement. This informer provided information which assisted in the investigation of some of the crimes I have

mentioned. This was the same informer to whom Mr. Weaver sold illegal sawed-off shotguns in 1989. Through their contact at the Aryan Nation Congresses in 1986, 1987, and 1989, the informer came to know Mr. Weaver.

At Mr. Weaver's trial, defense counsel belittled the sawed-off shotgun charge, however, these guns have been recognized by the Congress since 1934 as weapons having no legitimate purpose. They have no sporting or recreational utility, but are highly lethal, concealable weapons designed only for use in violent crime to maim, kill, or to intimidate. While the law imposes a tax on their transfer and requires their registration through the filing of applications with the Government, the possession and transfer of unregistered sawed-off shotguns are serious crimes punishable under the National Firearms Act by imprisonment for a maximum term of 10 years.

Mr. Weaver was not entrapped. At the trial of Mr. Weaver the defense of entrapment was raised in relation to the gun violations. The court gave the jury an instruction on entrapment. This meant that the Government was required to prove beyond a reasonable doubt that Mr. Weaver was not entrapped. I do not know whether Mr. Weaver's acquittal on

the gun charge was based on the jury's belief that the Government had not sustained its burden of proof.

Entrapment occurs when a person is induced by the Government to commit a crime that the person had no predisposition to commit. He was not persuaded or coaxed by the Government to sell illegal weapons. The idea to supply the weapons originated in Mr. Weaver's own mind. Learning that the informer was engaged in the firearms business, Mr. Weaver initiated the transaction by offering to supply the weapons at a profit. He offered to supply as many as 5 such weapons a week in the future. Mr. Weaver stated that he had a supplier who would furnish him firearms "off record." Mr. Weaver asked for \$450 for the two guns. It is also significant that when Mr. Weaver offered to sell the guns, he was not the target of any ATF investigation. The purpose of the informer's meeting with Mr. Weaver at that time was to gain his assistance in introducing the informer to another individual, not to buy guns.

In short, ATF did not entrap Mr. Weaver. He was not induced by the Government to commit the offense, but was predisposed to do so. In fact, Mr. Weaver volunteered to violate the law and his association with the informer provided him the opportunity.

The informer in this case is exceptional because of a number of attributes not always associated with informers. He is involved in civic affairs. He is a family man and owns a home. He holds a job and was not dependent upon the Government for his livelihood. He has no criminal record. He had never been known to supply false information to the Government. In order to maintain an undercover role, an informer necessarily has to establish a false cover story. These are the "lies" referred to by Mr. Weaver. The information the informer has furnished has been found to be consistently reliable in the dozens of investigations he has worked on over the last ten years.

Questions have been raised about the manner in which the informer was compensated for his work on behalf of ATF. It has been suggested that he was to be paid a fee contingent upon the content of his testimony against Mr. Weaver or upon Mr. Weaver's conviction. Let me assure you that it was not ATF's policy in this case, nor is it now, to require that an award be contingent upon a conviction. He was paid his expenses and a future reward was to be based on valid information supplied and his cooperation. This is borne out by the facts. After Mr. Weaver's acquittal of the gun charge, ATF paid the informer a reward of \$5,000 for his services which was not contingent upon a conviction. At an

earlier time, the informer was paid a reward of \$2,500 based in part for information that an individual employed by a private school was plotting to kidnap children from the school. As a result of this information, the individual was discharged from his job and the plot was frustrated. Again, this reward was paid to the informer for services rendered in the school case and in another unrelated case and was not contingent on the outcome of either. The testimony at Mr. Weaver's trial on the matter of compensation was in conflict because the informer erroneously indicated that his reward would be based on a conviction. He realized his mistake as soon as it was made and expected the point to be clarified later. Unfortunately, it was not.

ATF's request of Mr. Weaver to become an ATF informer has been questioned. This offer occurred after ATF referred its case to the United States Attorney for prosecution but before the indictment. It was made because the identity of ATF's current informer had been compromised. Mr. Weaver was informed that his cooperation would be brought to the attention of the United States Attorney. Mr. Weaver declined. We see no reason to apologize for this action. Developing informers in this fashion is a common and accepted law enforcement technique. While some may view the acquisition and use of informers, or "snitches," to

apprehend violators of the law as "dirty business," these are often necessary means to deal with the dirty business of crime. They are essential to gathering information from small, closely knit, cell-like groups of individuals like members of the Aryan Nation who operate in a clandestine manner.

I commend our ATF agents for the manner in which they effected the arrest of Mr. Weaver on his indictment for firearms violations. Because he was known to be armed and potentially dangerous, a ruse was developed to make a safe arrest away from his home and children. The plan involved stopping Mr. Weaver's vehicle by placing a "disabled" vehicle on a bridge. Although Mr. Weaver attempted to reach for a gun in his pocket, as well as an agent's gun, he was apprehended without violence. I would note as well that his wife was prevented from returning to the Weaver's vehicle where she had a gun in her purse. Mr. Weaver stated that the ruse was a "nice trick" that would never happen again.

When Mr. Weaver did not appear for his trial, he was then also subject to the jurisdiction of the U.S. Marshals Service. Following the confrontation at Ruby Ridge, the details of which I need not reiterate here, the situation

came under the control of the Department of Justice. ATF was assigned to maintain a roadblock approximately three miles from the Weaver cabin.

ATF did not open an investigation of Mr. Weaver or propose his prosecution because of his beliefs. Although Mr. Weaver talked of a violent confrontation with the Government, ATF did not investigate him or refer charges against him for that. ATF recommended Mr. Weaver's prosecution, purely and simply, because he chose to commit violations of Federal firearms laws. In addition, ATF's role in this entire matter was independently reviewed, at the request of Senator Larry Craig, by the Department of Treasury's Inspector General. The review concluded that Mr. Weaver was not entrapped and that ATF was not guilty of any of the other allegations of wrongdoing that have been associated with this case. A copy of that investigation has been made available to all members of this committee.

In preparing my testimony, I have given considerable thought to the system by which decisions are made to prosecute ATF's cases. It reinforces more than ever the need we all have for a system of "checks and balances." The requirement that ATF and the U.S. Attorney make independent judgments in these cases means that two separate departments of

government must agree before an individual can be prosecuted. This system was in place when the decision was made to prosecute Randall Weaver on the firearms charges. Although the ultimate decision to prosecute is a judgment call and reasonable minds may differ as to whether a particular case should be pursued, I believe the system is a good one that worked properly in this case. As long as these checks remain strong, everyone benefits because they ensure against investigative or prosecutorial abuse. It is essential that the public trust its law enforcers. Trust is a matter of personal integrity and competency, and I pledge to maintain the highest of these standards at ATF.

Thank you for the opportunity to make this statement. I am pleased to answer your inquiries.

Arlen Specter

U.S. SENATOR PENNSYLVANIA

FOR IMMEDIATE RELEASE
Wednesday, September 6, 1995

CONTACT: Margaret Camp, 202-224-9020
or Lynn Becker, 202-224-2240

MEDIA ADVISORY

SENATORS SPECTER AND KOHL OPEN HEARINGS ON RUBY RIDGE INCIDENT

To examine the events surrounding the 1992 shooting of U.S. Marshall William Degan, 14-year-old Samuel Weaver and Vicki Weaver in Ruby Ridge, Idaho, U.S. Senators Arlen Specter (R-PA) and Herbert Kohl (D-WI) Tuesday opened a series of Senate Judiciary Subcommittee hearings.

The hearing will be held by the Subcommittee on Terrorism, Technology, and Government Information, which Senator Specter chairs. Senator Kohl is the Ranking Member.

Among the issues to be addressed are how the entire incident arose, including the ATF informant's purchase of illegal weapons from Randy Weaver; the efforts of the U.S. Marshal Service to arrest Randy Weaver; and the drafting and approval of the change in the FBI's rules of engagement from the standard deadly force policy.

The hearing schedule for September 6, 7 and 8, is as follows:

Wednesday, September 6, at 10:00 AM

Witnesses: Randall Weaver
Sara Weaver

Thursday, September 7, at 2:00 PM

Witnesses: Herb Byerly, ATF Case Agent on Weaver case
Andrew Vita, Assistant Director of Enforcement,
Bureau of Alcohol, Tobacco and Firearms

Friday, September 8, at 10:00 AM

Witnesses: John Magaw, ATF Director
Henry Hudson, Director, U.S. Marshals Service at
the time of the events in question
Michael Johnson, U.S. Marshal, District of Idaho
at the time of the events in question

The hearing is expected to continue on September 14,15,19,20,21 and 22. The schedule for the 14 and 15 are as follows. Additional details will be forthcoming.

Thursday, September 14, at 2:00 p.m., Senate Dirksen Bldg., Room G-50

Friday, September 15, at 10:00 a.m., Senate Dirksen Bldg., Room G-50.

-----95-----

Copy of testimony

Repts - still haven't gotten

Crashley: new culture - swasbucklers

HRT - early 80s

aggressive tactical solutions v.
negotiations

1st time: Cer Am toward in the
mid 80s

militarization of FBI

Rules of engagement - mil. term/
concept

Promotion of Potts - upside-down reward
structure

Justice Dept objections" etc.

Specter

Q - White separatist?

A - Implement These views? NO

Q - Bryan Waters ^{Purpose?} Contacts? 3 or 4 times - yearly conference
Didn't join.

A - Why such effort to make you inhuman?

Wanted me to inhibit, inhuman in certain persons (Who?)

Q - Went like ATF do to bring you into inhuman act?
Initial contacts re shotguns?

⇒ Q - Elab process to get you to be inhuman. What purpose? Why use of These resources for This purpose? Why target you w/ This kind of elab process? What are They looking for?

~~What~~ Note too - unusual procedure for arrest.

⇒ Why law enforcement such subtle effort to take you into custody after you didn't respond to warrant?

Kolb

Don't talk abt beliefs - it's not to keep to myself

Q - 2:00 AM Oath? but

Part of one beliefs at 1 time. I've been wrong. Paid heavy price.

Q - 300 yd kill zone.

Reporter made This up.

Q - Greeted neighbors w/ vials - said would shoot fed law enforcement agents.

Not true.

Q - ~~Other~~ other relatives (swastikas) (neighbor)

Never happened.

Q - Ltr from all family - want bring your gun

Thompson

Entrapment - encouragement over 3 yrs.

Error by magistrate - it convicted, too properly

" " probation officer - trial date

Background of decision not to come down.

Why stay when son was killed?

Inaccurate report from post (heard in radio)
re what happened - no acknowledgment that
Sam was killed.

Always armed. 84-SP-78B, 104-SP-22 with

Surveillance for 18 mos -

⇒ must have known always armed

→ OK under rules to shoot VW deliberately given
that she had gun.

Shoot in sight rules applied to VW

Rules changed to apply to only males?

8/23/92 tactical operations plan - sets out modified
rules of engagement - just 'adult' in (a) 'adult
male' in (b); (d) all except thrust + Weaver

Dated after shooting; seems as if written to be

Thurmond.

Leahy -

Didn't see mail box for 18 mos

TOD informant would make more guns
gun of VW - not emit to reach FBI agents

Armed when arrested. Prandish? Didn't have a chance

14 guns / 22,000 rounds of ammo

2 all loaded

blasting caps

illegally in possession - knew this.

GRITZ - 20 yrs conversation

Had to take VW out of the equation - because she was going to kill children

knew she was scared when why struck like "Mrs. W, what did you have for breakfast?"

Spence

Religious freedom

Democratization of W.

Fenster -

How could LT possibly have seen VW?

→ Speaker for Mr Dejan
Why have loads of guns?
Why have so many guns, ammo?
Why built a w/ guns instead of battle in ct?
make
assas "threats" - "lies"

Conv. w/ Neil Wilson re Robin Ridge

Aug 31, 1995

Debbie Diener

2000 7P.

inv'ed 2 ATF agents

16 report

Witnesses?

Issues: 1) whether W was improperly targeted

Discussions?

some one from ATF talk

- rel views

abst policies

- he be reviewed to be int

McGraw / an Assoc ...
Andy Vita (#3)

2) entrapment

3) relations (payment etc
w/ cult informant)

Thu 2:00 } ATF
Fri 10:00 }

4) rel. btw ATF + other fed law
enb ags -

11:15 -
12

Barr FBI

Nike of Marshal

DOJ's

Bush Pres Library

Militia person

Mtg w/ Leibowitz

2 for turnw.

Mtg w/ Taine

- know gen'l approach, plan of battle

Pro business

- docs (^{under} Bush too)

2 any priv g's here?

any other privs

docs - subpoenaed

incl. reports

at least to extent turned over to Sen.

Ask for briefing?

[Cheryl - 10:30 mtg. // owes - doc requests -
interconnection

Call Neil Wolin? Treasury stuff.

1. RPe → wtt - clarify / agree - quiet, but some involvement
James / Leon / Robert

} Ab to do cleanup - talk to Panetta

2. Quiet contacts w/ Texas

Leibowitz - claimed

Ab - KSH or Specter if needed / not now.

3. Info - Justice Dept report - on internet

Others? Who has?

how new-public? how closely held?

4. Privilege issues -

What are they giving over?

Are they raising any privilege issues?

- 3rd party agency?

5. Tie in to Waco / subcommittee / reauthorization /
some bill initiatives / people of Pres on
law out /

Working group.

John Leibowitz -

Be responsive - take seriously

Unitary staff

Mary McLoughlin - ok. invos counsel from DeLent
a few more lawyers.

Specker -

Fair - mean-spirited / nasty to everyone.

Subpoenaed docs from J -

Privs

lots of answers - unclear - almost everything - but
conditions on use?? Not clear yet.

Tony Sen's knows what they want to do??

JK Not involved in day to day stuff

↳ Kent Marcus

Good like on occas.

Some anxiety on MM's part re cooperation / now allied.

Makes more sense to try to work w/ MM

But - it had need to talk to Sen - He can.

Or him - we can.

224-6762

Let him know.

Other person - Victoria Foster -

w/ MM

Today out in Hales - talking
to Harris.

16th Open w/ Weaver + daughter Sarah. [6, 8] Harris? Spence?

12, 13, 14 Zuck - BFF - targeting Weaver

17-22 - FBI's involvement - on Aug 21 + 22 + then

1 week or 2 after - allops of cover-up

↳ not giving this up.

newspaper reports to contrary incorrect.

Better over - later this week.

Senate + House - asked for
RR docs

↳ Hatch -

There were no docs.

get doc requests -

Ruby Ridge Chronology

FBI Review Sept 92

All justified. Said Potts approved rules of eng!
(but saw no problem w/ them)

87d- FBI Review 2 Nov 92

two-step process?
Led by Kahoe, the Kahoe involved in the incident.
Again - take no action

Special Justice Dept task Force (1993?)

(After judge in Weaver murder trial castigated FBI
off'ls for withholding records)

Review of coverup charges

conclusion - Rules of eng improper - shot that
killed Mrs W. unjustified.

Rec that incident be considered for
prosecutive merit - rejected by other units
in Justice Dept

of RR docs found missing from FBI HQ during t.f.
review, but ~~an FBI official said~~ investigators accepted
explan that records were destroyed routinely.

then -
FBI inquiry - culminated in Jan ⁹⁵ disciplinings of
12 agents

Findings - no conspir to obstruct justice. (Fresh asserted this)
(Letter of censure to Potts - but subseq promotion)

Went to be done by 9/6

Justice Dept's current ⁹⁵ OPR inquiry.

Began in May when Eugene Glenn - FBI Field commander said that FBI review had been unfair + distorted to protect Joths.

finding or speculative?

agents destroyed docs, lied to fed prosecutors.

into incident + subseq investigations

← interim report to Conelick - turned over to Holder
Led to recent (4) demotions. (And Kahoe earlier)

US Atty (Holder) criminal investigation - (on rebuttal)
just into subseq invs + charges of coverup

Presumptive - THE WHITE HOUSE
WASHINGTON

Issue by issue
Event by event

Vetted.

President -
Zarr

Not carbon like - Appropriate,
Justified.
John's - John Minto
David Soluch

Not -
all have to stop thinking about this.

John Yacowley
708-682-0111
THE WHITE HOUSE
WASHINGTON

1/2 arms-length

- No documents?

- Need to find out
whether anyone
even talked about
this stuff.
Probably not.
Not in radar screen
or staff level
bc never popped up
in media.

- They tend to agree - don't stir
p.T too much.

- Rahm idea good.
Don't flake it too heavily.
Let some hi-class reporters
know

→ Not seen as throwing down
gauntlet. DAVID TORRANCE

- At approx time. Jones needs to
have shut nearly; btm of this.
It need to get to btm of this.
It winding - needs to be
punished

Cait took another reinstatement
exam (ex RTF)

Support law enforcement

but when get out of line,

~~that~~
must be punished.

Other stuff - must be vetted.

Gen's presumptive approach is let
any of it.

but when there are smart
good ideas, run them everyone,
then do...

Research hearings
crime bill.

Deus - Inote Ted.
cute
Kobal - ranking

THE WHITE HOUSE
WASHINGTON

- Baur briefing 
- President -
- Gen'l presentation.