

A16oc WEDNESDAY, MAY 3, 1995 ★

Blast Probe Head Named to No. 2 FBI Post

■ Law enforcement:

Veteran official was recently censured for role in 1992 Idaho shootout. Some in militia movement criticize his promotion.

By RONALD J. OSTROW
TIMES STAFF WRITER

WASHINGTON—The veteran official who has directed the Oklahoma City bombing investigation—but who was censured recently for his role in a controversial shootout with separatists in Idaho—was named the FBI's second-ranking official Tuesday.

Announcing the promotion of Larry A. Potts, 47, to deputy FBI director at an unrelated White House briefing, Atty. Gen. Janet Reno noted that FBI Director Louis J. Freeh has described Potts as "the very best the FBI has," and praised his work in Oklahoma City. She made no mention of his April 5 censure.

Freeh, in a separate statement, said that Potts, a 21-year FBI veteran, "is completely dedicated to the rule of law."

But Sen. Larry E. Craig (R-Ida.), who has led Capitol Hill interest in the 1992 Idaho shootout, which resulted in the killing of a white separatist's wife by an FBI sharpshooter, said he was "very disappointed" by Reno's action.

Craig said that Potts' promotion was not "appropriate" or "prudent" when there is "a high level of emotion" surrounding the interaction of citizens and law enforcement.

Samuel Sherwood, director of the U.S. Militia Assn. in Blackfoot, Ida., said that Reno's approval, which was required for Potts' appointment, was "terribly immature and insensitive."

Citing fears of militia members that the government is conspiring against them, Sherwood said: "If



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Larry A. Potts was described by his boss, FBI Chief Louis Freeh, as 'the very best the FBI has.'

people feel those things, then she just confirmed their worst nightmares."

The shootout at Ruby Ridge, Ida., began with the Aug. 21, 1992, killing of Deputy U.S. Marshal William Degan, who was preparing to arrest separatist Randy C. Weaver on weapons charges and the death in the same shootout of Weaver's 14-year-old son, Sammy.

An FBI sharpshooter from the elite Hostage Rescue Team subsequently wounded Weaver and his friend, Kevin L. Haris, and shot and accidentally killed Weaver's wife, Vicki, who was standing behind a cabin's open door, holding her 10-month-old baby.

At issue in subsequent investigations of the shooting were the amended "rules of engagement" for the siege. According to those rules, deadly force "could and should" be used against any armed adult in the open. The bureau's standard deadly-force policy per-

mits it to be used only in self-defense or the defense of others.

Freeh recommended that Potts, who was overseeing the siege from FBI headquarters in Washington, receive a letter of censure for failing to supervise the rules of engagement properly.

Deputy Atty. Gen. Jamie S. Gorelick approved the punishment of Potts, saying that he "did not adequately follow through to ensure that his intent with regard to the rules of engagement was properly reflected in the final rules."

Freeh named Potts to be acting deputy director last December. The two men's professional relationship dates back to 1990 when Potts served as inspector-in-charge of a multi-agency task force investigating the mail-bomb murders of federal appellate Judge Robert Vance of Birmingham, Ala., and civil rights attorney Robert Robinson of Savannah, Ga.

Freeh, then a federal prosecutor in New York, headed the investigation and prosecution in that case, which resulted in the conviction of Walter Leroy Moody.

"It is because Larry Potts has such great skills that I placed him in personal charge of the FBI's priority investigation into the bombing of the federal building in Oklahoma City," Freeh said Tuesday.

"He has been in the command center at FBI headquarters in Washington every day since the bombing, directing all aspects of our investigation. He is the very best the FBI has."

Man Resembling 'John Doe' to Be Tried on Other Charges

By SUSAN STEINBERG
SPECIAL TO THE TIMES

A Santa Monica judge on Tuesday ordered an Oklahoma man held for trial on misdemeanor charges following a five-day odyssey in which the man was held on suspicion that he was Oklahoma City bombing suspect "John Doe No. 2."

Kyle Wilson Forney, 25, of Oklahoma City, came to court a day after the FBI determined he had no connection to the April 19 bombing. He appeared before Santa Monica Superior Court Judge Robert Altman at a hearing to determine if there was probable cause to try him on charges that include giving false information to a police officer and impersonating another person. Bail was set at \$5,000.

Forney, who bears a resemblance to an early composite drawing of John Doe No. 2 distributed by federal law agencies, had been arrested Friday morning in a Santa Monica beach parking lot.

Police said they were initially suspicious of Forney's dirty, unoccupied Pontiac Firebird with Oklahoma plates, which was parked illegally in a permit-only lot.

When Forney returned to the car, police said he appeared to resemble John Doe No. 2. He did not have a valid driver's license or other identification. Police said Forney, who had a tattoo on his left arm, also part of the description of the Oklahoma bombing suspect, lied about his identity.

Following Forney's arrest, Santa Monica police were optimistic they had captured the most wanted man in America.

But the enthusiasm waned Friday evening as FBI agents investigating Forney declined to say whether he was the suspect. On Monday, the agency determined that he had not been involved in the bombing, an FBI spokesman said.

Forney's public defender contended Tuesday that police did not have probable cause to arrest Forney, but the judge disagreed.

"Everybody would be outraged if police hadn't done anything," Altman said. "After seeing who he was and where he came from, [police] certainly had the right to detain him."

On Forney's appearance, Altman said: "Looking at the picture [of John Doe No. 2], there are similarities."