

U.S. Will Bring No More Criminal Charges Against F.B.I. Officials in Ruby Ridge Siege

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The Justice Department said today that it would not bring more criminal charges against senior F.B.I. officials in the 1992 siege at Ruby Ridge, Idaho, where a Government sniper killed the wife of a white separatist as she clutched their baby daughter inside a mountain cabin.

The Ruby Ridge case led to a criminal cover-up inside the Federal Bureau of Investigation. It provoked a national debate over the bureau's decision to bend its own rules and tell its sharpshooters to fire on any armed man. It ruined the reputation of the bureau's Deputy Director, Larry Potts, and damaged other fast-track F.B.I. careers.

In testimony in 1995, the bureau's Director, Louis J. Freeh, said "Ruby Ridge was a series of terribly flawed law-enforcement operations" in which "the F.B.I. did not perform at the level which the American people expect or deserve."

Michael R. Stiles, the Federal prosecutor who led the criminal investigation into Ruby Ridge, said today, "I don't disagree with that statement in the least."

But Mr. Stiles is nonetheless closing the books on Ruby Ridge, as far as it concerns crimes by law-enforcement officials.

Mr. Stiles, the United States Attorney for the Eastern District of Pennsylvania who was assigned to handle the case three years after the shooting, said in an interview today that he faced considerable evidentiary hurdles because so much time had passed since the siege.

After a two-year investigation involving 378 witnesses, he concluded that the bureau's criminal conduct in the case, as far as could be proved, began and ended with one man: E. Michael Kahoe, the chief of the bureau's violent crimes and major offenders section.

In December, Mr. Kahoe pleaded guilty to obstruction of justice. He had tried to destroy every copy of the internal F.B.I. report on Ruby Ridge that he could lay his hands on, and told an F.B.I. special agent to destroy computer copies of the bureau's "After-Action Critique."

The document, officials said, showed that F.B.I. agents on the scene in Idaho complained that F.B.I. officials at headquarters in Washington, like Mr. Potts, had "micromanaged" the Ruby Ridge siege.

Mr. Kahoe faces up to 10 years in prison at his sentencing on Sept. 11.

"The bottom line here," Mr. Stiles said, "is that we developed evidence sufficient to charge and criminally prosecute Michael Kahoe -- and no one else."

Senator Charles E. Grassley, an Iowa Republican on the Senate Judiciary Committee's oversight panel, issued a statement today saying the Government's decision to close the criminal case on Ruby Ridge "means accountability has still not been achieved" in the case. "And so," Mr. Grassley said, "neither has a restoration of the public's confidence in Federal law enforcement."

The decision frees at least five men from the threat of criminal prosecution in the case, including Mr. Potts, whom Mr. Freeh befriended and promoted to be his second-in-command in 1993, after the Ruby Ridge shooting. All five could still face some form of internal discipline.

Mr. Potts's chief deputy during Ruby Ridge, Danny O. Coulson, was suspended in 1995 and cleared today, as was Special Agent Gale Evans. Another special agent, George Michael Baird, was also cleared today. The F.B.I.'s domestic terrorism chief, Anthony A. Betz, suspended in 1995, was cleared of criminal responsibility last year.

Mr. Potts was demoted, suspended and placed on administrative leave with pay in August 1995 by Mr. Freeh after the Justice Department conducted internal reviews. Mr. Potts testified to Congress shortly thereafter that he had been wrongly suspected of authorizing "shoot on sight" orders for the Ruby Ridge siege and that his career-killing suspension was "an absolute disaster for myself and my family."

The Justice Department also concluded today that the F.B.I. had committed no civil-rights violations when it sent its sharpshooters to Ruby Ridge, laid siege to the mountain cabin of the white separatist, Randall C. Weaver, stormed it and shot it up five years ago this month.

Ruby Ridge started as a relatively insignificant weapons case against Mr. Weaver, who held extreme right-wing views and was accused of selling two illegal sawed-off shotguns to undercover Federal agents for \$700.

On Aug. 21, 1992, a gun battle erupted in the Idaho mountains between a surveillance team of Federal marshals who stumbled on Mr. Weaver's 14-year-old son, Samuel, and a family friend, Kevin Harris. A marshal, William Degan, was killed. So was Samuel Weaver.

The next day, 50 members of the F.B.I. Hostage Rescue Team surrounded the Weavers' cabin. Members of the team had orders from headquarters that went beyond the bureau's normal instructions on the use of deadly force. The normal rules allowed agents to shoot only in life-threatening situations. The team interpreted their orders as a command to shoot their quarry on sight.

An F.B.I. sharpshooter, Lon Horiuchi, shot and wounded Mr. Weaver. With a second shot Mr. Horiuchi said was aimed at Mr. Harris, he killed Mr. Weaver's wife, Vicki, as she cradled their 11-month-old daughter in her arms.

"She was not wanted for any crime," Mr. Weaver testified at Congressional hearings in 1995. "There were no warrants for her arrest. At the time she was gunned down, she was helpless."

Mr. Harris surrendered on Aug. 30 and Mr. Weaver on the next day. They were arrested and tried for the death of Mr. Degan, the marshal, and other major crimes. But the Government's case collapsed at trial, and the two were acquitted of the most serious charges against them.

Ruby Ridge became a rallying cry for extreme right-wing anti-Government groups, a cry that escalated in 1993 after the Government's botched assault on the Branch Davidian sect near Waco, Tex., where about 80 sect members and children died.

In 1995, the Justice Department agreed to settle Mr. Weaver's civil damages suit by paying \$3.1 million. Mr. Weaver now lives in Iowa.

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