Coordinates: 48°37′27″N 116°29′01″W

Ruby Ridge

From Wikipedia, the free encyclopedia

Ruby Ridge was the site of an eleven-day siege near Naples, Idaho, beginning on August 21, 1992, between Randy Weaver, members of his immediate family, family friend Kevin Harris, and agents of the United States Marshals Service (USMS) and the Hostage Rescue Team of the Federal Bureau of Investigation (FBI HRT). Following a Marshals Service reconnoiter of the Weaver property pursuant to a bench warrant for Weaver after his failure to appear on firearms charges, an initial encounter between six US marshals and the Weavers resulted in a shootout and the deaths of Deputy US Marshal William Francis Degan, age 42, the Weaver's son Samuel (Sammy), age 14, and a Weaver family dog. The subsequent siege of the Weaver residence, led by the FBI, resulted in the death of Weaver's wife Vicki, age 43, by FBI sniper fire. All casualties occurred on the opening two days of the operation. The siege and stand-off were ultimately resolved by civilian negotiators, with the surrender and arrest of Kevin Harris on August 30, and the surrender of Randy Weaver and the surviving Weaver children the next day.

Randy Weaver and Kevin Harris were subsequently arraigned on a variety of federal criminal charges, including first-degree murder over the death of Deputy US Marshal W.F. Degan. Harris was acquitted of all charges, and Weaver was subsequently acquitted of all charges except for the original bail condition violation for the arms charges and for having missed his original court date.

Ruby Ridge standoff



Vicki Weaver as seen from a USMS surveillance position on August 21, 1992

Date August 21–31, 1992

Location (near) Naples, Idaho, U.S. 48°37′14″N 116°25′59″W

Causes USMS actions taken pursuant

a bench warrant for Weaver after his failure to appear on firearms charges; FBI actions following the death of a U.S. Marshall, Weaver statements, and alleged shots fired at a news helicopter

Result Deaths of Deputy U.S.

Marshal W.F. Degan, and
civilians Samuel Weaver
(juvenile), and Vicki Weaver;
arrest of participants Randy
Weaver and Kevin Harris

Parties to the civil conflict

Fined \$10,000 and sentenced to 18 months in prison, he was credited with time served plus an additional three months, and was then released.^[1]

Both the Weaver family and Harris brought civil suits against the government over the events of the firefight and siege, the Weavers winning a combined out-of-court settlement in August 1995 for \$3.1 million, and Harris being awarded, after persistent appeals, a \$380,000 settlement in September 2000. The Boundary County, Idaho, prosecutor indicted FBI HRT sniper Lon Horiuchi for manslaughter in 1997 before the statute of limitations for this charge



could expire, a legal effort which underwent a move to federal court, a sovereign immunity dismissal, an *en banc* reversal on appeal of the dismissal, and ultimately, the dropping of charges after a change in the local prosecutor.

During the federal criminal trial of Weaver and Harris, Weaver's attorney Gerry Spence made accusations of "criminal wrongdoing" against the agencies involved in the incident, in particular, the FBI, the USMS, the Bureau of Alcohol, Tobacco, and Firearms (ATF), and the United States Attorney's Office (USAO) for Idaho. At the completion of the trial, the Department of Justice's Office of Professional Responsibility formed the Ruby Ridge Task Force (RRTF) to investigate Spence's charges. A highly redacted version of the RRTF report was first released, [2] followed by a more complete version from Lexis Counsel Connect, an information service for attorneys, which has subsequently become available in PDF form from the Justice Department. [3] In both its redacted and complete forms, the report, at its face, raises questions about the conduct and policy of all of the participating agencies.

To answer public questions about Ruby Ridge, the Senate Subcommittee on Terrorism, Technology and Government Information held a total of 14 days of hearings between September 6 and October 19, 1995, and subsequently issued a report calling for reforms in federal law enforcement to prevent a repeat of the losses of life at Ruby Ridge, and to restore public confidence in federal law enforcement. It was noted that the Ruby Ridge incident and the 1993 Waco siege involved many of the same agencies (e.g., the FBI HRT and the ATF) and some of the same personnel (e.g., the FBI HRT commander.)

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Development

Randy Weaver, a former Iowa factory worker and U.S. Army combat engineer, [4] moved with his family to northern Idaho during the 1980s in order to "homeschool his children and escape what he and his wife Vicki saw as a corrupted world". [5][6] Vicki, the religious leader of the family, believed that the apocalypse was imminent and believed her family would survive the apocalypse in a remote mountainous area. They bought 20 acres (8 ha) of land on Ruby Ridge in 1983 and began building a cabin. [7][8] The Weaver property was located in northern Idaho in Boundary County, on a hillside on Ruby Creek opposite Caribou Ridge near Naples. [9]

In 1984, Randy Weaver and his neighbor Terry Kinnison had a dispute over a \$3,000 land deal. Kinnison lost the ensuing lawsuit and was ordered to pay Weaver an additional \$2,100 in court costs and damages. Kinnison wrote letters to the FBI, Secret Service, and county sheriff alleging Weaver had threatened to kill the Pope, the President, and John V. Evans, governor of Idaho. In January 1985, the FBI and the Secret Service started an investigation. In February, Randy and Vicki Weaver were interviewed for hours by two FBI agents, two Secret Service agents, and the Boundary County sheriff and his chief investigator. [10] Although the Secret Service was told that Weaver was a member of the Aryan Nations and that he had a large weapon cache at his residence, Weaver denied the allegations, and no charges were filed. [11]

The investigation noted that Weaver associated with Frank Kumnick, who was known to associate with members of the Aryan Nations. Weaver told the investigators that neither he nor Kumnick were members of the Aryan Nations and described Kumnick as "associated with the Covenant, Sword, and Arm of the Lord". On February 28, 1985, Randy and Vicki Weaver filed an affidavit with the county courthouse alleging that their personal enemies were plotting to provoke the FBI into attacking and killing the Weaver family. On May 6, 1985, Randy and Vicki Weaver sent a letter to President Ronald Reagan claiming that Weaver's enemies may have sent the president a threatening letter under a forged signature. No evidence of a threatening letter surfaced; however, the 1985 letter was cited by the prosecutor in 1992 as overt act 7 of the Weaver family conspiracy against the federal government. [12][13]

ATF involvement

The Bureau of Alcohol, Tobacco and Firearms first became aware of Weaver in July 1986 when he was introduced to an ATF informant at a meeting of the Aryan Nations. Weaver had been invited by Frank Kumnick, who was the original target of the ATF investigation. It was Weaver's first attendance. Over the next three years, Weaver and the informant met several times. [11] In October 1989, the ATF claimed that Weaver sold the informant two sawed-off shotguns, with the overall length of the guns shorter than the legal limit set by federal law. In November 1989, Weaver accused the ATF informant of being a spy for the police; Weaver later wrote he had been warned by "Rico V."[14] The informant's handler, Herb Byerly, ordered him to have no further contact with Weaver. Eventually, the FBI informant Rico Valentino outed the ATF informant to Aryan Nations security. [15]

The ATF agent Byerly had come to regard Kumnick as just a "boastful show-off" and Weaver as even less involved. In June 1990, Byerly attempted to use the sawed-off shotgun charge as leverage to get Weaver to act as an informant for his investigation into the Aryan Nations.^[13] It is clear that, after the gun sale

occurred, ATF was not so much interested in prosecuting Weaver as in using its case against him as a carrot and stick to force him to become a government informant against those in political extremist groups, like the Aryan Nations, who may themselves have been engaged in significant criminal activity involving guns or explosives. When Weaver refused to become "a snitch", the ATF filed the gun charges in June 1990, also claiming Weaver was a bank robber with criminal convictions (those claims were false: at that time Weaver had no criminal record, and the subsequent Senate investigation found: "Weaver was not a suspect in any bank robberies." [13]) Weaver denied the sawed-off weapon charge, claiming that the informant had purchased two legal shotguns from him and later shortened the guns. A federal grand jury later indicted him in December 1990 for making and possessing, but not for selling, illegal weapons in October 1989. [11]

ATF agents posed as broken-down motorists and arrested Randy Weaver when he and Vicki stopped to assist. Randy Weaver was told of the charges against him, released on bail, and told that his trial would begin on February 19, 1991. On January 22, 1991, the judge in the case notified the attorney Everett Hofmeister that he (Hofmeister) would be serving as Weaver's attorney; Hofmeister made several unsuccessful attempts to contact Weaver. [16] On that same day, Weaver called the U.S. probation officer Karl Richins and informed him that Weaver was instructed to contact him on that date. Richins did not have the case file at that time, so he asked Weaver to leave his contact information and Richins would contact him when he received the paperwork. According to Richins, Weaver did not give him a telephone number. [11] The defense counsel Hofmeister sent letters to Weaver on January 19, January 31, and February 5 asking Weaver to contact him to work on his defense within the federal court system.

On February 5, the trial date was changed from February 19 to February 20 to give participants more travel time following a federal holiday. The court clerk sent a letter to the parties informing them of the date change, but the notice was not sent directly to Weaver, only to his attorney. On February 7, the probation officer sent Weaver a letter indicating that he now had the case file and needed to talk with Weaver. This letter erroneously indicated that Weaver's trial date was set for March 20.^[11] On February 8, Hofmeister again attempted to contact Weaver by letter informing him that the trial was to begin on February 20 and that Weaver needed to contact him immediately. Hofmeister also made several calls to individuals who knew Weaver asking them to have Weaver call him. Hofmeister told Judge Harold L. Ryan he did not hear from Weaver before the scheduled court date.^[17]

When Weaver did not appear in court on February 20, Judge Ryan issued a bench warrant for failure to appear in court. On February 26, Ken Keller, a reporter for the *Kootenai Valley Times*, telephoned the U.S. Probation Office and asked whether the reason that Weaver did not show in court on February 20 was that

the letter sent to him by Richins had the incorrect date. Upon finding a copy of the letter, the Chief Probation Officer, Terrence Hummel, contacted Judge Ryan's clerk and informed them of the incorrect date in the letter. Hummel also contacted the U.S. Marshals Service and Weaver's attorney informing them of the error. The judge, however, refused to withdraw the bench warrant.

The U.S. Marshals Service did agree to put off executing the warrant until after March 20 to see whether Weaver would show up in court on that day. If he were to show up on March 20, the DOJ claimed that all indications are that the warrant would have been dropped.^[11] Instead of waiting to see whether Weaver would show up on March 20, however, the U.S. Attorney's Office (USAO) called a grand jury on March 14. The USAO failed to provide the grand jury with Richins' letter (which contained the error that the trial date was March 20), and the grand jury issued an indictment for failure to appear.^[11]

U.S. Marshals Service involvement

When the Weaver case was passed from the ATF to the Marshals Service, no one informed the marshals of the fact that ATF had attempted to solicit Weaver as an informant. [18]

As the law enforcement arm of the federal court, it was the duty of the U.S. Marshals to bring in Randy Weaver, now considered a fugitive.^[11] Unlike most federal fugitives, who flee across state lines to avoid arrest, Randy Weaver simply stayed at his remote home, threatening to resist any attempt to take him by force. [19][20]

Weaver was known to have an intense distrust of government, and it is believed that the erroneous Richins letter increased this sentiment and may have contributed to his reluctance to appear for trial. Weaver was clearly suspicious of what he viewed as inconsistent messages from the government and his own lawyer, and this inconsistency further enforced his belief that there was a conspiracy against him.^[11] Weaver came to believe that he would not receive a fair trial if he were to appear in court. His distrust grew further when he was erroneously told by his magistrate that if he lost the trial, he would lose his land, essentially leaving Vicki homeless, and that the government would take away his children.^[21]

U.S. Marshals Service officers made a series of attempts to have Weaver surrender peacefully, but Weaver refused to leave his cabin. Weaver negotiated with U.S. Marshals Ron Evans, W. Warren Mays and David Hunt through third parties from March 5 to October 12, 1991, when Assistant U.S. Attorney Ron Howen directed that the negotiations cease. [11] The U.S. Attorney directed that all negotiations would go through Weaver's court-appointed counsel; however,

Weaver did not have any contact with the attorney and refused to talk with him. Marshals then began preparing plans to capture Weaver to stand trial on the weapons charges and his failure to appear at the correct trial date.^[11]

Although Marshals stopped the negotiations as ordered, they made other contact. On March 4, 1992, U.S. Marshals Ron Evans and Jack Cluff drove to the Weaver property and spoke with Weaver posing as real-estate prospects. [11] At a March 27, 1992, USMS HQ meeting, Art Roderick code named the operation "Northern Exposure". [22] Surveillance teams were dispatched and cameras were set up to record activity at Weaver's residence. Marshals observed that Weaver and his family responded to vehicles and other visitors by taking up armed positions around the cabin until the visitors were recognized. [11]

Threat source profile

Beginning in February 1991, U.S. Marshals developed a Threat Source Profile on Randy Weaver. The evolution of that profile was later criticized in a 1995 report by a subcommittee of the Senate Judiciary Committee:

The Subcommittee is [...] concerned that, as Marshals investigating the Weaver case learned facts that contradicted information they previously had been provided, they did not adequately integrate their updated knowledge into their overall assessment of who Randy Weaver was or what threat he might pose. If the Marshals made any attempt to assess the credibility of the various people who gave them information about Weaver, they never recorded their assessments. Thus, rather than maintaining the Threat Source Profile as a living document, the Marshals added new reports to an ever-expanding file, and their overall assessment never really changed. These problems rendered it difficult for other law enforcement officials to assess the Weaver case accurately without the benefit of first-hand briefings from persons who had continuing involvement with him.^[13]

Many of the people used by the marshals as third party go-betweens on the Weaver case—Bill and Judy Grider, Alan Jeppeson, Richard Butler—were evaluated by the marshals as more radical than the Weavers themselves. When Deputy U.S. Marshal (DUSM) Dave Hunt asked Bill Grider about Randy Weaver: "Why shouldn't I just go up there ... and talk to him?" Bill Grider replied, "Let me put it to you this way. If I was sitting on my property and somebody with a gun comes to do me harm, then I'll probably shoot him." [23] In the later Department of Justice OPR Ruby Ridge Task Force Report, Grider's words were incorrectly reported as a threat made by Weaver. [24]

The profile included "a brief psychological profile completed by a person who had conducted no first-hand interviews and was so unfamiliar with the case that he referred to Weaver as 'Mr. Randall' throughout". [13][25] A later memo circulated within the DOJ opined that:

The assumptions of federal and some state and local law enforcement personnel about Weaver—that he was a Green Beret, that he would shoot on sight anyone who attempted to arrest him, that he had collected certain types of arms, that he had "booby-trapped" and tunneled his property—exaggerated the threat he posed. [26]

Rivera helicopter incident

Following an April 18, 1992, fly-over by a helicopter for the Geraldo Rivera "Now It Can Be Told" television show, U.S. Marshal Service HQ received media reports that Weaver had fired on the helicopter. That day in Idaho, a U.S. Marshals team was installing surveillance cameras overlooking the Weaver property at the time of the fly-over. The field report for April 18, 1992, filed by Marshal W. Warren Mays, reported seeing a helicopter near the Weaver property, but not hearing any shots fired. Weaver is on record via interview with a local newspaper as having denied that anyone had fired at the helicopter. Phenomena Hallower fired on his helicopter, and the Report of the RRTF to the OPR (1994) states that when the "indictment [of Weaver] was presented to the grand jury, the prosecution had evidence that no shots had been fired at the helicopter." [30][31]

The media reports that Weaver had fired on the Rivera helicopter became part of the justification later cited by USMS Wayne "Duke" Smith and FBI HRT Commander Richard Rogers in drawing up the Ruby Ridge Rules of Engagement on August 21–22, 1992. Also, in spite of Richard Weiss's repeated denials that shots had been fired at his helicopter, U.S. Attorney Ron Howen would charge that, as Overt Act 32 of the Weaver's Conspiracy Against the Federal Government, Randy, Vicki and Harris fired two shots at the Rivera helicopter.^[12]

Operation "Northern Exposure" was suspended for three months due to the confirmation hearings for United States Marshals Service Director Henry E. Hudson.^[32] The Weavers report having noticed the lack of USMS activity, and began to believe the USMS had dropped the case.

Incident at the "Y" in the trails

The USMS had not dropped the case, and on August 21, 1992, six marshals were sent to scout the area to determine suitable places away from the cabin to ambush and arrest Weaver.^[11] The marshals, dressed in military camouflage, were equipped with night-vision goggles and M16 rifles.^[5] Deputy U.S. Marshals (DUSMs) Art Roderick, Larry Cooper and Bill Degan formed the reconnaissance team, while DUSMs David Hunt, Joseph Thomas and Frank Norris formed an observation post (OP) team on the ridge north of the cabin.^[33]

At one point, Roderick threw two rocks at the Weaver cabin to test the reaction of the dogs.^[34] The action provoked the dogs, and Weaver's friend Kevin Harris, and Weaver's 14-year-old son, Samuel (Sammy), emerged and followed the dog Striker to investigate.^[5] Harris and the younger Weaver expressed that they were hoping that the dog had noticed a game animal since the cabin was out of meat.^[35] Sammy Weaver was described as having told his father he believed the dogs had sensed either a large animal or a man in the woods. The Recon team marshals (Roderick, Cooper and Degan) initially retreated through the woods in radio contact with the OP team, but later took up hidden defensive positions.

Later, OP team marshals and the Weavers both claimed the Weaver dogs were alerted to the Recon team marshals in the woods after neighbors at the foot of the mountain started their pickup truck. The Recon team marshals retreated through the woods to the "Y" junction in the trails 500 yards (460 m) west of the cabin, out of sight of the cabin. Sammy Weaver and Kevin Harris followed the dog Striker on foot through the woods while Randy Weaver, also on foot, took a separate logging trail; Vicki, Sara, Rachel, and baby Elisheba remained at the cabin, at first appearing anxious to the OP team, but later appearing relaxed. Randy encountered the marshals at the "Y"; Roderick claimed to have yelled, "Back off! U.S. Marshal!" upon sighting Weaver, and Cooper said he had shouted, "Stop! U.S. Marshal!" Later statements by Roderick, Cooper and Randy Weaver agreed that Weaver responded by cursing and retreating from the marshals. By their account, the dog and the boys came out of the woods about a minute later, and a firefight erupted between the marshals, and Sammy Weaver and Kevin Harris. [36][37]

In the firefight, later ballistics reporting would show that nineteen rounds were fired in total. Art Roderick was shown to have fired one shot from an M16A1, Bill Degan fired seven rounds from an M-16 (while moving at least 21 feet [6.5 m]), Larry Cooper to have fired six rounds from a 9mm Colt submachinegun, Sammy Weaver to have fired three rounds from a .223 Ruger Mini-14, and Kevin Harris fired two rounds from a .30-06 M1917 Enfield Rifle.

In the firefight, a shot or shots from DUSM Roderick killed the Weaver's dog, at which time Sammy Weaver is reported to have returned fire at Roderick. After the Federal agents began firing, Sammy Weaver was killed by a shot to the back while retreating, [5] and DUSM Degan was shot and killed by Kevin Harris. [38]

The matter of who fired the shot that killed the youth Sammy Weaver was of critical concern in all investigations. At the time of writing of the *Ruby Ridge: Report...* (1996), the U.S. Senate Subcommittee on Terrorism, Technology and Government chaired by Arlen Specter, the Subcommittee noted that the government's position at trial was the Marshall Cooper had fired the shot that killed Sammy Weaver; however, at the time of writing, the Subcommittee had engaged further experts, and declined to draw a final conclusion. [39] In the DOJ's Ruby Ridge Task Force (RRTF) report to the Office of Professional Responsibility (OPR, 1994), while noting that the marshals of the USMS "went to great lengths in preparing for their mission to avoid endangering the Weaver children," and that "[t]here is [i.e., was at the time of that report] no proof, and we do not conclude, that Cooper intentionally aimed the fatal shot at Sammy Weaver," they close by stating

The evidence suggests, but does not establish, that the shot that killed Sammy Weaver was fired by DUSM Cooper.^{[40][41][42]}

Reporter Jess Walter, in his highly regarded work *Ruby Ridge*,^[8] concludes that the bullet that killed Sammy Weaver was indeed fired by Larry Cooper.^[43]

Accounts differ between Harris and the Federal agents as to who fired their weapons first—an issue which can assign culpability for the killings by removing the right of self-defense.^[44] In the 1993 trial over the death of Deputy U.S. Marshal Degan, prosecutors alleged that Harris had fired the first shot; Harris asserted self-defense and was acquitted.

In testimony about the firefight at the 1993 trial, Larry Cooper admitted "You have all these things compressed into a few seconds.... It's difficult to remember what went on first." On cross examination by the defense, the ballistics experts called by the prosecution testified that the physical evidence contradicted neither the prosecution nor defense theories of the firefight. It was the testimony of Martin Fackler, regarding those responsible for which shots, that Roderick fired the shot or shots that killed the dog, that Degan fired the shot that hit Sammy in the right elbow, that Harris shot and killed Degan, and that Cooper "probably" shot and killed Sammy. The 1993 jury trial resulted in an acquittal of Kevin Harris. As footnoted above, reporter Jess Walter, concludes in *Ruby Ridge* that Cooper fired the bullet that killed Sammy Weaver, in part based on evidence from a later search—in 1997—by a local sheriff that produced a bullet and fibers that connected Cooper's gun and Sammy Weaver's shirt and wound. [43]

The version of the firefight presented by DUSMs Roderick and Cooper stated that the dog preceded Kevin Harris, and then Sammy Weaver, out of the woods.

Deputy Marshal Degan is then presented as challenging Harris, who turned and shot and fatally wounded Degan before Degan could fire a single shot. The account proceeds to describe Roderick as shooting the dog once, Sammy firing twice at Roderick, and Roderick firing once again. Roderick and Cooper testified that they heard multiple gunshots from the Weaver party. Cooper testified to having fired two three-shot bursts at Harris, to seeing Harris fall "like a sack of potatoes", and to seeing leaves fly up in front of him, presumably from the impact of a round, which then led Cooper to seek cover. Cooper testified to having seen Sammy run away, and then to radioing to OP team member Dave Hunt that he had wounded or killed Harris. [47]

As described by Randy and Sara Weaver, in their account, *The Federal Siege* (1998), Kevin Harris' version of events differed, as follows. [48] Harris reported to them that the dog was followed by Sammy Weaver and then Kevin Harris out of the woods, and that the dog ran up to Cooper and danced about as he did in playing with the children. He reports that the dog then ran to Roderick, who shot the dog in front of Sammy Weaver, who then yelled "You shot my dog, you son of a bitch" and who then fired a shot at Roderick. Degan is then described as coming out of the woods firing his M16, and hitting Sammy in the arm. Then, Harris is described as firing and hitting Degan in the chest, knocking him down. The Harris account to the Weavers then has Cooper firing at Harris, who ducked for cover, and Cooper firing again and hitting Sammy in the back, who then fell. Harris then describes himself firing about 6 feet (2 m) in front of Cooper, forcing him to take cover, whereupon he states having heard Cooper announce that he was a U.S. Marshal. Harris then describes that he checked Sammy's body, found him dead, and ran to the Weaver's cabin. [48]

After the firefight at the "Y", marshals Hunt and Thomas went from the hillside to a neighbor's house in order to request assistance from the USMS Crisis Center while marshals Norris, Cooper and Roderick stayed with Degan's body at the "Y". Randy and Vicki went to the "Y" and retrieved Sammy's body. Randy, Vicki and Harris placed Sammy's body in a guest cabin near the main cabin. Weaver, Vicki, their three daughters and Harris holed up in their house. [48] From 11:15 a.m. onward, Hunt reported to the Crisis Center in Washington D.C. that no further gunfire had been heard. [47]

Siege and controversy

In the aftermath of the firefight on August 21, 1992, the USMS requested immediate support from Idaho law enforcement, and alerted the FBI that a marshal had been killed. In response to the USMS call, the Boundary County sheriff's office mobilized. [49] Later that day, in response to the USMS request and other communications, Idaho Governor Cecil Andrus declared a state of

emergency in Boundary County, allowing use of the Idaho National Guard Armory at Bonners Ferry and, after an initial delay, to use National Guard armored personnel carriers (APCs).^[50] Soon thereafter, the Idaho State Police arrived at the scene.^[49]

FBI HQ in Washington, DC responded by sending the Hostage Rescue Team (HRT) from Quantico to Idaho; special Agent in Charge (SAC) Eugene Glenn of the Salt Lake City FBI office was appointed Site Commander with responsibility for all active individuals from the FBI, the ATF, the USMS, and the U.S. Border Patrol. [49] A stand-off would ensue, for 12 days, as several hundred federal agents surrounded the house, and negotiations for a surrender were attempted.

Special ROE and sniper/observer deployment

Special rules of engagement (ROE) were approved by the FBI, for use on Ruby Ridge. According to the later RRTF report to the DOJ (1994), the Ruby Ridge ROE were as follows:

- 1. "If any adult in the area around the cabin is observed with a weapon after the surrender announcement had been made, deadly force could and should be used to neutralize the individual."^[51]
- 2. "If any adult male is observed with a weapon prior to the announcement deadly force can and should be employed if the shot could be taken without endangering any children."[51]
- 3. "If compromised by any dog[,] the dog can be taken out." [51]
- 4. "Any subjects other than Randy Weaver, Vicki Weaver, [and] Kevin Harris presenting threat of death or grievous bodily harm[,] FBI rules of deadly force apply. Deadly force can be utilized to prevent the death or grievous bodily injury to oneself or that of another." [From the sworn statement of FBI SAC Eugene Glenn].^[51]

As noted in a footnote to the report in this crucial section,

The [ROE] was modified from "adult" to "adult male" [in ROE point 2] to exclude Vicki Weaver around 2:30 or 3:00 p.m. after consultation with [SAC Eugene] Glenn because Vicki Weaver was not seen at the site of Degan's slaying.^[52]

The Ruby Ridge ROE had been drawn up on the basis of reports from the headquarters of the USMS and FBI, bolstered by unconfirmed news media accounts accepted by HQ that exaggerated the threat posed by the Weavers. These military-style rules varied from the FBI's standard deadly force policy.

Standard deadly force policy of the FBI was: "Agents are not to use deadly force against any person except as necessary in self-defense or the defense of another, when they have reason to believe they or another are in danger of death or grievous bodily harm. Whenever feasible, verbal warning should be given before deadly force is applied."^[53] Under the Ruby Ridge ROE points 3 and 4, Vicki Weaver and third party women, the Weaver children, other third parties, and the Weaver dogs were subject to the standard deadly force policy and could only be fired upon in self-defense, that is, if they presented a danger of death or grievous bodily harm; however, under the Ruby Ridge ROE points 1 and 2, deadly force against the Weaver adults could and should be used without the justification of defense, and in the case of adult males, without any verbal warning.

The ROE were communicated to agents on site, including communication prior to deployment to HRT sniper/observers that had been brought to the site, [52] communications that included the change of "adult" to "adult male" to exclude Vicki Weaver. [52] Some deployed FBI agents, in particular the sniper/observers, would later describe the adopted ROE as a "green light" to "shoot on sight". [54]

Deployment of sniper/observers, ROE understanding

On August 22, the second day of the siege, the FBI HRT sniper/observer teams were deployed to the cabin while an armored personnel carrier carrying negotiators approached to make a surrender callout at the cabin. Before the deployment, HRT Commander Richard Rogers briefed the sniper/observer teams on the special Ruby Ridge ROE. According to the RRTF report to the DOJ, there were various views and interpretations taken of these ROEs by members of FBI SWAT teams in action at the Ruby Ridge site, including describing them as "severe" and "inappropriate" (Denver SWAT team leader Gregory Sexton), and as "strong" but a "departure from the... standard deadly force policy" and as "inappropriate" and of a sort he "had never been given" before (two members of the Denver SWAT team). The latter of these two members stated further that "other SWAT team members were taken aback by the Rules and that most of them clung to the FBI's standard deadly force policy," and a further team member responded to the briefing on the ROE with "[y]ou've gotta be kidding." [55] However, most of the FBI HRT sniper/observers accepted the ROE as modifying the deadly force policy. Examples included HRT sniper Dale Monroe, who saw the ROE as a "green light" to shoot armed adult males on sight, and HRT sniper Edward Wenger who believed that if he observed armed adults, he could use deadly force, but he was to follow standard deadly force policy for all other individuals. Fred Lanceley, the FBI Hostage Negotiator at Ruby Ridge, was "surprised and shocked" at the ROE, the most severe rules he had ever heard in his over 300 hostage situations, and characterized the ROE as being inconsistent with standard policy.^{[56][57]} A later Senate report criticized the ROE as "virtual

shoot-on-sight orders."[13]

Sniper shots: R. Weaver wounding, V. Weaver killing

Before the negotiators arrived at the cabin, FBI sniper Lon Horiuchi, from a position over 200 yards (180 m) north and above the Weaver cabin, [58] shot and wounded Randy Weaver in the back with the bullet exiting his right armpit, while he was lifting the latch on the shed to visit the body of his dead son. [59] (The sniper testified at the later trial that he had put his crosshairs on Weaver's spine, but Weaver moved at the last second.) Then, as Weaver, his 16-year-old daughter Sara, [60] and Harris ran back toward the house, Horiuchi fired a second bullet, killing Vicki Weaver, [61] and wounded Harris in the chest. Vicki Weaver was standing behind the door through which Harris was entering the house, holding their 10-month-old baby Elisheba, [60] in her arms. [62]

Constitutionality of the second shot

The RRTF report to the DOJ's Office of Professional Responsibility (OPR) of June 1994 stated unequivocally in its conclusion (in its executive summary) that the rules that allowed the second shot to have taken place did not satisfy constitutional standards for legal use of deadly force. [63] The 1996 report of the U.S. Senate Judiciary Committee's Subcommittee on Terrorism, Technology and Government Information, Arlen Specter [R-PA], Chair), concurred, with Senator Dianne Feinstein [D-CA] dissenting. [64] The RRTF report also found the lack of a request to surrender "inexcusable," since Harris and the two Weavers were not an imminent threat (reported as running for cover without returning fire).

The task force also specifically blamed Horiuchi for firing through the door, not knowing whether someone was on the other side of it. While controversy exists as to who is responsible for approving the ROE that were being followed by the FBI sniper, the task force also condemned the rules of engagement that allowed shots to be fired without request for surrender.^[59]

Situational reevaluation, ROE suspension, siege end

Both FBI HQ and the Site Commanders in Idaho re-evaluated the situation based on information they were receiving from U.S. Marshals Hunt, Cooper and Roderick about what had happened on August 21. On about August 24, 1992, the fourth day of the siege on the Weaver family, FBI Deputy Assistant Director Danny Coulson, who was unaware that Vicki Weaver had been killed, wrote a memo with the following content, where the slashes indicate line breaks:

OPR 004477 / Something to Consider / 1. Charge against Weaver is Bull Shit. / 2. No one saw Weaver do any shooting. / 3. Vicki has no charges against her. / 4. Weaver's defense. He ran down the hill to see what dog was / barking at. Some guys in camys shot his dog. / Started shooting at him. Killed his son. Harris did the / shooting [of Degan]. He [Weaver] is in pretty strong legal position. [13]

On August 26, 1992, 10:53 a.m., the Rules of Engagement that had been in effect since the arrival of the HRT on August 22 were revoked. [27] The stand-off was ultimately resolved by sympathetic civilian negotiators including Bo Gritz, Jack McLamb, and Jackie Brown. Through the intermediacy of Gritz, Kevin Harris, who had earlier urged Randy Weaver to end his suffering, surrendered on August 30 and was removed via stretcher. Likewise, Randy Weaver would allow the removal of his wife's body, the move of which, via body bag, Gritz oversaw. FBI HRT Commander gave Gritz a deadline to get the remaining Weavers to surrender, else the standoff would be resolved by a tactical assault. [9][65] Randy Weaver and his daughters surrendered the next day. Both Harris and Randy Weaver were arrested. Weaver's daughters were released to the custody of relatives, although some consideration was given to charging Sara, who was 16, as an adult. [66]

Aftermath: trials, acquittals, awards, investigations, perspectives

Randy Weaver and Kevin Harris would be charged with a variety of offenses, and jailed until brought to trial. At the trial that followed, Weaver's defense attorney, Gerry Spence, rested his case without calling any witnesses for the defense, instead seeking to convince the jury through cross-examination aimed at discrediting government evidence and witnesses. Weaver was ultimately acquitted of all charges except missing his original court date and violating his bail conditions, for which he was sentenced to 18 months and fined \$10,000; credited with time served, Weaver spent an additional 4 months in prison. Kevin Harris was defended by attorney David Niven and was acquitted of all charges. Kevin Harris was later indicted for the first-degree murder of DUSM Bill Degan on August 21, 1997, [67] but the charge was dismissed on grounds of double jeopardy because he had been acquitted in the federal criminal trial on the same charge in 1993. [68]

Defense counsels for Randy Weaver and Kevin Harris alleged throughout their 1993 trial that agents of the ATF, USMS, and FBI were themselves guilty of

serious wrongdoing, leading the Department of Justice (DOJ) to create the Ruby Ridge Task Force (RRTF), which delivered a 542-page report on June 10, 1994, to the DOJ Office of Professional Responsibility (OPR). [3][2] (This RRTF report, originally available in a highly redacted form, [2] became available in a much more complete form, [3] and is cited throughout this article.)

Questions persisted about Ruby Ridge and the subsequent Waco siege, which involved the same agencies and many of the same officials. The Senate Subcommittee on Terrorism, Technology and Government Information held fourteen days of hearings, ending on October 19, 1995. The hearings were broadcast on CSPAN and confirmed many of the questions raised by the DOJ OPR Report. [69] Both the internal 1994 Ruby Ridge Task Force Report and the public 1995 Senate subcommittee report on Ruby Ridge criticized the rules of engagement as unconstitutional. [63][64] Relatedly, a 1995 GAO report on use of force by federal law enforcement agencies would be composed, and report: "In October 1995, Treasury and Justice adopted use of deadly force policies to standardize the various policies their component agencies had adopted over the years."[70] The major change was the requirement of a reasonable belief of an "imminent" danger of death or serious physical injury, which brought all federal LEA deadly force policies in line with the U.S. Supreme Court rulings *Tennessee v.* Garner, 471 U.S. 1, 18 (1985) and Graham v. Connor, 490 U.S. 386 (1989) that applied to state and local law enforcement agencies. [71]

The surviving members of the Weaver family filed a wrongful death suit for \$200 million. In an out-of-court settlement in August 1995, the federal government awarded Randy Weaver \$100,000 and his three daughters \$1 million each. The government did not admit any wrongdoing in the deaths of Sammy and Vicki. [72][73] On the condition of anonymity, a DOJ official told the Washington Post that he believed the Weavers probably would have won the full amount if the case had gone to trial. [38]

The incident along with the Waco siege ultimately became the motive of the Oklahoma City bombing in 1995, which resulted in the mass murder of 168 people in terrorist "retaliation" for the federal government's handling of both incidents.

FBI HRT sniper Lon Horiuchi was indicted for manslaughter in 1997 by the Boundary County, Idaho, prosecutor just before the statute of limitations for the crime of manslaughter expired, but the trial was removed to federal court and quickly dismissed on grounds of sovereign immunity.^[5] The decision to dismiss the charges was reversed by an *en banc* panel of the Ninth Circuit, which held that enough uncertainty about the facts of the case existed for Horiuchi to stand trial on state manslaughter charges.^[74] Ultimately, the then-sitting Boundary

County Prosecutor, Brett Benson, who had defeated Woodbury in the 2000 election, decided to drop the charges because he felt it was unlikely the state could prove the case and too much time had passed. Yagman, the special prosecutor, responded that he "could not disagree more with this decision than I do."^[75]

Randy and Sara Weaver wrote a 1998 paperback book, *The Federal Siege at Ruby Ridge*, about the incident (the appendix of the book is a reprint of the 1995 Report on the U.S. Senate Ruby Ridge Hearing).^[76]

The attorney for Kevin Harris pressed Harris's civil suit for damages, although federal officials vowed they would never pay someone who had killed a U.S. Marshal. In September 2000, after persistent appeals, Harris was awarded a \$380,000 settlement from the government.^[77]

The Weaver family, including Randy, later moved to Kalispell, Montana, where Sara and the other two Weaver daughters are employed. After becoming a born again Christian, Sara Weaver said in 2012 that she had forgiven the federal agents who killed her mother and brother.^[78]

In popular culture

A CBS miniseries about the Ruby Ridge incident, entitled *Ruby Ridge: An American Tragedy*, aired on May 19 and May 21, 1996, based on the book *Every Knee Shall Bow* by reporter Jess Walter.^[53] It starred Laura Dern as Vicki, Kirsten Dunst as Sara, and Randy Quaid as Randy.^[5] The television series was edited together in movie form as *The Siege at Ruby Ridge*.^[79]

See also

- Branch Davidians
- Christian Identity
- Critical Incident Response Group (CIRG)
- Leonard Peltier
- List of killings by law enforcement officers in the United States
- Michigan Militia
- Militia of Montana
- Militia organizations in the United States
- Montana Freemen

- MOVE
- Oklahoma City bombing
- Rainbow Farm
- Waco siege
- Bundy standoff
- Sagebrush Rebellion

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An acclaimed independent account.^[8] See also other formats/editions, including *Every Knee Shall Bow* (https://books.google.com/books?id=aJKobBHbzFAC) (1996), where page numbers that appear here may not precisely match.

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Chapters and sections cited from this work include:

- I. Introduction / Executive Summary
 - §B. Significant Findings.
- IV. Specific Issues Investigated
 - §B. The Failure of Weaver to Appear for Trial (2. Statement of Facts, subsection c.; or *passim*);
 - §C. Efforts by the Marshals Service to Effect the Arrest of Weaver (2. Statement of Facts, subsections a., g.);
 - §D. Marshals Service Activities Between August 17 and August 21, 1992 (2. Statement of Facts, subsection c.; 3. Discussion, subsections a., c.; 4. Conclusion; or *passim*)
 - §F. FBI's Rules of Engagement and Operations on August 21 and August 22, 1992 (2. Statement of Facts, subsections a.-g.; 3. Discussion, subsection a; or passim);
 - §H. Law Enforcement Operations at Ruby Ridge From August 22, 1992 Until August 31, 1992 (2. Statement of Facts, subsection b.); and
 - §L. Scope of the Indictment and Alleged Prosecutorial Misconduct Before the Grand Jury (*passim*).
- VI. Chronology of Events (*passim*).

Note, other nearly identical sources of the same content are available online, e.g., differing only in terms of header or introductory content.

■ Ruby Ridge Task Force (November 9, 2006 rel.) [June 10, 1994]. Report of the Ruby Ridge Task Force to the Office of Professional Responsibility [OPR] of Investigation of Allegations of Improper Governmental Conduct in the Investigation, Apprehension and Prosecution of Randall C. Weaver and Kevin L. Harris [OPR legacy, highly redacted version] (PDF series) (Report). Washington, DC: U.S. Department of Justice. pp. 545 pages.

This source exists as a series of PDF files of the full but heavily redacted report, including cover page-p. 39 (https://www.justice.gov/sites/default/files/opr/legacy /2006/11/09/rubyreportcover 39.pdf), pp. 40-84 (https://www.justice.gov/sites/default /files/opr/legacy/2006/11/09/rubyreport40 84.pdf), pp. 85-125 (https://www.justice.gov /sites/default/files/opr/legacy/2006/11/09/rubyreport85 125.pdf), pp. 126-165 (https://www.justice.gov/sites/default/files/opr/legacy/2006/11 /09/rubyreport126 165.pdf), pp. 166-211 (https://www.justice.gov/sites/default/files /opr/legacy/2006/11/09/rubyreport166 211.pdf), pp. 212-251 (https://www.justice.gov /sites/default/files/opr/legacy/2006/11/09/rubyreport212 251.pdf), pp. 252-298 (https://www.justice.gov/sites/default/files/opr/legacy/2006/11 /09/rubyreport252 298.pdf), pp. 299-338 (https://www.justice.gov/sites/default/files /opr/legacy/2006/11/09/rubyreport299 338.pdf), pp. 339-395 (https://www.justice.gov /sites/default/files/opr/legacy/2006/11/09/rubyreport339 395.pdf), pp. 396-474 (https://www.justice.gov/sites/default/files/opr/legacy/2006/11 /09/rubyreport396 474.pdf), pp. 475-516 (https://www.justice.gov/sites/default/files /opr/legacy/2006/11/09/rubyreport475 516.pdf), and pp. 517-545 (https://www.justice.gov/sites/default/files/opr/legacy/2006/11 /09/rubyreport517 545.pdf), all via Justice.gov, all Retrieved February 8, 2017.

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Chapters and sections cited from this work include:

- Introduction
- B. United States Marshal Service
 - §5. August 21, 1992 Firefight (subsections a.-c.)
- D. Federal Bureau of Investigation
 - §4. Two Shots Taken by Sniper/Observer on August 22, 1992 (subsection c.)
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Further reading and viewing

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Other documentaries

Randy Weaver and the Siege at Ruby Ridge have been the focus of numerous documentaries, including:

- "American Standoff (http://www.retroreport.org/video/ruby-ridge-american-standoff/)," Retro Report / New York Times, Oct. 26, 2014.
- Season 1, Episode 1: "The Legend of Ruby Ridge" of the documentary series Secret Rulers of the World. - April 2001
- Atrocities at Ruby Ridge: the Randy Weaver Story, Produced by KPOC-TV 1995; VHS tape distributed by The FOREND Times, Inc.
- A&E Network *American Justice* series, episode 047 "Deadly Force": A look

- at controversial law enforcement policy. Features the police bombing of the MOVE headquarters in Philadelphia, which killed 11, and the shootings of Randy Weaver's wife and son at Ruby Ridge. Bill Kurtis hosts.
- "Ruby Ridge Investigation", by Nightline 1995, ABC News; ASIN: B00005BK47
- PBS *American Experience*: "Ruby Ridge", episode S29E07, February 14, 2017.

External links

- From Freedom to Slavery excerpts, G. Spence (Weaver defense attorney) (http://www.ruby-ridge.com/gspence.htm)
- U Missouri-Kansas City Law, Famous Trials, R. Weaver (http://www.law.umkc.edu/faculty/projects/ftrials/weaver/weaverhome.html)
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- "Idaho vs Randy Weaver" from the (http://www.crimelibrary.com /gangsters_outlaws/cops_others /randy_weaver/19.html) CourtTV Crime Library
- Ruby Ridge page, American Patriot Friends Network (http://www.apfn.org /apfn/rubyridge.htm)

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