

# Randy Weaver found not guilty; real criminals must now be put on trial

by Patrick Ruckert

On Thursday, July 8, a federal jury in Boise, Idaho rendered verdicts in the celebrated trial of "white separatists" Randy Weaver and Kevin Harris for the alleged murder of Deputy U.S. Marshal William Degan, in an August 1991 shootout provoked by U.S. marshals outside the Weaver cabin on Ruby Ridge in rural northern Idaho (see *EIR*, June 25, 1993).

The jury's verdict, after a record 20 days of deliberation, must be seen as a major victory for justice, and a major defeat for the FBI, the Bureau of Alcohol, Tobacco and Firearms (BATF), and the police-state methods they use. The Anti-Defamation League of B'nai B'rith, never an organization to celebrate the victory of truth, sees the acquittal as a major setback to its agenda, and has sent howls of protest throughout the airwaves of the country.

Furthermore, reports from jurors, after their verdict was rendered, demonstrate that if even a little of the control over the judicial process exerted by the Justice Department slips from its hands, truth and justice can prevail in jury trials. Unlike the trial of Lyndon LaRouche, which was moved from Boston, Massachusetts, where the jury was ready to acquit him on all charges, to the suburbs of Washington, D.C. in northern Virginia, the government in the Weaver case had to present their lying testimony to citizens who were not federal employees or relatives of federal employees, and who took seriously their responsibility to seek out the truth.

## 'Justice has won out'

That Weaver and Harris deserved the not-guilty verdict was even acknowledged by editorial writers in Northwest newspapers. Thomas Shapley of the *Seattle Post-Intelligencer* wrote:

"Something strange happened in Boise late last week, at the trial of Randy Weaver and Kevin Harris. The 'good guys' lost.

"And the good guys lost because they were bad.

"The forces of law and order conflicted with the force of justice. And justice has won out. . . .

"So now the trial is over, and the good guys have lost because they were the bad guys up on Ruby Ridge. Now it's time to go after those bad guys."

Weaver and Harris were charged with first-degree murder, conspiracy to commit murder, federal weapons charges deriving from a BATF informant's "sting" operation against

Weaver, and other charges, including failure to appear for a hearing on the illegal weapons count. The illegal weapons charge was a clear setup, as the trial testimony demonstrated. The shotgun Weaver allegedly sold to the informant was one-half inch shorter than is legal, and the informant was the one who instructed Weaver on where to cut the barrel.

The jury acquitted Kevin Harris of all charges; Weaver was acquitted of all the murder and weapons counts, but convicted on two lesser charges of "failure to appear for trial" and a related, overlapping charge.

Although Harris walked out of the court a free man, Weaver must still face sentencing on the "failure to appear" charges. Weaver's attorney, Gerry Spence, said that he will request that Weaver be sentenced to merely the time served while awaiting trial. It is possible that Weaver could be free by September, when sentencing is scheduled.

## Marshals stake out Weaver cabin

The trial centered around a gunfight and ensuing "barricade" situation at the Weaver cabin in a remote area of northern Idaho, in which federal marshals "staked out" Weaver and his family for more than 16 months after Weaver allegedly failed to appear for trial on a weapons charge. The weapons charge resulted from a BATF sting operation set up to "get" Weaver after he refused to become an informant for them.

The murder charge derived from the gunfight involving U.S. marshals, dressed in full commando garb, Weaver's friend Kevin Harris, and Weaver's 14-year-old son Sammy. Sammy's dog Striker flushed out the U.S. marshals. Court testimony demonstrated that one of the U.S. marshals then shot the dog. Angered, Sammy then fired wildly in the general direction of the marshals, and ran back toward the cabin. He was shot twice by the marshals, once in the arm and once in the back as he fled back toward his cabin, and killed. Kevin Harris fired in self-defense and in defense of Sammy, killing Marshal Degan.

After the gunfight, the FBI Hostage Rescue Team, including key team leaders who would later become involved in the massacre of Branch Davidians in Waco, Texas, was called in. In the course of the 10-day standoff, more than 300 FBI and other armed personnel surrounded the Weaver cabin. In the cabin was Weaver, Harris, Weaver's wife Vicki, and their three daughters.

On the second day, an FBI sniper killed Vicki Weaver while she was standing in the doorway of the cabin holding her baby in her arms. The sniper had been authorized to shoot to kill any adult around the Weaver cabin. FBI agents then taunted Weaver about the murder of his wife, whose body lay in the cabin next to him for the remaining eight days of the siege.

As the trial began in April of this year, supporters of Weaver held up a sign asking: "How many FBI agents does it take to kill a mother and her child? About 300—if they have plenty of backup."

## Government misconduct

Following weeks of testimony put on by the prosecution, the defense rested its case without calling a single witness, since, as the judge commented, 75% of the government witnesses helped the defense. The evidence of government misconduct, deliberate withholding of exculpatory evidence, and probable criminal activity by the federal agents was so blatant that U.S. District Judge Edward Lodge was forced to sanction the government during the trial, fining the prosecution \$3,000.

One highlight of the trial was the testimony of one of the deputy U.S. marshals, who insisted that it was his fellow marshals who fired first in the gunfight, not Harris or Sammy Weaver. His testimony was backed up by others at the scene, including the medical personnel, who were pre-positioned there.

Among the government claims that the jury found to be absurd, was that Marshal Degan did not fire his weapon until after he had been fatally wounded by Harris. The jury found it to be not believable that a fatally wounded man could get off seven shots from his semi-automatic rifle.

The government's claim that the Weavers had conspired for 10 years to create a showdown with federal government authorities, was deemed so ridiculous by the jury that they dismissed that charge in less than an hour of deliberations.

The trial had become a *cause célèbre* with the growing anti-establishment movement in the United States, and a large number of such people attended the trial. In fact, the courtroom erupted with applause and celebration as the verdicts were announced.

During the course of the trial, networks of citizens angered by the clear criminality of the government, and the established media's coverup for the government, were activated to circulate the facts emerging from the testimony, using phones and fax machines.

Many of these citizens are not going to go back into their closets; they have now become part of the growing movement of resistance to the establishment.

## Local authorities may act

The real criminals in the Weaver events, the FBI and U.S. marshals, are yet to be brought to trial—an event that

is, perhaps, in the making. During the trial, lead defense attorney Gerry Spence said: "The real murderers in this case have not been brought to justice. . . . The murderers are still at large."

Local authorities in Boundary County, Idaho, where the Weaver cabin is located, have indicated to the media that they are looking into all the shootings. Under Idaho law, the county prosecutor can file criminal charges against government officials for a killing in his county.

Clearly, the jury in this case would agree with Spence. The jury foreman said: "I felt they [federal prosecutors] did the best they could with what they had to work with, which wasn't much."

Another juror, a woman electronics plant worker, said (in reference to the government): "I think they built their whole scenario out of how they perceived someone else should be living their lives, and if someone believed differently from how [federal authorities] lived their lives, they must be abnormal."

## Clean out the ADL

That is precisely what these federal agencies believe. One institution that is crying over the verdict is the Anti-Defamation League. The ADL has played a key role in brainwashing the FBI, U.S. Marshals, and the BATF agencies to view any group or individual with whom the ADL disagrees as being dangerous terrorists. Thus, these federal agencies are essentially programmed to go in shooting, as seen in both the Weaver case and at Waco.

Tony Cooper, a law enforcement consultant who teaches at the University of Texas at Dallas, said in an interview with the *Washington Post* shortly after the verdict, "I see the formation of a curious crusading mentality among certain law enforcement agencies to stamp out what they see as a threat to government generally. . . . These acquittals send a message that representatives of authority may not only have exceeded their mandate, but have carried out their mission in an irresponsible way. . . . A key issue in these cases is whether individuals have a legal right to resist invasion of their property by authorities who may be acting in excess of their own legal rights."

Fear that the Weaver jury decision may be repeated in the upcoming Waco trials has made these federal criminals dig in. Henry E. Hudson, director of the U.S. Marshals Service (earlier, he was U.S. Attorney in overall charge of the prosecution of Lyndon LaRouche in Virginia in 1988), defended the conduct of his agency. "The deputy marshals involved in the shooting incident were attempting to find a way to peacefully carry out their lawful responsibility of serving a federal, court-ordered warrant for the arrest of Randall Weaver," he said.

So says Henry Hudson, as he whistles while walking past the graveyard. There is a much bigger graveyard to walk by in Waco.