

# Ruby Ridge: FBI, not DOJ, feels the heat

by Edward Spannaus

The Senate hearings on the 1992 Ruby Ridge, Idaho shooting incidents concluded on Oct. 19, with FBI Director Louis Freeh appearing as the final witness. Preceding Freeh on Oct. 18 was Deputy Attorney General Jamie Gorelick. While both were quite candid about the failures and shortcomings of the FBI, as well as of the U.S. Marshals Service and the Bureau of Alcohol, Tobacco and Firearms (ATF), the role of the Justice Department's career professionals was scarcely touched. Indeed, the failure of both the Waco and Ruby Ridge hearings to probe the permanent bureaucracy in the Justice Department can only be described as an act of political cowardice, which will come back to haunt the Congress again and again.

Perhaps most revealing was the comment of Gorelick, who told the Senate subcommittee that as she had gone through the record of this case, "the thing that really struck me . . . was how many things had gone wrong. Almost everything had gone wrong." If the Senate Judiciary Committee had taken up the broader question of Justice Department misconduct, they would have found that this is true in almost every politically tinged case, and many others as well. If the level of scrutiny that has gone into the Ruby Ridge hearings were applied to the cases of John Demjanjuk, Lyndon LaRouche, and the selective prosecution of black elected officials (see *EIR*, Oct. 6), for example, it would be obvious that the Weaver case, tragic as it is, unfortunately is nothing exceptional.

## FBI 'overreaction'

The level of publicly exposed blundering in the Ruby Ridge case—which resulted in the deaths of a deputy U.S. Marshal, and of the wife and son of the target of the operation, Randy Weaver—made it imperative that wrongdoing be admitted. Gorelick opened her testimony on Oct. 18 by declaring: "All three deaths . . . were senseless tragedies. It did not have to happen, and they should not have happened." Testifying the next day, FBI Director Freeh stated: "Ruby Ridge has become synonymous with tragedy. . . . It has also become synonymous with the exaggerated application of federal law enforcement. Both conclusions seem justified."

Freeh told the subcommittee that law enforcement, and specifically the FBI, had "overreacted" at Ruby Ridge. He also said that FBI officials had promulgated rules of engagement that were subject to an "interpretation that would permit

a violation of FBI policy and the Constitution." Freeh said he would never allow the FBI to use such rules of engagement again.

The ATF's initial targetting of Weaver has also come under attack, as has the conduct of the marshals at Ruby Ridge, and then in the wildly exaggerated briefing given to FBI officials by then-Director of the Marshals Service Henry Hudson. Referring to Hudson's briefing to the FBI, Gorelick said that the Marshals Service has instituted a more rigorous reporting system, "so you don't have a situation where the head of the Marshals Service grabs whatever information he has and runs across the street to the FBI, and that becomes the basis for rules of engagement and HRT [Hostage Rescue Team] deployment."

Freeh told the subcommittee that he is restricting the use of the HRT. "The members of HRT are not commandos," Freeh said. He said that, in connection with barricade situations: "I will not tolerate and you will not have a militarized FBI or HRT in these operations. And some of the tactics we used before, whether they were robots or chants or anything else, are not going to be part of this FBI."

But this did not satisfy some of the senators on the panel, particularly Charles Grassley (R-Iowa), who said that the HRT "has done more to erode public confidence" in law enforcement by its actions in Ruby Ridge and Waco than anything else. "You've been talking about enhancing the Hostage Rescue Team," Grassley told Freeh. "I'm thinking about dismantling it, and if not dismantling it, then right-sizing it and putting it on a very short leash, and I'm not convinced the HRT concept is consistent with law enforcement." Grassley said that the HRT does military-style training full-time, which includes "cross-training" with military special operations, training with the Marine Corps sniper school, and training at the Navy's underwater demolition school, and that it does not engage in any routine FBI activity.

Grassley asked: "Why would we want to deploy, for law enforcement purposes, a team of full-time, military-trained, once-in-a-blue-moon, finely honed, non-police-trained, tightly-wound-up assaulters and snipers with a military mind-set, rather than a law-enforcement mind-set, especially when we've seen, both at Ruby Ridge and at Waco, the possibility of misuse?"

Freeh answered that it "is a capability that we need and must have." But, he said, it should not be used "reflexively," adding that he had only deployed it twice since he has been FBI director, and had turned it down on three other occasions.

Freeh's willingness to acknowledge mistakes by the FBI was noted by Patrick Leahy (D-Vt.) who commented that in the '60s and '70s—in an obvious reference to the reign of J. Edgar Hoover—it was unthinkable for the director of the FBI to admit any mistakes. Taking up the theme, Freeh commented: "We're the agency, we don't forget, that didn't investigate organized crime for 50 years. We ignored it. We pretended that it didn't exist."