

**How Could This Happen? A Constructivist Analysis of Reactive State Terrorism at
Ruby Ridge**

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(ABSTRACT)

Once upon a time in the remote northern panhandle of Idaho, in the early 1990s, occurred a series of events that would lead to the deaths of three individuals, a beloved pet, and the overt acts of lawlessness and terrorism of three federal law enforcement agencies against United States' citizens. Thus, I introduce the story of Ruby Ridge, Idaho, the Weaver family, and the federal law enforcement agencies that have collectively become known as the infamous "dress rehearsal for Waco..." (Kopel and Blackman, 1997:32).

Since this is a constructivist analysis of events surrounding Ruby Ridge, I specifically focus on how reality is constructed through the process of reification. In this research endeavor, I utilize an elaboration of Aho's (1994) steps of reality construction (naming, legitimation, mythmaking, sedimentation, and ritualism) in the understanding of how the situation of Ruby Ridge was constructed. I have integrated these five stages into the chronological events of Ruby Ridge and illustrate how the situation was constructed to be real and how the consequences of crisis management employed by federal law enforcement agencies evolved into reactive state terrorism. In other words, I answer the question- "How could this happen?"

*To my wonderful parents, Effie and E.V. Wimmer
and
my beloved pets!*

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Lastly, I would say “what a long strange trip it’s been.” And one that I would not have missed in the world!

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WHO ARE THEY?

Cast of Characters in the Case Analysis of Ruby Ridge, Idaho

In the following pages I tell a story—a story that has become known as the “dress rehearsal for Waco.” But before I begin the odyssey, may I present the individuals that played such pivotal roles in the saga.

THOSE IN THE CABIN AT RUBY RIDGE, IDHAO

Weaver, Elisheba, daughter, 10 months

Weaver, Rachel, daughter, 10 years

Weaver, Randy, father/husband, 44 years

Weaver, Samuel, son, 14 years

Weaver, Sara, daughter, 16 years

Weaver, Vicki, mother/wife, 43 years

Harris, Kevin, family friend, 25 years

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (BATF)

Anderson, Barbara

Agent involved in the January 17th, 1991 arrest of Randy Weaver on federal weapons charges. Anderson is also the agent who shoved Vicki Weaver into a snowbank as well as conducted a physical search of Vicki for concealed weapons.

Byerly, Herbert G.

Special Agent who investigated and submitted to the U.S. Attorney’s office the case report recommending the prosecution of Randall Weaver for selling illegal firearms. Additionally, Byerly was Kenneth Fadeley/Gus Magisono contract within the BATF.

Fadeley, Kenneth, aka Gus Magisono

BATF informant who bought two sawed-off shotguns from Randy Weaver in 1989.

Gunderson, Steve

Agent involved in the January 17th, 1991 arrest of Randy Weaver on federal weapons charges.

Hart, Lance

Agent involved in the January 17th, 1991 arrest of Randy Weaver on federal weapons charges.

Kelly, Mike

Special Agent who provided information to USMS about Weaver’s failure to appear for trial in February 1991.

IN COURT

Ayers, Stephen M.

U.S. Magistrate Judge Ayers presided over the arraignment of Randy Weaver on illegal weapons charges on January 18, 1991. Additionally, at the same time, he scheduled Weaver's trial for February 20, 1991.

Ellsworth, Maurice O.

U.S. Attorney for district of Idaho who participated in the initial investigation of Randy Weaver and the BATF.

Hoffmeister, Everett

Attorney appointed by Magistrate Judge Ayers in January 1991 to represent Weaver on illegal weapon charges.

Howen, Ronald D.

Assistant U.S. Attorney, District of Idaho who represented the U.S. Attorney's Office during the investigation at Ruby Ridge after the fatal shootings on August 21, 1992. Howen was also the lead government prosecutor at the Weaver-Harris trial.

Hummel, Terrance A.

Chief U.S. Probation Officer notified the court and U.S. Attorney's Office that Randy Weaver's trial date was incorrect.

Lodge, Edward

Judge Lodge was the presiding judge during the Weaver-Harris trial. Judge Lodge was also the presiding judge that ruled in Horiuchi's favor on federal charges.

Nevin, David

Nevin was Kevin Harris' lead defense attorney.

Richins, Karl L.

U.S. Probation Officer who sent Weaver a letter addressing the erroneously noted trial date was scheduled for March 20, 1991 rather than February 20, 1991.

Ryan, Harold

Chief Judge, U.S. District Court for the District of Idaho issued a bench warrant charging Weaver with failure to appear on February 20, 1991. At this time Weaver becomes a federal fugitive.

Spence, Gerry.

Spence was Randall C. Weaver's pro bono defense attorney.

Woodbury, Denise

Chief boundary County Prosecutor from Idaho charged Kevin Harris with first-degree murder in the killing of U.S. Marshal William Degan. Woodbury also charged Lou

Horiuchi, FBI's HRT's sniper, of involuntary manslaughter for the death of Vicki Weaver.

U.S. MARSHALS SERVICE (USMS)

Cluff, J. Bradley "Jack"

Senior Deputy Cluff conducted background investigation into threat assessment of Randy Weaver.

Evans, Ronald D.

Chief Deputy, U.S. Marshal, Boise, Idaho.

Haynes, John

U. S. Marshals Service Special Operations Group (SOG) Commander was first notified of Weaver situation in late March 1991 and deployed the SOG personnel to Ruby Ridge after the shooting incident on August 21, 1992.

Hudson, Henry.

As Acting Director of the USMS during the time the Marshals were formulating plans to effect an arrest of Weaver after his failure to appear for trial date. Hudson was confirmed as Director of USMS in August 1991 and approved the operational plan to proceed with "Operation Northern Exposure" prior to the shooting incident on August 21, 1992 at Ruby Ridge.

Hufnagel, William

Hufnagel was a member of the surveillance team of Ruby Ridge prior to August 1992.

Johnson, Mike

Deputy U. S. Marshal who participated in the negotiations for a peaceful surrender of Randy Weaver.

Jurgensen, Mark

Jurgensen was to be the "ruse" in the third phase of "Operation Northern Exposure." Additionally, Jurgensen assisted marshals who were involved in the August 21, 1992 shooting incident.

Libby, Ron

Libby participated in surveillance of Ruby Ridge from April 2-12, 1992,

Mays, Warren.

Mays prepared a threat assessment of Vickie Weaver as the result of two letters she sent to U.S. Attorney's Office in February 1991.

Perez, Jose Antonio "Tony"

Chief of Enforcement Operations, USMS, Perez was involved in the development and planning operations to effect an arrest of Randy Weaver.

Roach, Jim

As Deputy Director for Operations, UMSM, Roach gave approval in late March 1992 for undercover plan to effect arrest of Weaver.

Smith, G. Wayne "Duke"

Associate Director for Operations traveled with the FBI's HRT from Quantico, Virginia to Ruby Ridge, Idaho in August 1992. Additionally, Smith consulted with the FBI in the revision of ROE. Smith represented the USMS HDQ at Ruby Ridge throughout the efforts to effect an arrest of Randy Weaver and Kevin Harris.

Stagg, Louis E.

As Deputy Commander of SOG, Stagg led the SOG reconnaissance teams at Ruby Ridge in mid-June 1991 and was involved in the deployment and command of SOG at Ruby Ridge after the shooting incident on August 21, 1992.

USMS SPECIAL OPERATIONS GROUP AT RUBY RIDGE-AUGUST 21, 1992

Cooper, Larry T.

Cooper was a member of the six-man team at Ruby Ridge that was involved in the shooting incident at the "Y."

Degan, William F.

Deputy U.S. Marshal who was killed in shooting incident at the "Y" on Ruby Ridge.

Hunt, David

As Senior Deputy U.S. Marshal, Boise, Idaho, Hunt assisted with the threat assessment profile of Weaver as well being a member of the USMS surveillance team of the Weaver property during the Spring of 1992. Hunt was also a member of the Observation Post Team at Ruby Ridge when the shooting incident occurred. Hunt reported the incident to USMS HDQ and to local law enforcement officials.

Norris, Frank

Norris was a member of the Observation Post Team at Ruby Ridge when shooting incident occurred.

Roderick, Arthur

Roderick headed the team of U.S. Marshals in the surveillance of the Weaver property on August 21, 1992. Roderick was also a member of the reconnaissance team involved in the shooting incident.

Thomas, Joe

Along with Hunt and Norris, Thomas was a member of the Observation Post Team at Ruby Ridge on August 21, 1992.

FEDERAL BUREAU OF INVESTIGATION (FBI)

Coulson, Danny O.

Coulson was FBI Deputy Assistant Director, Criminal Investigative Division, FBI HDQ during Ruby Ridge seize.

Davis, James

As a Special Agent, Davis had investigated the Aryan Nations' cases prior to 1992.

Dillon, T. Michael

Dillon was Supervisory Senior Resident Agent, Boise, Idaho, during seize at Ruby Ridge.

Evans, Gale Richard

During incidents at Ruby Ridge, Evans was Unit Chief, Violent Crime Unit, Criminal Investigative Division at FBI HDQ.

Freeh, Louis J.

FBI Director during the Waco, Texas situation. Freeh was also involved in the internal investigation of the Ruby Ridge, Idaho incident.

Glenn, Eugene F.

Special Agent in Charge, Salt Lake City, Utah, Glenn was the senior FBI agent at Ruby Ridge following August 21st shooting incident.

Gore, William D.

Special Agent in Charge, Seattle, Washington, provided management assistance to Special Agent in Charge Glenn at Ruby Ridge.

Gow, W. Douglas

Gow was FBI Associate Deputy Director, Investigation, FBI HDQ in the decisions regarding crisis management after shooting incident on August 21, 1992.

Hall, John C.

Hall was supervisory Special Agent, Legal Instruction Unit, Quantico, Virginia who was consulted in regards to legal issues in the revising of ROE.

Kahoe, E. Michael

At the time of the Ruby Ridge incident, Kahoe was Section Chief, Violent Crimes and Major Offenders Section, Criminal Investigative Division at FBO HDQ. Kahoe was also the only individual charged with a criminal offense for the crisis management of Ruby Ridge.

Montgomery, Robin L.

Special Agent in charge, Portland, Oregon, Montgomery gave management assistance to Special Agent in charge Glenn during seize at Ruby Ridge.

Potts, Larry A.

Potts was Assistant Director, Criminal Investigation Division, FBI HDQ, and Chief FBI representative involved in revising crisis management in response to shooting incident on August 21st. Potts made the decision to deploy the FBI's HRT.

Sauls, John G.

As Supervisory Special Agent, Legal Instruction Unit, Quantico, Virginia, Sauls was consulted by FBI HDQ on issues of ROE employed at Ruby Ridge.

Sessions, William S.

FBI Director during the Ruby Ridge incident.

Sinclair, George

Special Agent Sinclair was team leader in the exterior search of grounds and outbuildings near the Weaver cabin following the days after the shooting incident on Ruby Ridge.

Wages, Larry B.

Special Agent, El Paso, Texas, Wages was one of the first FBI agents at Ruby Ridge after the shooting incident of August 21st.

MEMBERS OF THE FBI'S HOSTAGE NEGOTIATION TEAM AT RUBY RIDGE

Lanceley, Frederick W.

Lanceley was lead hostage negotiator at Ruby Ridge.

Botting, James M.

Burke, E. MacArthur

Dolan, John T.

Lima, Wilson

MEMBERS OF THE FBI'S HOSTAGE RESCUE TEAM (HRT) AT RUBY RIDGE

Rogers, Richard

Rogers was Commander of the FBI's HRT and the primary architect of the revised Rules of Engagement adopted as crisis management during the Ruby Ridge incident after the shooting of August 21, 1992.

Bamford, Warren was a member of Sierra 2 team at Ruby Ridge.

Barker, Jerome Anders was a member of Sierra 3 team at Ruby Ridge.

Costanza, Frank was the helicopter pilot that flew reconnaissance missions over Ruby Ridge on August 22, 1992.

Curran, Christopher was a member of Sierra 3 team at Ruby Ridge.

Hazen, Lester B. was a Special Agent and sniper/observant coordinator of the FBI's HRT team at Ruby Ridge, Idaho.

Horiuchi, Lon T.

Horiuchi was a member of Sierra 4 team at Ruby Ridge who fired two shots on the evening of August 22nd, 1992 killing Vicki Weaver and wounding Randall Weaver and Kevin Harris.

Love, Roger was a member of sierra 1 Team at Ruby Ridge.

Monroe, Dale R. was a member of Sierra 4 team at Ruby Ridge.

Sigler, Lloyd was the FBI's HRT intelligence officer at the HRT command post at Ruby Ridge.

Tilton, Mark was a member of Sierra 1 Team at Ruby Ridge.

Wenger, Edward C., Jr. was a member of Sierra 2 Team at Ruby Ridge.

OTHER PARTICIPATES IN THE CASE ANALYSIS OF RUBY RIDGE, IDAHO

Brown, Jackie

Ms. Brown was a Weaver friend who also assisted Bo Gritz in negotiations with the Weavers for a peaceful surrender.

Bulter, Richard was leader of the Aryan Nations at the time of the Ruby Ridge seize.

Eskstrom, Lonnie

Chief Deputy Sheriff of the Boundary County Sheriff's Office, Bonner Ferry, Idaho, participated in the local law enforcement investigation at Ruby Ridge.

Grider, William and Judy

The Griders were friends and neighbors of the Weavers as well as relaying messages to and from USMS and the Weavers during the Spring of 1991 regarding surrender negotiations.

Gritz, James Gordon "Bo"

Mr. Gritz, a retired Green Beret and presidential candidate, was a nongovernmental negotiator who negotiated the surrender of Randall Weaver and Kevin Harris at Ruby Ridge.

Jeppeson, Alan a friend of Randy Weaver conveyed offers of negotiations from USMS to Weaver.

Joy, Marnis

Ms. Joy was the sister of Randy Weaver and attempted to negotiations with Weaver during the standoff at Ruby Ridge.

Kumnick, Francis "Frank"

A frequent visitor of Randy Weaver's, Kumnick associated with members of the Aryan Nation and was suspected by the BATF of dealing in illegal firearms.

Lindholm, Dr. Charles R. performed the autopsies on USMS Degan, Sammy and Vicki Weaver.

Mathews, Robert

Mathews was the founder of the white supremacist group known as “The Order.” He was killed during a 35-hour standoff at a cottage on Whidbey Island, Washington in December 1984. The importance of Mathews in this case analysis is that he is quoted in a letter from Vickie Weaver to the U.S. Attorney’s Office, Boise, Idaho, in February 1991.

McLamb, Gerald Jackson “Jack”

McLamb was a former Phoenix, Arizona police officer who assisted Bo Gritz in the nongovernmental negotiation to resolve the crisis situation at Ruby Ridge.

Neal, David L.

As Commander of the Idaho State Police Critical Response Team (CRT), Neal led the CRT in the rescue of U.S. Marshals from Ruby Ridge after the shooting incident on August 21, 1992.

Rau, Wayne and Ruth

As neighbors of the Weavers, the Raus complained of theft and threats of violence by the Weavers and Harris. Their property was utilized as the base operations by the USMS and other law enforcement personnel during the crisis at Ruby Ridge on August 21-31, 1992.

Reno, Janet

Reno was Attorney General of the United States when the FBI conducted their internal investigation into the events surrounding Ruby Ridge. Reno was also AG when Waco occurred.

Whittaker, Bruce

A member of the Boundary County Sheriff’s Office, Whittaker investigated the complaints made by Wayne and Ruth Rau of stolen property of threatened violence of persons. He additionally coordinated the local law enforcements efforts after the shooting incident on August 21, 1992.

Willey, Rodney

Willey conveyed messages between Weaver and the USMS in the Spring-Summer of 1991.

CHAPTER 1

WHO AM I?

The Reflective Introduction Statement of the General Research Question

There are times in one's life when we reflect on where we have been and how those experiences shaped our lives. The older we become the more self-indulgent we are allowed in our reflections because we have lived and experienced historical events that not only occurred in our life time but they allow us to pass on the oral histories of our generation to the next. Like many other baby boomers, my life has taken many twist and turns, all leading to the here and now. With that said....

It was the best of times, it was the worst of times! It was the 1960s. Why am I flashing back to the 1960s? What does the 1960s have to do with this research? I argue that it was an era that helped define the heart of the baby boom generation and most definitely shaped my personal life and my academic interests. Nevertheless, the decade started with high hopes and aspirations as the new president of charismatic appeal became our leader. However, the political and social conditions rapidly became part of our own personal security. Do you remember the 1961 fiasco known as the Bay of Pigs? Do you remember the 1962 Cuban Missile Crisis? I vividly remember that October when I saw camouflaged military vehicles loaded with nuclear warheads traveling south on US 301/441 in central Florida. It was a sight that still sends shivers down my back. The awesomeness of witnessing a convoy of military vehicles loaded with such weapons of destruction.

It was also during this time that the civil rights movement was attempting to break the barriers of racial inequality in this country. The peaceful demonstrations and marches to Selma and Birmingham, Alabama were met with armed resistance from local, state, and federal law enforcement agencies. Instead of unifying this great nation, the violence was tearing us apart.

Those early years of the 1960s were contradictory because on the one hand there was an anticipated hopefulness for the future but on the other one of fear and confusion. And then it happened. Do you remember where you were on November 22, 1963 when you first heard that President John F. Kennedy had been assassinated? I do and like millions of others I went into a state of shock and mourning. Do you remember the events immediately following in the next several days? The assassination of the alleged assassin was broadcast live to millions of viewers. Can you imagine how this impressed a naïve teenager? Maybe today it is commonplace with all the newsreels of insensitivity but back in those days it was unreal. This could not be happening.

As I continue to recall that decade that so influenced my life, it proved to be rich and full of political and social upheavals. Do you remember the Watts riots during the summer of 1965? Do you remember the escalation of VietNam that resulted in the polarization of this country? Do you remember that fateful year of 1968 when Dr. Martin Luther King and Robert F. Kennedy were assassinated and the riots during the Democratic convention and the Chicago 7? Do you remember the FBI's COINTELPRO program of the 1960s-1970s that targeted what was termed left-wing individuals and organizations that opposed the government's involvement in VietNam as well as the racial and social inequality that permeated throughout our society? Have you inquired into the Freedom of Information Act to see if your file is included in the millions of other likewise innocent individuals?

The historical chronology goes on and on and the ripples of those events continue to pervade in our society today. For myself, it is no wonder why I research and am interested in political crime and the terrorism from federal law enforcement agencies. Have you ever had your telephone bugged? Have you ever had your mail illegally searched? Has a strange black car ever followed you? Have you ever been innocent but suspected of wrong doing because you were in the wrong place at the wrong time or knew someone who knew someone therefore you became suspect?

The 1960s were not the only time in United States' history when political criminality has been committed against unwitting individuals. Examples abound such as the Palmer Raids and Red Scare of 1919, McCarthyism of the 1950s, the CIA's illegal domestic programs such as MHChaos, MKUltra, the CISPES investigation of the 1980s, the use of

citizens as nuclear guinea pigs, and the imprisonment of U.S. citizens as political prisoners. The above examples illustrate the more documented cases of state terrorism, these acts of terror that I define as illegal, harmful, unethical, immoral, cause social injury, as well as being unconstitutional.

Given the magnitude and severity of political crime, I find it surprising that state terrorism committed by Western democracies receives little attention by criminologists relative to other forms of terrorism and other types of crime. This lack of attention is problematic since some argue that this type of political crime is the oldest, the most common, and has the greatest negative impact on society (Schafer, 1974). This is in contrast to the state terrorism committed by militant dictators or terrorist regimes. Examples abound of this type of terror such as Stalin's reign of terror in the former USSR, Hitler's holocaust of the Jewish populace during WWII, the overt genocide of Pol Pot's Khmer Rouge regime in Cambodia during the 1970s, the massacre at Tiananmen Square in 1990, and the Serb's ethnic cleansing in Kosovo.

Hence, given the events that have occurred in my lifetime, it is not surprising the impact it has had on my academic interests. But what truly captured my intellectual curiosity was the situation of Ruby Ridge and the Weaver family. I wondered, with puzzlement and admittedly with some obsession, how federal law enforcement agencies could justify the Weaver family to be so dangerous as to warrant a paramilitary assault that would eventually cost the U.S. government untold millions of dollars. Were the Weavers terrorists; were the Weavers members of the Mafia or some Colombian drug cartel? Or were the Weavers simple folks that held nontraditional beliefs and happen to reside in an area teeming with rightist members? Questions, always questions. These questions came soon after I had completed my Masters thesis on political crime and the domestic abuses of the CIA. These questions awakened me, intrigued me, and challenged my doctoral training to find the answers.

The answers will reveal themselves in time, but for now this phenomenon is important in our understanding of the process of how reification creates our sense of the everyday world in which we live. It also enhances our own awareness as to how reality becomes objectified through the mythmakers that shape our subjective thinking.

This premise is based on the treatise of Berger and Luckmann's (1967) *The Social Construction of Reality*. Their basic assumption was that reality is constructed through the outcome of interactive relationships that are found within a specific context. The meanings and construct of knowledge comes to be interpreted, negotiated, and reformulated because the subjective construction of the situation has followed the process that defines the situation as real. In other words, what is real to the beholder is real in its definition and consequences.

Aho (1994) elaborates further on this thesis arguing that for reality to crystallize there are five steps or stages in the process of reification. These steps include naming (labeling), legitimation, mythmaking, sedimentation, and ritualism. There is no claim that these stages will always occur nor that the stages will occur in a particular sequence.

With this as my guiding tenet, I will apply these steps in the construction of the chronological events that centered on the infamous siege of Ruby Ridge, Idaho- August 1992. Specifically, I will endeavor to weave and integrate the sensitizing concepts of social constructionism to recreate the reality of the situation and how it came to represent the dress rehearsal for Waco, Texas and the rallying call for the militia movement of the 21st century.

CHAPTER 2 *WHERE HAVE WE BEEN?*

Literature Review

For my 1992 Masters thesis, a thorough review of the literature for political crime was compiled. Years later, in reviewing the literature, I realized that very little had changed. You can imagine my surprise since political criminality has characterized civilizations since the beginning of humankind. However, the violence inherent in political crime as a sociological phenomenon and major type of crime has been severely neglected. This lack of attention becomes problematic since some argue that this type of crime is the oldest, the most common, and has the greatest negative impact on society. “It is almost as if it were considered a kind of criminological satellite, some strange body of law violation revolving around the body of ordinary crimes” (Schafer, 1974:7).

For example, tomes of studies in criminology have addressed various types of criminality such as victimless crimes, violent crimes, organizational crimes, and crimes against property. However, there are few studies that address theoretical and methodological issues of political crime. In fact, criminologists whom have studied this type of criminality cannot reach a conceptual consensus as to what constitutes this phenomenon. For example, many scholars address political crime as authorized terror, state-supported terrorism, state repression, and crimes of omission each entailing an analyze from the perspective of crimes committed against a country’s citizenry by militant dictatorships and terrorist regimes. Therefore, I argue that the same problems that fraught the study of political crime also haunts the scientific investigation of Western state terrorism.

DEFINITIONAL ISSUES

Definitional issues as to what constitutes political criminality are heatedly debated, although, the concept was first defined in 1898 by the French jurist, Louis Proal, when he focused on crimes of the powerful (1898/1972:28-29):

Political passions have bathed the earth in blood; kings, emperors, aristocracies, democracies, republics, all governments have resorted to murder out of political considerations, those from love of power, those from hatred of royalty and aristocracy, in one case

from fear, in another from fanaticism.

Despite Proal's work, this type of criminality received scant attention until the social and political upheavals of the 1960s and 1970s, which illuminated the need to study this type of crime. However, the scholarly interest was directed toward those perceived as challenging the status quo. Austin Turk (1982:35) is an example of this approach. Turk defined political criminality as those who commit crimes against the state. He argued that crimes committed by the state are not political crimes.

No matter how heinous such acts may be, calling them political crimes confuses political criminality with political policing or with conventional politics, and therefore obscures the structured relationships between authorities and subjects.

Turk's definition is most illustrated in the volumes of literary works addressing the complexities of revolutionary, insurgent, and rebellious terrorist acts against governments.

Although analysis of Turk's perspective is beyond the scope of this research endeavor, the challenge to his limited definition is echoed. For example, Beirne and Messerschmidt (1991) have argued that by Turk calling acts by state authorities as "political policing" is assuming that the state only reacts in response to an illegal behavior by the subordinate group. On the contrary, there are tomes of evidence to refute Turk's assumption. Additionally, although policies of the state and its agencies maybe termed "conventional politics" obscures the fact that the state and its agencies can indeed engage in illegal and socially injurious acts.

Based on critiques such as these, criminologists have extended the inclusion of crimes against government and crimes by government in their analysis of political criminality. What distinguishes this type of crime from other forms of criminality is the motivation behind the crime. It is the criminological consensus that political crime is committed for ideological purposes and for personal gain. As Hagan (1997:2) argues "rather than being motivated by private greed or passion, [political criminals] believe they are following a higher conscience or morality that supersedes present society and its laws." Hagan (Ibid.) further argues that such political criminals may possess social-political reasons (Robin Hood), moral-ethical motivation (antiabortion activists), religious beliefs (Martin

Luther), scientific theories (Copernicus and Galileo), or political causes (Nathan Hale and Benedict Arnold).

Thus, crimes against the state, acts ranging from terrorism to protests, are considered political criminality if the violation of the law occurs for the purpose of modifying or changing social conditions. In contrast, crimes by government, acts ranging from terrorism to human rights violations, are considered political criminality if they are committed for the purpose of maintaining or enhancing the established order (status quo) or in the process of enforcing the legal code of law. Crimes by the state or its agencies can either be domestic or international and are synonymous with state crime (Barak, 1991), state-organized crime (Chambliss, 1989), governmental crime (Friedrichs, 1992), and state terrorism (Mullins, 1988).

The legal aspects of the concept further hinders the study of political crime. That is, since the concept is defined as crime in terms of the legal code with the corresponding proscribed behavior and social control the question arises how do we conceptualize those acts that while in the process of law enforcement of legalistic crimes result in harmful, unethical, immoral, and social injury against the very citizens that enforcement are reputed to protect?

There is a criminological consensus that even if the government has the power to make the law, and hence violate such laws, then acts which are harmful, unethical, immoral, and cause social injury be included as political criminality. As argued by Alexander (1992), Barak (1993; 1991), Barkan (1997), Chambliss (1989), Clinard and Quinney (1986), Hagan (1997), Martin and Romano (1992), Michalowski (1985), Roebuck and Weeber (1978), Simon (1996), and Tunnell (1993), examples of state-organized crimes include imperialism, exploitation, racism, sexism, government corruption, murder, cover-up, illegal wiretapping, illegal break-in, disinformation, kidnapping, assassination, terrorism, secrecy, unaccountability, unethical and illegal experimentation, exporting arms and importing drugs illegally, obstruction of justice, perjury, deception, fraud, and conspiracy. Additionally, state criminality includes the violations of domestic and international laws as well as bankrupting and destroying whole economies or violation the fundamental human rights as defined by the Universal Declaration of Human Rights (1948).

COVERT ACTS OF CRIMINALITY

The study of state terrorism is further complicated by the same problems that occur in trying to study any form of crime. For example, most crimes are covertly committed and frequently go undetected. Because of this covertness of governmental crimes, often if incidents are suspected, disinformation, fronts, deception cover-ups, and the destruction of documents are employed to 'wag the dog.' Thus, as Hagan argues (1997:27), "the lack of access to the politically powerful, the ability of elites to cover up their crimes, the broad scope and complexity of such crimes, as well as ideological resistance to the notion of government officials as criminals" contribute to the problems inherent in the study of state crimes.

PUBLIC DISBELIEF

Another problem related to this context is when governmental crimes are detected and uncovered it is often met with disbelief by the general public. As argued by Clinard and Quinney (1986) and echoed by Barak (1993), the problem is threefold. Firstly, the government and its law enforcement agencies are perceived as the emphatic servants of the people to shield and protect citizens from socio-political harm, thus being socially and politically accepted. To commit state crimes, these agencies are undermining the public trust as well as the socio-political system of democracy. Secondly, since the public receives its censored news from the mass media, the media abets in the distortion of our construction of reality. For example, Vetter and Perlstein (1991) as well as Wardlaw (1882:11) argue that state terrorism is less newsworthy than other types of terrorism. That is, "when terrorism becomes institutionalized as a form of government it makes the headlines less often." Thirdly, if the mass media can manipulate our conceptions, what of our country's leaders? Is it not true that the public believes its leaders thus bestowing trust to the very rulers that often commit crimes against its own citizenry?

So what happens when agents of the United States federal government are detected and uncovered as criminals? As Clinard and Quinney observe (1986:180), "the results are usually predictable: the charges are dropped, the defendants are cleared, or at most, an official may be dismissed from his former responsibilities" or the agent(s) resign from their position.

MORAL ISSUE

This brings forth another issue inherent in the study of state crime. That is, what of the moral nature of governmental crime? The issue of morality evokes a moral judgement attached to the degree of violence as justifiable under the doctrine of *raison d'état*. Are we, United States' citizens, to believe that crimes perpetrated against us have become the rational that the 'end-justifies-the-means.'

LACK OF SCIENTIFIC RIGOR

Additional problems that plague the research endeavor involve the lack of theoretical and empirical rigor. That is, many studies that focus on political criminality are atheoretical and descriptive such as Chambliss (1989), Hagan (1997), Martin and Romano (1992), Simon (1996), Simon and Hagan (1995) or typological such as Clinard and Quinney (1986), Fredricks (1997), Hagan (1994), Mullins (1988), Nicholas (1986), Roebuck and Weeber (1978), Siegel (1995), White (1998), and Wilkinson (1974).

REACTIVE STATE TERRORISM AS A RESEARCH AGENDA

Although the study of political crime is fraught with problems, it is an important research agenda. Unless we include state terrorism committed by Western democracies in our study of crime there remains a "significant gap" in our understanding of the "totality of the study of criminality" because "it will underscore the criminogenic relationship between state crimes and other forms of criminality, both in the streets and in the suites" (Barak, 1991:274).

In my analysis of state terrorism, I use an expanded definition to include not only those acts defined as illegal but also those acts which are harmful, unethical, immoral, and cause social injury even if the power of the government defines such activities as non-violations of the law. Thus, state-organized crimes that occur within a governmental context or are facilitated by the government or its agencies are considered reactive state terrorism. The importance of this definition is that it is more precise because it is better understood in a situational context. That is, reactive state terrorism is an unintentional response to a crisis situation that evolves because of the context in contrast to state terrorism that is usually associated with a proposed purpose such as an agenda to maintain the status quo. These governmental crimes can either be domestic or international.

This definition is an elaboration of Herman and Julia Schwendinger's moral definition of crime that was first introduced in the 1970s to address criminality from the critical perspective. Their argument emphasized that "any behavior that violates an individual's human rights" of life, liberty, and self-determination be considered an act of terror (Barak, 1998:24). Furthermore, the Schwendingers argued "that people have the fundamental right to be free from exploitation, oppression, hatred, racism, sexism, and imperialism (Ibid.)." For example, echoes of this conceptualization of political crime can be located in the research of Alexander (1992), Barak (1991), Chambliss (1989), Friedrichs (1992), Hagan (1997), Schafer (1974), and Simon (1996).

Thus within this definitional conceptualization, I argue that state crime is a major form of criminality and is weakened without its inclusion both on the theoretical and empirical levels of analysis. As stated by Lizaos (1985:383), "violence is committed daily by the government; but in these days of misplaced emphasis, ignorance, and manipulation we do not see the destruction inherent in these actions... We neglect conditions of inequality, powerlessness, and institutional violence...." Thus, just because the government cloaks its criminal activities under the rhetoric of national security, executive privilege, classified information, and plausible deniability does not mean criminologists should ignore, dismiss, or down play the government's or its law enforcement agencies illegal, harmful, unethical, immoral, and social injurious criminal activities. So despite the problems inherent in studying state terrorism, it is my hope to illuminate our understanding of this phenomenon since there is a significant gap in conceptualizing the subject matter, lack of theorizing, and a lack of rigorous methodological undertaking.

CHAPTER 3 *WHAT IS THIS?*

The Methods

THE PARADIGM

My research endeavor fits easily within the rubric of qualitative research. But trying to define qualitative research and particularly the kind that I am attempting becomes more problematic. This is not particularly surprising since Denzin and Lincoln (1994:ix) argue that the “‘field’ of qualitative research is far from a unified set of principles.” For example, the qualitative research of the Chicago School lacks any resemblance to participatory action research, which differs from the postmodern autoethnography. “Nor does qualitative research have a distinct set of methods that are entirely its own” (Ibid.:3). For example, methods employed by qualitative researchers include such diverse techniques as “narrative, content, discourse, archival, and phonemic analysis” (Ibid.).

Since the evaluation of qualitative research requires that it be judged within the discourse community in which it is conducted, I need to try and situate my work as best as possible. Thus, I would proclaim that my research is guided by a combination of the critical and constructivist paradigms. These paradigms have implication for selected practical issues for my research (Guba and Lincoln, 1994:112).

Firstly, is the aim of the inquiry. For example, while a positivist or postpositivist paradigm aim of inquiry focuses on explanation and/or prediction, this is not my case. Since my paradigms are a combination of the critical and constructivist, my aim of inquiry allows a critique of the “social, political, cultural, economic, ethnic, and gender structures” as well as the “understanding and reconstruction” of the constructions that people, including the inquirer, initially hold (Ibid.:113).

Secondly is the voice of the inquirer. I argue that the voice in my research is one of a passionate and reflective advocate. While my scholarly training is an essential part of my writing and thinking, my voice, I hope, will make this endeavor understandable to who ever reads it.

Thirdly, I foreground those values that I know influence my work and how they come to pass. Hence, given the paradigms that guide my research, I do not apologize for my

values, both implicit and explicit, that reveal themselves in these pages and in my interpretations. Rather, their presence is an essential part of this research.

Lastly, the issue of ethics must be addressed. Ethics are intrinsic to both paradigms. Given the methods I employ, the personal interactions with subjects that often lead to ethical concerns are not present. Nevertheless, a critical theory paradigm has an ethical mandate to “erode ignorance and misapprehensions, and to take full account of values and historical situatedness in the inquiry process” (Ibid.”115).

THE STRATEGY OF INQUIRY

As argued by Stark (1994:236), “case study is not a methodological choice, but a choice of object to be studied. We choose to study the case.” The emphasis in a case study, and the selection of the case, is what can be learned from the single case- not what can be generalized. When studying a case, one might select the case because of a fascination with or an interest in a particular case. This is referred to as an intrinsic case study (Stark, 1994). Admittedly I selected the case of Ruby Ridge because I was angered by what happened; I could not fathom how it could happen. I thought rules and regulations were in place to prevent this situation. In essence, I was fascinated by it at the time and it continued to peak my curiosity.

In between the time that Ruby Ridge took place and the writing of this dissertation, the events of Waco occurred. My interest in Ruby Ridge expanded. Was Waco another Ruby Ridge? Were the processes that occurred similar in both? While it is beyond the scope to compare these two events in this research, my desire to study Ruby Ridge increased. Thus, what was known as an intrinsic case study had changed to an instrumental case study because I thought that a thorough study of the events might facilitate our understanding of something else- how the power of the federal government and its agencies can turn against relatively harmless citizens. Remember Waco?

Now that I have defined the type of case that I have researched, what other characteristics are unique in this type of inquiry? According to Yin (1984:14; 1994:2), case studies “contribute uniquely to our knowledge of individual, organizational, social, and political phenomena.” Furthermore, the case study strategy is an empirical inquiry that (1) investigates a phenomenon within a specific social structure carved out of the larger whole which allows a microscopic rather than generalized capture of time; (2)

provides a systematic examination of data blocks that can be analyzed within a theoretical context; (3) has the ability to bring new insights and perceptions to the study; (4) allows a replication logic to compare empirical results among case studies (Crenshaw, 1992; Roebuck and Weeber, 1978; Simon, 1996; Stake, 1994; Vaughan, 1983; Yin, 1994).

Therefore, I argue that the case study strategy of inquiry is appropriate for my research endeavor because the “evidence from...cases is often more compelling, and the overall study is therefore regarded as being more robust...” (Yin, 1994:45). In other words, case studies “as a research strategy comprises an all-encompassing method...” (Ibid.:13).

A benefit of Ruby Ridge as the case is that it is the most extensively documented case of overt terroristic procedures and techniques employed by the FBI since the agency’s involvement in the arena of counterintelligence. Additionally, this case study dramatically illustrates the constructed reality of dangerousness and the creation of a critical situation and the reactive crisis management decision that lead to criminal, unconstitutional, immoral, unethical, and social injurious acts by federal law enforcement agencies.

DATA COLLECTION

The method of my research is the interpretation of written texts. I refer you to the bibliography because these are the texts utilized in my analysis. I use both records and documents. While there is some confusion between these two terms, records usually refer to official transactions such as in this case government and agency hearings as well as court records. Documents are written for personal reasons such as memos, diaries, articles, and books. Much of my data was taken from documents, which largely included books, articles, and internet postings. Of course, one has to be suspect of the validity of both records and documents. Writers often have a particular viewpoint to expose even if it is not explicit. But then, do not speakers during interviews or respondents on a questionnaire? The use of reputable news sources and the huge number of other creditable sources I draw from allowed me at least some triangulation and assurances of validity of some of the more important events.

For example, text include exposes written by former FBI agents involved in the case, journalistic accounts such as published articles in *Covert Action Quarterly*, *The Nation*,

Newsweek, Time, and U.S. News and World Report, scholarly analyses written by Bock (1995), Kopel and Blackman (1997), Walter (1995), and published/unpublished proceedings/hearings by governmental agencies who reviewed the alleged abusive activities committed in this case such as the U.S. Department of Justice, U.S. House of Representatives, and the U.S. Senate.

ANALYSIS AND INTERPRETATION

In the analysis that follows, I will apply the stages of reification as presented by Aho (1994). They include naming, legitimation, mythmaking, sedimentation, and ritual. My intent is to weave, integrate, and fit these five steps within the descriptive chronology of events that took place at Ruby Ridge.

The task of such an endeavor is to allow these concepts to reveal how the reality of federal law enforcement agencies came be constructed and how this reality accumulated into a paramilitary siege that eventual left three innocent individuals dead as well as the senseless killing of a beloved pet.

CHAPTER 4

WHERE TO START?

In Search of a Guiding Theoretical Perspective

It was the first week in August 1999 that I found myself sitting in the student-athletes' tutoring lounge, moaning and groaning because it was 8am and my student was cramming at the last minute for his second summer semester finals. This situation was not unusual except this time I noticed and felt something tinkling in the air. I could not put my finger on it- but something was different. It was early, it was hot, and it was the waning days of summer. As I sat with my student discussing whatever exams we were studying, several of the senior football team members came into the room. I asked what they were doing here at 8am. By the looks of their clothes and the expressions on their pained faces- fall football practice had started.

In the lounge, that was being remodeled and refinished, much of the old furniture, tables, and chairs were pushed along the walls. In was an inviting atmosphere to relax and refresh. With greetings conveyed, several All-American players immediately crashed on the sofas saying not to wake them until afternoon practice. "Are you going to eat lunch" one player asked the other. The answer was a resounding "no- but make sure you wake me up for practice."

It was then I realized that sometimes an individual can be in the right place at the right time to not only observe the unfolding events to happen but also observe how a phenomenon becomes constructed. Thus, for the next weeks, months, and the entire fall semester I witnessed the construction of reality from its very beginning until it became reified in the minds of millions. From an obscure team of great potential to the second best team in the nation, objectification had come to be through the process of labeling, legitimation, mythmaking, sedimentation, and ritualism. This profoundly influenced and inspired my pursuit to learn more about the theory of social constructionism that touches our lives daily without our awareness that knowledge is being constructed all around us bit by bit.

Before that fateful August, my research was directed towards the Mertonian thesis of criminality. Specifically, I was examining how the innovative means of three law enforcement agencies contributed to the tragedy at Ruby Ridge, Idaho and caused the terror to a family that only wanted to live their lives as their religious tenets dictated. The theory was developed, the formal and informal guidelines of law enforcement conduct researched, the case study thoroughly studied, all that was left was for me to put the pieces of the puzzle together. But there was something nagging in the back of my mind. I could not put my finger on it- but something was amiss. Thus, my creative juices started to dry up. Nothing is more frustrating than reaching a stage of creativity that stalls out and for whatever reason lapses into the void. I was stuck!

Time was passing. Time was not becoming my best friend. Time was approaching where serious decisions of my future had to be addressed. And then out of nowhere it happened. My inspiration returned, my creative juices started to flow, my mind started racing- what if Merton's theory of anomie was not the most appropriate theoretical guide that would drive my research endeavor. What if social constructionism was the more applicable perspective?

Social constructionism, as defined by Barak (1998:158), encompasses the process of interpretation, identification and labeling that occurs within the larger relations in the construction of reality. The focus is on how "social relations and social arrangements come to be constructed" and not on the "individual identity, process, and interaction" of individuals. In other words, social constructionism advocates that reality is constructed through the outcome of interactive relationships that are found within a specific context. The meanings and construct of knowledge comes to be interpreted, negotiated, and reformulated because the subjective construction of the situation has followed this process that defines the situation as real. Thus, what is real to the beholder is real in its definition and consequences.

Elaborating further, Aho (1994:27) postulates that reification is the most important step in the process of reality construction. Accordingly, Aho defines reification as "the way in which people come to perceive their own creation...as things for which they have no responsibility, over which they have no power...." In other words, we as individuals deny responsibility for direct construction of reality but rather reality is constructed as a

process that contributes and leads to the construction of reality and thus knowledge. Aho argues that there are steps or stages involved in reification. These steps include naming (labeling), legitimation, mythmaking, sedimentation, and ritualism. Furthermore, there is no claim that all the steps will occur or that the steps occur in a particular sequence in reification.

You may be inquiring, “this sounds interesting, but what are you saying?” Simply, that for reality to become constructed we must achieve reification through the exclusive steps of naming, legitimation, mythmaking, sedimentation, and ritualism. I argue that these steps will be inclusive in my case study analysis of Ruby Ridge, Idaho- August 1992.

Specifically, how do I define these steps that I will endeavor to weave and integrate into the chronological events of Ruby Ridge and the Weaver family? By utilizing Aho concepts as by guiding tenets, the following steps of reification are defined. The first is naming (labeling). As we know, labeling of “persons, acts, or situations...come to be seen as such when, in the course of everyday social life, they are so defined” (Ibid.:28). I will present evidence that the BATF, USMS, and FBI each and collectively labeled Randy and Vicki Weaver as irrational zealous religious fanatics, that were armed and dangerous, as well as being members of the extremist right organization known as the Aryan Nations. Additionally, Randy will be labeled as a white supremacist, separatist, and survivalist with Special Forces training. Thus, this crucial step in social definition will set the stage for the unfolding events to occur.

Legitimation, as the second step in reification, is defined as “a formal hearing, trial, inquisition or tribunal presided over by presumed experts licensed to pronounce disparaging judgement on their fellow” (Ibid.:29). This is an important step that validates the naming stage of reification because “if labels are to adhere to the intended party, they must be validated” (Ibid.). As the analysis will show, legitimation became crystallized when because of Weaver’s association with the Aryan Nations and the resulting refusal of Randall to be a snitch for the BATF, an entrapment ruse was implemented to arrest and charge Weaver with the violation of federal gun laws. With his arrest, and the incorrect and misleading information of the trail date, legitimation was put in place leading to the beginning of the Ruby Ridge saga.

Mythmaking is a unique stage in the process of reification and reality construction because it itself can take a life of its own. When we think of mythmaking, the media naturally jumps out because we view the media as the true source of the story. In this particular case there was a virtual blackout of the media, thus as I will argue, mythmaking was created by the very federal law enforcement agencies involved in the Ruby Ridge story. As with labeling, these agencies created the exaggeration of the situation that was handed down to each new lead agency of the saga. As Aho (Ibid:30), argued, “when there has been no ceremonial judgement passed on the victim...the reconstruction of his background becomes even more fanciful.” Thus, mythmaking again validates the labeling of a person(s), action(s), and situation(s). In this case we will see how mythmaking weaves throughout the story of Ruby Ridge building on its own momentum in the construction of future events and their consequences.

Sedimentation is the fourth stage in the process of reification. Sedimentation is a powerful step because the myth of the label transcends the very act of naming. That is, the myth itself becomes “detached from the original act...[and] evolve[s] into anonymous parts of the everyday taken-for-granted ‘stock of knowledge’ of society” (Ibid.). As we shall see, the profiles of Randy and Vicki Weaver sired the misinformation from the BATF to the USMS in the investigation of the family. Additionally, after an 18 month surveillance of the Weavers, the USMS validated this information to be incorrect but nevertheless did not amend their updated intelligence reports. Hence, the USMS continued to perpetuate the misinformation of the Weavers. When the FBI was brought into the situation as the lead agency of investigation, ‘the siege of Ruby Ridge’ took on a life of its own based upon misinformation, disinformation, miscommunication, rumors, and gossip. Thus with every retelling of the critical and dangerous situation at Ruby Ridge, the situation became common sense- “what everybody ‘knows’ to be true” (Ibid.:31).

“Human memory is fickle and the lessons taught new minds must be reimprinted continually, the preeminent pedagogy for this is ritual...In its enactment the ‘truth’ of the myth is reconfirmed, and what was momentarily at risk of being forgotten is recognized” (Ibid.). As we will discover, ritualism becomes crystallized when reactive measures of crisis management and terror were employed against the Weavers. The resulting

consequences of such actions will prove to be the reactions to a reality constructed by the federal law enforcement agencies involved in the very situation in which they constructed as real.

The next issue that I need to address is why study an incident that happened over eight years ago? What brought me to that time and place to feverishly research anything written about the case, watch hours of videos tapes on the subject, surf the web for any bit of information on the story? I knew that I wanted to direct my research towards state terrorism, a type of political crime. Matter of fact, I have spent most of my academic career studying this type of crime because of its uniqueness to criminological study. That is, this type of crime has always been present and has had a latent influence on our lives, but little was being written in textbooks and sociological/criminological literature. This surprised me. Why was there a lack of this study? Terrorism was a hot topic to study during the 1980s but what happened to state terrorism from a domestic aspect? Why were criminologists shying away from this subject? There were scholars in the 1960s and 1970s that were addressing the issue. Why not now? Had terrorism from our federal law enforcement agencies cease to exist? Questions. There were so many questions, thus I vowed to enter an arena with conviction that I could possibly contribute to our awareness of this type of crime and illustrate how state terrorism can be constructed as real.

Flashback to April 19,1993, as I was sitting in my office a student comes rushing in out of breath and extremely excited. He asked “have you heard?” I was teaching criminology that semester so assumed it had something to do with our coursework. After I took in a deep breath, I answered a simple “no.” He then proceeded to tell me that the siege at Waco, Texas had ended and the compound was burning to the ground. I immediately thought about an similar incident that had happened months before. I knew then that I must direct my research endeavor towards Ruby Ridge and the Weaver family and the details of how that situation came to pass. Little did I know then that this story was a classical example of state terrorism committed by federal law enforcement agencies against United States’ citizens and would become the rallying call for the militia movement of the 21st century.

CHAPTER 5

WHAT HAPPENED SOCIOLOGICALLY?

Analysis

In all memorable stories and fables, there are four little words that sets the stage for our imaginative consideration the story will tell. Hence, I begin by narrative:

Once upon a time in the remote northern panhandle of Idaho, in the early 1990s, occurred a series of events that would lead to the deaths of three individuals, a beloved pet, and the overt acts of lawlessness and terrorism of three federal law enforcement agencies against United States' citizens. Thus, I introduce the story of Ruby Ridge, Idaho, the Weaver family, and the federal law enforcement agencies that have collectively become known as the infamous "dress rehearsal for Waco..." (Kopel and Blackman, 1997:32).

GEOGRAPHICAL LOCATION

The first consideration of the story is where in the remote northern panhandle of Idaho do these series of events occur? If we wanted to journey to the Weaver property, Bock (1995:xxxvi) recommends that our destination should be Naples, Idaho. Once we arrive in Naples we travel north on Old 95 for 5.5 miles. At that point, we reach Ruby Creek Rd. and turn left traveling 1.2 miles to a bridge, which crosses Ruby Creek, a.k.a. Ruby Creek Bridge. We cross the bridge and continue traveling 9/10 mile to Wayne and Ruth Rau's residence, a.k.a. Homicide Meadow. On the same road we continue an additional mile which brings us to the Weaver homestead. The Weavers are located in the last house on this road.

What should we expect once we decide to journey to the Weaver homestead? Although not necessary but advisable, we should be driving a four-wheel or all-wheel drive vehicle because once we start to travel on Ruby Creek Road, a smooth dirt road at first, we immediately drive into a "heavily wooded, mountainous country, with ridges rising on either side of a little valley..." (Ibid.:3). When we arrive at the Rau's house we should find a "neat, pleasant house with a basketball hoop on the front of the garage..." (Ibid.). However, after we pass the Rau's property, "the road gets a lot steeper, curvier, and more rutted...The road twists and turns and climbs...for about a mile before ending

in a wide spot or circle...” (Ibid.). It is at this spot where the Weaver family parked their vehicles. Additionally, there is a huge rock, “some ten feet high,” at this spot and will become the landmark known as the “Y.” The Weaver cabin is located on a trail up and around the rock which according to Walter (1995:1) has a “predawn view of everything: a 120 degree, 40 mile window on Idaho, Montana, and Canada.”

The Weaver homestead consisted of a rocky 20-acre tract with a wood frame cabin approximately 24 by 32 feet and built “on a stilt-like framework” because the “ground sloped [so] radically (Bock, 1995:4). Walter (1995:2) further describes the cabin appearance “like the legs of a sitting dog- longer in front to reach out over the shoulder of [the] cliff.” The cabin itself had two stories, the second used as sleeping quarters, covered with a sheet-metal roof out of which rose a rusted stovepipe chimney. Located near the literal side and setback from the main cabin was located a small storage shed that Vicki and Sara Weaver used as a place of isolation during their menstrual cycles as well a birthing shed for Vicki’s fourth child, Elisheba.

Walter (Ibid.:1) sums the descriptive account of the Weaver homestead as having “no electricity...no phone” a cabin made of “ramshackle construction of weathered plywood, a sawmill waste, and two-by-fours, wedged into the hillside among an outcrop of boulders.” This was the home of the Weaver family and the fulfillment of a vision preordained by Vicki as the locale for Yahweh believers to live off the land and preserve family values.

In sum, if we wanted to travel to the remote northern panhandle of Idaho to visit the former Weaver homestead, we would travel to Naples, Idaho first and follow the yellow brick road to the Rau’s property and travel a most mountainous, steep, rutted dirt road that continues up a narrow path to an outcropping shaped somewhat like a circle with a landmark boulder that not only became the infamous “Y” but also served as the entranceway to the Weaver cabin. If we got lost and continued past the huge boulder then we travel up an extremely narrow and rocky path known as the logging road. So, if we decided to travel to that part of the country it is advisable that we are entering a most remote, mountainous area that teems with ‘no trespassing’ signs at every turn and a sense that strangers are unwelcome in this pristine geographical region of the United States.

THE WEAVER FAMILY

Now that we have the geographical location and directions to the Weaver homestead may I introduce the family that was terrorized by federal law enforcement agencies. In this brief biographical introduction, let us consider if Aho's state of reification is solidified through the stages of naming, legitimation, mythmaking, sedimentation, and ritualism. Perhaps by understanding the Weavers past that we may get a glimpse into how the future events would unfold leading to the tragedy at Ruby Ridge.

Randy and Vicki Weaver were both born in rural Iowa where the 'Bible Belt' of christianity was feverishly upheld. It was here, as the story will reveal, were the beginning seeds of one of the more devastating contribution to his family's tragedy was conceived. But, I am getting ahead of myself. Randy and Vicki first met at Iowa Central Community college in Fort Dodge in the late 1960s. While Vicki graduated from ICCC in 1968 and soon after became a secretary at the local Sears store, Randy dropped out of college and enlisted in the Army (Walter, 1995).

While serving in the armed forces, Randall was "trained as a combat engineer, volunteered for airborne training [and] later passed the rigorous training for Special Forces" (Ibid.:22) . Additionally, "Randy learned to survive on almost nothing, to make explosives and prepare for fortifications" (Ibid.:23). Randy was characterized as being a good soldier who soon attained the rank of sergeant E-5 as well as "qualifying as an expert with the M-14 rifle and as a sharp-shooter with the M-16 and the .45-caliber handgun" (Ibid.) the later two earning him marksmanship awards (Aho, 1994). Randall Weaver also received a National Defense Service Medal as well as a parachute badge which qualified Randy as a paratrooper. Ironically, with all of Randy's formal training that enabled him to be an expert soldier, he was not deployed to Vietnam but rather saw his tour of duty spent at Fort Bragg, North Carolina.

On leave in 1970, Randy returned home to Iowa where he became reacquainted and thoroughly enchanted with Vicki Jordison. Randall returned to Fort Bragg and completed his term of duty in the Army where upon he immediately returned to Iowa and to his marriage to Vicki in November 1971. It is interesting to point out that the wedding ceremony itself revolved around the conflict inherent in the religious beliefs of her parents. That is, both parents held strong beliefs and convictions to their own religious

denomination. Thus to resolve this issue, Vicki had two ministers conduct the ceremony. One minister represented the First Congregationalist Church while the other represented the Reorganized Church of Latter Day Saints. This theme of religious tenets weaves importantly in the lives of the Weaver family because the religious experience of christianity was an active “trip of self-discovery and a heightened sense of their own place” in the universe that would become most instrumental as the guiding tenet for Randy and Vicki Weaver’s future destiny (Walter, 1995:42).

Soon after their marriage, Randy and Vicki moved to Cedar Falls, Iowa where Randy planned to use his G.I. Bill to attend Northern Iowa University and enroll in the criminal justice program to fulfill his dream of becoming an agent with either the Secret Service or the FBI (Aho, 1994). However, Randall’s plans changed and he dropped out of college after two quarters in 1972 taking a “high paying job at a John Deere tractor factory in Waterloo” while Vicki continued to work as a secretary (Walter, 1995:25).

Time passes and in March 1976 Sara Weaver was born. Two years later, in 1978, Vicki gave birth to their only son, Samuel. It was also during this period of time that both family members and Weaver friends started noticing a difference in Randy’s and Vicki’s behavior and ideological demeanor.

Specifically, Vicki became highly excited about a book titled *The Late Great Planet Earth* (1970) authored by Hal Lindsey. This book emphasized the Old Testament prophecy that people were living in the ‘end time’ of humankind. More importantly, the book “detailed the words of Old Testament prophets like Isaiah, Ezekiel and Micaiah, men who believed that God spoke directly to them and warned them of times to come” (Ibid.:28).

According to Walter (Ibid.:29), Randy and Vicki started talking to family and friends about “living on a wooded mountaintop where there were no other people, but where they were in danger from the evil, false government, and the hordes of desperate people living below. They talked about the great tribulation, when Christians would be hunted down simple because of their beliefs, when those who stockpiled food would be the only safe ones. They talked about their children, each with a biblical name, who lived on the mountaintop with them.” This was Randy and Vicki Weaver’s vision of the future with their family.

In 1982, their second daughter Rachel was born. It was also at this time that the Weavers seriously started talking about selling all their worldly possessions and move somewhere in the northwest where their beliefs and ideology would be more received and where they would be safe from the ‘social breakdown’ that would give the government “the opportunity to declare martial law, crush democracy and kill good Christian Americans” (Ibid.:39).

Thus, in the summer of 1983 with little more than essential furniture and clothing, the Weavers packed up their possession in an old moving truck and headed west to that ordained locale where they could live their lives as told to them by their higher power. As Vicki’s sister Julie later recalled, the Weaver’s move “reminded her of the Okies moving west, in *The Grapes of Wrath*” (Ibid.:47).

Traveling through Montana in late summer 1983, Randy and Vicki came to learn that underdeveloped land cost \$1,000 an acre as well as the cost of drilling for water on much of the property they were interested in settling. This was outside their budget, thus the Weavers continued west into the state of Idaho. In late August, as they traveled through the pristine panhandle of Idaho they found to their horror that most of the property in that area was owned by the federal government and posted with National Forest signs. As Walter stated (Ibid.:48), “all this remote wilderness and none of it for the people.”

Not to be discouraged, the Weavers traveled further west finally arriving in the hamlet of Bonners Ferry, Idaho, Boundary County, on September 1, 1983. It was here in the ordained northern western panhandle of Idaho where the Weavers decided to settle. This was also the same location where so many others with the same apocalyptic beliefs were told to by their higher power to wait out the coming biblical revelations as foretold in the King James Version of the Bible.

In March 1984, the Weaver family moved into their cabin home located on Ruby Ridge. Thus, the Weavers started their new life in their mountainous retreat. According to Walter (1995:56), they resumed their Bible studies but of importance is how their biblical studies addressed the issue of racism. Randy and Vicki had now come to believe that God was telling them “that Jews and gentiles, blacks and whites, Asians and Indians should all be separate, and that mixing was forbidden by God....” This fervent ideology

of separatism, racism, and survivalism lead the Weavers to the religious tenets of Christian Identity, one of the more radical right heterodox theologies.

Dees (1996:10) states that Christian Identity tenets advocate “that white people are the true Israelites and that Jews and people of color are, respectively, ‘children of Satan’ and ‘the beasts of the field.’” Also included in these tenets is the belief that “only white Christian men are true sovereign citizens of the United States. All other American...are merely fourteenth Amendment state citizens....”

Dees (Ibid.:11) also states that the Weavers “came to accept the Bible as the literal word of Yahweh [God was Yahweh, Jesus Christ was Yahshua]. And they came to understand what He was saying to them through the Scriptures.”

For example, in Luke 22, Jesus says, ‘Let him who has no sword sell his robe and buy one.’ The Weavers went out and brought weapons such as a .223 rifle, two Ruger Mini-14 semiautomatics, a pump-action shotgun, a .38-caliber snub-nosed revolver, and a 9mm pistol (Ibid.).

In the verse Matthew 24, ‘When ye therefore shall see the abomination of desolation...Then let them which be in Judea flee into the mountains.’ And of course we know that the Weavers flee to the wondrous Selkirk Mountains of northwest Idaho. It is here that I construct the unfolding events of Ruby Ridge, Idaho and the federal law enforcement agencies’ terrorism against the Weaver family.

IN THE BEGINNING

Do you remember the Thomas Theorem, wherein if people define situations as real they are real in the consequences and effects of the situation? Do you remember how construction of the situation takes a life of its own because it becomes reified or objectified through a process of labeling, legitimation, mythmaking, sedimentation, and ritualism? Do you remember how Barak (1998) defined social constructionism as the means by which social relations and social arrangements come to be constructed therefore the ensuing events and/or circumstances in themselves become real and sedimented as reality because it has become constructed as real? With this as my guiding tenets, I shall embark on unfolding the events, actors, situations, formal/informal directives, guidelines, and crisis management response to the tragedy that sent ripples

through three federal law enforcement agencies and called into question the justification for these acts of terror against United States' citizens.

LET THE LABELING BEGIN

In January 1985, Terry Kinnison, Randy's neighbor, notified the FBI that Weaver had threatened to kill President Ronald Reagan and Idaho Governor John Evans and other unspecified law enforcement officials. It is not the purpose of this research endeavor to explore the motivation behind Kinnison's action but rather to surmise that Kinnison's actions brought to the attention of a federal law enforcement agency that death threats had been made on noted political figures. Also, in Kinnison's allegations was that Randy Weaver was in possession of illegal weapons and was associated with members of the Aryan Nations. The information was turned over to the U.S. Secret Service (USSS) whereon they interviewed Randy, Weaver friends and neighbors and concluded no formal charges were merited.

In response to these allegations, Randy and Vicki filed an affidavit with a Boundary County, Idaho clerk on February 18, 1985, arguing that false allegation were made to the USSS and FBI as a "motive for my decease. My accusers hoped that the FBI would rush my home with armed agents...be killed or arrested for 'assault on a federal officer'" (Walter, 1995:62-63).

To finalize this incident concerning allegations of criminal behavior, the Weavers send a letter to President Reagan apologizing for the false allegations made by their neighbors stating "please let me apologize for their evil in using you to get to me" (Ibid.).

This incident brought the FBI and USSS into a situation that was proved unfounded but nevertheless planted the seeds of naming to Randy and Vicki Weaver by their supposed association with the Aryan Nations as well as possessing illegal firearms. What follows intensifies the labeling process.

In July 1986, Randy and survivalist friend, Frank Kumnick, attended an Aryan Nations World Congress in Hayden Lake, Idaho. At the congress, Weaver was introduced to Aryan member Rod Willey and BATF informant Kenneth Fadeley, a.k.a. Gustav Anothony Magisono better known as Gus.

Time passes until January 21, 1987 when Kumnick, Fadeley, and Weaver hold a meeting in Sandpoint, Idaho. The intent of this meeting was for Fadeley to get closer to

Kumnick. Why was Fadeley to get closer to Kumnick? Because, per request of Herbert Byerly, a BATF Special Agent- Idaho, wanted to use Kumnick as a means to infiltrate the Aryan Nations organization.

Nothing conclusive came of this meeting. However, on a lighter note, in the spring of 1988, Randy Weaver ran for Sheriff of Boundary Country and lost to Republican candidate, Lonnie Ekstrom, 102 to 383 votes. Randy's promise to the electoral, if elected, was that everyone would receive a free 'get out of jail' pass for minor offenses.

Another year passes until July 1989. As a familial unit, the Weavers attend another Aryan Nations World Congress at Hayden Lake. During this Congress, Randy again meets Gus Magisono and invites the unbeknown BATF informant to his home to discuss forming a group to fight against the Zionist Organized Government (ZOG). What is ZOG?

ZOG, in its simplest form, is defined as an "euphemism" for a Jewish-dominated government and culture in the United States (Flynn and Gerhardt, 1995:xiii). Among members of the extreme right, ZOG typifies the Satan that tries to destroy white supremacist beliefs. It is ZOG and its Satan-Jewish link that has caused many of our social problems such as crime, race miscegenation, economic recession, immorality among our youth, and the drug crisis in rural communities. Thus, ZOG and its agents are viewed by many of the extreme right as enemies of the person, property, and ideological tenets. This is the cornerstone of Christian Identity adherents and Aryan Nations.

A month later, August 1989, Ken Fadeley accepted Weaver's invitation for a visit. After their meeting, Fadeley reported to Byerly and inquired "about where to go next in their investigation of white separatists" (Walter, 1995:98).

BATF SETS WEAVER UP

On October 11, 1989, Randy and Fadeley meet at a restaurant called Connies in Sandpoint at which time Weaver supposedly remarked that he could supply Fadeley with five sawed-off shotguns. During this same meeting, Randy and Fadeley made plans to visit David Trochmann, Weaver friend and founder of the Militia of Montana (MOM), and Chuck Howarth. Two days later, Fadeley called Randy from the BATF's office in Spokane, Washington to cancel the prearranged trip to Noxon, Montana.

In a park outside Sandpoint, October 24th, Weaver sold two shotguns to Fadeley. One of the guns was a pump-action style shotgun priced at \$300 and the other a single shot style weapon priced at \$150. Both shotguns were 5 ½” shorter than what the legal law permitted. Fadeley paid Weaver \$300 promising to pay the remaining \$150 in the near future. As promised, on November 30th, Fadeley meets with Randy and pays him \$100 of the \$150 due. It was then that Weaver accused Fadeley as being a cop. This incident will become known as the BAFT’s illegal entrapment against Randy Weaver and well as the seeds of legitimation in the process of objectification.

Remember that Aho (1994:29) defined legitimation as the step in which “if labels are to adhere to the intended party, they must be validated.” But you may be asking, “what happened to the labeling step in reality construction? Thus far, we can infer that Randy Weaver was profiled as a member of the extremist right organization known as the Aryan Nations. We can also infer that Weaver was also labeled a white supremacist, racist, survivalist, and deviant because of his ideological tenets and illegal gun possession. However, the crystallization of labeling is yet to come.

Continuing my narrative, six months after that fateful event BATF Special Agent Byerly on May 21, 1990 submitted the case report of Randall Weaver to the U.S. Attorney’ Office (USAO) in Boise, Idaho. As expected, Byerly recommended that Weaver be prosecuted for the sale of two sawed-offed shotguns.

In Byerly’s pursuit of Weaver becoming a BATF informant, he and Steve Gunderson on June 12th drove to Weaver’s cabin on Ruby Ridge but found Weaver to be gone. Not discouraged, the BATF agents drove to Sandpoint and found Randy at the Deep Creek Inn. At this time the Agents approached Weaver with the intent of officially enlisting Weaver as an informant against the illegal activities of Aryan Nations’ members. Weaver responded that he would not be a snitch.

LEGITIMATION BEGINS

Six months later, December 12, 1990, a federal grand jury in the district of Idaho indicts Randall C. Weaver for manufacturing and possessing unregistered firearms in violation of 26 USC 15 5861 (d), (f). Weaver is now officially in violation of weapons charges due to the two sawed-offed shotguns that he sold to Fadeley earlier.

The federal arrest for Weaver was issued. Shortly thereafter, on January 17, 1991, BATF agents posing as stranded motorists on a heavy snowed Ruby Creek Bridge performed a ruse in efforts to effect an arrest. Randy and Vicki Weaver fall for the ruse having stopped to aid the supposed stranded motorists. After an extreme coerced arrest Randy remarked “that was good...but you’ll never fool me again” having just witnessed his wife being shoved into the snowbank and physically searched for weapons (Walter, 1995:121). The agents involved in this ruse included County Sheriff Bruce Whittaker, BATF Agents Byerly, Gunderson, Lance Hart, and Barbara Anderson. The consequences of their actions will become apparent in the continuing narrative of the Ruby Ridge saga.

BATF: LABELING AND LEGITIMATION BECOME CRYSTALIZED

The BATF was the first lead agency in the investigation of Randall Weaver as well as being the first federal law enforcement agency that gathered misinformation on the situation at Ruby Ridge. According to the Hearings before the Subcommittee on Terrorism, Technology, and Government Information (1995) the information passed to the United States Attorney’s Office was inaccurate, incorrect, and exaggerated at best. For example, the BATF profiled Weaver as active in and convicted of white supremacy activities as well as being a suspect in several bank robberies, which in fact, before the January 17th arrest of Weaver on weapons charges, Randy had never been arrested for anything. In addition, misinformation passed on to the United States Marshals Service (USMS) profiled Weaver as another Bob Mathews, the radical supremacist who died in a federal raid at his cabin retreat in Washington state. I will discuss Mathews and The Order in more detail later but for now it is enough to proclaim that the hearings concluded that the BATF’s crisis management concerning Randy Weaver exaggerated the dangerousness of the situation and became a major contributor to the bloodshed at Ruby Ridge in August 1992.

The question arises: how did this come to develop? Firstly, the naming stage of reification comes to mind. Simply, but with profound consequences, the BATF entrapped Weaver into an illegal weapons charge/possession while at the same profiling or labeling Randy as a criminal and member of an extreme rightist organization. The

effects of these actions by the BATF in crisis management came to develop in the following manner.

Firstly, the day after Weaver's arrest on January 18th, Randy was arraigned before part-time Magistrate Stephen Ayers in Couer d' Alene, Idaho. Ayers appointed Everett Hofmsister as Weaver's counsel and immediately released Randy on a \$10,000 Personal Recognizance Bond. Weaver was then instructed to appear for trial on February 19, 1991 at U.S. District Court in Moscow, Idaho.

Of importance for this date of Weaver's arraignment is that Ayers correctly told Randy that if he failed to appear for his trial date the bond would be forfeited. What Ayers incorrectly told Randy was that if he were convicted of the weapons charges, he would lose his property to pay the government for the cost of Hofmeister's legal fees. This will become problematic as the story unfolds.

Four days later, January 22nd, Randall Weaver calls Karl Richins, U.S. Probation Officer, as pursuant to the terms of his condition of release on federal charges. On February 5th, the U.S. District Court Clerk sends notice to all parties that Randy's trial date has been changed to February 20th instead of February 19th. This date of change will become most instrumental in understanding the constructionism of how the siege of Ruby Ridge came to be.

Two days later, on February 7th, Maurice Ellsworth, U.S. Attorney for Idaho (USAO, Boise) received two letters written by Vicki Weaver dated January 22nd and February 3rd, 1991 respectively. Each letter was addressed to the Servant of Queen of Babylon. Because the letters appeared to contain veiled threats of violence, Ellsworth contacted the supervisor of the USMS in Boise to investigate the matter. Meanwhile, on the same day that Ellsworth received Vicki's letters, Karl Richins sent a letter to Randy requesting his confirmation that the trial date had been changed to March 20th instead of February 19th, 1991.

Besides the enormous error of trial dates, what veiled threats were written in Vicki Weaver's letter for Ellsworth to summon the United States Marshall Service? Bock (1995:50) cites passages such as "the tyrant's blood shall flow" and "war is upon the land" as phrases peppered throughout Vicki's letters. Additionally writings include: "We, the Weaver family, have been shown by our Savior and King, Yahshua the messiah

of Saxon Israel, that we are to stay separated on this mountain and not leave... Whether we live or whether we die we will not obey your lawless government” (Ibid.:49). But what concerned Ellsworth the most was the written passage that “a long forgotten wind is starting to blow. Do you hear the approaching thunder? It is that of the awakened Saxon. War is upon the land. The tyrant’s blood will flow” (Walter, 1995:125). Ellsworth knew this passage was originally conceived as Bob Mathews, the martyred leader of The Order.

February 20th, 1991 arrived and Randall Weaver failed to appear for his appointed court date. Chief U.S. District Court Judge Harold Ryan issued a bench warrant (failure-to-appear warrant) for Weaver’s arrest. Since this is a federal case, Weaver became a federal fugitive from justice. As such, the USMS was assigned the case.

To brief his superiors in Washington, D.C., Chief Deputy Marshal Ron Evans sent a letter regarding the Weaver case stating that Randy had the potential to be “another Bob Mathews and his homestead another Whidbey Island standoff” (Walter, 1995:126). What had Bob Mathews and The Order done to receive so much attention and labeling legacy to incite federal law enforcement agencies? Who is Bob Mathews and what is The Order? More importantly, what does this have to do with Randy and Vicki Weaver?

Stern’s (1996:54) research characterizes Bob Mathews as a “longtime anti-Semite and white supremacist who had been associated over the years with the John Birch society, the National Alliance, and the Aryan Nations.” Matter of fact, in was in July 1983 when Mathews, attending the annual Aryan Nations World Congress, heard speeches of outrage against ZOG agents for the killing of Gordon Kahl, leader of the Posse Comitatus, that inspired Mathews’ call to declare and “ignite a civil war that would liberate the ‘white race’” (Neiwert, 1999:57).

Thus, Mathews with eight other “Aryan kinsmen” met to form their own right wing organization in September 1983. Meeting at a cabin in the remote mountains near Metalline Falls, Washington, nine white adult males sat on the floor forming a circle while holding hands. They took a solemn oath: “I, as a free Aryan man, hereby swear an unrelenting oath upon...the throne of God Almighty...to join together in holy union with those brothers in this circle to declare forthright that from this moment on I have no fear of death, no fear of foe; that I have a sacred duty to do whatever is necessary to deliver our people from the Jew and bring total victory to the Aryan race.” They further vowed

that they “hereby invoke the blood covenant and declare that we are in a full state of war...” (Dees, 1996:140-141; Neiwert, 1999:57). Hence forth, this bonded group of men would be known as the Bruders Schweigen (Silent Brotherhood) and The Order, which was the name William Pierce gave to the group of supremacist in *The Turner Diaries*.

How was this new radical right group going to finance their revolution? Answer: if they could not finance their revolution legitimately then turn to innovative means such as robbery. Thus, on October 26, 1983, Mathews and four of his fellow Aryan brothers robbed a Spokane X-rated video store netting them \$396.10. Becoming a bit more ambitious, Mathews alone robbed a City Bank branch in Seattle netting \$25,900. With successful smaller jobs achieved, The Order decided to rob an armored car. In April 1984, they hit the jackpot when they robbed an armored car at the Seattle Northgate Mall. The take for this job netted The Order \$250,000 (Neiwert, 1999, Stern, 1996).

Robbery was not the only means of extralegal fund-raising. For example, Gary Yarbrough, one of Mathews right-hand men, “tired making counterfeit bills using the printing press at the Aryan Nations compound where he was a security guard” (Neiwert, 1999:57). However, the bills were so badly engraved that a more professional means was needed. Enter Robert Merke, a Christian Identity adherent, who set up a counterfeiting factory in Boise, Idaho. This became so successful that a network for passing the counterfeit bills spread all the way to Philadelphia.

The Order was not selfish with their amassed funds. They freely shared their wealth with others fellow believers in the white supremacist movement. For example, Mathews gave monies to Richard Bulter of the Aryan Nations, William Pierce, Tom Metzger of the Aryan Resistance, and Bob Miles of Michigan to name just a few (Neiwert, 1999).

It was now time for The Order to embark on the revolution that they so avowed to ignite. Thus, the next stage of their operation was to eliminate those individuals that were deemed a threat to Aryan supremacy. Morris Dees of the Southern Poverty Law Center was tops on the list. Dees had, and does, spend his life ruffling the feathers of the radical right. Closer to home was an individual who also ruffled feathers of The Order. A Denver radio talk-show host named Alan Berg was a most outspoken critic of the radical right and Berg was Jewish. A double negative for Berg, Mathews and two others marked Berg for their first assassination.

It was on the evening of June 18th, 1984, when Berg arrived at his condominium in a fashionable neighborhood of Denver where he met his assassins as he stepped out of his black Volkswagen convertible. The murder was a shock to the community as well as baffling to the police. Berg's murder case would not be solved until The Order's demise.

Six weeks later, July 24, The Order "pulled off one of the most spectacular crimes committed on America soil" according to Hamm (1997). That is, Mathews and eleven other Order members managed to force a Brinks armored truck off the road in Ukiah, California. After opening the armored door, they discovered the haul of \$4 million dollars. However, The Order downfall was near.

The beginning of the end came on November 24th, 1984 when the FBI raided a motel room in Portland, Oregon. Gary Yarborough was arrested on the spot. Bob Mathews had escaped. "Three days later...members of The Order signed an official 'Declaration of War' against the United States" (Stern, 1996:56). Soon after, the FBI received an anonymous tip that Mathews, Ronald Duey, and Merke were hiding in a cabin on Whidbey Island, Washington. On the evening of December 8th, 1984, after failed negotiations with Mathews, who was now alone after the arrest of Duey and Merke the previous day, FBI agents "lobbed a flare into the cabin to light up the scene. The flare set the building on fire" (Neiwert, 1999:59). "The next day, after the debris had cooled...agents found a blackened bathtub that had fallen from the second floor (Hamm, 1997:11). Lying inside the tub was the burned remains of Bob Mathews. "Burned in his chest cavity was a piece of molten gold. Still legible was a diagram of a shield with a Roman cross and two German words printed across the center: Bruders Schweigen- the Silent Brotherhood" (Ibid.).

The Order was the most radical, dangerous, extremist organization that had ever confronted the FBI. Their extreme actions of robberies, counterfeit schemes, murders, bombings throughout the United States, but more specifically the west overwhelmed FBI resources. This federal law enforcement agency was ill prepared to deal with activities of domestic terrorism from the right.

Enter the Weavers upon the scene a short time after the demise of The Order. Fresh in memory, many USMS and FBI agents would soon be members of the Ruby Ridge case. Furthermore, many of the USAO team would also become important characters in the

Weaver saga. All in all, Randy Weaver was labeled as another “Bob Mathews” by the same individuals that brought down The Order. The labeling stage of reification is complete and crystallized because as Aho (1994) argued, naming is the step where person, acts, or situations (whether inherently good or bad) come to be seen as such because they are so defined.

Additionally, legitimation is now complete because Randall Weaver was formally charged with federal weapons violation as well as being a federal fugitive from justice. As argued by Aho (Ibid.:29), “if labels are to adhere to the intended party, they must be validated.” Hence, I argue that the stages of labeling and legitimation in the process of objectification is complete and are instrumental in the constructionism of the upcoming events surrounding the siege at Ruby Ridge. These themes will also continue to play important part as I continue to unfold the story of the Weavers.

THE SAGA CONTINUES

The United States Marshall Service’s strategy to arrest Randy for federal warrants was to engage Weaver into a peaceful surrender. Thus on March 5th, 1991, Deputy U.S. Marshals Dave Hunt and Warren Mays initiated contacts with Weaver friends, Bill and Judy Grider. While the Griders talked with the Weavers about surrendering their answer was by a written letter stating “you are servants of lawlessness and you enforce lawlessness...we will not obey your lawless government” (Walter, 1995:129).

Six weeks later on March 14th, a federal grand jury in the District of Idaho indicts Randy Weaver for failure to appear for the appointed court date on federal gun charges. Weaver’s criminal and legal problems are beginning to snowball.

MYTHMAKING BEGINS

Chief Deputy U. S. Marshal Evans provided Marshals Service headquarters with an analysis of the Weaver situation on March 18th. Also at this time, Evans requests assistance from the Marshals Service’s Operations Group (SOG). SOG was the military-style elite marshal’s force used for raids and for the capture of extremely problematic federal fugitives. Ten days later, Evans flew to SOG Tactical Center in Camp Beauregard, Louisiana to brief SOG personnel on the Weaver situation. The decision was made at that time for the SOG team to fly to Idaho and assess the situation personally.

Months pass until the week of June 17-24, 1991 at which time a SOG reconnaissance team conducts an on-site assessment of the situation. The SOG's final assessment plan was to entice Randy Weaver away from the cabin on Ruby Ridge and if that failed to use tactical solutions to get him out in the open for an effective arrest. Additionally, SOG's Deputy Commander Louis Stagg made the assessment that Weaver was "dangerous and maybe suicidal" and the case "was the worst fugitive situation he'd seen in twenty-three years as a marshal" (Ibid.:135-136).

USMS at this time still endeavored for a peaceful surrender. In yet another attempt, July 9th, Weaver family friend, Rodney Willey, meets with Randy's attorney Hofmeister, Richard Bulter, Aryan Nations fame, and Jack Cluff, Senior Deputy Marshal from Moscow. After discussions, Willey plans an overnight visit with the Weaver family to negotiate a surrender. Weaver answered with a resound no because "...I've been set up..." (Ibid.:137).

Eager for a peaceful surrender, Marshals Hunt and Mike Johnson mail numerous letters to Randy urging him to surrender. These attempts were to no avail. The summer of 1991 passes and on October 9th, Marshals Hunt and Mays approached another friend of Randy's one Alan Jeppesen in the hopes he could deliver a message personally to Weaver. Jeppesen agreed to mediate but Randy responded that the "U.S. Government lied to me..." (Ibid.:114).

Having thus far failed at effecting a peaceful surrender, USMS Agents Hunt and Mays draft a letter addressing issues of Weaver's surrender and request authorization from their superior Ronald Evans and AUSA attorney Ron Howen. In response to the draft dated October 12th, Evans approved the plan suggested because it was part of the USMS' strategy for a peaceful surrender. However, Howen mandated that all further contact with Weaver must be made through Randy's appointed counsel, Hofmeister. In fact, Howen replied that "I cannot authorize further negotiations or discussions along this line with the defendant or his agent" (Ibid.:142). Thus, "unable to negotiate a settlement because of the AUSA intransigence" the USMS began reviewing other strategies to apprehend Randall Weaver (Kopel and Blackman, 1997:34).

OPERATION NORTHERN EXPOSURE

From October 1991 to March 1992, the cold damp weather of northern Idaho had settled in isolating the Weaver family excepts for visits from friends and family members to lighten the doom that was hovering over their lives. With the beginning spring thaw, it was once again the task of the USMS to formalize a plan for the surrender or arrest of Randall Weaver. On March 27th, 1992, Marshals Service Enforcement Division Branch Chief and former SOG member, Arthur Roderick, proposed a three part non-tactical plan to effect an arrest. The proposal was authorized with Acting Marshals' Service Director Henry Hudson recommending that after Operation Northern Exposure be developed and that the FBI's Hostage Rescue Team (HRT) review the plan for any further suggestions to enhance the operational plan.

The next day, U.S. Marshal Johnson meets with Howen and Ellsworth for a final attempt of negotiations per the October 1991 letter of recommendations of Weaver's surrender. Once again the request is denied. Roderick flew to Boise on March 31st to personally review the Weaver case and was briefed on the current situation by Hunt, Evans, and Mays.

The next day, the advance command post of Operation Northern Exposure Phase I was set up on Wayne and Ruth Rau's property, a.k.a. Homicide Meadow. At this time, equipment needed for the operational plan was set up such as an "antennae, two closed-circuit televisions, taping equipment, radio equipment, and two generators" (Walter, 1995:149). For the next ten days, Phase I of Operation Northern Exposure included surveillance of the Weaver homestead. Also during this time period, assessments were made if further technical equipment was needed for additional surveillance.

On April 13, 1992, Acting Director Hudson approves Phase II of Operation Northern Exposure. Phase II of the plan began with installing a camera on the mountain ridge west (3/4 mile) from the Weaver's cabin (a.k.a. the lumberyard). Other additional equipment that was installed included "microwave transmitters, photo lenses, tripods, transmitting control boxes, batteries, and cable in to the wood and hills surrounding" the Weaver cabin (Ibid.:152).

By May 11th, Phase II of Operation Northern Exposure was complete. The variously installed cameras started transmitting pictures of the Weavers "toting rifles, gardening

and urinating in the woods” (Ibid.). Additionally, a camera worth \$110,000 was installed on the north ridge of the Weaver cabin (a.k.a. the sawmill) that produced 118 hours (67 videocassettes) of taped activities of the Weaver family before it mysteriously disappeared. Also for whatever reasons, the lumberyard camera stopped transmitting pictures. But more importantly, it was also during this period of time that a dear family friend, Kevin Harris, arrived for an extended visit. As we will see, Harris has a pivotal role in the Ruby Ridge story.

It was now decided to initiate Phase III of Operation Northern Exposure. The strategy of Phase III was to have Deputy U.S. Marshal Mark Jurgensen pose as a landowner behind the Weaver property as a ruse to lure Weaver out and away from the cabin to effect an arrest. However, on May 27th, Acting Deputy Director Hudson placed a hold on Phase III until after the Senate’s confirmation of his appointment as Director of the USMS.

Time transpires until early August 1992. In the eighteen months that the USMS had been involved with the Weaver case, there had been no effective arrest of Randall Weaver. Finally, USMS Director Hudson gave the long awaited verbal approval for Phase III of Operation Northern Exposure.

On August 17th, a SOG team of Deputy Marshals arrived in northwest Idaho to update intelligence and formalize the undercover plan. This highly sophisticated team consisted of William Degan, Larry Cooper, Arthur Roderick, Joe Thomas, Frank Norris (the tactical EMT), and Dave Hunt.

For the next two days, the SOG team gathered further intelligence of the Weaver situation and finalized Phase III. On August 20th, five of the six SOG team members, the exception was Norris, traveled 100 miles to a firing range in Davenport, Washington to test their weapons as required by internal Marshals Service practice. Some of the weapons included in the practice session were: a M-16 machine gun, a 9-mm machine gun with silencer, a short shotgun, and a .308-caliber sniper rifle.

AUGUST 21, 1992-FRIDAY: THE SIEGE BEGINS

Living in a rudimentary scrap lumber cabin located on Ruby Ridge in the remote northern panhandle of Idaho were former Army veteran Randall Claude Weaver (44 years), his wife Vicki (43 years), their children Sara (16 years), Samuel (a.k.a. Sammy-

14 years), Rachel (10 years), Elisheba (10 months), and family friend Kevin Harris (25 years). From this moment on their lives would never be the same and the three federal law enforcement agencies involved in this case would come under the most public scrutiny as agents of reactive state terrorism.

At 2:30am on August 21st, 1992, the SOG team consisting of Roderick, Cooper, Degan, Hunt, Norris, and Thomas leave their rented condo at Schweitzer Mountain with the purpose of beginning an on-site surveillance of the Weaver property. Two hours later, the SOG team arrived at Homicide Meadow and moved into surveillance positions on Ruby Ridge. The team splits into two three-man teams at the Y. The two teams are coded the observation post (OP) team consisting of Hunt, Norris, and Thomas. The other team is coded the reconnaissance (Recon) team and consisted of Roderick, Cooper, and Degan. The OP team positioned themselves above the Weaver property while the Recon team proceeded up the trail from the Y toward the Weaver cabin locating themselves about 10 feet below the level of the cabin's yard area marked by huge rocks.

The night darkness dawned into light. At about 9am, the Recon team joined the OP team above the Weaver property to discuss their observations. After sharing their data, the Recon team proceeded to an area 200 to 250 yards from the Weaver cabin at which time Degan moved behind the rocks 200 yards from the cabin. Roderick and Cooper edged behind the trees 50 yards closer to the cabin. With everyone in position, Roderick throws or tosses rocks in the direction of the Weaver yard "to see if they could get the dog's, Striker, attention" (Bock, 1995:6). After about 20 minutes and several failed attempts to get Striker's attention, the Recon team prepared to leave their positions.

It was about 10:45am when OP team member Norris radioed that a vehicle was approaching and that the Weavers were responding. The Recon team, armed with 2 M-16 automatic rifles and one silenced 9mm machine pistol, retreated into the woods hiding behind rocks and trees. Following on the heels of the Marshals were Striker and Harris, who was armed with a 30.06 hunting rifle, and Sammy Weaver, armed with a .223 assault-style rifle and a .357-caliber handgun. In the meantime, Randy, armed with a double-barrel 120 gauge shotgun and a 9mm pistol, followed the logging road away from the Y. The Weavers and Harris were in the hopeful pursuit of a deer or elk for winter meat.

There are two versions of what happened next.

Version Jury Believed At Weaver-Harris Trial:

Marshal Roderick shoots Striker shattering his spine. Sammy became outraged cursing the transpasser and fired a few shots wildly into the woods. Sammy then responded to his father's yell to "get home" by saying "I'm comin, Dad" (Walter, 1995:167). It is then that Marshal Degan shoots Sammy hitting and shattering his gun and almost severing his arm. As Sammy runs toward home, Marshal Cooper shoots one round from his 9mm pistol into Sammy's back instantly killing the 14 year old. Harris responded to Sammy's death by firing a shot in the direction of Marshal Degan.

The Marshals' Version:

The Marshals recollection of the incident was that Roderick killed Striker, Cooper killed Sammy, and then the Marshals called out "U.S. Marshals, stop" at which time Harris killed Degan (Kopel and Blackman, 1997:350). The Marshals insisted that Degan had fired no shots although it would later be discovered that he had actually fired seven rounds.

Regardless of what version is true, the resulting aftermath was that the only son of Randy and Vicki Weaver was dead, as well as his beloved pet Striker, and an elite Deputy U.S. Marshal. I question whether this horrific incident was necessary in the pursuit of gathering more intelligence to effect an arrest of an amateur federal fugitive?

At about 11am when upon hearing the shots at the Y, OP team members run to assist the Recon team. Hunt and Thomas leave the Y to call for assistance. Roderick, Cooper, and Norris stay with Degan's body until help arrives. The impression given at this time was that Roderick had told OP members that there was a "gun battle" being waged at the Y and the remaining agents were "pinned down by gunfire from the cabin" (Bock, 1995). This miscommunication of events and the disinformation of the situation would eventually reach USMS's headquarters in Washington, D.C. as well as the FBI. This became a pivotal moment in the step of mythmaking as well as the seeds of sedimentation in the process of reification as we shall see.

For the next hour, Hunt first made a 911 emergency call to the Boundary County Sheriff's office for assistance and then placed a call to Marshals' headquarters in Washington, D.C. Hunt briefed Tony Perez that the Recon team had come under fire

from the occupants of the Weaver cabin and that the Recon team was pinned down in defensive positions. With this misinformation in hand, Associate Director for Operation, G. Wayne 'Duke' Smith, activated the Marshals Service Crisis Center regarding the situation at Ruby Ridge, Idaho. Immediately thereafter, Justice Department officials were notified of the Idaho situation because a federal law enforcement agent had been killed. The version of events conveyed to Justice officials was that Marshals were "pinned down" and "receiving fire" (Walter, 1995:172).

Meanwhile, back in Idaho, federal officials began to evacuate residents that lived immediately within the locale and set up a roadblock at Ruby Creek Bridge leading into the Ruby Ridge area. This decision in crisis management resulted in a tactical control of the Weaver property and surrounding area from federal authorities. Additionally at this time, the media had to rely solely on federal officials' debriefing statements as to what exactly was happening in the situation. In other words, a media blackout was in effect leading to the belief that a veil of secrecy of the events was taking place.

At about 1pm on August 21st, 1992, the Idaho State Police Critical Response Team (CRT) was informed of the situation and proceeded to form a command post at Homicide Meadow.

SEDIMENTATION BEGINS

Back in Washington, D.C., USMS Director Hudson and other USMS officials meet with FBI Associate Deputy Director Douglas Gow and FBI Assistant Director Larry Potts to discuss the Idaho situation. The FBI will now become the lead federal law enforcement agency for the remainder of this story because this agency has the jurisdiction over domestic national security matters. In this case, it is the investigation into Degan's death and the apprehension of the perpetrator of said crime.

Around 1:30pm, FBI Director William Sessions was briefed concerning the situation and mobilized its Hostage Rescue Team (HRT) to Idaho. Richard Rogers, who would later serve as HRT commander at Waco, Texas, headed the HRT. According to Walter (1995:181), "of all the special tactics units used by the law enforcement agencies around the country...the FBI's HRT was the elite, trained to battle terrorism and to handle tactical missions involving hostages or barricaded criminals. Unlike the Marshal' SOG team, the HRT was a full-time outfit..." The HRT consisted of two-section or teams, the

Blue- assaulters team, and the Gold- sniper/observers team. “For the first time anyone could remember, both teams- the Blue and Gold, all fifty HRT agents- were sent on a single mission” (Ibid.).

By late afternoon on Friday, August 21st, Walter (1995:178) describes the Washington’s communication mill “hazy at best, and much of the information being spread around...[was] simply wrong...The Federal officials flying to Idaho knew nothing about Sam Weaver being killed or the dog being shot. But the biggest mistake they made was to overestimate the ‘ongoing firefight,’...The misperception that the Weavers had the marshals ‘pinned down’ and were firing automatic weapons...would color everything that happened for the next two days, as the government’s fear of the Weavers began to gather its own momentum, a landslide of blunders, bad information, cold decision-making, and eventually cover-up.”

Through sedimentation “legends come to have lives of their own.” The experience, once having been formulated into words or myths are transmitted from person to person, and in this case from agency to agency. Thus, which each retelling the common sense of the story comes to be what “everybody ‘knows to be true’” (Aho, 1994:31). I argue that sedimentation is now crystallized because the situation at Ruby Ridge was not only based upon misinformation, disinformation, miscommunication, rumors, and gossip but also that there was no question as to the truism of what was taking place in Idaho. That is, Ruby Ridge was evolving into a life of its own.

HRT AND THE REVISED RULES OF ENGAGEMENT

Later on that same Friday, August 21, FBI’s Potts meets with Deputy Assistant Director Danny O. Coulson and concurred that Ruby Ridge was “the most dangerous situation the Hostage Rescue Team had ever faced” (Ibid.:179). Because of this, the revision of the FBI’s Rules of Engagement (ROE) were discussed. This revision of the FBI’s ROE would be the most crucial decision in crisis management in the whole Ruby Ridge, Idaho saga and it was partially decided by the very agent who was so instrumental in bringing the demise of The Order in 1984. That FBI agent was Danny O. Coulson.

In preparation for the possible ROE revision, FBI’s Section Chief, Violent Crimes and Major Offenders Section, E. Michael Kahoe, consulted with an FBI legal adviser about changing the ROE. The legal adviser responded that if the FBI could change the ROE it

would be under the circumstances that “it was the only way to control the situation and protect people from being hurt” (Ibid.). However, the final decision about the danger of the situation had to be made on the scene in Idaho. Additionally, the legal adviser emphasized that a demand for Weaver’s surrender must be made before any shots are fired.

In the early evening hours, 6:30pm. HRT Commander Rogers and the advance team of HRT personnel, accompanied by USMS Director of Operations Smith depart Washington, D.C. for Idaho. While en route, Rogers engaged in a series of conversations with Potts, while Smith talked to his superior Hudson about the proposed revision of the ROE. FBI’s Assistant Director Potts gives preliminary approval to the revised ROE that state: **If any adult is seen with a weapon in the vicinity of where this firefight took place, of the Weaver cabin, that this individual could be the subject of deadly force.**

Meanwhile, back in Idaho, U.S. Marshal Michael Johnson notified U.S. Attorney Ellsworth of the shooting incident at Ruby Ridge. Ellsworth sends Ron Howen to Ruby Ridge as the U.S. Attorney representative. Howen will also be appointed, at a later date, as the government’s Prosecuting Attorney against Randy Weaver on the federal weapons violation. Is this not known in legal terms as a conflict of interest?

The last recorded events of that fateful Friday, August 21, 1992, included the arrival of Eugene Glenn, head of the Salt Lake City FBI office and on-site commander for the FBI, at Homicide Meadow. Also during this evening, the Idaho State Police CRT, lead by USMS Thomas, departed the command post in an attempt to rescue Deputy Marshals Roderick, Cooper, Norris, and recover the body of Marshal Degan.

August 22nd arrived at midnight and by 1am the Idaho State Police CRT arrived back at the command post with Roderick, Cooper, Norris, and Degan’s body. They were immediately accompanied by Mark Jurgensen, the ruse for Phrase III Operation Northern Exposure, to the Boundary County Hospital ER. Time passed, until about 3am after which all the Marshals had been treated and released. All then returned back to the condo on Schweitzer Mountain.

It is worth mentioning that during this whole period of time, all five Marshals involved in the Y incident had kept their weapons as well as Degan’s. Back at the condo, Jurgensen took these weapons emptied and counted the number of rounds fired at the Y.

He found that Hunt, Thomas, and Norris had fired no rounds of ammo. Roderick had fired once, which killed Striker, and Cooper had fired two three-round bursts of which killed Sammy Weaver. But what surprised Jrugensen the most was that Degan's weapon had seven rounds missing. Additionally, it would not be until sometime Saturday afternoon before the surviving five Marshals would be interviewed regarding the Friday's Y shooting incident.

Upon Howen's arrival at the scene at Ruby Ridge, a criminal complaint was filed against Weaver and Harris with the murder of Deputy Marshal Degan in violation of 18 USC 1511, 1111, and 1114. Not only was Randy Weaver facing federal weapons charges, but now was facing a federal murder charge for killing a U.S. Marshal.

At about 4:45am, the FBI's HRT team arrived in Idaho. HRT Commander Rogers briefs HRT team members at the National Guard Armory in Bonners Ferry, Idaho on the situation. At 9am, the ROE revisions are still being drafted.

Several hours later, HRT and SOG teams assembled an operational plan in the hows to combat the situation at Ruby Ridge. The operational plan was faxed to FBI headquarters and for USMS review. The fax of 2:40pm included the proposed revised rules of engagement that follow: **A) If any adult in the compound is observed with a weapon prior to the [surrender] announcement, deadly force can and should be employed, if the shot can be taken without endangering any children. B) If any adult in the compound is observed with a weapon after the surrender announcement is made, and is not attempting to surrender, deadly force can and should be employed to neutralize the individual. C) If compromised by any animal, that animal should be eliminated. D) Any subjects other than Randall Weaver, Vicki Weaver, Kevin Harris presenting threats of death or grievous bodily harm, the FBI Rules of Deadly Force are in effect. Deadly force can be utilized to prevent the death or grievous bodily injury to one's self or that of another.**

How does this revised ROE differ from the Standard Deadly Force Policy of the FBI? Specifically, the Standard Policy of ROE states: **Agents are not to utilize 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 serious danger of death or grievous bodily harm. Where feasible a verbal warning should be given**

before deadly force is applied. Thus, I would hypothesize that the proposed revised ROE and the Standard Deadly Force Policy differ radically in context and purpose in resolving a criminal situation and that the revisions lead to a criminal, civil, and unconstitutional act of criminality.

Between 3-3:30pm, Saturday August 22nd, 1992, HRT Gold team, i.e. the sniper/observers team, was briefed on the revised and unconstitutionally approved ROE and immediately departed for their observational positions on the Weaver property. After several hours, eleven members of the HRT team arrived at their positions on the mountain ridge overlooking the Weaver's cabin.

Shortly before 5:58pm, sounds of an armed personnel carrier (APC) are heard at the bottom of the hill on the Weaver property. Responding to the barking dogs, Sara Weaver checks the area and found nothing unusual. Then Sara returned to the cabin giving the o.k. that all was clear. With all clear, Randy, Kevin, and Sara venture to check the north perimeter. While returning back to the cabin, they stopped at the birthing shed to retrieve flashlight batteries and check on Sammy's body that had been placed there Friday evening after the shooting.

Under the revised rules of engagement, HRT sniper/observer, Lon Horiuchi, fired a round of ammo when he saw Randy at the shed. The bullet hit Randy's arm. Seconds later, Horiuchi fired another round that instantly killed Vicki Weaver while standing in the doorway of the cabin, unarmed, and holding her younger daughter, Elisheba, in her arms. The bullet exits the back of Vicki's head but the skull fragments and bullet fragments attached to the skull particles enter Harris resulting in serious injuries. Baby Elisheba falls to the floor unharmed but totally bloodied from her mother's injuries. The weapon Horiuchi employed in this horrific event was a .308-caliber Remington model 700 in which a shot can travel 2,600 feet per second and cover 200 yards in a quarter of a second. No other shots were fired from either the Weavers or other members of the HRT team.

Half an hour later, after the death of Vicki Weaver, an APC arrived at the cabin area. FBI's HRT negotiator, Fred Lanceley, delivered a message over the loud speaker that there were arrest warrants for Weaver and Harris and asked for a peaceful surrender. About 20 minutes later, Lanceley repeats the surrender offer. Shortly thereafter, the APC

backed out of the mountain driveway trailing a telephone line from the cabin. Built inside the telephone, which was left outside the cabin, was a microphone with a tiny mike. All sounds that were received through the microphone were transmitted back to the command post at Homicide Meadow.

Because of the cold damp weather, the HRT Gold team and SOG team withdrew from their mountain positions. After the withdrawal, Rogers debriefs Horiuchi regarding the circumstances of the shooting on Ruby Ridge. According to Rogers' testimony at the Weaver-Harris trial: "Horiuchi saw people running outside the cabin and heard a helicopter over his shoulder. He said two men were moving into position to fire at the helicopter and so he shot at one of the men, whose movement caused him to miss. He got another clear shot, fired, and saw someone flinch, but he didn't actually know if he hit anyone. There were ten other snipers up there; he'd expected at least one of them to start shooting as soon as he fired his weapon, but on one else had fired" (Ibid.:201).

Horiuchi statement is interesting, but as argued by Kopel and Blackman (1997:37), his actions "may have violated the altered FBI rules in addition to permanent FBI rules, state and federal law, and the Constitution." Additionally, investigative journalist, James Bovard (Ibid.) argues that "to shoot at a running target by aiming at the window of a door facing into a cabin would be an idiotic way to try to shoot Kevin Harris. However, the shot that hit Vicki Weaver- severing her carotid artery- was a perfect kill shot."

For the rest of Saturday evening, August 22nd, the FBI's SWAT team secured the perimeter of the command post and the access to the road leading to the Weaver cabin. Also, the unattended telephone left by the APC rang every 30 minutes throughout the night. In a short period of time, a tactical operation was put in place and psychological terrorism had begun upon the Weavers and Harris.

LET THE RITUALISM BEGIN

Sunday, August 23rd, dawns to a new day that found the HRT teams positioned in the mountainous terrain surrounding the Weaver property. By 8am, Weaver was asked again to consider negotiations for a peaceful surrender. Randy gave no response to such a request. From 8:30am to 4pm, the telephone outside the cabin rang every 15 minutes for a total of 34 times with no response from the cabin occupants. Also, to add more fuel to an already exasperating situation was the crisis management decision to place a R2-D2

type modified bomb disposal robot “with mechanical arms coming out of the top and sides and loaded with every manner of hardware: cameras, floodlights, microphone, amplifier, and receiver. One arm ended in a single-barrel shotgun” (Walter, 1995:206).

The terrorism of the Weavers and Harris continued throughout the day. At about 8pm that Sunday evening, APCs were moved onto the property for the purpose of removing the outbuildings on the Weaver homestead. It was during the clearing of the birthshed when Sammy’s body was discovered, removed, and sent to Spokane, Washington for an autopsy.

As darkness descended on the Weaver property, spotlights began to focus exclusively on the cabin. This would continue until dawn of the next day, the third day of the siege at Ruby Ridge. The day began as FBI agents taunted the Weaver family by saying, “good morning, Mrs. Weaver...we had pancakes this morning. And what did you have for breakfast? Why don’t you send the children out for some pancakes, Mrs. Weaver” (Ibid.:210). While these comments were made, Vicki’s bloodied body, wrapped in a blanket, laid underneath the kitchen table.

The rest of Monday found the siege continuing with failed attempts to make contact with Randall Weaver. However, Gene Glenn and Mike Johnson did conduct their first press conference since the shooting at the Y. They disclosed to the press the deaths of Sammy Weaver and U.S. Marshal Degan. Also on that day, Kevin Harris was formally charged in federal court for the murder of Degan and Randy was formally charged with assaulting a federal officer.

Tuesday, August 25th, dawned and found once again the HRT Gold team, in 12-hour shifts, positioned on the mountain ridges surrounding the Weaver property. Throughout the day, negotiations with Randy continued to no avail. The FBI finally conducted a search of the Y area from Friday’s shooting and uncovered seven shell casings from Degan’s gun that was spread along a trail of 22 feet. This pattern indicated that not only did Degan indeed fire his weapon but he was also moving at the time the ammo was shot. Also on this day, APCs moved up and down the ridge for whatever reason and had the total disregard and respect for a beloved animal because the APCs ran over Striker 27 times with no thoughts of removing the dead body from their pathway.

Four days, August 26th, after the revised ROE were implemented, directly causing the death of Vicki Weaver and seriously wounding Kevin Harris, they were revoked by the direction Glenn and replaced by the FBI's Standard Deadly Force Policy. Also on this day, the first contact with Randy was made when he requested to communicate with his sister, Marnis Joy. Another pivotal event occurred with the arrival of Bo Gritz, a retired decorated Green Beret. Gritz as we will soon learn was instrumental in the Weaver surrender. Finally, the day's activities conclude when Lanceley tells Weaver that his sister has been contracted and is on her way to Ruby Ridge.

The week continued and on Thursday's noon broadcast Paul Harvey made a public plea asking Weaver to peacefully surrender. Additionally on this day, Randy's sister attempted to speak with Weaver but to no avail.

The next day there are further attempts by Marnis Joy to speak with her brother but again to no avail. However, Weaver did state that he was willing to converse with Bo Gritz. Thus, at 6:58pm, Gritz and Jack McLamb, a retired police officer, arrived on the Weaver property in an ACP. Gritz does have the opportunity to speak with Randy and learns that Vicki had been killed and that Harris was critically wounded. Upon returning to Ruby Creek Bridge, Gritz tells the assembled crowd that Vickie Weaver was dead.

On Saturday, August 29th, Gritz, McLamb, and Jackie Brown, a family friend, spoke with Randy, Sara, and Kevin from outside the cabin. Later in the afternoon, Jackie was allowed to enter the Weaver cabin. While there, Jackie consoled the cabin occupants regarding the tragic events that had devastated their family and tried to calm the girls' fears that they also would be killed. After Jackie's return from the cabin, she advised the FBI of Randy's and Kevin's wound status.

THE END

The next day Kevin Harris surrendered to Gritz and McLamb. Accompanied by McLamb, Harris was taken to a medical tent located at Homicide Meadow where he was given first-aid and then flown to a Spokane hospital. It was here that he would spend the next two weeks. Later in the afternoon, Brown and Gritz carried Vicki's body from the cabin. After turning the body over to the Boundary County coroner, Jackie returned to the cabin and cleaned Vicki's bloodstains from the kitchen floor.

According to Bock (1995:95) and Walter (1995:241), it was this same day (August 30th) that Operation Alaska was designed in case the remaining Weavers refused to surrender on the next day- August 31st. The plan was designed to have Gritz wired for sound. If Gritz and McLamb found the Weavers unresponsive to the surrender, Gritz would grab Randy and McLamb would subdue Sara and Rachel. Gritz would then shout “Alaska” at which time federal agents would take the family into custody. Gritz and McLamb did not want to employ the proposed plan.

Futhermore, Kopel and Blackman (1997:38) argued that if the Weavers did not surrender on Monday, the FBI planned to “launch a CS chemical warfare and armored vehicle assault on the Weaver’s home, similar to the assault which took place April 19, 1993 on the Branch Davidians‘ home.”

The dreaded day arrived and one way or another the siege at Ruby Ridge, Idaho would come to an end. In the early morning, Gritz and McLamb returned to the Weaver cabin for further negotiations for a much-desired peaceful surrender. At 12:15pm, the surviving members of the Weaver family leave their cabin perched upon Ruby Ridge.

SOCIOLOGICAL AND CRIMINOLOGICAL SIGNIFICANCE

Thus I end the chronological story of Ruby Ridge, Idaho- August 1992. It was a journey that started in the Bible belt of Iowa to the pristine mountainous terrain of Christian Identity tenets. This has been a story about a family whose actions exaggerated an already snowballed memorization of domestic terrorism from the right. But no matter how exacerbating the Weaver’s actions in a crisis situation, I question whether the tactics of three federal law enforcement agencies to resolve the crisis situation were more zealous in reactive enforcement than proactive deterrence? Did the story of Ruby Ridge and the terror against the Weaver family become reality? How was this reality constructed? What steps were involved in this process of reification? Are the who, where, what, how, and why of the story pivotal in the process of the construction of reality? Who’s reality is it? Knowledge is not drawn from a vacuum but most be constructed it must be made by humankind.

But the question arises how does this happen? For reality to become a truism we must first objectify or reified what we want to believe is real. Aho (1994) argues that five steps are important in this process of reification. Thus, were these steps pivotal in this

story as it unfolded to its conclusion? Did the events of this story snowball to its tragic conclusion? Did indeed the story of Ruby Ridge and its cast of characters take a life of its own? I argue yes to all the above questions because each contributed to the creation of knowledge and each contributed to our understanding of how and why Ruby Ridge came to pass.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

As we know, the BATF was the first federal law enforcement agency to gather misinformation on Randall Weaver by describing him as active in and convicted of white supremacy activities as well as being a suspect in several bank robberies. Do you hear the echoes of another Bob Mathews and The Order? Is this not the beginning of the labeling stage of objectification?

This agency was also responsible for the illegal entrapment of Weaver, on federal gun charges, and contributed to the failure of Weaver to appear for his court hearing. Again labeling of Weaver is present to set him up as a federal fugitive.

UNITED STATES MARSHALS SERVICE

With Weaver's failure to appear for the court hearings on federal gun charges, a bench warrant was issued for his arrest. Since Weaver was now considered a federal fugitive, the USMS was brought into the case. With the BATF's exaggerated profile of Weaver in hand, the USMS conducted an eighteen month investigation into Randall's case. During this period of time, the USMS's assessment of the situation contradicted information that was gathered previously by the BATF, however, this new corrected information and updated intelligence of Randall Weaver and family was not integrated into the overall assessment of Weaver thus contributing more fuel to already volatile situation. Do I surmise that labeling continued even though there was evidence to contradict the profile?

When the USMS made earnest efforts for a peaceful surrender why were these efforts thwarted by the United States Attorney's Office of Idaho? Is the answer that the USAO placed unnecessary obstacles in the way of the USMS to avoid a confrontation that was based on incorrect/inaccurate information of the Ruby Ridge situation.

With the failure to negotiate a peaceful surrender, the USMS' SOG team conducted recon missions to assess the threat situation of the Weaver homestead. It was the reconnaissance mission of August 21st, 1992 that proved to be problematic in crisis

management because there was “no specific plan for retreat” that led to the lethal confrontation at Ruby Ridge (hearings, 1995:1105). Although this particular reconnaissance mission was designed to gather more intelligence on Weaver, as we know, it resulted in the needless deaths of U.S. Marshal Degan, Sammy Weaver, and family pet, Striker.

FEDERAL BUREAU OF INVESTIGATION

Because of the death of USMS Agent Degan, the FBI was brought into the case. As the lead agency of the Ruby Ridge situation, all previously collected information on the case was handed over to the FBI. The emphasis here is that naming, legitimation, mythmaking, and sedimentation of objectification had become crystallized and the actions of the FBI were criminal but also crystallized ritualism in the construction of reality or what became real in everyday thought. I also argue, that the reactive decisions and actions of the FBI caused another needless death as well as the unconstitutional invasion of basic human rights that were illegal, immoral, unethical, and caused social injury.

Also I argue, that the FBI’s overall crisis management operation proved to be problematic in several ways. Firstly, as we know, FBI superiors relied exclusively on previously gathered intelligence without debriefing agents personally at the command post at Ruby Ridge. Secondly, the FBI’s overreactive response to the situation was tactical rather than negotiable. With the tactical response of crisis management, the highly skilled tactical team known as HRT was placed as the command lead at Ruby Ridge, Idaho.

But the most lethal and unconstitutional decision by the FBI was the revised Rules of Engagement which contradicted and superceded the Standard Deadly Force Policy of the FBI. The question arises: Why were the rules changed? Tragically the answer is simply—it was to accommodate the most dangerous situation the HRT had ever encountered. The belief was based on secondhand intelligence from the field that an ongoing firefight was continuing at Ruby Ridge as well as USMS agents being pinned down. Thus, the FBI’s guiding tenet was that the means employed are necessitated for the end goal. Hence, the situation becomes real to the actors as well real to the audience. Truism has been created!

CHAPTER 6

WHERE ARE WE NOW?

Discussion

As we know, the siege at Ruby Ridge ended, but I questioned: “Does the story also end?” What happened next? Is this it? Thus, I would be remiss if I did not address the more important issues of the aftermath in regards to the Weaver- Harris trial, Weaver and Harris’ settlement with the government, what punishments were metered out to the sniper who killed Vicki Weaver and the agents involved in the revised Rules of Engagement. Also I question whether any of the five steps in reification, such as labeling and mythmaking, and ritualism, continued in the aftermath. Again there are questions, always questions that must have an answer. But what are the answers? As with the crystallization of Ruby Ridge the answers will reveal themselves in time and become objectified in our conscience.

THE WEAVER-HARRIS TRIAL

Where to begin? Do you remember Bo Gritz, the decorated Green Beret who was so instrumental in the peaceful surrender? It seems that on one of his earlier meetings with Weaver, Randy told Bo that he was concerned that he would not get a fair trial. It was then that Gritz implied that Gerry Spence was interested in being his attorney for any legal matters confronting him after his surrender. If Randy was to receive a fair trial among his peers, it is my opinion that Gerry Spence would be most pivotal to carry out such a task against the Federal Government.

When you hear the name Gerry Spence what adjective(s) comes to mind? Have you ever seen Spence on television whether giving an interview or being the interviewee? I immediately visualize him wearing a beige buck-skin fringed jacket, cowboy boots and hat, with salt and pepper hair, and a slow articulated western drawl. In one word I think flamboyant!

Gerry Spence has been described as one of the best criminal trial attorneys in the United States. He has successfully represented the family of Karen Silkwood against the Kerr-McKee Chemical Corporation and the case against Imelda Macros by the U.S. government. According to Bock (1995:118), Spence has “won more million-dollar

judgements against corporations than any living attorney...He has a reputation not only as a masterful courtroom performer, but as a lawyer who is always fully prepared....”

With this in mind, why would Spence want to defend Randy Weaver pro bono?

Spence answers in a written statement to the press that “I was told that if I would agree to represent Randy Weaver he would come down off of the mountain and surrender” (Bock, 1995:120). Furthermore, he agreed to represent Weaver “to demonstrate to him and all those who doubt, that the system does work, that citizens will not be killed or prosecuted or convicted because of their beliefs, and that there is justice in this nation for everyone, of every religion and of every political bent...” (Ibid:121). Spence elaborates further in his book entitled *From Freedom to Slavery* (1995:14-15) that he viewed “the defense of Randy Weaver’s case as an opportunity to address a more vital issue, one that transcends...notions of supremacy of one race over another, for the ultimate enemy...[is] a government itself that has lost its respect for the individual...my challenge will be to demonstrate that we can still be a nation where the rights of the individual, despite his race, color or religion, remain supreme. If this be not so, then we are all lost” (Ibid.).

With this reason publicly stated the trial begins in April 1993. Randy Weaver and Kevin Harris were on trial facing a nine count indictment. The indictment began with prelude: “Beginning at an unknown date in approximately January 1983 and continuing through August 31, 1992...Randall C. Weaver, Vicki Weaver, Kevin L. Harris and others known and unknown...did knowingly, unlawfully and intentionally conspire, confederate, combine and/or agree together and with each other as follows...” (Bock, 1995:125-126). What was included in the indictment? Weaver and Harris were alleged to have: (1) caused a violent confrontation with federal law enforcement agents; (2) the purchase, development, and maintenance of a mountain residence/stronghold; (3) the illegal possession and sale/concealment of firearms; (4) failure to appear for trial on federal criminal charges; (5) the hinderment or prevention of the apprehension and arrest of a federal fugitive; (6) to steal, conceal, retain and/convert personal property of others for their own use; (7) the intimidation of neighbors and law enforcement officers and agents by the use or displaying/discharge of firearms; (8) the use, display, threaten use of firearms at or near human beings, vehicles, and aircraft; and (9) the assault, shooting,

wounding, killing and/or murder of a human being by use of deadly weapons (Ibid.).

What do you think? Are these charges warranted? Did Weaver and Harris commit these allegations? Or is the federal prosecutor being zealous in his attempt to levy the unconstitutional federal death penalty or life imprisonment of Weaver and Harris?

To answer these questions Gerry Spence was quite vocal when he charged that “many things in the indictment have nothing to do with the case and have only to do with laying a foundation for the prosecution to introduce evidence that’s prejudicial in the case...” (Bock, 1995:128). Furthermore, Spence pointed out to Judge Edward Lodge that the search warrant issued after the siege specifically requested seizure of “correspondence, publication, literature, and other writing, both printed and handwritten, originals and copies, relating to white supremacy, white separatism, neo-Nazi groups, including emblems and slogans...writing relating to zionist occupational government that revealed thoughts, motivations, threats, plans, or theories involving the use of violence toward other human beings, including...federal, state, and local law enforcement officers...” (Ibid.). The question arises, “What does the seizure of literature have to do with criminal charges against Weaver and Harris?”

According to Spence, Assistant United States Attorney Ronald D. Howen from the very beginning of the trial attempted to ally Weaver with the Aryan Nations and painted him as a “wild-eyed radical, who had from the beginning...[intended] to instigate a violent confrontation with federal authorities” (Spence, 1995:23). Do you remember AUSA Ron Howen? He was the individual who refused USMS’ agents’ request for further negotiations with Weaver because it was beyond his authorization. Do you remember that Howen was sent to Homicide Meadow after the initial incident at the Y? Did I not question that this was a ‘conflict of interest?’ And now, low and behold, Ron Howen was the lead government prosecutor trying Weaver and Harris on multi conspiratorial charges. Do I hear a sense of labeling continuing as well as fabrication in mythmaking? Will the jury believe what Howen and colleagues present as evidence that indeed Weaver and Harris were dangerous, terroristic, and a threat to national security?

The trial lasted thirty-six days. During this time, the government presented 56 witnesses, managed to conceal, tamper, and manufacture evidence, tried to change the rule of law regarding the death penalty, withheld documents from the defense that could

have been instrumental in a acquittal, and so outraged Judge Lodge that he levied a hefty fine against the government as well as ordering the government, because of prosecutorial misconduct, to pay part of the defense attorneys' fees. And in Weaver and Harris defense, their attorneys presented no witnesses and rested their case. After a deliberation of three weeks, the jury found, on July 8th, 1993, Kevin Harris not guilty of all charges. "Weaver was found guilty of two counts: failing to appear in court and violating his bail conditions. He was declared not guilty of the gun charge- the seed of all of [the] misery" (Oliver, 1999:2). In the concluding words of Gerry Spence describing the aura of the trial, "the theme [was] to change Randy Weaver and demonize him and make him into an evil, spiteful, hateful person so that you [could] cover up the murder of a little boy shot in the back and the murder of a woman shot in the head" (Ibid.). What lessons have we learned from this story? What moral and ethical concerns should we be questioning? Could this happen to us or should we be concerned? Questions, always questions!

On October 18, 1993, Weaver was sentenced to eighteen months in jail and a \$10,000 fine. He had already spent fourteen of those months in jail and was hence released on December 17, 1993. Upon his release, Weaver returned home to Grand Junction, Iowa. Renting an unpretentious rural house, Randy and his daughters started life anew. For the untold millions of dollars the government spent on the capture and prosecution of Randall C. Weaver, the government managed to convict Randy for failure to appear in court.

I have often reiterated that Randy and the saga of Ruby Ridge became the "rallying call for the militia movement of the 21st century." Why? I argue because many members of extreme right organizations had a great fear of and distrust of the federal government. The Weaver situation and the killing of his wife and son verified those beliefs. After all, it was the very same federal law enforcement agencies that avowed to protect and guard United States citizens' constitutional rights that would eventually display military tactics accumulating in the show of abusive power resulting in the redefinition of those very rights/freedoms guaranteed under the Bill of Rights. Hence, a lone victimized family in the panhandle of Idaho became the "rallying call of the militia movement."

RANDY WEAVER AND KEVIN HARRIS' SETTLEMENT

In August 1994, the defense attorneys of the Weaver family and Harris filed a \$200 million and \$10 million civil suit against the U.S. Government for the wrongful death of

Samuel and Vicki Weaver and the violation of their civil rights and property of Randy and Kevin respectively.

In August 1995, the Justice Department settled with the Weaver family for \$3.1 million to compensate for their personal loss. Each of the surviving daughters received \$1 million and Randy received \$100,000. In settling the case, the Justice Department refused to acknowledge any wrongdoing. On September 21st, 2000, the Justice Department settled with Kevin Harris in the amount of \$380,000 also refusing to acknowledge any wrongdoing. No wrongdoing was acknowledged by the Justice Department's management of Ruby Ridge but I question. I question the motives for such a quick settlement for Randy and his daughters and yet not until recently did the Justice Department settle with Kevin? Why did the mainstream media neglect to broadcast this news in a widely fashion instead of a sound byte at 5:30am on September 22, 2000? I regret to admit it, but sometimes my insomnia has its advantages.

HARRIS' FURTHER LEGAL PROBLEMS

Although Randy Weaver's legal problems were over, Kevin Harris did not share the same fate. On August 21, 1997, Chief Boundary County Prosecutor, Denise Woodbury, filed a first-degree murder charge against Harris for the killing of U.S. Marshal William Degan. This charge was a direct challenge to the U.S. Constitution's fifth amendment right of 'double jeopardy' because Harris was acquitted of this charge in the federal court system. At the state level of prosecution, Kevin was facing the death penalty. However, Harris' attorney, David Nevin, countered that this charge violated the very essences of not both the U.S. Constitution and the Idaho State Constitution. To top this off, Prosecutor Woodbury also charged Kevin with aggravated assault on U.S. Marshal Arthur Roderick. Do you remember Roderick? Roderick was the Marshal who shot and killed Striker, the Weavers' beloved pet. When did Kevin Harris assault Roderick? Was not Roderick hiding in the woods with Marshal Cooper? As I write this, I cannot verify the outcome of these charges. I can only assume that they were dismissed, but I have learned not to assume anything. With that said, I will continue to highlight the more eventful issues related to the aftermath of the siege of Ruby Ridge.

AUSA RONALD HOWEN'S FATE

Remember AUSA Ronald Howen? In a simple twist of fate, Howen, who had once been praised and admired for his aggressive prosecution of the surviving members of The Order, found that the Weaver-Harris trial was not as kind. In fact, Howen was so seriously criticized in his management of the trial and his actions so zealous and inadequate that he was referred to the disciplinary arm of the Department of Justice “for whatever action it deem[ed] appropriate” for his prosecutorial misconduct (Spence, 1995:56). According to Spence, Howen is no longer prosecuting criminal cases but instead is employed in the civil division of the United States Attorney’s office. What was once a bright brilliant career had been lowered to the civil ranks.

AWARDING THE U.S. MARSHALS

What happened to the surviving U.S. Marshals that were involved in the Y incident at Ruby Ridge? According to Kopel and Blackman (1997:38), the Marshals were honored as “heroes for their exceptional courage, their sound judgement in the face of attack, and their high degree of professional competence during the incident.” Do you remember the names of these Marshals? Let me refresh our memories. Marshal Degan, whom shot and severed Sammy Weaver’s arm as he was running away and was killed himself, received a posthumous award from the U.S. Marshals Service in March 1996. Also receiving awards: Larry Cooper, who shot Sammy in the back killing him instantly, and Arthur Roderick, who shot and killed Striker.

THE FATE OF HRT SNIPER, LOU HORIUCHI

Remember Lou Horiuchi, the HRT sniper that killed Vicki Weaver? Will it seems that Horiuchi and the other HRT members played important roles in the April 1993 siege of the Branch Davidians. The same men who were once at Ruby Ridge were soon deployed to Waco. Again it is not my intention to elaborate on the similarities of crisis management between Ruby Ridge and Waco, however, one must become suspect when the same leaders and special agents of the HRT can be placed in the two situations that riveted this country.

Returning to Horiuchi, his fate became more convoluted. On the one hand, Horiuchi received no punishment or a censure for his actions at Ruby Ridge. Matter of fact, FBI Director Louis Freeh decorated him and expressed how proud he was of the members of

the HRT's sniper unit (Kopel and Blackman, 1997:38). But Horiuchi's glory would not last long. On August 21, 1997, Chief Boundary County Prosecutor, Denise Woodbury, filed a charge of involuntary manslaughter for the reckless use of his weapon. You may be questioning, haven't I read that name before? And the answer is yes, this is the same prosecutor who had filed first-degree murder charges against Kevin Harris.

In Horiuchi case, his attorneys petitioned to have the case moved to a federal court because it was argued it was there that he was acting in an official capacity. And guess who was the presiding judge in the federal court? Another familiar name, Judge Edward Lodge the presiding judge over the Weaver-Harris prosecution. Judge Lodge ruled in Horiuchi's favor stating for the record that "the action of Mr. Horiuchi had tragic results...However, Mr. Horiuchi did no more than what was 'necessary and proper' for him to carry out his duties under the totality of the circumstances" (Coulson, 1999:568-569). We would think that Horiuchi's legal problems had ended. But this original member of the HRT still faces a wrongful death civil lawsuit filed against him by Branch Davidians and their survivors for his action at Waco, Texas. The ripples of Ruby Ridge and Waco will not go away easily nor swiftly!

CENSURES AND PUNISHMENT OF FBI OFFICIALS

In January 1995, FBI Director Louis Freeh concluded from its own investigation of the Ruby Ridge situation "that no criminal conduct had occurred, but he did find evidence of 'inadequate performance, improper judgement, neglect of duty, and failure to exert proper managerial oversight'" (Poveda, 1999:91). I will later discuss in more detail the unpublished FBI's internal investigation report, but for now let me address the issues of punishment and censures of the higher echelon of crisis management at Ruby Ridge.

Of those in the higher echelon, that I could reputably ascertain, their punishment from FBI Director Freeh included: Larry Potts, who had allegedly approved the revised Rules of Engagement, was given a letter of censure. Additionally, Potts was promoted to the FBI's Deputy Director, the second highest rank in the organizational structure. But a public outcry of his promotion caused Potts to resign this position.

Richard Rogers, the HRT's leader at Ruby Ridge and Waco, voluntarily accepted reassignment, was censured, and received a suspension from duty for ten days. Eugene Glen, the FBI's lead agent in the field at Ruby Ridge, received a censure and was

suspended from duty for fifteen days. After his suspension, Glen was resigned to a Washington, D.C. position.

It is worthy to mention that Glen also alleged that he was being made the scapegoat for the revised ROE. Glen “complained to the Justice Department that the official FBI inquiry had exonerated the high-level officials in Washington...and instead placed the blame for deficiencies in the operation of agents in the field” (Poveda, 1999:91). In response to his complaint, the Justice Department’s Office of Professional Responsibility (OPR) initiated a criminal investigation into the charges.

The resulting investigation found E. Michael Kahoe guilty of obstructing justice. This charge was levied for destroying an ‘after-action’ report dated November 1992 that was critical of the FBI’s action in the shooting of Vicki Weaver. In October 1997, Kahoe pleaded guilty and was sentenced to eighteen months federal imprisonment, a \$4,000 fine, and two years probation after his release. Kahoe was the only FBI employee in the Ruby Ridge saga that was prosecuted and charged with a criminal offense.

And finally there is Danny O. Coulson. Coulson was in charge of the FBI headquarters when the ROE were faxed to Washington, D.C. He was given a letter of censure and transferred to the FBI’s Dallas office. Since then, Coulson has retired and has written an autobiography of his exploits during his tenure with the FBI.

ADDITIONAL COMMENTS AND REMARKS

It has been the intent of this chapter to bring closure to the story of what occurred in the aftermath of the siege at Ruby Ridge. What happened to the people involved, what punishments were levied, how the ripples of deniability and unaccountability flowed through the federal law enforcement agencies participating in the story? Will we ever know the true story of what happened? We can only infer how Ruby Ridge occurred and why it occurred. Perhaps this research has enhanced our awareness of the construction of reactive state terrorism and the how crisis managements’ techniques and operations are employed in combating the constructed threat to national security. I emphasized to highlight the events that followed in the aftermath, but I admittedly become so engrossed in this study that I neglect that the minutiae can be tedious and boring to the reader. But nevertheless, allow me to continue the story, because it has not ended yet. The conclusion comes in the next chapter that reviews the FBI’s internal investigation, the

Senate's investigation, and the restructuring of the FBI's crisis management that answers the question: "Can it happen again?"

For now, let me address one more event that has happened not so much in the wake of Ruby Ridge but because of the labeling association with the Weaver family. Do you remember the summer congresses Weaver attended in Hayden Lake, Idaho? Do you remember the Aryan Nations and their religious ideology? Well it seems Morris Dees, the cofounder of the Southern Poverty Law Center, defended a civil suit against the organization on behalf of a mother and son whom had been terrorized by security guards of the Aryan Nations. In the \$6.3 million judgement, the founder of Aryan Nations, Richard Butler, must deed any and all assets to the victims. As Dees so successfully accomplishes is that if you cannot induce criminal charges, then sock it to them in the pocketbook. Financial ruin may not destroy the existence of extremist right organizations but it does fracture the infrastructure. This event that occurred in September 2000 and one that I felt worthy of mentioning because it was at a Aryan Nations congress that Randy Weaver met the BATF informant that would entrap Weaver into the illegal sale/possession of firearms and would hence set the stage for all the misery that would occur. I reiterate that the echoes of Ruby Ridge will not go away!

CHAPTER 7

CAN IT HAPPEN AGAIN?

Conclusions

The siege at Ruby Ridge has ended and the more important consequences of the aftermath have been disclosed. But what did the official investigations uncover that we have thus been unable to discern? What reforms and organizational changes in crisis management were put into place in the wake of Ruby Ridge? Can Ruby Ridge happen again? Again questions. Again questions demand answers.

THE FBI'S INTERNAL INVESTIGATION

Let us begin with the FBI's internal investigation of the events that occurred at Ruby Ridge. A special task force established by Attorney General Janet Reno conducted the investigation. The findings of the task force amounted to a 542 page unpublished report that was first delivered to the Department of Justice Office of Professional Responsibility on June 24th, 1994. It was not until early 1995 that the report entitled *Department of Justice Report Regarding Internal Investigation of Shootings at Ruby Ridge, Idaho During Arrest of Randy Weaver* was released to the public via internet posting by Lexis Counsel Connect. In other words, the DOJ's report was never formally published and presented to the general public.

Why did the FBI take three years to release the findings of the report? Testifying before the Senate Hearings of 1995 (U.S. Senate, 1997a:1018), FBI Director Louis Freeh answered the question by saying "I cannot give you a good reason...." Additionally, in a news conference with Attorney General Reno, a reporter asked why the findings were not published as other official records. I paraphrase her response: "It was old news and one the public was tired of hearing about." Do I sense a bit of 'spin' being created? In light of these remarks, I argue that if it had not been for wonders of telecommunication and consortia such as Lexis Counsel Connect we may have never known the details of the mechanics of reactive state terrorism. Oh, what a web spin creates!

MECHANISMS FOR A FAIR AND ACCURATE INVESTIGATION

Sorry, I momentarily lapsed into the politics of mythmaking and the attempted creation of false consciousness. Which brings forth the question: "What mechanisms

were in place for the FBI to investigate itself accurately and fairly?” Guess what? At the time of the Ruby Ridge investigation, the FBI had an office in the OPR at the Department of Justice. Additionally, there was another FBI office in the Inspector General’s division. In other words, the FBI’s investigation into the events surrounding Ruby Ridge were conducted within ‘house’ with little or no supervision from outside sources. It was not until November 8, 1994 that formal mechanism for an accurate and fair investigation of the FBI was put in place. Specifically, in addition to the OPR’s direct responsibility for overseeing the FBI, it was also now under the oversight of the Office of the Inspector General. Simply, this restructuring of internal investigations brings the FBI into the structural organization of the Department of Justice, which is in itself in the folds of the executive branch of government. Imagine, the FBI being part of the executive branch of government! My head is starting to whirl.

CONSTITUTIONALITY OF THE SNIPER SHOT

So what were the findings of this infamous 542 page report? Of great importance regards the shot that killed Vicki Weaver. When asked by Senator Fred Thompson, FBI Director Freeh answered “using the Graham standard, which is judging that decision from the shoes and eyes of the person at the time, it was a constitutional shot consistent with policy. Looking at it today, I would not take the shot...But that is the exact difference between hindsight and the split-second decision...that was made” (U.S. Senate, 1997a:1022). What is the Graham standard? Graham is a subjective standard employed by a FBI agent if they think their life is in imminent danger. Thus, according to the DOJ, the shot that killed Vicki Weaver was constitutional under the revised Rules of Engagement. But the question arises: “Were the revised ROE constitutional?” As I have argued, the revised ROE were unconstitutional and therefore the shot that killed Vicki Weaver, in my opinion, is deemed unconstitutional. This question remains the heart of the quagmire of debate and controversy and one that we may never know the answer. Furthermore, to add salt to an already festered wound, Freeh testified before the Senate that there was no written policy as to who was responsible for formulating and approving the rules of engagement. It was not until the Ruby Ridge incident that a formal written policy was enacted.

FINAL CONCLUSION OF THE FBI'S INTERNAL REPORT

In the final digestion of the 542 page unpublished report, it was concluded that “the FBI did not perform at the level which the American people expect or deserve from the FBI...Ruby Ridge was a series of terribly flawed law enforcement operations with tragic consequences. We know today that law enforcement overreacted to Ruby Ridge” (Ibid.:998). Additionally, the report concluded that “the FBI acted upon information that had been provided by other law enforcement agencies. Based upon that information, the FBI believed that it was facing a very grave threat in Idaho- a threat that required a prompt response...the FBI's response clearly was an overreaction” (Ibid.). Finally, FBI Director Freeh testified before the Senate Hearings that “Ruby Ridge has become synonymous with tragedy...It has become synonymous with the exaggerated application of federal law enforcement...Both conclusions seem justified” (Ibid.:997).

FBI'S CRISIS MANAGEMENT REFORMS

In light of these declarations, how has the FBI's crisis management changed from what was in place at Ruby Ridge? Firstly, are the rules of engagement rather than being under the aspics of the FBI are now under the Department of Justice. Secondly is the issue of the Shooting Incident Review Policy (SIRP). Remember E. Michael Kahoe? Kahoe was the only FBI employee found guilty of a federal offense surrounding the circumstances of Ruby Ridge. He was found guilty of obstruction of justice when he destroyed an 'after-action' report that was critical of the FBI's action in the shooting of Vicki Weaver. To circumvent any future misconduct, Freeh enacted the following reforms that restructured the SIRP. These reforms include: 1) raised the executive level of review of shooting incidents; 2) placed investigative responsibility in the FBI's Inspection Division; 3) established new protocols governing the conduct of post-shooting inquiries; and 4) included that a Department of Justice attorney be represented on the SIRP. In other words, adding to an all ready highly structured bureaucratic agency are yet more rules and procedures to further bureaucratize the Federal Bureau of Investigations.

Thirdly, in the wake of Ruby Ridge, the Critical Incident Response Group (CIRS) was established. The CIRS combines all of the FBI's crisis units, such as HRT, additional FBI SWAT personnel, hostage negotiators, behavioral scientists, and other specialist

under a unified command. Additionally, the HRT has been increased from 50 members to 96 members that are divided according to a rotational pattern. Hence, no longer will HRT teams be assigned crisis situations back to back like that of Ruby Ridge and then their immediate deployment to Waco, Texas.

And finally, the manner of Crisis Management Training. This reform refers to the training of FBI executives who serve as on-scene leaders in crisis situations. This is unlike the situation that Eugene Glenn found himself at Homicide Meadow. Remember Glenn? He was the first FBI agent at the scene and thus became the on-site commander for Ruby Ridge. But remember what happened after the HRT arrived on the scene? Richard Rogers, commander of the HRT, took over the on-site responsibilities of commander of the situation while Glenn became the ‘figurehead’ of command. This change in command resulted in a tactical rather than negotiable plan to effect the arrest of Randy Weaver. And of course, we know the resulting consequences of such crisis management strategy and the ensuing reactive state terrorism towards the Weaver family. Do we sense a pattern of ‘what goes around, comes around’?

DEPARTMENT OF JUSTICE’S CRISIS MANAGEMENT REFORMS

What changes in crisis management have occurred at the Department of Justice in the wake of Ruby Ridge? There are three resolutions that are now in effect. Resolution 12 establishes lines of authority during crisis situations. This resolution also governs the use of FBI’s crisis management components in the field as well as the consultation and coordination between the FBI and other federal law enforcement agencies in the preplanning of combating threat situations. Do you think this resolution addresses the issues of conflict, miscommunication, disinformation, and misinformation that occurred between the BATF, USMS, and FBI in their crisis management of Ruby Ridge?

Resolution 13 addresses the issue of the DOJ’s post-shooting incident reviews. Like the FBI’s reform in post-shooting reviews, it is hoped the DOJ’s reviews will be thorough and objective in order to ensure fairness and accuracy. Of course, I would assume this refers to the unconstitutional shot that killed Vicki Weaver and stills remains to this day the source of much speculation as to why she was targeted under the revised ROE.

And finally, Resolution 14 establishes a uniform deadly force policy. This resolution governs the actions of the personnel of the FBI, Treasury Department, federal

correctional officers, and other law enforcement agents under the aspics of the DOJ. Deadly force is now permitted “when the officer has a reasonable belief that the subject of such force poses an *imminent* danger of death or serious physical injury to the officer or to another person” (Ibid.:1112). This new standard deadly force policy begs to answer two important questions: “What is considered ‘imminent’? and What of the risk of harm to innocent third parties that may happen to been in the wrong place at the wrong time?”

As I was addressing these reforms that have taken place within the FBI and DOJ in the wake of Ruby Ridge, there was a nagging feeling in the back of my head. I could not put my finger on it- but something was amiss. Over the years I have read pages of bibliography, watched hours of video tapes, listened to sound bytes of news, and at times became so engrossed in the story that my dreams would sometimes relive the events. A deep breath, a short pause, and then eureka! At the U.S. Senate Hearings of October 31st and November 1st, 1995 (U.S. Senate, 1997c), William J. Esposito (Assistant Director, Criminal Investigative Division, FBI), Robin Montgomery (Special Agent in Charge, CIRG, FBI), and Gary Noesner (Supervisory Special Agent, CIRG, Crisis Management Unit/Chief Negotiator, FBI) testified to the changes and reforms that have occurred at the FBI and DOJ as a result of investigations surrounding the events of Waco, Texas. Would you believe- the same reforms and changes as testified by Freeh before the Hearings on Ruby Ridge were the same reforms and changes that the above testified to in the aftermath of Waco? Were the changes/reforms in response to Ruby Ridge or in response to Waco? Which came first- the chicken or the egg? I would hypothesize that the modifications in the FBI’s and DOJ’s changes and reforms in crisis management was a result of both incidents that rippled the foundations of federal law enforcement’s reactive measures to effect an arrest on two highly volatile situations that came under extreme public scrutiny. Can it happen again?

CAN IT HAPPEN AGAIN?

Once upon a time in the Spring 1996, the FBI again found themselves in a crisis situation that could result in a peaceful surrender or a violent confrontation. In the remote area located near Jordan, Montana, this particular standoff lasted for 81 days. Who were the culprits involved in this standoff? Have you ever heard of the Freedom of Montana? The Freedom is an anti-government group of individuals who do not

recognize the sovereignty of state and/or federal authority. Matter of fact, they established their own sovereign state known as the 'Justus Township.' They established their own legal system based on an 'organic constitution' that contains the main text of the document as well as the first ten Bill of Rights. This belief is based on white supremacist ideology and as well as religious tenets set forth by Christian Identity. Is this familiar? Have not the premises of Christian Identity rippled throughout this story? Are we, as well as the FBI, coming full circle in understanding that each crisis situation must be evaluated according to the totality of the circumstances and reactive management commensurate to the facts?

The standoff between the Freedom and hundreds of FBI agents was tedious, anxiety laden, and watched like a hawk by the media. What would happen- fiascoes like Ruby Ridge and Waco or a peaceful surrender? New changes/reforms in crisis management were in place- would they be successful? Guess who some of the negotiators were? Remember Bo Gritz and Jack McLamb? They tried on numerous occasions to negotiate a surrender to no avail. Even Randy Weaver offered his services but the FBI refused his request because they felt it would create a media circus. After perseverance and commitment to the new changes and reforms of crisis management, the FBI was successful in negotiating a peaceful surrender. The standoff with the Freedom ended without a hint of criticism or scandal.

In this particular situation, the FBI achieved its avowed reform and thus answers the question- Can it happen again? However, that was then and this is now. As we enter into a new millennium and a new political era- how will crisis situations be met? Will the safeguards in place today be applicable in the future? Do we as scholars buy into the spin that so influences and shapes are thinking of sociological events? Will we continue to search for the truth in understanding the formulation of reality? Will we be discouraged when it takes time and patience to recognize the processes of reification that shapes our construction of reality? These are questions that challenge and intrigue scholarship. For myself, will I be worthy of such a feat?

SENATE HEARINGS' CONCLUSIONS

In addition to the internal investigation of the FBI, the U.S. Senate held their Hearings regarding the events that surrounded this infamous crisis situation. The conclusions of

the Senate investigation began with the sharing of responsibility. The first to be scrutinized was Randall C. Weaver. If Weaver had surrendered in the very beginning the saga of Ruby Ridge would have never taken place and the needless death of three individuals as well as a beloved pet would not have come to pass.

ISSUES THAT EMERGED FROM THE SENATE HEARINGS

There were three important issues that emerged from the Hearings. Firstly, was the concern that every federal law enforcement agency involved in the Ruby Ridge incident failed to uphold the higher standards required of federal officials and federal agents. Additionally, the Hearings concluded that there was a lack of leadership and responsibility of the individuals in authority during the crisis of Ruby Ridge. This lack of leadership was illustrated from one federal law enforcement agency to the next in their lack of willingness to “take charge, make difficult decisions, and then accept responsibility for the outcome of their decisions” (U.S. Senate, 1997a:1097).

The second issue of concern was “...that intelligence data used by every agency involved with the Weaver case was deeply flawed. Inaccurate or exaggerated information about Randy Weaver’s conduct prior to August 1992, and his potential dangerousness was passed from one agency to another, without anyone taking the time to carefully and objectively examine what was actually known about Weaver.” As FBI Director Freeh testified, “...one misstatement of fact exaggerated to another one, into a huge pile of information that was just dead wrong” (Ibid.).

The third issue that emerged in the Hearings concerned the “basic ability of law enforcement agencies to investigate themselves fully and impartially...we question whether any of these agencies can fairly and objectively investigate and criticize itself in a case of this kind” (Ibid.). Did we not concern this in the above discussion of the FBI’s investigation particularly in regards to the constitutionality of the shot that killed Vicki Weaver?

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

These were the main issues that emerged and concerned the Hearings but what of the federal law enforcement agencies’ performance in crisis management at Ruby Ridge? The first to be scrutinized was the BATF. We have heard of racial profiling- is there such

a thing as ideological profiling or religious profiling? Was Randy Weaver targeted by the BATF because of his profile or was something else on the BATF's agenda?

The Hearings concluded that the BAFT was not so much interested in prosecuting Weaver on federal charges as it was using Randy like a “carrot and stick to force him to become a government informant against those in political extremists groups...who themselves have been engaged in significant criminal activity involving guns or explosives” (Ibid.:1099).

But why was Randy Weaver specifically targeted to be a snitch? Could it be that Agent Byerly desired to develop a ‘case load’ against someone that could be blackmailed into becoming an informant against the Aryan Nations? The entrapment ruse against Weaver was effective not for bringing Weaver into the folds of the BATF but effective in generating the reactive state terrorism that would occur. What processes did the BATF engage in to create the beginning stages of the Ruby Ridge situation?

According to the Hearings, there were three pieces of inaccurate information that passed from the BATF to the United States Attorney's Office and the U.S. Marshals Service. The first was how BATF Agent Herb Byerly misinformed the USAO that Weaver was “considered to be active in white supremacy activities and had been convicted of such activities” (Ibid.:1100). Byerly testified before the Senate that he assumed that the USAO knew Weaver was not a convicted felon but nevertheless took no corrective measures to rectify this information.

The second inaccurate bit of information was that Byerly informed the USAO that Weaver was a “suspect in several bank robberies.” This again was false and misleading information. And thirdly, the Marshals were informed by the BATF that Randy had “the potential to be another Bob Mathews” (Ibid.). The Hearings found this information to be extreme in context and inaccurate.

So the question arises: “How did this inaccurate and misleading information contribute to the Ruby Ridge situation.” In essence the Senate found that “it was this type of incorrect information and exaggeration that may have led to the decision to seek Weaver's prosecution on the gun charges in the first place. It also may have influenced agencies...to overreact to the situation they were later to face- with deadly and tragic results” (Ibid.).

UNITED STATES ATTORNEY'S OFFICE

And what role did the USAO play in the story of Ruby Ridge? I would argue a most significant role because if they had not accepted the fraudulent disinformation of the BATF AUSA Howen and Ellsworth may not have been so zealous in prosecuting Weaver for federal charges. If the USAO had personally investigated to verify this information the saga of Ruby Ridge would never have occurred. To accept on fate the misinformation that the BATF fabricated for their own purposeful end does not justify the means of USAO's response to Weaver.

And what did the Hearings conclude regarding the USAO performance in the contribution of errors leading to the siege of Ruby Ridge? It was found that rather than assisting the USMS attempts to diffuse the volatile situation, the USAO "placed unnecessary obstacles in the way of the Marshals' efforts to avoid a violent confrontation...[they] should have taken the lead in trying to resolve the standoff without endangering either federal law enforcement agents or the Weaver family. Instead, the United States Attorney's Office pushed toward confrontation, and aggravated the situation" (Ibid.:1109).

UNITED STATES MARSHALS SERVICE

As we know, the Marshals were brought into the situation when Randy failed to appear for his court hearing. It was and is the responsibility of U.S. Marshals to formulate an effective arrest of federal fugitives and Weaver was now considered 'to be on the lam.' Randy Weaver defied the Marshals by remaining in his cabin and rebuffing any and all efforts to negotiate a peaceful surrender.

In a sixteen page 'Threat Source Profile' dated March 7, 1991, USMS Deputy Marshals Hunt and Mays concluded that "Weaver was extremely dangerous and might be deliberately seeking a confrontation with the government...There maybe no turning back from a confrontational situation. Weaver appears self-destructive and willing to martyr himself for his beliefs" (Ibid.:1103). According to the Hearings transcript, by late 1991 the Marshals had come to accept a "portrait of Randy Weaver and his family composed variously of fact, falsehood, misinterpretation and exaggeration" (Ibid.). Additionally, to add fuel to an already volatile profile was the fact that the Marshals had "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...The Marshals added new reports to an ever-expanding file, and the overall assessment never really changed” (Ibid.:1104). As we know, this inaccurate and misleading information would eventually be handed down to the FBI and be accepted as a ‘truism’ and result in a most horrific tactical response of reactive state terrorism against a lone family isolated in a mountain cabin in the panhandle of Idaho.

Another issue that concerned the Senate was the numerous recon missions the USMS conducted over their eighteen-month surveillance to effect an arrest with Weaver. The Hearings concluded that with the high number of missions the odds of a confrontation increased. Indeed, it was the recon mission of August 21st, 1992 that such a feared confrontation did take place without a specific plan of retreat. As we know the resulting consequences left two people dead as well as a beloved pet.

Which brings forth the questions: “What happened at the Y? Who fired the first shot at the Y? Who shot Sammy Weaver? When did a federal law enforcement officer first learn that Sammy was dead?” The Hearings found that Marshal Roderick fired the first shot at the Y that killed Striker. Marshal Cooper killed Sammy. But the Senate was unable to ascertain conclusively when the Marshals first realized Sammy had been shot although there was testimony that Vicki and Randy yelled and wailed that their son had been killed after the incident at the Y. It was also testified that the Marshals would have seen and observed that Sammy’s body laid at the Y until later that evening when the Weavers and Harris moved his body to the birthing shed. Again, we may never know the truth!

FEDERAL BUREAU OF INVESTIGATION

And finally, what did the Hearings conclude in the FBI performance at Ruby Ridge? “The FBI was marked by inadequate information gathering; the failure to take a deep breath before charging up the mountain; a focus on tactical, rather than a negotiated response to the situation; and the use of unconstitutional shoot on sight Rules of Engagement...” (Ibid.:1109). I personally find these words to be quite mild compared to what happened at Ruby Ridge. What do you think?

What did the Hearings conclude of the FBI’s crisis management of the situation? By this time we should not be surprised to learn that: 1) there was an inadequate negotiation

alternative; 2) ROE were indeed unconstitutional and deemed arbitrarily make to the tailing of the situation; 3) legality of the first shot was deemed within the scope of the constitution as pursuant to the threat of the situation; 4) legality of the second shot was deemed “inconsistent with the FBI’s standard deadly force policy and was unconstitutional. It was even inconsistent with the special Rules of Engagement;” and 5) there were leadership problems (Ibid.:1118).

The concluding remarks of the Hearings sums the sentiments of how Ruby Ridge occurred. “Ruby Ridge...has entered our lexicon as a symbol of human tragedy...The road from Randy Weaver’s sale of two sawed-off shotguns to an ATF informant in October 1989, to the shootings of August 1992 was a road filled with miscalculation, misinformation, and misjudgement...the chain of mistakes that lead to those three deaths involves substantial failures by the very agencies of the United States government whose basic mission should be to save lives and enforce the law” (Ibid.:1135). Has the saga of Ruby Ridge come full circle?

A REVISIT TO SOCIAL CONSTRUCTIONISM

From the beginning, I have shamelessly acknowledged my passion for the study of political crime and its many types including the focus of this research, reactive state terrorism. As we know, this type of criminality is considered the oldest, the most common, and “has the greatest negative impact on society” (Schafer, 1974:7). Additionally, it is the most neglected major type of crime in sociological/criminological research. Thus, it has been my intent to enhance our understanding of this phenomenon and to illustrate how the consequences of such criminality ripples throughout the very fabric of society.

What is reactive state terrorism? I have defined reactive state terrorism as those acts defined as illegal but also those acts that are harmful, unethical, immoral, and cause social injury even if the power of the government defines such activities as non-violations of the law. Hence, the case study analysis of Ruby Ridge is essential in our understanding of this conceptualization.

The saga of Ruby Ridge is a story that permeates the emotional and intellectual discourse of our social being since to ‘error is human’ but to purposely and knowingly defile the very moral, ethical, and legality of protocol goes far and above the justification

of 'human error.' Ruby Ridge illuminates our understanding of just how and why an incident can evolve into a dangerous situation that was at best based on miscommunication, misinformation, disinformation, rumor, and gossip. Nevertheless, the situation became real and was real in its consequences!

I ask myself: "How could my passions for political crime and the Weaver story be told in a meaningful sociological framework?" The answer came that August morning in 1999. The theoretical perspective to guide my research was social constructionism! Forthwith, I started my journey into the saga of Ruby Ridge and found that as the story developed into its own, it did indeed evolve through the five stages of reification as set forth by Aho (1994).

Firstly, and most importantly, is the labeling (naming) stage of reification. Weaver's label, of being a white supremacist, separatist, and survivalist, was first created by the BATF. During the intervening months, the USMS' intelligence contradicted this information but the new information was not incorporated in the case file. However, it was the stage of legitimation that proved to seal Weaver's fate of ratifying his reputation. After all, "if labels are to adhere to the intended party, they must be validated" (Ibid.:27).

Thirdly, is the step of mythmaking. Mythmaking once it becomes crystallized validates the labeling stage of a person(s), action(s), and situation(s). Mythmaking once crystallized can take a life of its own. Because of mythmaking by federal law enforcement agencies, Randy Weaver and the story of Ruby Ridge became real to the actors as well as real in the reactive crisis management's consequences.

Sedimentation is the fourth stage in the process of reification. This becomes important in the fact that the myth becomes "detached from the original act" and becomes the "everyday taken-for-granted 'stock of knowledge'" (Ibid.:30). Thus with every retelling of the critical and dangerousness of Randy Weaver and the situation at Ruby Ridge, the situation became common sense- "what everybody 'knows' to be true" (Ibid.:31).

Ritualism, as the fifth stage of objectification, became crystallized when reactive measures of crisis management and terror were employed against the Weavers. Remember that ritualism must be reimprinted continually and become ritual in its enactment of the truth of the myth. Thus, the very federal law enforcement agencies that

created the situation as real became real in its consequences. Thus, reality is constructed as a process that contributes and leads to the construction of reality and thus knowledge!

Furthermore, I would argue that labeling, mythmaking, and ritualism continued in the aftermath resulting in a false consciousness of the facts as uncovered in this research as well as the Senate Hearings.

Although these five steps of reification are most adaptable to this particular situation, the question arises: “Are these stages also adaptable to other crisis situations?”

Remember that I argue that these steps are inclusive in the case study analysis of Ruby Ridge, however, there has been no claim that all the steps will occur nor will the steps occur in a particular sequence in the process of reification.

For example, the first crisis situation after Ruby Ridge was Waco. Could Waco be explained by following Aho’s stages of reification? Firstly, I would argue yes because labeling is most prominently noted. Secondly, I would argue that mythmaking by federal law enforcement agencies involved with the case as well as the media spun the story into a “dangerous situation” that must be compromised. Thirdly, I would argue that ritualism was present. The retelling of the truth of the myth evolves in to its own thus the situation becomes real and is real in its consequences.

But you may be asking, what happened to the stages of legitimation and sedimentation? Simply, without further investigation and study we can not at this time ascertain whether these two steps are inclusive or exclusive in the analysis of the Waco saga.

I would further argue that in any crisis situation that we wish to analyze that we firstly ascertain whether the stages of labeling, mythmaking, and ritualism are present. These steps of reification seem to continuously integrate themselves throughout this analysis and I would argue throughout the story of Waco. Secondly, I would caution against trying to ‘fit’ these steps in an analysis. Sometimes constructing a situation as real does not necessarily mean it is adaptable to the process. And thirdly, I would advise to let the story evolve naturally in its own progression without twisting and turning the facts to fit the schematic. After all, the crisis situation flows through its own creation of reality- as we now know from the case analysis of Ruby Ridge!

The truth is now known. Did you ever think that something like this could happen to just basically simple folks? Although they themselves are not without fault and blame to the horror, nevertheless the very federal law enforcement agencies that are pledged to protect us from harm become the culprits that terrorize and kill our family members. Crisis management of the situation became reactive state terrorism when a tactical plan was put in place and revised ROE became the “shoot on sight” policy. Can it happen again? As discussed previously, there are procedures and rules in place today as opposed to then- but every situation is unique. Every crisis situation evolves by its own creation of reality. Every crisis situation has its own players that shape the construction of reality. Every crisis situation is a story.

Finally, I would argue that someday additional information will be released detailing facts of crisis management at Ruby Ridge that are for now censored from the general public. If that day comes to pass, I would encourage and challenge further scholars to study and integrate these facts into the schematic that I have set forth. I wait with anticipated glee!

THE END

The moment has come to pen the final comments that conclude this research endeavor. It was a story that started years ago and evolved into a saga of conflict and spin from one federal law enforcement agency to another. Each agency denying responsibility and accountability for their decisions in crisis management. Each agency passing to the other misinformation, disinformation, miscommunication, rumor, and gossip. Each agency having inherent inter-agency or intra-agency contradictions regarding leadership command. And the ensuing reactive state terrorism accumulated in the death of three individuals, a beloved pet, the public outcry of abuse of federal law enforcement agencies, the public distrust of federal law enforcement agencies, and rallied the cause of extreme-right organizations.

I find it difficult to end this story that has so engrossed my life and digest the horrors of what occurred at Ruby Ridge. It was a story that was emotional charged as well as intelligently absorbent however as all good stories and fables- there is an end. Or is there? For now the answer is yes. I sadly have nothing more to say nor question- I just wonder!

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York: Routledge.

VITA

Deanna W. Alexander

After having had a successful career in the hotel industry, I decided to return to college and receive my undergraduate degree. In 1987, I achieved this goal by receiving a Bachelor of Science, majoring in Criminal Justice Administration and a minor in Psychology, from Bluefield State College, Bluefield, West Virginia. Completing my degree peaked my intellectual curiosity thus encouraging me to enroll in Graduate School and pursue a higher degree of education.

Once again I achieved this goal by receiving a Masters of Science in Sociology during the May 1992 graduation ceremonies at Virginia Tech, Blacksburg, Virginia. Not to be discouraged, I decided to continue my pursuit of academic achievement by enrolling in Virginia Tech's Sociology Doctoral Program. Throughout the intervening years, I found myself involved in presenting papers at professional conferences and being active in all professional aspects for the purpose of enhancing my educational interests.

It was also during this time that I became actively involved with teaching in the areas of criminology/deviance and social inequality. Additionally, I became involved with tutorial programs at Virginia Tech's Center for Academic Enrichment Programs.

As I complete my Ph.D. in Sociology (2001), my future career goals are to continue to do what my academic training has taught me best- to educate, teach and tutor the next generation of student scholars attending VT!