

June 5, in a 6-5 ruling, the U.S. Ninth Circuit Court of Appeals in San Francisco reinstated Idaho state manslaughter charges against FBI sharpshooter Lon Horiuchi, for the 1992 murder of Vicky Weaver, during an 11-day standoff at Ruby Ridge, Idaho. On May 14, 1998, U.S. District Court Judge Edward Lodge had ruled that Horiuchi could not be prosecuted under Idaho state law for the Weaver murder, because he was “acting within the scope of his Federal authority” when he shot her, as she stood, unarmed, in the doorway of her cabin holding her infant daughter.

Days before Vicki Weaver’s murder, Federal agents had gotten into a gun battle with her husband, Randy Weaver, during a bungled attempt to arrest him on dubious gun charges. The Weavers’ 12-year-old son and a Federal agent were killed in the incident, and FBI SWAT teams were dis-

patched to the Ruby Ridge scene, with orders to shoot to kill.

The Ninth Circuit found that Horiuchi could not duck behind the claim that he was only following the FBI’s rules of engagement. “Assuming the facts alleged by the state, this is not a case where a law enforcement officer fired his weapon under a mistaken belief that his fellow agents or members of the public were in immediate danger. Rather, a group of FBI agents formulated rules of engagement that permitted their colleagues to hide in the bushes and gun down men who posed no immediate threat. Such wartime rules are patently unconstitutional for a police action,” the court wrote.

The Horiuchi case will now be taken up, once again, by a Federal judge. Beyond the specifics of the Ruby Ridge case, the appellate court ruling sent a clear message to the FBI and

## The Hanssen Case: A Puzzling Enemy Within

When FBI Director Louis Freeh announced on May 1 that he would be resigning his post, sometime this Summer, two years before his ten-year term expired, “to pursue a more lucrative career in the private sector,” the fact of the thousands of pages of withheld FBI documents in the Timothy McVeigh and Terry Nichols cases had not yet become public. Many experienced FBI-watchers immediately suspected that Freeh’s sudden decision to leave the Federal government may have been linked to the recent arrest of FBI Counterintelligence official Robert Philip Hanssen, on charges that he spied for the Soviet Union and Russia over a 16-year period. Hanssen had been part of the inner sanctum of the FBI’s National Security Division; he had gone to the same Northern Virginia Catholic church with Freeh (and Supreme Court Justice Antonin Scalia); he had a reputation of being a holier-than-thou hard-core anti-Communist, who frequently lectured fellow FBI agents on their personal morals; and he was a member of the Catholic organization Opus Dei.

“The Hanssen case broke the mold,” one high-ranking retired U.S. intelligence officer, with decades of experience probing the psyche of spies, double-agents, and traitors, had told *EIR*. Hanssen did not appear to be spying for Moscow in return for a personal fortune; nor did he fit the profile of a man recruited to sell out American national security, out of ideological motivation.

But, according to well-placed former FBI sources, Hanssen’s career at the FBI was not without serious blemishes. According to one source, Hanssen should have been

fired, for cause, on at least three separate occasions. Twice, he was caught tampering with the FBI’s computerized databases, and in a third incident, he assaulted a fellow employee, nearly dislocating her shoulder. According to a second source, Hanssen was similarly caught tapping into one of the Pentagon’s most sensitive computer databases, but he talked his way out of that fiasco, by claiming that he was conducting a “counterintelligence” test of the Defense Department system’s vulnerability, as part of the Bureau’s efforts to combat cyber-warfare.

Each time that Hanssen was caught in a compromising act, these sources reported, he was bailed out of trouble by a network of senior Bureau officials, “an old boy apparatus,” according to one source, which ensured that the complaints were buried, and Hanssen’s career was never jeopardized.

The past several months’ veil of silence surrounding Hanssen’s fate, were necessitated by ongoing negotiations between Federal prosecutors and Hanssen’s lawyers, but that silence is likely to soon be broken. In early June, Hanssen entered a plea of “not guilty” on the spy charges, and vowed to fight the case in open court. DOJ and FBI officials had refused to rule out seeking the death penalty against Hanssen, and sources close to Hanssen’s attorney, Plato Cacheris, hinted that Hanssen would not strike a deal with the Justice Department, averting an embarrassing high-visibility trial, unless the capital penalty were taken off the table.

Whether the Hanssen case ultimately goes to trial, there will be answers demanded of the top-ranking officials of the FBI, particularly in light of the other scandals now surfacing about FBI misconduct and institutional suppression of evidence, in the Bureau’s highest-profile cases. One of the people certain to be faced with those questions is the outgoing Director, Louis Freeh. — *Jeffrey Steinberg*