

Charge against FBI sniper is dropped

Agent fired shot that killed woman at Ruby Ridge

By MARK WARBIS
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BOISE, Idaho — A federal judge dismissed an involuntary manslaughter charge yesterday against an FBI sharpshooter for the death of white separatist Randy Weaver's wife during the siege at Ruby Ridge.

U.S. District Judge Edward Lodge ruled in an 18-page order that Lon Horiuchi was acting within the scope of his federal authority and was honestly discharging his duties when he killed Vicki Weaver on Aug. 22, 1992.

"The actions of Mr. Horiuchi had tragic results," Lodge wrote. "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."

The Justice Department decided in 1994 against prosecuting Horiuchi, or any of his FBI superiors and reaffirmed the decision last year.

Boundary County Prosecutor Denise Woodbury charged Horiuchi last year with state involuntary manslaughter in connection with the bloody siege at the Weavers' remote northern Idaho cabin.

He was accused of negligently firing the shot that killed Vicki Weaver as she stood inside the cabin on the second day of the 11-day standoff that also resulted in the deaths of the Weavers' 14-year-old son, Sam, and Deputy U.S. Marshal William Degan.

The case subjected federal agents to intense criticism and led to congressional hearings and disciplinary action against some ranking officials.

In dismissing the charge against Horiuchi, Lodge cited the Supremacy Clause of the U.S. Constitution, which immunizes federal authorities from liability when acting within the scope of their jobs.

"That seems absurd," said Chuck Peterson, one of the attorneys who helped Weaver and Harris win acquittal on murder charges for Degan's death. "This clearly isn't a vindication of Horiuchi. It's like the Simpson verdict: We all knew he did it, there's just nothing we can do about it."

Woodbury did not immediately respond to a telephone call requesting comment.

Lodge also said evidence supported defense arguments that Horiuchi acted reasonably because he believed there was a threat to his life or the lives of others in the wake of Degan's slaying, and that he acted in accordance with special "rules of engagement" ordered by his superiors.

In addition, evidence indicated Horiuchi did not see Vicki Weaver when he fired at Weaver's friend Kevin Harris as he was ducking into the cabin, the judge wrote.

Weaver, who is now living in Montana and writing a book about the incident, and Harris were acquitted of all federal charges, including murder, resulting from the siege.

A state charge of murder against Harris filed last August was dismissed under the double jeopardy protection.

A \$10 million lawsuit filed by Harris against the federal government is pending. Weaver filed a similar lawsuit, which last year resulted in a \$3.1 million settlement.