

## "Grey Sunset" Freeh's men versus the Freemen 20th Anniversary of the Surrender

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On June 13, 1996, following a dinner with the visiting president of Ireland, President William J. Clinton stepped up to the microphones and said, "I am pleased to announce to you that the long standoff with the Freemen in Montana ended peacefully tonight." Quieting a round of applause, he continued "And, I want to thank the FBI and the local law enforcement officials. I am very, very proud of them and I know I speak for all the people..."

Earlier that day, the last of sixteen persons surrendered to the FBI following 81 tense days of armed confrontation by an anti-government group known as the Freemen, who were resisting arrest. It was a most significant accomplishment and demonstrated to the American public the capacity, flexibility and ingenuity of the FBI in the pursuit of wanted individuals, who defied the authority of the federal government.

As the on-scene commander, I know that many of the contributions of the Agents, who served at Jordan, MT, were not individually recognized, yet each played a vital part in the successful conclusion of the Freemen standoff. Their actions reflected favorably on the FBI. This is the story of how Freeh's men bested the Freemen.

### **BACKGROUND — Context of Grey Sunset Operation**

To fully understand and assess the complexities of Grey Sunset, the codename for the investigation into crimes committed by the Montana Freemen, one has to consider the prior encounters between federal law enforcement Agents and a variety of anti-government groups involved in criminal activity during the early 1990s. The first armed conflict and standoff occurred near the small town of Ruby Ridge, ID. Ruby Ridge borders the Kaniksu National Forest, 75 miles north of Coeur d'Alene, ID. On August 21, 1992, a U.S. Marshall SWAT team was conducting surveillance near a remote cabin of a federal fugitive, Randy Weaver. At approximately 11:30 am, Weaver's dogs alerted him to the presence of the Marshalls. Randy Weaver's fourteen-year-old son, Sam and family friend, Kevin Harris, left to investigate. Both were armed. As they encountered the Marshalls, shots were exchanged resulting in the deaths of U.S. Marshall Bill Degan and Sam Weaver.

The following day, the FBI deployed its Hostage Rescue Team (HRT) in support of an expanded law enforcement operation involving up to 200 officers. While on an observation mission, one of the HRT operators, Lon Horiuchi, saw an armed Randy Weaver and Kevin Harris exit the cabin. Seeing an armed adult male raise and point a rifle at a helicopter carrying other FBI personnel, Agent Horiuchi fired twice hitting Weaver first and then Harris. The second shot, aimed at Harris as he ran back to the cabin also struck and accidentally killed Randy Weaver's wife, Vicki Weaver. Agent Horiuchi testified that he was trying to prevent the armed man from reaching the house where the subject could shoot at him, the other Agents or the helicopter and was acting within his authority when using deadly force against an armed subject.<sup>1</sup> Nine days later on August 31, 1992, the Weaver party surrendered.

The criticism of the handling of Ruby Ridge immediately began with claims that innocent victims died at the hands of federal law enforcement Agents. One of the controversial aspects of the Ruby Ridge matter concerned modifications to the FBI's rules of engagement (ROE), which some claimed contributed to the death of Vicki Weaver. Two reviews by the Department of Justice Office of Professional Responsibility and the Civil Rights Division concluded that despite the ROE change, there was "no basis to believe that she (Vicki Weaver) had been shot intentionally or unlawfully."<sup>2</sup>

Still, flaws in the FBI's performance were recognized and resulted in disciplinary actions. Director Freeh testified before the Senate Judiciary Committee on October 19, 1995 that "at Ruby Ridge, the FBI did not perform at the level which the American people expect or deserve from their FBI. Indeed, for the FBI, Ruby Ridge was a series of terribly flawed law enforcement operations with tragic consequences."<sup>3</sup> Director Freeh imposed disciplinary action against 12 employees for inadequate performance, improper judgment, neglect of duty and failure to exert proper managerial oversight.

But, the shadow of Ruby Ridge remained. Three years later, national news magazines, such as *Newsweek*, continued to refer to Ruby Ridge as "one of the most shameful episodes in the history of American law enforcement"<sup>4</sup> and characterized the Agents' actions as in response to a "shoot to kill" order.

A little more than six months later, on February 28, 1993,

the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), following an extensive investigation, determined that a group known as the Branch Davidians had acquired 136 firearms, 200,000 rounds of ammunition, 110 upper and lower receivers for AR15/M16 rifles, and grenade launcher attachments for AR 15/M16 rifles.<sup>5</sup> When they attempted to serve federal arrest and search warrants at the compound known as Mount Carmel Center near Waco, TX, they were met with a barrage of gun fire. Over the ensuing two hours, four ATF Agents were killed and 20 were wounded from gunshots or shrapnel. Six members of the Branch Davidians were killed. Their leader David Koresh was wounded.

Having initially requested the assistance of the FBI's HRT on March 1, 1993, officials from the Department of Treasury and ATF formally requested that the FBI become the lead agency concerning the incident at Waco.<sup>6</sup> Now, charged with attempting to salvage a failed tactical effort which had already resulted in the deaths of four ATF Agents, the FBI was operating without any intelligence, which might have brought the incident to a quick and peaceful solution.

In the ensuing 51 days, Koresh agreed to the departure of 35 people, including 14 children, but others remained after negotiations for a peaceful surrender collapsed. On April 19, 1993, efforts to insert CS gas (tear gas) into the compound to force out the remaining cult members resulted in the murder and suicide of those individuals when Koresh's followers turned the Mount Carmel Center into an inferno.<sup>7</sup> As noted in an extensive DOJ report, the events outside the compound at Waco were exceptional and required an exceptional response by law enforcement. Unfortunately, despite these efforts, the incident had an exceptionally tragic ending.

And, despite the fact that the FBI did not fire a single shot during the standoff and repeatedly attempted to convince Koresh to surrender, the public was aghast at the outcome. Over the 51 days, they were presented with images depicting military vehicles surrounding the compound and destroying parts of it while inserting the CS gas prior to the fire. In all, there were 17 military vehicles used, including nine Bradley fighting vehicles, five combat engineer vehicles and two Abrams tanks. Viewed from a law enforcement perspective, the use of military vehicles was justified as Agents faced well-armed men, but the public also saw and empathized with the women and children in the compound. Outrage and claims of a Waco cover up<sup>8</sup> along with stories of a Waco massacre persist even today.<sup>9</sup>

The law enforcement actions at Ruby Ridge and Waco were identified by Timothy McVeigh as events which radicalized him and his co-conspirators, Terry Nichols and Michael Fortier. McVeigh claimed to have traveled to

Waco during March 1993, and again after the compound was destroyed. He decided to bomb a federal building as a response to the raid. On April 19, 1995, the two-year anniversary of the end of the Waco standoff, he parked a rental truck filled with a diesel-fertilizer bomb outside the Federal Building in Oklahoma City. A short time later, the explosion took the lives of 168 people including 19 young children, and injured over 650 others as 300 buildings in the immediate area were damaged.<sup>10</sup>

This was the context — one in which the U.S. had just experienced the deadliest domestic-based terrorist attack — that the FBI began its investigation of another so-called Christian patriot group, the Montana Freemen.

### **FREEMEN'S MEN — Salt Lake City Division**

The Salt Lake City Division (SU) encompassed Utah, Idaho and Montana, with Agents assigned to a full range of criminal, foreign counter-intelligence and terrorism investigations. In addition to being the office of origin during the 1992 Ruby Ridge incident, there were a number of ongoing investigations of active militias and anti-government groups in the region. Many engaged in criminal activity or directly challenged the authority of local, state and federal authorities.

Upon my arrival in June 1995, ASAC Gale Evans had already scheduled a full-field training exercise with assistance from the Critical Incident Response Group at Quantico. I concurred with this exercise, as it allowed the office to test its readiness and interact with the new office leadership. It also gave me the opportunity to gauge the relationship with the U.S. Attorney and his staff. During this two-day exercise, I witnessed an office with a highly competent supervisory staff, an enhanced SWAT team, which was matched with skillful negotiators and technically-trained Agents, who demonstrated significant ability in resolving the field training exercise. The Agents had prior deployments to critical incidents, including stand-offs with armed subjects and were clearly ready to address any challenge.

### **THE FREEMEN — Leadership**

Leroy M. Schweitzer was a 58-year-old crop duster with arrests dating back to 1988, including a number for failing to appear. He was a true ideologue, who appeared to actually believe what he professed. His deputy, Daniel E. Petersen, 54 years old, was seen frequently in class videos tapping his weapon and referring to solving problems with the gun.

Other principals included Rodney Skurdal, a 44-year-old former Marine, who served as a lien writer for the group. His arrests dated back to 1985 for obstructing a police officer.

“ And, I want to thank the FBI and the local law enforcement officials. I am very, very proud of them and I know I speak for all the people... ”

*President William J. Clinton*

He served as a common law attorney for his brother in a federal drug case. He owned one of the cabins at Roundup, MT where the Freemen initially took refuge. Dale Jacobi, a 54-year-old, ex-police officer was a Canadian. He sold his successful propane business to join the Freemen. One of the ardent racists in the group, he taught Bible studies as part of the Freemen classes. Lastly, Pat McGuire, from Santa Rosa, CA arrived during the summer of 1995. McGuire had criminal arrests dating back to 1980 for armed resisting arrest; but he left before the arrest operation.

### **Freemen Crimes**

The Montana Freemen included a diverse group of men, who held anti-government beliefs, considered themselves as sovereign and generally embraced a bizarre common law ideology based on principles found in the Bible, Magna Carta and Bill of Rights. In their minds, the federal government had no authority. The FBI was not recognized. Their twisted beliefs were espoused by their leader, LeRoy M. Schweitzer and his associate, Daniel E. Peterson to justify whatever actions they embarked on. Schweitzer promoted a financial fraud scheme based on archaic and erroneous interpretations of commercial commerce clauses and liens. In essence, they committed and instructed others how to commit bank fraud and make false claims — primarily against the IRS for financial gain. They held classes at various locations in Montana in order to promote these crimes.



*Freemen Guns*

Other crimes included overt threats to kidnap and hang the Garfield County Sheriff, continued issuance of bogus checks, filing of false liens and issuance of warrants from their headquarters at “Justus Township,” and eventually armed robbery stemming from the forcible confrontation with a television crew.

Special Agent Tom Canady, of the Billings Resident Agency, initiated an investigation into their activities as Montana law enforcement efforts to address the Freemen had failed, and they escalated their bogus check passing.

From August 1994 to December 1994, they attempted to move over \$40 million dollars in bogus checks. By February, 1995, they were writing checks to obtain property, with one written for \$1,424,800 for weapons. In May 1995, federal indictments charging bank fraud, mail fraud and mailing a threatening communications were obtained by SA Canady against seven Freemen.

### **Potential for Violence**

One area of concern was exactly how violent were these subjects? We needed to determine what they were capable of and their commitment to armed resistance. One incident occurred in March 1995, which illustrated their resolve. Having been convicted of threatening the sheriff in February, seven Freemen appeared with assault rifles, pistols, two-way radios, flex cuffs and \$80,000 in cash to free their associate being held in Roundup, MT. In this incident, they were safely taken into custody. Recovered at the time of their arrest was a hand-drawn map with the County Prosecutor’s office clearly marked — whether or not they intended to kidnap the country prosecutor that day is uncertain; however, they clearly had everything they needed to attempt that mission.

In the summer of 1995, five of the wanted subjects were in Roundup, MT, while the others were in Jordan, MT. While developing intelligence on their activities in order to affect an arrest, on September 28, at 2 a.m., a court-authorized electronic surveillance revealed they were vacating their cabin. Intercepted conversations disclosed threats to burn the place down and shoot it out with any law enforcement officials who attempted to stop them.

I immediately responded with the Division’s SWAT team, having just returned that evening from meetings in Billings, MT with the SSRA James Cleaver, SA Tom Canady, the technical Agents and the SWAT team. No arson was committed, but the Freemen traveled in convoy about 176 miles from Billings to establish their “Justus Township” at Jordan before an effective interdiction and arrest plan could be reasonably developed and implemented. Upon their arrival, they drove out Dean Clark from his home at gunpoint. Dean was a non-Freeman rancher, whose father was involved with the group. His residence became the home of Schweitzer and Peterson.

The Freemen relocation to Jordan was widely covered by the media.

### **Freeman compound and pre-arrest activities**

What was referred to as the Freemen compound was actually five ranches and an assortment of buildings spread over an expansive tract covering 960 acres. There were fishing cabins, ranch homes, a bunker with two large rooms and full ventilation. To the north of these properties was an extremely rough terrain known as the Missouri Breaks, which limited the approach to and egress from the property.

From September 1995 to March 1996, our primary focus was to develop intelligence and finalize an operational plan to safely arrest the wanted subjects. While that was ongoing,



Freemen "Marshall Badge"

the population of Justus Township grew from 10 to 26 and over 800 people attended Freemen classes held in Montana. By March 25, 1996, there were 14 federal fugitives among the people residing there. Three children under the age of 16 were also living on the compound.

Paralleling the growth of the Freemen, the FBI presence in Jordan began to increase in January. Significant advance work was needed to cover the substantial deployment of Agents, including the Hostage Rescue team in February and March. The availability of lodging in Jordan was minimal. And, it soon became apparent that the FBI simply could not covertly integrate 50 HRT operators into a 20-room hotel in a town of 400 people. Accordingly, the search for accommodations was part of advance planning. The Billings team located a trusted rancher who owned a "birthing cabin" about two miles from the Freeman compound. Being nearby, the HRT had a discreet location from which they conducted their preliminary reconnaissance of the compound with critical information for future tactical planning.

For those readers who may not be familiar with the concept of a "birthing cabin," ASAC Greg Meacham provided additional clarification. He noted that this portion of Montana was pretty much open range where cattle graze year round. The market value of a new born calf is significant and much effort goes into planning and facilitating the delivery including the presence of the rancher to assist in difficult deliveries. Given the harsh conditions, these cabins allow the rancher to stay close to his herd, with some shelter during birthing season.

The cabin was about 2,000 square feet with a small upstairs loft. It had a single toilet, well water (unheated), and a wood burning stove for heat. ASAC Greg Meacham lived there for weeks with 50 HRT operators dining on MREs, sleeping on the floor in mummy bags and enduring windy sub-zero temperatures, while doing the initial tactical scouting of the Freeman compound.



Freemen properties

ASAC Meacham reported that the accommodations gave rise to some interesting problems. The cattle naturally migrate to the downwind side of the birthing cabin and stand packed in a herd using the cabin as a windbreak. Insomuch as the winds on the plains of Montana frequently change direction, the cattle move all around the cabin. Problem number one was when the Agents woke up, and tried to exit the cabin through the single door on a day when that the door was on the downwind side, they were confronted with 250 head of cattle that didn't want to move. The second problem was that cattle tend to defecate where they stand. Over time, the twenty-five yard perimeter surrounding the cabin was covered in cow manure. This wasn't quite as bad as it sounds because at subzero temperatures the manure froze. Help arrived from Billings in the form of six 4x8 sheets of plywood and snow shovels. From that day on, the Agents had to shovel cow manure off of the plywood path but at least they could get to the Bucars without having to march through cow manure.

On a more serious note, throughout the planning stages, both at the Field Office level and at FBI Headquarters, Director Freeh and Assistant Director Robert M. Bryant were fully supportive during the many discussions and



Freemen properties

deliberations concerning the Freemen. Director Freeh visited the Salt Lake Division for briefings on the situation and provided approval of the proposed undercover operation. A variety of arrest plans were drafted, considered, modified, refined and ultimately approved. Accompanied by Supervisor Cleaver and Agent Canady, we made a number of trips for presentations, consultations and discussions to FBI Headquarters during the fall and winter of 1995-1996.

The Montana U.S. Attorney Sherry Matteucci and Assistant USA Jim Seykora were outstanding prosecutors, completely dedicated to the successful resolution of the Freemen issue. In Agent parlance, they were "our prosecutors" and conversely, we were "their Agents." Their involvement was a critical factor in the continued collection of intelligence through court-authorized electronic surveillance. Joining this team was Assistant USA George Z. Toscas, a trial attorney from the DOJ's criminal division in Washington DC, who would later characterize the FBI's efforts as endlessly patient.

## Undercover Arrest Plan

Now facing an extremely difficult arrest problem of multiple armed subjects, it became apparent that an arrest outside of the Freeman compound was deemed most likely to succeed without gun fire. And, the arrest of Schweitzer and Peterson was viewed as the top priority. As part of the intelligence collection effort, the primary undercover Agent, Timothy J. Healy, had made substantial progress in infiltrating the Freeman over a nine-month period. He participated in Freeman classes, claimed to have cashed some of their bogus checks, regularly visited the compound and provided supplies for the group.

He took the lead in proposing that his team (Agents posing as soldiers sympathetic to the Freeman cause) could greatly improve security of the compound by erecting a tower on the highest point of the compound – Hill 32. Both Schweitzer and Peterson were totally convinced that SA Healy was a firm supporter of the cause. In fact, just before the initial arrests, SA Healy was sworn in as a Marshal of the Freeman Supreme Court. He recalled being concerned as the Freeman, all armed gathered around him in the classroom. When Schweitzer said he was to be sworn in, SA Healy snapped to and raised his right hand. “No, Schweitzer told him — we do the left hand here!”

The advantage of making the arrest on Hill 32 was that the two subjects would be arrested out of view of the ranch houses and too distant for other Freeman to rush to their aid. The plan was that the team would withdraw from the grounds of the compound, establish a loose perimeter and begin negotiations with the remaining Freeman.

Briefing of the various teams took place over the weekend of March 23–24, 1996. Assistant Director Bryant, Kansas City SAC David W. Tubbs, formerly of the Salt Lake Division, comprised part of an enhanced executive team to provide assistance and advice on the operation. Departing late Sunday evening, over 100 FBI Agents were discreetly assembled in the Jordan City Fairgrounds amid temperatures which fell to -11 degrees Fahrenheit by the time they arrived at 2:30 a.m.

Light snow fell during the drive to Jordan, but upon arrival, the skies cleared. Any Agent looking up at that time was rewarded with one of the most spectacular sights I have ever seen. Comet Hyakutake, discovered on January 31, 1996 passed very close to Earth on March 25, 1996. In fact,



*FBI command post*



*Freemen properties*

its passage was one of the closest cometary approaches of the previous 200 years. Hyakutake was widely seen around the world and generated substantial commentary.

While clearly not on the same cosmic scale, I felt that the FBI's actions at Jordan would likely be widely seen and commented upon. Whether those comments were positive or negative would depend on how well we executed the tactical and negotiation elements of our plans. In contrast to prior critical incidents, this operation and its ultimate outcome rested solely on the FBI — we owned it.

## SUCCESSFUL ARRESTS — *Negotiations begin*

With additional undercover HRT Agents in place on Hill 32, SA Healy successfully lured both Schweitzer and Peterson to the construction site under the guise of needing Schweitzer's okay for the final placement of the antenna. Swiftly, both armed men were overcome by the HRT Agents and transported to the command post. As is often the case with pseudo tough guys, Schweitzer arrived at the command post with a suspiciously large damp area in the front of his pants.

The operational plan called for initial negotiations with telephone calls and faxes sent to each site to advise the occupants who we were and what our intentions were. A low-visibility perimeter was established with check points to control access. These efforts were rebuffed as the Freeman absolutely refused to talk other than to state that the FBI had no venue.



*Peacekeepers "Re-Painted"*

While it is impossible to capture the dynamic nature of the negotiations, there are a few events that were important to the resolution of the conflict. Each one of the negotiation initiatives was important in order to move the Freeman to their eventual surrender. One overriding principle was to develop multiple initiatives with a variety of options. The FBI negotiators were regularly challenged with ‘okay, that’s a good plan, but what do we do when that doesn’t work?’ And, since the Freeman would not accept our authority, it became apparent that using family members as third party intermediaries (TPI) would be essential in order to keep the Freeman in touch with reality. So the initial phase of discussion was to focus on intercessions by family members.

Val Stanton, the wife of a wanted subject, was raised by long-time Montana resident, Butch Anderson. He was one of the family members who, once vetted, was allowed to enter the compound. He brought along Karl Ohs, a Montana state representative. In the debriefing following TPI visits, it was evident that the Freeman wanted something that didn’t exist — a common law grand jury. The FBI negotiators then attempted to shift the request to a forum of state representatives to address their grievances.

While negotiations were developing, concerns about the flexible perimeter and access to the compound were heightened when two supporters of the Freeman failed to stop at a Montana Highway Patrol check point on March 28 and roared into the compound. The tactical objective was to ensure no additional weapons were introduced into the site. Tightening of the check points was necessary.

On April 1, the command post was advised of two bombings and a bank robbery in Spokane, WA. At a U.S. Bank branch, letters signed by a white supremacist group, the Phineas Priesthood, claimed the robbery, was executed to back the Freeman. What additional support the Phineas Priesthood had in mind was unknown, but of considerable concern given their demonstrated propensity for violence.

From April 17 to April 24, John Connors, Montana Assistant Attorney General, reviewed the pending state cases against the Freeman and made a substantial offer, however, it was refused. While our negotiators continued running family member visits as TPIs, we began to bring more equipment into the area including helicopter support. The choppers were not deployed over the properties.



Peacekeeper "Ballistics Test"

By late April, the Freeman were provided opportunities to meet their right-wing militia associates. On April 26, James Gordon Gritz, also known as Bo, who was instrumental in convincing Randy Weaver to surrender, even though uninvited, began discussions with the Freeman. His efforts at Jordan were unsuccessful, but importantly, he characterized the Freeman as crooks and discouraged others in the patriot movement from supporting them and to stay away from Montana.

Other TPIs included influential public figures who suggested solutions meaningful to the Freeman, which were used. On May 16, Charles Duke, Colorado state senator, a respected figure in militia circles, arrived to negotiate with the Freeman. After six days, having reached an agreement to release two young girls, he was rebuffed by the Freeman who refused to let the girls leave. Duke, like Gritz, characterized the Freeman as nothing but criminals trying to escape prosecution.

In consultation with outside experts, it seemed that additional non-threatening displays of power were appropriate. To achieve that end, we took steps to again tighten our control of the area and for the safety of the media, obtained a court order on May 29, which authorized the FBI to control ingress and egress within a certain geographic area in Garfield County, MT — the Freeman compound.

We acquired Air Force Peacekeepers which had been donated by the Las Vegas police department. The Peacekeeper is a 4x4 armored personnel carrier, but in contrast to vehicles used at Waco, it had tires versus tank-like tracks. The Peacekeepers used at Jordan had to be re-painted and stenciled with the letters "FBI." They arrived amid much press coverage on May 31. While staged in the area, they were not used to approach the compound.

Little known to the general public was that the probability of using them was nil. Unable to obtain the details on whether or not the armor would stop armor piercing .30-06 caliber bullets, rounds known to be in possession of the Freeman, I asked Bob Carlson, the Salt Lake City SWAT team leader to shoot the Peacekeeper. He did so. The round penetrated the side of the Peacekeeper and continued through the FBI vest inside the vehicle. There was no way an Agent could safely approach the compound in the Peacekeepers.

ASAC Greg Meacham, who was responsible for coordination of the forward tactical components, got busy in attempting to locate vehicles, which would provide safety to the Agents should they need to quickly respond to the area in support of Agent negotiators or anyone else.

A solution was developed with General Dynamics, which put us in touch with the Canadian Armed Forces (CAF). The Legal Attaché Ottawa intervened with the CAF and with a minimal amount of bureaucratic red tape, we obtained two Armored Personnel Carriers (APC). Billings Agents familiar with the area, plotted a route by which we could bring this equipment to Jordan without alerting the media. The APC

were to be held in reserve and never publicly displayed.

These steps, and many others, were closely coordinated with the DOJ. Senior officials including then Attorney General Janet Reno were engaged and supportive. Through many teleconferences with AG Reno, she encouraged us to remain patient and to continue our negotiations, but understood the need for some additional steps.

So further displays of power were used when four days later on June 3, we turned off the power to the compound's buildings.

### ***Negotiations succeed***

At this point, a key development occurred. The sister of Gloria Ward convinced her to leave and on June 6, Ms. Ward and her two children came out. We had a continued concern over the children, given the strange behavior of several of the more militant, irrational Freeman.

One of the last hurdles was overcome with the assistance of three attorneys from the Cause Foundation. The Cause Foundation is a non-profit organization founded to provide legal help to Americans with far-right views and/or militiamen. Edwin Clark, one of the more reasonable Freeman, was developed over the negotiation period as the informal leader. Clark was concerned that Leroy Schweitzer would not agree to their surrender and wanted to consult with Schweitzer, who was being held in a Billings jail. A Cause attorney would later recall the response of an FBI negotiator to their proposal to let Clark meet with Schweitzer. He claimed the Agent said "Let me get this straight. You want us to take a man who is technically under arrest, fly him in an FBI plane to a jail where we hope to see him incarcerated, bring him home and then put him under siege again?"<sup>11</sup> This is exactly what we did.<sup>12</sup>

Two days of discussions followed Edwin Clark's return with minor points being finally negotiated. Then, on June 13, the last of the Freeman surrendered to Freeh's men ending the longest standoff in FBI history.

### ***Conclusion***

By the time the Freeman surrendered, more than 200 other Freeman and associates were identified attempting to negotiate fraudulent checks. About half of the FBI offices were investigating this case and related cases. Thirty-two financial institutions from Charlotte to San Francisco received Schweitzer checks.

During the standoff, there were over 100 visits of third party intermediaries to the compound, including 34 family members and associates who were asked to engage with their loved ones or close friends. Secondly, 11 intermediaries who were influential public figures, including elected officials, entered negotiations to find solutions which appealed to the Freeman. One distinct advantage the FBI enjoyed during these contacts was their ability to assess the risk of these TPLs being detained and held hostage. Our continued court-authorized microphone surveillance determined the strategies

## **Special Agent Kevin J. Kramer In Memoriam April 14, 1996**

Tragically, the only life lost during the 81-day standoff was Special Agent Kevin J. Kramer, of Sioux City, IA, who died in an auto accident when the vehicle he was driving slid off a muddy dirt road. Agent Kramer was assigned to temporary duty at Jordan, MT as part of the Omaha SWAT team.

Agent Kramer was a five-year FBI veteran and is survived by his wife and two children.

we could reasonably employ and whom we could allow to safely enter and exit the compound.

The hard work, dedication and patience demonstrated by the many men and women who were assigned to the Freeman case paid off with its successful conclusion of the standoff phase. A huge assist was given to us by the Montana State Police, county officials and in particular, the IRS Criminal investigator assigned to Billings. For the Case Agent and Co-Case Agent Dan Vierthaler, along with many others assigned to the Billings Resident Agency, their work continued through the successful prosecution of this group.

Did the domestic terrorism threat subside? Not entirely, as less than one month later, the Freeman supporters, the Phineas Priesthood, struck again with robberies and bombings in Spokane — but that's another story.

### ***(Endnotes)***

<sup>1</sup><http://law2.umkc.edu/faculty/projects/ftrials/weaver/horiuchitestimony.html>. See also, U.S. Court of Appeals, Ninth Circuit, State of Idaho, Plaintiff-Appellant, v. Lon T. Horiuchi, Defendant-Appellee, No. 98-30149, decided June 14, 2000, which affirmed the district court decision that Horiuchi's actions were in pursuit of his duties as a federal law enforcement officer at <http://caselaw.findlaw.com/us-9th-circuit/1471745.html>

<sup>2</sup> <http://law2.umkc.edu/faculty/projects/ftrials/weaver/freehstestimony.html>

<sup>3</sup> Ibid.

<sup>4</sup><http://www.newsweek.com/echoes-ruby-ridge-182402>

<sup>5</sup> <https://www.atf.gov/our-history/fallen-agents/steven-d-willis>

<sup>6</sup> <https://www.justice.gov/publications/waco/report-deputy-attorney-general-events-waco-texas-fbis-management-standoff-mt-carmel>. This comprehensive report to the Deputy Attorney General on the events at Waco, Texas from February 28 to April 19, 1993 identified the challenges facing the FBI, the strategy, the role of FBI headquarters, the negotiations, and a variety of facts leading to the decision to insert CS gas into the compound on April 19, 1993. The full report is at

<https://www.justice.gov/publications/waco/report-deputy-attorney-general-events-waco-texas>.

<sup>7</sup> Ibid. See executive summary which asserts "The remains of 75 individuals (50 adults and 25 children under age 15) were recovered in the ruins of the compound. At least 17 of those individuals died of gunshot wounds, including several children. Another child was stabbed to death. In addition to the 75 persons who died during the April 19 fire, five other bodies, all with gunshot wounds, also were recovered. Those five bodies were of the Davidians presumably killed during the February 28 shootout with the ATF. Some of those five bodies showed evidence of having been shot from inside the compound. At least one of those five bodies showed evidence of suicide."

<sup>8</sup> <http://www.wsws.org/en/articles/1999/09/waco-s04>.

html

<sup>9</sup> <http://www.news.com.au/world/the-waco-massacre-a-fiery-end-to-a-whacko-cult/story-fndir2ev-1226623449407>

<sup>10</sup> <http://www.history.com/topics/oklahoma-city-bombing>

<sup>11</sup> [http://www.historycommons.org/entity.jsp?entity=cause\\_foundation\\_1](http://www.historycommons.org/entity.jsp?entity=cause_foundation_1)

<sup>12</sup> Consultations with the DOJ were simultaneously initiated due to the fact that Schweitzer had refused appointment of counsel but a federal magistrate judge had appointed standby counsel. On June 11, David Margolis, Associate Deputy Attorney General approved our proposed contact with Schweitzer citing authority permitted under 28 C.F.R., part 77, specifically 77.6 (f). Margolis letter to SAC Kubic.

## PHOTO FROM THE FILES



*Robert (Bob) Waller; Robert (Bob) Wehr; Paul Travers, Supervisor; Jimmy Whitaker; Earl Ginter; Tom Shields; Kenneth Gunn and Chelis (Pat) Patterson*