

WILDLIFE

Did Idaho libel the feds?

Dan Egan

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Eugene Hussey with the dead wolf and calf last January

Candace Burns

Three federal agents involved in a celebrated tangle with an Idaho rancher were packing more than pistols when they investigated the case of a shot wolf on private land.

They also had a tape recorder.

The tape reveals a dramatically different picture of the agents from the thug-like characters lambasted by Idaho lawmakers in the weeks after the incident. Instead, the agents, who had a search warrant, were mainly calm and professional.

The clash occurred March 8, when the U.S. Fish and Wildlife Service agents arrived at 74-year-old Eugene Hussey's ranch near Salmon to look for the bullet that killed a gray wolf. The animal was one of 15 that the agency had trapped in Canada last January, then set free in an Idaho wilderness as part of a controversial federal plan to restore wolves to their historic range.

The confrontation drew national attention after Lemhi County Sheriff Brett Barsalou assailed the agents in the press, calling their tactics "heavy-handed and dangerously close to the use of excessive force." Backing the sheriff, state legislator Rex Furness, one of Idaho's staunchest conservatives, showed his quick draw.

"We've got to start standing up for our rights," he said. "We aren't too far away from the West being ruled by the weapon. And that wouldn't be such a bad law."

The state's congressional delegation also hopped on the bandwagon, adding the federal visit to a list that included Waco and Ruby Ridge. They called it another example of an out-of-control law enforcement agency from Washington, D.C.

"When I think of a 74-year-old man being intimidated by armed federal land management officials, I think of my dad, and it makes me a little angry," Idaho Sen. Larry Craig, R, said last March.

The flamboyant Rep. Helen Chenoweth, R, stole the stage a week later when she convened a hearing in Boise on the confrontation and blasted the federal agents as interlopers. The pressure grew so intense that Fish and Wildlife Director Mollie Beattie sent a memo to employees. If an error was made, she said, it was "in failing to keep open lines of communication so those who needed to know were kept informed."

Finally, Hussey and Barsalou were called to Washington, D.C., to testify before a congressional subcommittee. Hussey spent \$1,200 of his money and flew in an airplane for the first time. "I felt I owed it to the Western people," he said.

As the anti-federal din intensified, the agents – Tom Riley, Steve Magone and Paul Weyland – bit their lips and took the criticism silently. Finally, a few months ago, they spoke out, saying Hussey was the aggressor. But the public had no way of knowing who to believe – until now.

A transcript of the taped confrontation, obtained in September by the Idaho Falls Post Register, shows Hussey as the aggressor and far from the helpless old man that Idaho politicians had depicted.

The transcript shows he called the agents “f—er” dozens of times, referred to them as “big federal turds,” and tried to pelt the men with rocks when they arrived on his property.

“It’s real tough to convince some of the public that everything you said was true, especially when other individuals were saying it wasn’t,” Riley said recently. “I think the transcript ... shows that we acted professionally and tried to settle him down as much as we could.”

Hussey, who fiercely denies any part in the wolf killing, only heard excerpts from the tape transcript read to him over the phone Sept. 12. It was the first he heard that the tape existed, and he was quick to discredit it.

“I think it’s bull,” he said. “There’s things they’re saying there that I know they didn’t.” A copy of the tape played to a reporter by U.S. Fish and Wildlife agent Steve Magone showed no evidence of tampering or editing.

When Riley was told Hussey didn’t believe the tape was the real thing, he broke into laughter. “I don’t think we could fake that (Hussey’s) voice,” he said. The agents said they kept their tape a secret in case they needed it to defend themselves in court. It only became available to the public after they closed their investigation this summer. They never found the bullet and still don’t know who shot the wolf (see accompanying story).

The transcript shows a foul-mouthed Hussey ready to brawl when the agents arrived and presented him with the warrant.

“Here. Take it. This is your copy, sir,” agent Magone told Hussey as he waded across a stream to hand Hussey his warrant.

“I don’t have to take a f—in” thing ’til he gets here. Only from the goddamn sheriff,” Hussey replied. “Nobody’s doing a f—in’ thing ’til he gets here.” At that point Hussey was tossing rocks at Magone.

“Don’t hit me with rocks, Gene,” Magone said calmly. Magone carried the recorder in his coat pocket and on the tape rocks could be heard hitting the ground.

“I can hit ya on my f—in’ property. Goddamn you,” Hussey said. When interviewed about the tape, Hussey admitted he did throw a rock, but, “I tossed the rock slow-pitch. I’ve got arthritis in my arm. I can’t toss overhand.”

This admission, six months after the incident, was a first. Hussey told Idaho Falls Post Register reporter Rocky Barker in March that he never threw any rocks and never showed any aggression toward the agents.

But the agents weren’t saints that day. The tape shows at times they got rattled as they waited for Sheriff Barsalou to arrive before they continued their search. At one point, agent Weyland chided Hussey about the possibility that his ranch is subsidized by the federal government. And when Weyland got frustrated with Hussey’s refusal to acknowledge the validity of their search warrant, he teased the rancher about moving out of the country.

“Is this country the United States?” Weyland asked.

“Huh?” Hussey replied.

“This country is part of the United States,” Weyland said.

“They – however you want to look at it,” Hussey said.

“This – isn’t the United States?” Weyland continued.

“I haven’t surveyed it.”

“This is in the United States.”

“I haven’t surveyed it.”

“You live in the United States. You know, if you don’t like this, why don’t you move to Russia?”

“Huh?”

“Why don’t you move your butt to Russia?”

“Hey, it’s beginning to feel like we’re there with these goddamn guys.”

Hussey said it was Weyland’s words that riled him. “The only guy I had problems with was (Weyland). He was the lipper,” he said. “When a guy calls me a subsidized farmer, I’m abused verbally.”

But Hussey denies that Weyland ever told him to move to Russia. “He told me that I should go to another country, not that I should go to Russia,” he said. “I don’t think there’s anything to this tape ... there’s so much there that I don’t recognize.”

Riley said Weyland said those things to distract Hussey from attacking Magone, who was standing nearest to the rancher. Though it isn’t revealed on the tape, Riley said it looked like Hussey was about to strike Magone several times.

“Paul knew this was being taped,” Magone said Tuesday. “He was trying to distract Hussey from swinging at me.”

But the transcript shows the exchange was at times nearly cordial.

At some points the men laughed together and rambled in an almost-friendly manner about constitutional law and federal policy while they waited for the sheriff. Magone said they tried everything they could think of to calm Hussey during the waiting period. He acknowledged that Hussey fought five major battles in World War II and said, "I know and respect you for that."

He talked about the possibility of going out to dinner with him.

"It's still one of the weirdest things I've ever run into," Magone said earlier this month. "It seemed like no matter what we did, nothing would satisfy him. He was just mad. He was mad before we got there."

Gayle Lutz, a notary public who transcribed the tape, said she couldn't help but chuckle as she typed the exchange. "The whole thing was bizarre," she said. "You should have heard the tape; it was even funnier."

Finally, Sheriff Barsalou arrived and tempers flared again. But Magone said he turned his tape player off because he thought the sheriff would restore some sanity to the situation. Things only got hotter, and Barsalou and Magone nearly got into a fist fight, according to accounts from all sides. Magone, Riley and Weyland then left, and they haven't returned.

Magone said he is glad he taped the encounter with Hussey, but he doesn't expect it will absolve him and his co-workers in everyone's eyes.

"If people want to think we did something wrong, they're going to think it," he said. "But I don't think we did." He said he learned one important lesson from the incident. "Next time I do a search warrant, I'm going to videotape and record everything."

He said what is particularly galling is the fact that he and his co-workers were criticized so harshly for carrying weapons. He is, he explains, a law enforcement officer, and he wears a weapon every day, even when he's at his desk in a large office building near downtown Idaho Falls.

"It's discouraging because I've worked really hard in this state," said the Montana native. "You catch all these people poaching elk, deer, bighorn sheep, antelope, and no one questions why you are armed. Then you go to serve this search warrant, and all the politicians all of a sudden call us "armed federal agents." But no one seemed to mind that when we were doing all these other things."

Lutz said she has worked on transcripts of federal law-enforcement actions where the outcome was much more serious, including some tapes made during the 11-day standoff near white separatist Randy Weaver's northern Idaho cabin in 1992 that left three dead.

She said Magone and his co-workers should be commended, not castigated. "I thought they handled themselves professionally," she said. "They did a really good job. It could have turned out a different way."

Calling it "a shame," Magone said recently he wishes some of the prominent elected officials who jumped on the bandwagon had bothered to collect all the facts.

Dan Egan, a former High Country News intern, reports for the Idaho Falls Post Register.

The following sidebar articles accompany this feature story:

– [Wolf killing will never be solved](#)

– [Rocks, invective, and generosity](#)

This article appeared in the [print edition of the magazine](#) with the headline "Did Idaho libel the feds?".