

House Republicans cover up Justice Department role in Waco

by Edward Spannaus

The Republicans who headed the Congressional hearings into the 1993 Waco disaster have tipped their hand, and revealed, not unexpectedly, that they intend to have their committees issue a wildly fraudulent version of the events of 1992-93. The fictitious GOP “findings” load all the blame on President Clinton and Attorney General Janet Reno, while completely burying the role of the Justice Department’s permanent bureaucracy, which arm-twisted Reno into approving the April 19, 1993 assault on the Branch Davidian compound in Waco, Texas, resulting in the deaths of at least 80 people. Furthermore, they intend to hide the role of the Bush administration, under which the initial bungled raid of February 1993 was prepared and set into motion.

Rep. Bill McCollum (R-Fla.) of the House Judiciary Committee, and Rep. Bill Zeliff (R-N.H.) of the House Government Reform and Oversight Committee, previewed their fundamentally flawed “Findings and Recommendations” at an unannounced press conference at the Capitol on July 11—before even presenting their supposed “findings” to the committees which they chair.

At the July 11 press conference, Zeliff presented the GOP conclusions with respect to the Alcohol, Tobacco and Firearms (ATF) Division of the Treasury Department, and McCollum presented the GOP conclusions with regard to the Department of Justice/FBI actions which followed the bungled ATF raid; they jointly issued a written statement.

ATF and the first raid

Zeliff set out his findings concerning the investigation carried out by the ATF, leading up to the Feb. 28, 1993 raid in which four ATF agents were killed.

Zeliff’s major points were:

1) ATF agents had made misrepresentations to the Defense Department, claiming that the Davidians were manufacturing illegal drugs, in order to obtain assistance from the Defense Department, and the information had come from a “disgruntled” Davidian. Unmentioned also is the role of the Anti-Defamation League (ADL) and the Cult Awareness Network (CAN) in directing the “disgruntled” ex-Davidians to the ATF.

2) ATF agents had made false statements in the affidavits used to justify the Feb. 28 search-and-seizure operations.

Zeliff made no mention whatsoever of the Bush adminis-

tration, even though the ATF investigation of the Branch Davidians was initiated under that administration, and almost all of the misconduct he cited took place prior to the Clinton administration coming into office. Likewise, the written summary lays out criticisms of the ATF, but fails to make any mention of George Bush or Bush administration Treasury Department officials, such as Bush’s ally Nicholas Brady, who was secretary of the Treasury when the Branch Davidian investigation was initiated, and when the plans for the raid were prepared. But, in contrast, the report is highly critical of Clinton administration Treasury officials Lloyd Bentsen and Roger Altman, who been in office only about a month at the point of the bungled raid.

The DOJ and the second raid

Representative McCollum presented the GOP findings with regard to the April 19, 1993 assault, which resulted in the deaths of 80 Davidians. McCollum declared that the decision by Attorney General Reno to approve the FBI’s plan to end the standoff on April 19, was “premature, wrong, and highly irresponsible.” He said that Reno was “seriously negligent,” and that she “knew or should have known that the plan to end the standoff would endanger the lives of the Davidians inside the residence, including the children,” and that she “knew or should have known that there was little risk to the FBI agents, society as a whole, or to the Davidians from continuing the standoff, and that the possibility of a peaceful resolution continued to exist.” McCollum furthermore proclaimed that President Clinton should have accepted Reno’s resignation when she offered it after the Waco disaster.

As has been documented by *EIR* (June 30, 1995, “The Long Overdue Cleanup of the Justice Department”), the key role in the Waco massacre was played by the top career officials in the DOJ’s Criminal Division: John Keeney and Mark Richard. Keeney—who has been in the Justice Department since 1951, was the acting head of the Criminal Division in early 1993. Mark Richard, at DOJ since 1967, was the second in command regarding Waco, but played the critical role, going personally to Waco twice, and then briefing the brand new Attorney General on his and the FBI’s recommendations.

It is thoroughly documented by the Justice Department itself—but totally ignored by McCollum—that it was Mark Richard who pressured Reno to accept the FBI plan to launch

the assault on the Davidian compound using CS gas. When Reno first rejected the FBI plan, Richard's comment was: "The FBI will not be pleased." Under increased pressure, Reno finally accepted the FBI plan, and it was Mark Richard who handed Reno the documentation prepared by the FBI justifying the planned attack.

It is therefore with utter duplicity that McCollum attacked Reno—and only Reno—for approving the FBI plan. McCollum stated that "every one" of the reasons cited for ending the standoff "lacked merit." These reasons—which were the reasons cooked up and argued by Mark Richard and the FBI—included arguments that the negotiations had reached an impasse, that there was a threat of a Davidian breakout, that the the FBI Hostage Rescue Team needed rest and retraining, that conditions inside the compound had deteriorated. As to the allegations of physical and sexual abuse of minors (the argument that ultimately swayed Reno), McCollum said that this had occurred, but "there was no basis to conclude that minors were being subjected to any greater risk of physical or sexual abuse during the standoff, than prior to February 28th."

Will lying agents be prosecuted?

At the July 11 press conference, Zeliff stated: "Although probable cause likely existed to suspect [Branch Davidian leader David] Koresh of crimes, the ATF agents responsible for preparing the affidavits knew or should have known that many of the statements they were making were false."

Zeliff then declared: "If the false statements in the affidavits filed in support of the search-and-arrest warrants were made with the knowledge of their falsity, criminal charges should be brought against the people making those statements. The affidavit in support of the warrants contained numerous errors. If their sworn statement was made with knowledge of the falsity of these statements, criminal charges should be brought against the person or persons involved who swore out the affidavits."

This conclusion is also set forth in the written summary presented by Zeliff and McCollum.

This presents an interesting question for the Judiciary Committee. Were this standard to be adopted and generally applied, then the authors of the affidavits used to justify a much larger raid—the 400-agent raid directed against Lyndon LaRouche and associates in Leesburg, Virginia in October 1986—would be sitting in jail. There exists overwhelming evidence, on the court record, that the "LaRouche" search warrant affidavits, signed by FBI special agent Richard Egan, and by Virginia State Police special agent C.D. Bryant, were riddled with deliberate lies and falsehoods. How consistent are Representative McCollum and his colleagues on the Judiciary Committee prepared to be?

Not the final report

Neither subcommittee which was involved in the hearings had yet seen the so-called "findings and recommendations"



Mark Richard, a top Justice Department career bureaucrat who played the critical role in the Waco massacre—but whose role is ignored by the GOP "findings."

presented publicly by Zeliff and McCollum. McCollum said that after the report is assembled, it will be reviewed by the members of the House Judiciary Committee's Subcommittee on Crime, and that members could submit additional views or dissenting views, and the report will then be published. Zeliff said that there would be a vote in the subcommittee of the Government Reform and Oversight Committee on July 18, then the report would go to the full committee; the final report will be issued in August.

Two cases show real corruption of DOJ

by Jeffrey Steinberg

If Congressmen William Zeliff (R-N.H.) and Bill McCollum (R-Fla.) are serious about their July 11 grandstand attack against Attorney General Janet Reno, and their call for prosecution of Department of Justice (DOJ) officials who issue false sworn statements, then they will immediately convene hearings to study the corruption, abuse of prosecution, and fraud upon the court, committed by the most senior, career Justice Department prosecutors, in the case of John Demjanjuk, a naturalized American citizen who was knowingly, falsely accused by the Office of Special Investigations (OSI) of being a Nazi war criminal. And then, they will launch a long overdue probe into the circumstances of the assassination of Tscherim Soobzokov in 1985 by Jewish Defense League