



Waco Returns

But will John Danforth use all the new evidence?

When the House hearings on Waco ended in August 1995, many Americans believed that the Justice Department, FBI, and Clinton administration had been caught repeatedly lying about what happened to the Branch Davidians on April 19, 1993. But indifference on the part of politicians and press alike allowed the story to return to hibernation. Then last June 30, a federal judge shocked the Clinton administration by allowing wrongful death lawsuits against the feds by Davidian survivors and relatives to proceed. Private investigations, an Academy Award nominated documentary, and damning responses from Freedom of Information Act requests caused a growing surge of new information that eventually broke the dam of political and media apathy in August 1999.

News leaked out that the feds knowingly suppressed information about using pyrotechnics that might have started fires that killed scores of women and children. A shaken Attorney General Janet Reno announced: "I am very, very upset. I don't think it's very good for my credibility." Reno played the victim, lashing out at the FBI for supposedly withholding key information from her. But Reno bears responsibility for whatever she did not find out—since she orchestrated the initial Justice Department investigation to whitewash both herself and the FBI. Incriminating revelations are trickling out practically every week:

- The U.S. military was far more involved at Waco than previously admitted.

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At the press conference in July 1996 releasing the House report on Waco, I asked co-chairmen Bill Zelliff and Bill McCollum how much cooperation they had received from federal agencies. They said the cooperation had been pretty good—except for the Pentagon, which had refused to give them almost any information.

- Former CIA officer Gene Cullen told the *Dallas Morning News* in late August that Delta Force commandos were "present, up front and close" in tanks in the final day's action at Waco. Delta members bragged to him of their role when he subsequently served with them in Europe. James B. Francis, Jr., chairman of the Texas Department of Public Safety, confirmed there is evidence that the Delta Force participated in the final assault against the Davidians.

- The "national security" excuse repeatedly invoked for not turning over key files to congressional investigators is wearing thin. According to the *Dallas Morning News*, "The military has estimated that at least 6,000 pages of its documents are classified, and CIA, FBI, Treasury, ATF [Alcohol, Tobacco and Firearms] and Justice Department officials have indicated that their agencies have a number of secret documents relating to the standoff." In September, the Texas Department of Public Safety blocked the release of a report listing all the evidence it collected after the fire because the information contained military secrets. If there's so much to hide, was the military testing new weapons on American citizens during the standoff?

- In early October the FBI turned over thousands of key documents to congress-

sional investigators—information previously withheld because it had supposedly been mislaid in boxes kept at Quantico, Virginia, home base of the FBI's Hostage Rescue Team. Throughout the 51-day siege, FBI spokesmen bitterly complained that none of the Branch Davidians would leave their compound. But according to these documents, in at least seven instances FBI agents threw flash-bang hand grenades at people who had left the residence, effectively driving them back into the building. Flash-bangs emit a deafening explosion and blinding flash—just the sort of weapon to strike terror into its intended target.

- Infrared footage from an FBI plane circling 9,000 feet above the Davidians' home on the final day reveals that federal agents fired machine guns at or into the back of the building—either shortly before or just after the fire had broken out. According to former Pentagon infrared expert Edward Allard, who was consulted by Rep. Dan Burton's House Government Reform and Oversight Committee, and other knowledgeable individuals who have scrutinized the footage, the film does indeed show such gunfire directed at the Davidians. Additional newly released infrared footage made by an FBI plane, featured in the just-released movie, *Waco: A New Revelation* (made by Mike McNulty, one of masterminds of the 1997 Emmy-award winning *Waco: Rules of Engagement*), shows two figures exiting from the back of a tank and then spraying the back of the Davidians' residence with automatic weapons fire. One FBI agent stated in an after-action report that he heard gunfire from the sniper post occupied by Lon Horiuchi, the same FBI agent who killed Vicki Weaver as she held her baby daughter in the cabin door of her Idaho home in 1992. Clinton declaimed on the day after the fire: "I do not think the U.S. govern-

ment is responsible for the fact that a bunch of religious fanatics decided to kill themselves.” More likely, the FBI tried to keep the Davidians inside while its tanks rushed in the walls and collapsed the roofs—long after the air inside was nearly unbreathable because of a massive six-hour attack with CS gas.

- The FBI deceived Congress and a federal judge by withholding information that it had six closed-circuit television cameras monitoring the Davidians’ home throughout the siege. The resulting films may contain information to resolve the major issues of Waco. Incredibly, the FBI claims none of the cameras contained tape—the very same excuse made by the ATF, which had cameras both in the helicopters and on the ground when it launched its February 28 commando-style raid on the Davidians’ home.

- Lawyers for surviving Branch Davidians were given a massively doctored infrared FBI tape of the final day’s assault. The tape has large gaps—including a suspicious gap just before the fire started. The tape was also spliced numerous times.

It is now clear that a massive cover-up has occurred—in either the FBI or the Justice Department, or both. *Newsweek* reported that, according to a senior FBI official, “as many as 100 FBI agents and officials may have known about” the military-style explosive devices used by the FBI at Waco—despite Reno’s and the FBI’s endless denials that such devices were used.

Growing evidence of federal deceit over Waco notwithstanding, not a single official has been charged with perjury or obstruction of justice. Phil Chojnacki, one of the two ATF commanders on February 28, was fired after Treasury Department bosses concluded he lied about knowing that the “element of surprise” was lost in the initial assault that saw four ATF agents killed. But Treasury rehired Chojnacki to serve as an expert witness for the feds in court trials.

The Clinton administration is racing to defuse the latest Waco crisis. Janet Reno could have recused herself and allowed her deputy, Eric Holder, to appoint a special investigator. Instead, she personally chose former Senator John Danforth to head the re-inves-

tigation. It is peculiar that someone implicated in six years of perjury could be allowed to choose the person who investigates her and her department.

Danforth’s credibility suffered further when he promptly chose federal attorney Edward Dowd as his chief investigator. Last year Dowd used federal funds to oppose a Missouri state referendum on concealed firearms. As Yale Law School’s John Lott, who favored the referendum, recalled, “Dowd used taxpayer money to set up a 1-800 line to answer people’s questions about the initiative. He also used federal money to send out a letter to state law enforcement to try to get them to oppose the initiative.” A Justice Department inspector general was investigating Dowd when Danforth picked him. The same day the *Washington Times* broke news of the investigation, the Justice Department cleared Dowd of all charges. When Sen. Kit Bond of Missouri asked to see the official report, the Justice Department refused to comply, citing the Privacy Act.

Danforth then announced that he would investigate only the final day’s action—effectively giving the ATF a free pass. Yet new evidence uncovered by investigator David Hardy through FOIA requests disintegrates the ATF’s pretext for assaulting the Davidians’ home—that Koresh could not be apprehended outside the compound. Nine days before the February 28 raid, “ATF agents went over and asked David Koresh to go shooting. He agreed. In fact, he provided the ammunition. And the agents handed him their guns.”

Danforth also asked federal Judge Walter Smith to bar private lawyers in the wrongful death suit from interviewing key witnesses. The judge granted a 30-day freeze and Danforth may ask for further delays. Along with administration requests for still more time to produce documents, Danforth’s actions have already resulted in a six-month delay of the trial. Instead of late October it is now scheduled to begin on May 15, 2000—more than seven years after the Davidians’ mass deaths.

The delay is a godsend for the administration. Clinton appointees excel at “telling the truth slowly,” in the words of former White House Press Secretary Mike McCurry—in rationing out the

truth into small enough dribbles to blunt its impact. The Justice Department may try to run the clock out on both the Clinton administration’s tenure and on the attention span of the American public. Some experts fear that Danforth will impanel a grand jury as he said he might—and then announce that all the evidence must be sealed in order to protect the grand jury proceedings.

The wrongful death lawsuits could yet be derailed by Judge Smith. At the 1994 murder trial of Branch Davidian survivors over which he presided, Smith began by announcing that “the government is not on trial” and blocked defense attorneys from offering any evidence that the Davidians acted in self-defense after the ATF attacked. Smith even prohibited the attorneys from introducing into evidence the official Treasury Department report on ATF action at Waco. Smith proclaimed his hope that the coming trial will “help restore the public’s confidence in the government.”

The Justice Department may choose to settle the wrongful death lawsuits the same way it settled the Weaver family’s lawsuit on the eve of Senate hearings on Ruby Ridge in 1995. It is far easier for the Justice Department to write someone a check (it’s not its money, after all) than to suffer the indignities of a trial. The payoff would generate a few days’ bad press and an uproar on the Internet, but then it would blow over.

Some Republicans wouldn’t be upset to see Waco go away. In responding to the recent deluge of new evidence of federal bad faith, House Majority Leader Dick Armey said on October 7 that he saw no compelling need for House hearings since “everybody believes that Danforth is fully functioning and fully focused on the job.” (Danforth is doing the investigation part-time—retaining his job at a big St. Louis law firm.) Rep. Mark Souder pleaded “Waco fatigue.” Among Republicans, he said, “there’s a feeling that the political risk may be higher than the political gain of pursuing this subject at this time.” Rep. Bob Barr and Sen. Arlen Specter are two encouraging exceptions to Republican lethargy on an issue that is in danger of being re-swept under the rug. ❧



by Grover G. Norquist

McCain's Big Backers

Who needs public financing if the media love you?

The establishment press has successfully focused our attention on the \$57,186,658 Texas Governor George W. Bush raised in the first nine months of 1999. It is an impressive number and was cited by Lamar Alexander, Elizabeth Dole, Dan Quayle, and Pat Buchanan as each conceded defeat in the Republican race for the presidential nomination.

But the establishment press has worked hard to ignore the \$60 million that American—and some foreign—corporations have effectively contributed to Arizona Senator John McCain's campaign. Yes, McCain has raised \$9.4 million the same way George Bush has—in checks of \$1,000 or less. McCain has also spent \$7.3 million of that legally raised money. But McCain's campaign—which on October 15 was down to \$1.4 million cash on hand—is only alive thanks to unreported corporate contributions from one particular industry with a special interest in his legislative agenda.

It is true that nearly a century ago President Theodore Roosevelt signed federal legislation outlawing corporate contributions, but this has not slowed down the soft money flowing to McCain. And the usual watchdogs in the press have failed to cover the huge corporate largesse that dwarfs what Clinton was able to get out of China and Indonesia in 1996. Why the silence? Because the sources of these campaign contributions are the major news media corporations themselves.

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McCain has betrayed conservative principles and a united conservative movement and Republican Party by supporting restrictions on grassroots political activity that was designed by the Senate's perhaps most left-wing senator—Russell Feingold. In return, McCain has received millions of dollars of free advertising for his campaign in the form of flattering news articles, editorials, and time on national television.

If a senator promoted high tariffs to protect the American automobile industry and then received millions of dollars from General Motors and Ford to buy television ads, it would be recognized as the rankest form of corruption. Feingold's legislation (co-sponsored by McCain) would make it a crime for the National Right to Life Committee to raise money and buy television or newspaper ads to tell voters how a candidate stood on the abortion issue within 60 days of an election. Taxpayer groups, property rights groups, the National Rifle Association, and social conservatives who all find the establishment press ignores their positions would be made criminals if they tried to break through the establishment press's biases by buying ad time to talk directly to the American people.

Michael Barone, author of *The Almanac of American Politics*, has noted the worldwide phenomenon in which conservative causes, parties, and candidates poll poorly eleven months of the year when presented through the hostile lens of an establishment press and then do better in the month prior to an election when they can at least compete using

paid advertising. In the U.S. this shows up in the Republican surge in October when political advertising by conservatives and Republicans can compete against hostile "news" coverage.

Under Feingold-McCain the *New York Times* would be allowed to run as many editorials endorsing candidates as it wished. CBS could continue to spend millions bringing liberal guests on their morning shows or paying Republican-hater Bryant Gumbel. But conservatives who wished to pay to get in the game could go to jail.

A minute of advertising on ABC's "Good Morning America" costs \$80,000. The network has given John McCain many "free" minutes to talk about campaign finance reform. A quarter-page ad on the op-ed page of the *New York Times* costs \$28,170. Under present campaign law it is illegal for any individual to contribute more than \$1,000 to a campaign or more than \$25,000 total to all political parties or campaigns in total. One *Times* editorial is worth more than any one individual can give in a year. Ann Coulter of *George* magazine has calculated that McCain's positive press in the editorial pages of the *Times* was worth \$2.2 million this year. In 1999 alone, McCain has appeared on "Face the Nation" five times, "Meet the Press" six times, and "This Week" six times. A one-minute ad on "Meet the Press" costs \$220,000. Average ten minutes per show and NBC has given McCain \$13.2 million dollars in free advertising. Every minute of pro-campaign finance reform puff pieces on "NBC News" is worth \$170,000.

In the last two years, McCain's position on campaign finance reform was highlighted in 2,948 articles (including 659 editorials) in major newspapers. To