

End the Republican cover-up on Waco: Clean out the Justice Department

by Edward Spannaus

There is only one sure way that you will know that the cover-up of the Waco massacre and related events is finally coming to an end. That will be when career Justice Department official Mark Richard is at the witness table, sweating and squirming under interrogation about his role in setting up the Waco inferno and other atrocities and abuses. If Rep. Dan Burton (R-Ind.), for example, is as tough as he pretends, let him stop chattering about Janet Reno, and start going after the permanent bureaucracy in the Justice Department and FBI. Then, and only then, will you know that we are really getting somewhere.

Why Mark Richard in particular? Because, if you have been reading *EIR* and listening to Lyndon LaRouche, then you know that Mark Richard and Jack Keeney, the two most senior prosecutors in the Justice Department's Criminal Division, exemplify the problem of corruption and prosecutorial abuse in Federal law enforcement. And you also know that it was Mark Richard who pressured Attorney General Reno to approve the FBI plan to attack the Branch Davidian compound in Waco, Texas, in April 1993.

In July 1995, on the eve of the opening of House hearings on Waco, LaRouche issued a statement entitled, "LaRouche Hits Republican Cover-Up on Waco" — which we will review below, and we will see how prophetic was LaRouche's warning, in light of what has come to pass since.

FBI concealed evidence

First, we review the latest developments in the Waco case, in which we are now seeing the unravelling of the cover-up of an atrocity which was set into motion during the last year of the George Bush administration.

On the afternoon of Sept. 1, 1999, U.S. marshals went to FBI Headquarters and seized a videotape made by the FBI on the morning of the Waco assault. The FBI had previously denied that any such videotape existed. On the audio portion of the tape, according to reports, an FBI Hostage Rescue Team (HRT) member is heard asking for permission to fire military gas rounds, which are pyrotechnic — that is, they burn when fired. HRT commander Richard Rogers is then heard authorizing use of the military rounds.

As part of her reluctant approval of the FBI's plan, Attorney General Reno had ordered that no pyrotechnic devices be used, and she was assured by the FBI, both before and after the attack, that none were used; she subsequently testified to

this at a Congressional hearing.

In the days prior to the seizure of the FBI tapes, there were a number of other important developments which have triggered calls for a new examination and hearings on the Waco events.

First, on Aug. 25, the FBI admitted for the first time that pyrotechnic cartridges were used at Waco, after such spent cartridges were found among the evidence in the custody of the Texas Department of Public Safety (the "Texas Rangers").

Second, a Federal prosecutor from Dallas wrote to Reno, telling her that the FBI and sections of the Justice Department may have withheld information about their use of potentially flammable tear gas during the Waco assault. Assistant U.S. Attorney Bill Johnson had recently obtained a five-year-old document, consisting of notes of an interview with members of the FBI's Hostage Rescue Team, which included handwritten notations saying that its contents should not be disclosed.

The third important development concerned the surfacing of witnesses who say that U.S. military special operations forces, in particular the Delta Force, were present during the Waco assault. Although FBI and Pentagon officials maintain that there were only three Army special operations soldiers from the Delta Force unit at Waco in April 1993, and that these were merely "observers," a former CIA security officer has told a different story.

The officer, Gene Cullen, told his story to the *Dallas Morning News*, and also to *Salon* magazine. Cullen told *Salon* that he has had discussions with a number of Delta Force personnel while on overseas missions, and that he has been consistently told that "there were about ten guys, fully armed, fully operational, they were ready for war."

The sins of the father . . .

Those who maintain that Bill Clinton or Janet Reno (or Hillary Clinton or Vincent Foster) were primarily responsible for the deaths at Waco, are either ignorant of the facts, or are covering up for the real perpetrators.

The investigation of the Branch Davidians was initiated in June 1992, during the Bush administration. The training of units to be involved in the raid began months before President Clinton took office, and by mid-January 1993 — before Clinton's inauguration — a command post was set up, and authorization for the use of military equipment, including seven Bradley Fighting Vehicles, had been obtained. The ATF (AL-



Attorney General Janet Reno (left) is under attack by Republicans for covering up what happened at Waco, but her biggest offense is covering up for the likes of Deputy Assistant Attorney General Mark Richard (right) and the Department of Justice permanent bureaucracy.

cohol, Tobacco, and Firearms Division of the Treasury Department) had obtained authorization for military involvement on the pretext that drugs were being manufactured at the Davidian compound; this allowed the case to fall into the exception to the *posse comitatus* law, which otherwise prohibits the use of the military in domestic law enforcement.

All of this occurred while George Bush was President. One may ask: Will the sins of the father—in launching the process that led to the Waco massacre—come back to haunt G.W. Bush in his quest for the Presidency? A thorough, non-partisan probe of Waco would find George Bush, Sr. complicit before the fact, in the subsequent disaster.

After the bungled Feb. 28, 1993 shootout, in which four agents of the ATF were killed, control of the Waco operation was taken over by Justice Department and its component agency, the FBI.

It is essential to realize that, in the early months of 1993, there were two categories of officials at the top levels of the Justice Department: 1) the new political appointees, who were just learning their way around the building; and 2) the careerists who stay on for one administration after another, such as Jack Keeney (since 1951), and Mark Richard (since 1967).

For the eighth time in his career, during the first half of 1993, Keeney was the acting head of the powerful Criminal Division, since a new Assistant Attorney General had yet to be appointed and confirmed. (Because of the illness of his wife and her death on the day of the Waco assault, Keeney was not present during the final period of the Waco planning.) The crucial decisions were made by the number-two man in the Criminal Division, Deputy Assistant Attorney General (DAAG) Mark Richard, under whose jurisdiction the Branch Davidian case fell.

Richard personally went to Waco twice in the weeks before the April 19 assault. After each trip, he personally briefed

the new Attorney General, Janet Reno. And, it was Richard who briefed Reno on the FBI's proposal to insert gas into the Branch Davidian compound to attempt to flush out the Davidians—a plan which Richard strongly supported, but which Reno opposed.

The Justice Department's own report on Waco describes a discussion which took place on April 16, three days before the final raid. Richard had just been informed by then-Associate Attorney General Webster Hubbell that Reno had vetoed the FBI's plan to use gas to end the siege. "The FBI will not be pleased," was Richard's comment.

But, with the enormous pressure being put on her by Richard and by top FBI officials, Reno was finally persuaded to go ahead with the gassing plan. It was Richard who handed to Reno the documentation from the FBI justifying the planned attack—which played to Reno's weaknesses, using what turned out to be false reports of ongoing child abuse.

The DOJ's own report states: "AG Reno relied a great deal on DAAG Richard during the latter days of the crisis."

Republican cover-up

Nevertheless, when the hearings on Waco were held in the House of Representatives in the summer of 1995, Mark Richard was the "invisible man." On July 29, 1995, Richard appeared on a panel with former Associate Attorney General Hubbell, former FBI Director William Sessions, and former top FBI officials Larry Potts and Floyd Clarke. The committee members opportunistically focussed their attention on Webster Hubbell—Republicans doing so in hopes of implicating President Clinton in the Waco fiasco, and Democrats trying to "defend" the President. It was obvious that no one—neither Democrats nor Republicans—was interested in getting at the truth of how the Waco disaster was set up.

Some of the committee members didn't even seem to

know (or pretended not to know) who Richard was, referring to him as an official of the FBI. Others, who obviously did know who he was, were too frightened to ask him anything — indicating the fear which the DOJ-FBI permanent apparatus strikes into the hearts of members of Congress. After all, Mark Richard virtually invented the category of “white collar crime,” which has been used to target so many public officials, including members of the Congress itself.

Two weeks before that hearing, Lyndon LaRouche had warned of plans by the Republican majority in the Congress to cover up the real story of both the Waco and Randy Weaver (Ruby Ridge) cases, to protect the permanent bureaucracy in the Justice Department centered around Richard and Keeney. LaRouche identified a number of elements common to the two cases, such as that in both cases, the slaughter was set into motion on George Bush’s watch, that both cases involved the use of so-called “experts,” from government and from outside private organizations, and that in both cases, the center of the scandal was the corrupt role of the DOJ permanent bureaucracy.

LaRouche also said that the crucial question was whether the Waco and Weaver cases were isolated cases, or if they were “merely predicates of a continuing pattern of policy-shaping within the Federal government’s permanent bureaucracy.” The answer to that, LaRouche said, depends upon considering other cases in which the same concert of combined official and private agencies had “joined forces to perpetrate a kindred atrocity.”

LaRouche identified three such cases which should have been included, to avoid a cover-up in the Waco case. The first was that of Cleveland autoworker John Demanjuk, who was almost executed on the basis of forged evidence knowingly used by the Justice Department under the personal direction of Mark Richard. The second was the Justice Department’s targeting of black elected officials, known within the FBI as “Operation Fruehmenschen” (“early man”). The third case, LaRouche said, “is my own case, which the evidence shows to have been also a complete fraud upon the court by the same Bush-linked elements within the Justice Department and intelligence community generally.”

“Not to feature the Demjanjuk case, the “Fruehmenschen” issue, and the LaRouche cases in the same series with Weaver and Waco, is, in itself,” LaRouche declared, “the appearance of a cover-up.”

The Waco hearings were indeed a farce. But in the summer of 1998, many Republican Congressmen did rally around the McDade-Murtha bill to hold the Justice Department accountable for prosecutorial misconduct—breaking, at least temporarily, the decades-old bipartisan consensus around ignoring and tolerating Justice Department abuses.

Military role

Another area in which a comprehensive investigation is needed, is that of the role of the military in the Waco blood-

bath, and whether this was part of a consistent pattern. A determined inquiry in this area may show that the involvement of military units in domestic covert operations never really ceased, even after extensive Congressional hearings on this subject in the early 1970s.

During a discussion of the new Waco evidence, which took place on ABC’s “This Week” on Aug. 29, former FBI Special Agent Bob Ricks, who was the chief spokesman for the FBI during the 1993 Waco events, made an extraordinary statement. When asked if he were troubled by the fact that Delta Force was involved, Ricks answered: “I’m really not, George. We have used Delta and JSOC for years, every time we’ve had a major operation. . . .”

Asked about “JSOC,” Ricks responded: “It’s the Joint Special Operations Command which has oversight over Delta.” He added that the FBI’s hostage rescue team was formed by working with Delta and other special forces. “So they have a role, domestically, if something should get out of control. . . . So they very much were properly there.”

In 1992, *EIR* obtained FBI documents showing that JSOC and the Joint Special Operations Agency (JSOA) in the Joint Chiefs of Staff, were involved in preparations for the FBI raid which was conducted against facilities associated with the LaRouche movement in Leesburg, Virginia, in October 1986. Declassified FBI documents showed that the FBI had arranged through the Pentagon’s Special Operations Division for two truckloads of documents seized in the Leesburg raid to be secretly taken to a secure military facility.

The specific office through which these arrangements were made was the Support Activities Branch of the J-3 Special Operations Division; subsequent investigation determined that this was the location of the secret communication channel known as the Focal Point System, originally created as the CIA’s covert-action channel into the Pentagon. In fact, the Justice Department’s memorandum making the formal request for assistance in the LaRouche case stated: “The procedure by which the [Justice] Department requests assistance from the military on matters such as this is classified.” No specialist consulted by *EIR* on this matter has been able to explain why, what appeared on its face to be simply a request for storage space, had to utilize this secret, “classified” procedure—unless there was far more being planned, under the rubric of “national security.”

Additionally, the FBI’s Hostage Rescue Team, trained by JSOC, was also on standby during the Leesburg raid, and was prepared to participate in a bloody Waco-like assault on LaRouche’s residence, which was aborted only after LaRouche sent a warning telegram directly to President Reagan on the evening of Oct. 6, 1986.

Looking at the involvement of the military at Waco, from the standpoint of what happened in the LaRouche case seven years earlier, suggests that there is much more to be discovered about the relationship between the Justice Department and the Pentagon, than has surfaced so far.