

# DOJ bureaucracy cans Waco 'whistleblower'

by Edward Spannaus

The Federal prosecutor in Texas who warned Attorney General Janet Reno that information on the Waco case was being withheld from her, was abruptly removed from any involvement in the Waco case on Sept. 10 by top officials in the Justice Department's permanent bureaucracy.

Assistant U.S. Attorney Bill Johnston, who has been involved in the Waco case since 1993, wrote to Janet Reno on Aug. 30, warning her that "facts may have been kept from you—and quite possibly are being kept from you even now, by components of the Department."

It was Johnston who originally asked the Texas Department of Public Safety (DPS, popularly known as the "Texas Rangers") to investigate the circumstances of the Feb. 28, 1993 shootout triggered by agents of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF).

Johnston, in consultation with the DOJ Public Affairs office, allowed film-maker Mike McNulty to view the Waco evidence under the supervision of the Rangers who had custody of it. Johnston told Reno in his letter: "McNulty began to believe that evidence existed that the FBI had fired some sort of 40 millimeter projectile which could have started the fire on April 19, 1993." McNulty then sent a letter to the DOJ about this, Johnston says, and later, Johnston got a telephone call at his home from DOJ Torts Branch lawyer Marie Hagen, who "was extremely upset with me."

"She demanded to know whether or not I had allowed Mike McNulty to view the Davidian evidence," Johnston's letter continued. "I responded that I had. Ms. Hagen asked me what I thought I was doing, and inquired if I had received permission from the Criminal Division. I responded as to both demands that the permission to do so had come from the Chief of Public Affairs. . . . She ended the conversation unquenched in her anger. I think that I now know why."

Johnston also describes in the letter how he worked with the Rangers on the evidence involving flammable tear gas cannisters, and how he had kept his boss, the local U.S. Attorney Bill Blagg, informed of what was going on. When suspicions that the FBI had fired a pyrotechnic tear gas round made their way to the media via statements by DPS Chairman Jim Francis, Johnston said, "I was astounded to see the Department's response was that this was 'more nonsense.' My surprise was based upon the fact that I had been updating my U.S. Attorney for weeks about this evidence."

Johnston also told Reno about certain documents being

recently faxed to him from the Torts Branch at DOJ headquarters, suggesting that he had been told in 1993 about the military tear gas cannisters. "It has been suggested to me that these documents were sent to me to 'hang over my head,' or to say that I'd better look out stirring this matter up, as I may have to explain this paralegal's memo. So long as it is the truth 'hanging over my head,' I am not afraid. I will not be intimidated by anyone with the Department of Justice. I will assist the Congress or any other body who seeks the truth in this case."

## Gore linked to coverup

The ongoing coverup inside the DOJ involves both the DOJ permanent bureaucracy and is linked to a former Justice Department official whom Al Gore describes as "my closest friend." (And the coverup is only made possible because of the complicity of Republicans in Congress like Rep. Dan Burton of Indiana, who insists on targetting Reno, while ignoring the thugs in the DOJ permanent bureaucracy who are responsible for Waco, Ruby Ridge, and many other Justice Department atrocities.)

Attorney General Reno said on Sept. 16 that recusal decisions are made by "career" lawyers in the Deputy Attorney General's office. Deputy Attorney General Eric Holder himself said that the matter was handled by a "senior" DOJ official, David Margolis.

Margolis, who joined the Justice Department in 1965, is the "third man" in the Jack Keeney/Mark Richard clique, which forms the core of the DOJ permanent bureaucracy. For many years Margolis headed the Organized Crime and Racketeering Section in the Criminal Division. (See *EIR*, Sept. 17, 1999 on the role of Keeney and Richard; see *EIR*, April 25, 1997, p. 24, on Margolis and the permanent bureaucracy.)

The DOJ official in charge of the Civil Division's Torts Branch, and in charge of defending the Federal government in the civil suits around the Waco and Ruby Ridge cases, is 32-year-old Donald Remy, who was brought into the DOJ personally by Al Gore's brother-in-law, Frank Hunger. In his acceptance speech at the 1996 Democratic Convention, Gore described Hunger as "my closest friend."

Until early this year, Hunger was the overall head of the Justice Department's Civil Division, and he brought Remy in about two years ago. Despite his relatively young age, Remy now supervises about 140 lawyers in the Torts Section, and he is also temporarily in charge of the Civil Division's Federal Programs Section—an elite unit which handles many sensitive cases.

It was attorneys from the Torts Branch Section who were cited in Johnston's letter to Reno. Frank Hunger was known for obstructing the civil cases involving the FBI crime laboratory. Some sources expect that, in the unlikely event that Gore were to become President, he would name Hunger as his Attorney General.