

# Thoughts on Waco: A Remembrance

Jack Kettler

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As a Reformed believer who was converted out of Mormonism I try to always praise God for the gospel and his saving grace. The preaching of the gospel and God's effectual calling are sufficient reasons to leave the conversion of souls in God's control. This is the major reason I have always been against the forced deprogramming of individuals in aberrational religious groups. What happened at Waco was far worse than a forced deprogramming. It has been difficult to sort out all the issues involved in the Waco case because of my substantial theological disagreements with Branch Davidian theology. The teachings of the Bible give us the basis for many of our present day civil laws. One law in particular is relevant and is found in Deut. 17:6. Two witnesses are required to convict someone of a crime that results in the death penalty. If the state acts, it must be governed by a Biblically based judicial process. The process of Biblical justice was completely subverted at Waco. Please bear with my thoughts and emotions.

The violations of the law by agents of our government at Waco, Texas, are almost beyond comprehension. The present cover-up by high officials in the Treasury and Justice Departments, along with numerous agents within the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco and Firearms (BATF) has come very close to succeeding. In my opinion, the actions of the federal government agents at Waco constitute the worst abuse of law enforcement power in the history of our nation. Americans witnessed death and the destruction of the Constitution at Waco. The following items stand out in my mind as unconscionable criminal violations of American civil liberties.

The Branch Davidians have civil and constitutional protections enjoyed by all Americans, yet those rights were trampled on and destroyed by agents of our government. Women and young children were fired upon through the roof of their house by government agents from helicopters on Feb. 28, 1993. Attorneys (Dick DeGuerin and Jack Zimmermann) for David Koresh and Steve Schneider (Davidian leaders) had been inside Mt. Carmel during the siege. Both men have provided eye witness testimony to the five hundred rounds fired through the roof by agents in the helicopters.

Many people have heard portions of what are known as the "911" tapes. These tapes are truly bone chilling: You can hear the terror in the voice of Branch Davidian Wayne Martin as he calls for help and pleads for the attack to be called off. A significant fact is that while listening to the recording you hear Wayne Martin say "I have a right to defend

myself.” Why was the jury in the San Antonio trial of the Davidians not allowed to hear this portion of the tape?

James L. Pate, a reporter who has written for several publications such as the *New York Daily News* and *Soldier of Fortune*, has hard evidence that United States special military forces helped train BATF agents for the raid on the Branch Davidians before a search warrant was issued. Members of the special forces actually accompanied BATF agents the day of their assault on the Branch Davidians. Most Americans watched on television as tanks and Bradley fighting vehicles surrounded and terrorized U.S. citizens. The strict rules forbidding the U.S. military from engaging in a police action against American citizens were violated because of the fabrication by BATF agents that the Branch Davidians were manufacturing illegal drugs. This is a clear violation of the Posse Comitatus Act. A Congressional inquiry is in order.

Another area of shocking violation of civil liberties is that of the alleged attempt by BATF to serve a warrant. The BATF agents have never gotten their story straight on what type of warrant they obtained. Was it a search or arrest warrant? The way this warrant was issued is highly irregular and deserves a special investigation in itself. Ken Maynard, FBI special agent (Ret.) has analyzed BATF agent Davy Aguilera's probable cause affidavit, and says this: “There was not even one fact in the probable cause affidavit by the BATF stating that a violation had or was taking place at Mt. Carmel. There was insufficient evidence to issue a warrant.” Why did BATF agents refuse Koresh's offer for them to come on out and look around? Henry McMahon, owner of Hewitt Arms, confirms this. BATF agents were in his store at the time of the offer.

Why was Sunday chosen for this raid? It was well known that this is when the greatest number of people would be at Mt. Carmel. If the BATF had an arrest warrant, why not pick Koresh up when he was in town or out jogging? If the BATF had a search warrant, why not go to the complex in the daytime during the week? A number of children would be off the property at school. A number of adults would also have been in town at work. If a problem did develop, the risk of injury to innocent parties would also have been greatly minimized. Where was the concern for the children in the planning for such a raid? KPOC-TV of Ponca City, Oklahoma, has discovered that the BATF did not even have a warrant with them when they attacked Mt. Carmel.

Who fired first? BATF Agent Roland Ballesteros made two statements ten days after the raid to the Texas Rangers, saying that the BATF shot first, with no warning. The bullet holes in the front door of the Mt. Carmel center proves who fired first. The BATF said they arrived at the front door and David Koresh came out. The BATF said they announced who they were and that they had a search warrant. At this point Koresh allegedly slammed the door and the Davidians began shooting at the agents through the front door. Unfortunately, the BATF lost (or destroyed) this crucial piece of evidence. It is clear from photographic evidence that the bullet holes in the door were all entry holes fired by the BATF agents into Mt. Carmel. This door was not destroyed in the fire: It mysteriously disappeared and was not available to the Branch Davidian defense team in San Antonio.

Many have blamed those inside Mt. Carmel for not leaving. Could the Branch Davidians have left if they wanted to? According to special correspondent Ken Fawcett, who covered the San Antonio trial, "He [Mike Tolouse, member of the misnamed FBI hostage rescue team] was asked if flash grenades were used to keep people from coming out of Mt. Carmel. His reply was "Yes, many times, including Mar. 10 and April 19th' [day of the fire]." It is a well known fact that the FBI had sniper nests set up around the Mt. Carmel center. This created tremendous fear for those inside. In the Department of Justice report on page twenty we learn: On March 25, 1993, Steve Schneider was told by the FBI negotiators that no one would be allowed to come outside the compound.

There is strong evidence that members of the church were shot by FBI snipers on the east side of the building (away from the cameras) as they tried to escape the lethal amounts of Orthocholorbenzylidene Malononitrile (CS) gas that was sprayed in, and the ferret rounds that were fired into the building. The FBI agents responsible for this murderous act were stationed in the "Sierra Two" sniper's nest. Mike McNulty, chairman of Citizens Organization For Public Safety, has "Forward Looking Infra-Red" (FLIR) film taken from an airplane flying above Mt. Carmel to support this allegation. This shooting happened around 10:30 in the morning.

The death of Jimmy Riddle confirms this. Riddle was killed with a high powered rifle bullet to the head. His body was found a few feet from Koresh's body. Koresh's body was burned so badly that it was almost impossible to determine who it was. Jimmy Riddle's body was not burned. This is because of the dirt that covered his body. Mr. McNulty believes he can substantiate the theory that the tanks, equipped with scoop blades, pushed dirt and some of the Davidians who were gunned down back into the building. This would explain Riddle's body being covered with dirt and not burning.

On April 19, 1993, the Branch Davidians, women and children included, had lethal levels of CS gas along with the combustible dispersal agent methylene chloride pumped into their church-home for six straight hours. Branch Davidian church members were crushed by tanks driving into the building. Women and children were crushed and buried alive (Judy Schneider, 41 and Audrey Martinez, 13) as a result of the tanks collapsing the building down upon them. Did one of the tanks collapse part of the building down upon the entrance to the concrete walk-in cooler, trapping thirty eight women and children from any hope of escape? Did this same tank collapse a section of the walk-in cooler's ceiling, crushing to death a number of women and children? Why did the tanks collapse the stairways? This trapped people on the second floor from being able to escape the building once the fire started. The entrance to the underground shelter was also destroyed. This eliminated another avenue of escape.

Who started the fire? The fire started as the result of the criminally negligent methods of dispersing the deadly CS gas (pyrotechnic ferret rounds). Mike McNulty has "Forward Looking Infra-Red" (FLIR) film that proves the fire started in the section of the building called the "dog run" due directly to a pyrotechnic device. The shell casing to this device has been recovered and identified. Another fire started after a tank knocked over a lantern. Pyrotechnic devices have started fires on numerous occasions. Page sixty three of the S.W.A.T. team manual says that some pyrotechnic devices will start fires. FBI agent

Mike Toulouse admitted that "flash grenades" were used at Mt. Carmel. According to James Bovard, a nationally known writer, "the FBI's plan was to immediately and totally immerse the place in gas, and throw in flash-bangs." Col. Rex Applegate, who invented the ferret round, said, "Any flash-bang [grenade] will start fires." Col. Applegate is not sure how the fire started. He says: "It could have been a flash-bang, or a pyrotechnic device that was shot in there." Most disturbing of all is that the (FLIR) tape or film gives strong evidence that after the fire started government agents from two locations outside the cafeteria fired automatic gunfire into the building thus preventing the Davidians from escaping the conflagration. Approximately forty Davidians died in the cafeteria area.

According to Aldrich Chemical Company, in their Manufacturing Safety Data Sheet (MSDS) it is clear how dangerous CS can be. CS is highly flammable and explosive when concentrated within closed quarters. There are strict warnings not to use CS indoors because of the danger of a fire caused by something as small as an electrical spark. When CS burns, it emits carbon monoxide, hydrogen cyanide and hydrogen chloride gases. A number of the Davidian autopsies reveal lethal levels of cyanide poisoning in their bodies.

It is a well-known fact that the government knew the Davidians were using kerosene lanterns twenty four hours a day. The FBI had shut off the water. Pumping flammable substances in upon women and children with these types of conditions is an unforgivable atrocity. KPOC-TV has provided valuable information concerning the misuse of CS and the terrible consequences this caused inside the Mt. Carmel center. It is also a fact that when you put water on burning CS you will create a deadly hydrogen cyanide cloud that may travel for some distance. Is this why federal agents kept the fire trucks away until after the entire structure had completely burned down? If so, then it is an inescapable conclusion that the FBI and BATF had read the Aldrich Chemical company's MSDS report and knew what the results would be.

At 6:30 a.m. April 19th, the morning of the gas and tank attack, the Davidians put a white flag out a window and began waving it. The attack continued. At 9:07 the Davidians displayed a banner that read "we want our phone fixed." Eight minutes later, a government tank rammed through the front door.

These two facts were reported in Dirk Johnson's "Death in Waco" in *The New York Times* April 22, 1993. American citizens used a universally understood sign pleading for the attack to stop. They asked for communications to be restored. What would happen to an American military commander who refused to recognize this sign of surrender on the part of an enemy in battle? Numerous times during the siege the Davidians plead with the press to intervene on their behalf. The lack of concern on the part of the press for these requests is absolutely shameful.

Government agents destroyed and tampered with evidence at Mt. Carmel. The Davidian vehicles were crushed by tanks. These vehicles were crucial for the Davidian defense. The lack of bullet holes in the vehicles would have provided important proof that BATF agents were not receiving heavy fire from those inside. Tanks pushed sections of the building into the fire. An FBI agent admitted that some of the weapons submitted into

evidence against the Davidians were left at Mt. Carmel by the BATF. The company Failure Analysis was not allowed to inspect the Davidian weapons that were recovered after the fire. Why? Were some of these guns converted to full-auto after the fire? The government lied about the type of gas used on the Davidians and the toxicology reports were falsified to hide the cyanide poisoning. The FBI's five hundred page plan for inserting gas into the Davidian home which they provided to Attorney General Janet Reno did not mention the possibility of a fire. Why? Is this criminal negligence? Why did Attorney General Janet Reno approve this plan with no contingency for putting out a fire? Why has the government refused the Davidian defense attorney's request to allow Failure Analysis to examine the tape recordings on the day of the fire? Have these recordings been altered? It is a fact that government agents cut out crucial portions of film taken on April 19, 1993. The missing film, in all probability, proves McNulty's thesis that Davidians were shot while trying to escape.

The trial of the Branch Davidians in San Antonio is another travesty of justice. Jack Devault, Major USAF (Ret.) has written *The Waco Whitewash*. This book deals primarily with events at the trial of the Davidians charged with conspiring to murder federal agents. Devault argues that federal judge Walter Smith rigged the trial in order to obtain convictions. It is time for the Branch Davidians suffering unjustly in prison to be set free. Jury foreman, Sarah Bain has fought tirelessly for the release of the Davidian prisoners. She pleaded for leniency for the Davidians at their sentencing. She collapsed when the judge, contrary to the wishes of the jury, issued forty year sentences in most cases.

It is easy to recall the many press conferences in which the Branch Davidians were called cultists by the FBI and BATF spokesmen. Have FBI and BATF agents taken special theological training to make this determination? Is this the role of either of these agencies? Articles One, Two, Four, Five, Six, Nine, and Ten of the Bill of Rights were violated by agents of the federal government. Who will answer for these crimes? Who will answer from the military for their involvement in this terrible crime? Can the U.S. Congress escape blame for the inept Waco hearings in 1995? The five minute questioning rule insured that no meaningful line of questions would develop. When will Congress appoint a special prosecutor with full subpoena powers?

The new riveting documentary film *Waco: The Rules Of Engagement* addresses many of the questions that Americans have been asking. The film is unique in that it lets the viewers draw their own conclusions. "Waco" has been screening at film festivals since its premier this year in January at Robert Redford's 1997 Sundance Film Festival. The *San Francisco Chronicle* called *Waco* "one of the most disturbing films you'll ever see." Siskel and Ebert have given the film "two thumbs up." The film has been nominated and is in competition for best documentary of the year. It is common during screenings of "Waco" for people in the audience to be openly sobbing as they witness the brutal government assault and the close up shots of mutilated burned bodies and the terribly contorted (the result of cyanide poisoning) body of a young girl. Sarah Thompson, M.D. after seeing *Waco* at the Sundance Festival felt compelled to review the film. In her review she cites film director William Gazecki's words "This movie is about looking under rocks and finding what we never wanted to know." "The result is an extremely disturbing film that should be required viewing for all Americans." She closes her review

of the film with these insightful thoughts: "Remember that this is NOT about partisan politics, Right vs. Left, gun rights, or other divisive issues. It is about our unalienable Constitutional rights to religious freedom, freedom from unreasonable search and seizure, and above all the freedom not to be murdered by our own government. As the Talmud commands: "Thou shalt not stand idly by the blood of thy brother." Information about future screenings of *Waco* and reviews can be found at <http://www.waco93.com>. Religious and civil liberties stand or fall together. Let us pray that God may once again give us rulers who govern in the fear of the Almighty.

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Mr. Kettler is the Chairman of the Waco Committee with Citizens for the Constitution and a Ruling Elder in the Orthodox Presbyterian Church. Mr. Kettler is also vice-chairman of Leaders for Liberty and a member of the John Birch Society.

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These reports were prepared by KPOC TV of Ponca City, Oklahoma and graciously given to me by the owner and general manager, David Hall.

**Special Assistance:**

Mike McNulty, the producer of the documentary film *Waco: The Rules Of Engagement* has provided numerous details concerning the Waco investigation. David Thibodeau provided important details concerning the events surrounding April 19, 1993 at one of his speaking engagements.