

Something Like Waco

The New Federal Police State

by Samuel Francis



About a year after the raid on the Branch Davidian compound in Waco, Texas, by the Bureau of Alcohol, Tobacco, and Firearms, I was invited to take part in a discussion of the Waco incident on a program on the National Educational Television network. The program was a call-in show, and after my hosts and I had recounted the facts of the Waco raid and its aftermath, I was struck by the remarks that several callers from various parts of the country had to offer. Some of them claimed to know or to have heard about similar incidents in which local, state, or federal law enforcement agencies had staged armed raids on private homes or businesses, without adequate proof of wrongdoing by those against whom the raids had been mounted, and with results that often left innocent citizens injured or their property and rights violated. Although neither I nor my hosts on the TV show had heard of these incidents and to this day I have no way of verifying what the callers were reporting, it began to occur to me then that Waco was perhaps far from being an isolated case. Not too long after the show, however, news of just such mini-Wacos began to creep into the light of day.

The television show on which I appeared was filmed in April 1994. Four months earlier, on January 10, 1994, officials of ten different organizations concerned with civil liberties or Second Amendment rights (including the liberal-to-left American Civil Liberties Union and the conservative Citizens Committee to Keep and Bear Arms) had sent an eight-page letter to President Clinton. The letter detailed several cases of what it called

“widespread abuses of civil liberties and human rights” and a pattern of “serious abuse” of the law or proper police procedures by federal law enforcement agencies—the ATF itself, but also the Immigration and Naturalization Service, the Drug Enforcement Administration, the Bureau of Indian Affairs, and the FBI. The cases included the Waco assault as well as the attack on Randy Weaver at Ruby Ridge, Idaho, in August 1992, but the letter also discussed several other incidents that were generally unknown to the public and to this day have not received the public attention they deserve.

The letter noted that “federal police officers now comprise close to 10 percent of the nation’s law enforcement force” and that “some fifty-three separate federal agencies have the authority to carry firearms and make arrests.” Arguing that the cases reviewed involved abuses such as the “improper use of deadly force; physical and verbal abuse; use of para-military and strike force units or tactics without justification; use of ‘no-knock’ entrances without justification; inadequate investigation of allegations of misconduct; use of unreliable informants without sufficient verification of their allegations; entrapment” and several other improper or illegal procedures, the letter called on the President to “appoint a national commission to review the policies and practices of all federal law enforcement agencies and to make recommendations regarding steps that must be taken to ensure that such agencies comply with the law.”

More than a year after the letter was sent to the President, I was told by one of its signers that no response had ever been received, and obviously no such national commission has ever

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been appointed. Columnist Nat Hentoff published a column about some of the abuses detailed in the letter in the *Washington Post* on January 28, 1995, and a few months later I also published a column about some of them, as well as others that had come to my attention, in the *Washington Times* (March 28, 1995). Gun rights activist and expert David Kopel of the Independence Institute, who had been one of the original cosigners of the letter, discussed some of them in an article in *National Review* (March 20, 1995), and from time to time they have been mentioned by one writer or another. But aside from these, there has been no media attention to these cases as a whole or to the dangerous trend that they represent.

Taken together, the cases of federal law enforcement abuses discussed in the January 1994 letter to the President, coupled with several other cases that have come to light since then, constitute just such a pattern as the callers to the television show were suggesting—a pattern that amounts to a federal law enforcement system seriously out of control and operating well beyond the limits of the law. These cases, of course, are extreme and unusual (at least as far as we know), and we can presume that such incidents do not occur in the United States every day. Yet, given the lack of public attention to them and the apparent absence of any interest on the part of any branch of the government in correcting them or restraining the agents and agencies responsible for them, there is less and less reason why such cases should be unusual. If some correction and restraint are not administered, the day will come—perhaps soon—when cases like these are not extreme or unusual but routine.

One case that was discussed in the letter to President Clinton, as well as in James Bovard's book *Lost Rights*, was that of San Diego businessman Donald Carlson. On August 26, 1992, Carlson's home was raided by a DEA and U.S. Customs Service force on the basis of a warrant that alleged his house was a vacant drug storehouse. Carlson had arrived at his home around 10:30 that evening while his house was under surveillance. He could have easily been arrested at that time, but it was not until after midnight and after Carlson had retired that federal agents smashed through his front door. Carlson believed his house was under attack by robbers and reached for a firearm to defend himself. He was shot three times, once in the back after he had been disarmed. Although he survived, Carlson says he will have "lifetime medical expenses" because of his injuries, in addition to the costs of extensive repairs to his house after the feds ransacked it. No drugs or illegal weapons were found on the premises, and it turned out that the agents had relied on a paid informant called "Ron" who later told the *Los Angeles Times* that he had never actually identified a specific house as a storing location for illicit drugs.

The ATF was apparently not involved in the Carlson case, but in a similar raid conducted on September 5, 1991, against a woman named Sina Brush in New Mexico, ATF agents as well as some 60 other federal agents from the DEA, the National Guard, and the U.S. Forest Service participated. This time the charge was that Brush and two of her neighbors possessed illegal drugs. No drugs were found, but Brush and her daughter, dressed only in underwear at the time of the nocturnal raid, were handcuffed and forced to kneel in the middle of the room during the search. As in the Carlson case, the agents had used an unreliable informant and had entered without knocking.

Both Brush and Carlson were considerably luckier than Donald Scott. Less than two months after the raid on the Carlson

home in San Diego, agents from the DEA and the Los Angeles County Sheriff's Department in October 1992 burst into Scott's ranch home in the Santa Monica Mountains under the claim that they were looking for illegal marijuana plants. Scott's wife began screaming when she saw the unidentified men breaking into their home, and Scott himself, 61 years old, grabbed a handgun to defend himself and his family. A deputy sheriff shot and killed him. No marijuana plants or other illegal substances were found.

In the Scott case, it appears from a report written by a Ventura County district attorney that the initiative came from the sheriff's office rather than the federal government and that the whole raid was motivated by a desire to seize Scott's valuable real estate under assets forfeiture laws. A "primary purpose of the raid," the report found, "was a land grab by the Sheriff's Department."

Two other cases involving the ATF that were not mentioned in the letter to the President concern the Katona family of Bucyrus, Ohio, and the Lamplugh family of Wellsboro, Pennsylvania. In the former case, Louis Katona III was a part-time police officer and gun collector who continued to build on the extensive firearms collection begun by his father. On May 8, 1992, the ATF launched a raid on his home to seize the gun collection, valued at many thousands of dollars. The premise for the raid was the allegation that Katona had forged the name of the local police chief on forms required under the National Firearms Act for registering certain kinds of firearms. In fact, Katona had left the forms at the police chief's office for his signature, the chief's administrative assistant had signed them, and Katona had later picked them up. The ATF's case against him relied on the fact that the chief himself had not signed the forms and the assumption that Katona had forged the chief's name. Katona was later indicted for the alleged forgeries, but the case was dismissed.

Katona knew of the ATF plan to search his house and cooperated with it, but during the four-hour raid the federal agents became abusive and started taking photographs of various Soviet flags and communist Vietnam war memorabilia displayed on Katona's walls. They showed interest in photographing only the communist paraphernalia, not Katona's own uniforms, medals, and awards, which were displayed on adjacent walls. During the raid Mrs. Katona, several months pregnant, arrived at the house and tried to enter the vault areas where her husband kept his gun collection. She maintains that an ATF agent pushed her violently against a wall and forbade her to enter the vault rooms. That night she began hemorrhaging and subsequently miscarried, she says as a result of her manhandling by the ATF.

Harry Lamplugh was also a gun collector and gun dealer, and on the morning of May 25, 1994, he saw armed men in uniform running around his house. The armed men turned out to be ATF agents, who were looking for illegal firearms. According to Lamplugh, his wife, and their lawyer, former ATF Assistant Director Robert Sanders, the agents ransacked his home and office, seizing not only business records containing the names of some 70,000 of his clients and business associates, but also countless personal records, including birth certificates, marriage and baptismal records, mortgage records, and medical records. Lamplugh was suffering from cancer and says the medical records were essential to his proper treatment, as were bottles of medication the ATF agents spilled indiscriminately

over the carpets. The Lamplughs also say that one of the ATF agents seemed deliberately to step on one of their pet house cats and then picked it up and slammed the animal into a tree, killing it. Throughout the raid, the Lamplughs say, the ATF agents used abusive language, calling Harry Lamplugh a “motherf--ker” and threatening Mrs. Lamplugh with incarceration in a “cell full of lezzies” unless she informed on her husband. They also reportedly told Lamplugh, “We don’t mind you selling guns to niggers because they just kill each other.” The Lamplughs and their son were later charged by a federal grand jury with several counts of federal firearms law violations and a count of perjury. Those charges are still pending.

My column on these and similar abuses by federal law enforcement agencies was carried in the *Southern Partisan* magazine in its first quarter issue of 1995. Some months later I received a copy of a letter to the magazine from one of its readers who had seen my column and written the ATF for an explanation. The ATF had sent him a six-page letter, dated September 21, 1995, purporting to refute the contents of my column, which was largely based on the letter to President Clinton of January 1994. The “refutation” consisted mainly of denying the veracity of the Lamplugh and Katona families—denying that Mrs. Katona had been pushed against a wall, denying that pets had been abused or killed in the Lamplugh residence, emphasizing the legality of the warrants used in the raids, and downplaying the dismissal of charges in the Katona case and the absence of charges in the Brush case. With respect to Katona’s alleged forging of the forms, the letter recounted the testimony of forensic scientists at the trial that the forms were signed by someone other than the police chief and concludes merely that “The Court found that the Government did not prove beyond a reasonable doubt that Mr. Katona was the one who forged the signatures (as opposed to someone else).” It never reveals that Katona never claimed that the police chief himself had signed the forms or that they had been signed by the chief’s assistant (who testified at the trial).

The letter, signed by Patrick D. Hynes, Assistant Director for Liaison and Public Information at the ATF, also denied that ATF agents’ faces were painted or that they were wearing camouflage uniforms in the raid on the Brush residence (I had never said they were). The letter spent two pages on the Katona case in response to my one-sentence allusion to it in my column. With one exception, the ATF letter failed to contradict much of anything of significance that I had said in the column or had been alleged in the letter to President Clinton. It made no reference at all to the Scott and Carlson cases I had discussed in some detail (the ATF was not involved in these two cases). Mr. Hynes touchingly closed his letter with an affirmation of the high calling of the ATF:

Your concern that the law be adhered to is the same concern that motivates our agents to protect the law-abiding citizens of this Nation against those who choose to live by another standard. ATF agents are sworn to respect and uphold the law, and it is within this valued framework that we operate.

For all I know, the ATF may be correct in its account of the details of the searches, but some weeks after publishing the column in March and well before I had seen the ATF’s response, I watched a video produced by the National Rifle Association about the Lamplugh and Katona cases in which both families

offer their sides of the story (the video narrator says the ATF declined to be interviewed for the video). The account of these cases here is largely based on the interviews of the two families in the video, and quite frankly I find them just a bit more persuasive than Mr. Hynes. In the video, both Mr. and Mrs. Lamplugh and Mr. and Mrs. Katona give detailed, graphic, and often emotional descriptions of the raids, the conduct of the agents, their abusive language, their aggressive and often threatening behavior, their ruinous treatment of the property and private papers of the “suspects,” their apparently deliberate killing of a pet cat, their assumption that the targets of the raid were not only guilty but hardened and dangerous criminals, and their lack of respect for the minimal rules of civility and proper procedure. Both Harry Lamplugh and Louis Katona recount repeated instances of anonymous harassment by the ATF, including the slashing of tires on their cars, the placing of dead animals on their doorsteps, harassing phone calls, and harmful and untrue rumors spread about the men among their friends and business associates. The denials in Hynes’s letter seem to be based entirely on reports of internal ATF investigations, which consisted merely of interviewing the ATF personnel involved and recording their denials of the two families’ allegations. In the light of what is now known about the suppression of internal reports at the FBI with regard to the Randy Weaver case, that is just not enough to be persuasive. Bureaucrats, in camouflage or not, protect their own.

The cases of ATF and other federal law enforcement abuses discussed here are not alone. Similar but less disastrous incidents involving the ATF can be recounted going back to the 1970’s, and last spring in St. Louis the ATF was at it again. Around 9:30 P.M. on April 30 last year, what the *St. Louis Post Dispatch* (May 2, 1996) describes as “more than a dozen men in black garb” kicked in the door of the home of Paul and Patty Mueller. The men threatened to kill the family dog, which had become frantic, told Mrs. Mueller to lock the dog in a bathroom and to sit down on a couch, and at gunpoint bound Paul Mueller’s hands with plastic wrap and pushed him prone onto the floor. The intruders started yelling “ATF,” but the Muellers had no clear idea what that meant. Only an hour later did the armed gang produce a search warrant. In the meantime, as the *Post Dispatch* story describes the raid, “The agents went through the house, emptying shelves and boxes filled with Christmas ornaments and magazines. They tracked mud throughout.” After an hour, they told the Muellers they were looking for illegal weapons and showed them the search warrant. Then they ransacked the house for another half hour. Unable to find any weapons, legal or illegal, they departed as swiftly as they had come. “For the first 30 seconds,” Paul Mueller told the newspaper, “I thought they were burglars and I was going to die. If they could do this to us, they could do this to anybody.” “Was this something like Waco?” Patty Mueller asked.

This time the story made the papers a few days later, and the ATF acknowledged that it had blundered. A police informer had told the ATF that the Mueller home contained a large cache of machine guns and that illegal weapons were being distributed there. It turned out the informer had made up the story, but the crackerjacks of the ATF fell for it and nearly killed an innocent family merely on the informer’s claims. The local head of the ATF office said he would apologize to the Muellers. There was no word about damages, and so far no word from Mr. Hynes about the concern for adhering to the law “that mo-

tivates our agents to protect the law-abiding citizens of this Nation against those who choose to live by another standard.”

No doubt there are many ATF cases in which really dangerous criminals are storing, smuggling, or selling weapons illegally, and no doubt in such cases busting down doors in the middle of the night, pushing people to the floor with guns at their heads, and even shouting intimidating warnings in colorful language are appropriate tactics. But in not a single one of the cases recounted here was there any reason to believe that this was the kind of suspect the ATF or other federal agents had to face. Not a single one of them had any record of violence or law-breaking, and the crimes they were alleged to have committed were not even violent offenses. Police officers investigating a murder suspect do not make use of these tactics, unless they have strong reason to believe the suspect is ready and willing to shoot them on sight.

What is distinctive about most if not all of these cases is that they were carried out against the very “law-abiding” citizens the ATF claims to have a mission to protect, and they are citizens who have no experience of law enforcement at any level precisely because they are law-abiding. In the NRA video, Louis Katona best describes the attitude of most such Middle Americans: “The ATF needs to go after criminals. You know, the honest citizens—they know where he is, so they go after him.”

What he is describing is what I have called “anarcho-tyranny,” a distinctively new form of government in which the government is either unable or unwilling to apprehend and punish criminals, so it therefore criminalizes the innocent and cracks down on them. I have never heard of an ATF raid on an urban gang, although the stockpiling of weapons by such gangs is commonly known. Gangs might shoot back, you see, so it’s much safer to go after the Katonas, the Lamplughs, the Muellers. And if you’re wrong, and the bums you consulted as “informants” turn out to have lied to get money or cop a plea, you can always apologize. And if you don’t apologize, you can always have Mr. Hynes or some other vassal of the federal leviathan write a letter and intone about your mission to protect the law-abiding.

Almost all of the cases discussed here have been the subject of public accounts in local newspapers, and some of the victims have even testified before Congress. Others have launched civil suits against the ATF or similar agencies, some of which are in progress now. And organizations like those that sent the letter to President Clinton have taken up the causes of those who have suffered at the hands of the federal state. Yet, despite these forms of redress, the abuses continue, as the Mueller case last year shows, and the American public as a whole is not aware of the abuses, let alone their systemic nature. Neither the President nor Congress, nor any major candidate in the national election last year, discussed these cases or addressed the trend they indicate toward the evolution of a national police state, in which law enforcement is able to violate the rights of innocent parties with impunity, nor has any major news media outlet discussed these cases as a whole.

The evolution of a police state may not be the intention of either the agencies involved or of the political leaders who ignore and at least tacitly condone what is certainly a repeated and may be a regular pattern of federal law enforcement behavior, but that evolution is nonetheless real, and the brutality of the ATF and its sister agencies is only one part of it. Other

elements in the construction of the coming police state include the demonization of privately owned firearms and their owners, the enactment of gun control legislation in the Brady Act, the outlawing of sales of semiautomatic weapons in 1994, and an increasing push for the outright prohibition of handguns; the attempts to enact “counterterrorism” legislation plainly directed against citizens’ militias and domestic right-wing radicalism; the use by the FBI and ATF of intrusive surveillance and investigative techniques against militias and similar groups in the aftermath of the Oklahoma City bombing in 1995; the use of entrapment by these agencies to engineer violations of federal law on the part of the groups they are spying on; the media-cooked hysteria about “church-burnings” last summer, which resulted in a new federal law making the arson of any church for any reason a federal offense; efforts to expand federal police powers, place more police officers on the street through federal legislation, and augment the powers and resources of the FBI (including wiretapping authority); more demands for the revival and further escalation of the “drug war” of the 1980’s by Republicans like Bob Dole and William Bennett; and the whole trend toward the nationalization of law enforcement in the name of a “war on crime.” The fear and hatred of crime and criminals by the right and the fear and hatred of the right by the left serve to enlist both sides of the conventional political spectrum in promoting the new police state. The avoidance of publicity about the abuses of the federal police agencies tends, over time, to normalize such behavior in the minds of citizens, to legitimize it, and to render it a routine part of government functions.

Given the likelihood of increasing alienation and political radicalization in the United States in the coming years under the impact of uncontrolled immigration, the economic erosion of the middle class, increasingly continuous military involvement abroad, and rising ethnic and racial conflict, the ruling class of the managerial regime may find that a police state is the only means of control it has left. Its ideological defenses of both liberalism and mainstream conservatism no longer seem to bind the Middle American subjects of the regime to it, and the emergence of a militant (and occasionally extralegal) Populist Right that rejects the legitimacy of the federal government and even, sometimes, of the political unity of the nation-state is certainly perceived as a direct threat by the ruling class and its apologists. The regime can expect to continue to manipulate, buy off, and entertain most Americans with what remains of its corporate economy, government benefits, and its managed culture of sitcoms and amusement parks, but for some citizens, these manipulative controls will not work, and sterner measures will be needed to keep the regime intact and the class that runs it in power.

The emerging police state, then, for all its swagger about the “war on drugs” and keeping us safe from “those who choose to live by another standard,” has nothing to do with maintaining order and punishing real criminals but everything to do with the systematic repression of those Middle Americans who express disenchantment with the new order and who organize or represent points of resistance to it. It may be too early as yet for the secret police forces and paramilitary units of the regime to eradicate organized Middle American resistance *carte blanche*, but what those forces already are doing and have done to uncounted innocent victims suggests that they are only just warming up to their final solution.



Black Helicopters and the Morning Militia

by Sarah J. McCarthy



H. Ward Street

People in other cities, said an Army spokesman, don't get their feathers ruffled during midnight helicopter invasions. What is it about Pittsburghers that caused them to pour into the streets in their underwear during recent treetop antiterrorist maneuvers? Nine Army helicopters swooped into Pittsburgh one midnight in June, complete with the sounds of mock gunfire and explosions that shook the ground. "In my grandma's neighborhood," said Kelly, "people laid down in the streets. The noises came in through the open windows. The helicopters were flying so low you could've hit them with a broom handle. They thought the communists were coming to take over, or that it was aliens!"

Timothy, the owner of LaDolce Vita Sweet Shop, said he wasn't surprised to see masked soldiers sliding down ropes onto rooftops from helicopters. "They've been doing extractions around here for a long time," he said, referring to Pittsburgh's missing persons. One woman, as she peered out her apartment window in the wee hours at the unmarked black helicopters, said, "Oh my God, the militia was right!" On the other hand, "These people are a bunch of crybabies," decided Grandpa Bup, a World War II veteran. "They should've felt the ground shake when a 3,000 pound bomb was dropped on London."

The helicopter exercises, conducted by the U.S. Army Special Operations Command based at Fort Bragg, North Carolina, were to have continued all week but were promptly canceled after the public outcry. Army spokesman Lieutenant Colonel Ken McGraw said similar training had been conducted in other cities, including Los Angeles, Dallas, Miami, and Detroit, with few complaints.

Sarah J. McCarthy writes from Pittsburgh.

According to the local scuttlebutt, the Army is concerned that conditions in certain cities are ripe for racial conflict. Pittsburgh had several serious racial incidents involving blacks and the police in 1996, beginning with the death of Jonny Gammage, a cousin of Pittsburgh Steeler Ray Seals, when he was stopped by suburban police for a traffic violation.

The morning after Pittsburgh's helicopter invasion, Tom Marr, a Philadelphia talk show host, said that invariably in these situations the "black helicopter crowd" comes out of the woodwork, spreading rumors that the Pentagon is ready to aim its guns at American citizens. In Pittsburgh, listeners to Jim Quinn's Morning Militia talk show were primed with a healthy skepticism to just say no to black helicopters.

At 6:00 A.M. on weekdays, Quinn's Morning Militia listeners are burrowed under their covers like friends around a campfire listening to ghost stories—only Quinn engrosses his listeners with right-wing conspiracy theories. It's trendy to trash right-wing radio—no one wants to be part of what Al Gore calls "the extra chromosome crowd"—but just like kids who want to hear *Where The Wild Things Are* read over and over, listeners find that conspiracies can be fun.

Quinn has regular callers, such as Larry Nichols, a Clinton appointee to the Arkansas Development Finance Authority, who usually calls from somewhere in hiding. Like many right-wing activists, Larry fears for his life. Sounding a bit panicky, he called the other morning to tell Quinn that there had been another "Arkancide," the name for all those untimely and suspicious deaths around Arkansas that look like suicides. The newest Arkancide, claimed Nichols, was one of his "witnesses," and he would call back the next morning to tell us who it was. Stay tuned.