

Lawyers critical of ATF's tactics, return of guns

By The Associated Press

HOUSTON — Prosecutors who unsuccessfully tried followers of cult leader David Koresh in 1988 are criticizing the tactics federal agents used in confronting the sect and the return of a gun stockpile to the group.

One of the former prosecutors is convinced those weapons were used in a shootout between federal agents and members of Koresh's Branch Davidian cult near Waco on Sunday. Four Bureau of Alcohol, Tobacco and Firearms agents and two cult members were killed.

Sunday's siege "was a vulgar display of power on the part of the feds being met with fear and paranoia on the part of the Davidians," said former McLennan County District Attorney Vic Feazell, head of the office when Koresh was prosecuted earlier and now an Austin attorney. "If they'd called and talked to them, the Davidians would've given them what they wanted."

"We had to arrest them to prosecute them in 1987," he said. "We had no problem."

"We treated them like human beings, rather than storm-trooping the place," he said. "They were extremely polite people."

Koresh and other Davidians were prosecuted for a 1987 shootout with rival cult leader George Roden. The others were acquitted and charges against Koresh, then known as Vernon Howell, were dropped.

"I'd represent these boys for free if they'd surrender without bloodshed," Feazell said.

"It's sad for the Davidians. And it's sad for our government."

Feazell said the Davidians are protective of their land,

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viewing it as Muslims view Mecca and Jews regard Jerusalem.

During the 1988 trial, the county seized and held for more than a year crates of brand-new M-16 rifles, AR-15 rifles, compact Uzi-type automatic weapons and also sidearms that included .45-calibers, .357-caliber Magnums and Luger pistols. The cache also included five full cases of ammunition, said El-Hadi Shabazz, who prosecuted the Branch Davidians.

All were legal.

"With the arms we seized they could have held off every deputy in McLennan County, all of the Waco Police Department and the local National Guard for a month to two months," he said.

Shabazz said he believed some of the same weapons were used in Sunday's gun battle.

"The main tragedy was we had to return all the weapons and the cases full of ammunition to the defendants. We had a court order that we had to do that," said Shabazz, now a California attorney.

Guns in the cache, he said, were traced to different gun dealers in Palestine, Texas. Each was legally purchased in the name of Howell or one of his followers.