

New details undermine police account of deadly shootout in Waco, Texas

Tom Hall
21 May 2015

Three days after Sunday's deadly shootout in Waco that left 9 dead and 18 injured, new details are beginning to emerge that call into question the official police version of events.

Shortly after the shooting, police claimed that the shootout stemmed from a meeting of five biker gangs at a Twin Peaks restaurant that had been called to mediate a dispute over "turf" between the Bandidos and Cossacks biker gangs. "They had rented out or asked for the outdoor bar area [in the restaurant] specifically for a meeting that they were having of a group of invited biker gangs," Waco police spokesman Patrick Swanton told reporters at a press conference. The violence began shortly after an "uninvited" club, which has not been named by police, showed up in the parking lot looking for a confrontation.

It has since emerged that the meeting was actually a regular regional gathering of the Texas Confederation of Clubs and Independents, a motorcycle advocacy group that, while including Bandidos members in its leadership, also includes many non-violent motorcycle clubs, many of whom were in attendance at Sunday's meeting. "We got mom-and-pop clubs, veteran clubs, religion clubs, all clubs in Texas were at that meeting—different kind of clubs from everywhere," said a top Bandidos leader who identified himself as "Gimmi Jimmy," listed as the chairman of the organization's state office on its web site.

The gathering, which has been held twice a month for 18 years without any major incidents, is devoted to issues such as legislation affecting bikers. However, Waco police expressed frustration with the restaurant's management for allowing the meeting on their premises, citing the fact that they are legally allowed to refuse service to known biker gangs. The location's franchise has since been revoked by Twin Peaks'

management.

Eighteen Waco officers, including members of the Waco SWAT Team, plus a contingent of state troopers, were pre-positioned around the restaurant, in anticipation of a possible confrontation between the Bandidos and Cossacks, who had been engaged in violent confrontations over the past few months.

The Bandidos are the dominant motorcycle gang in the state, and other clubs require their permission to wear "bottom-rockers," or patches at the bottom of their vests, claiming Texas as their region. Although the Cossacks, historically a much smaller group, have operated in Texas since the 1960s, they have apparently recently attempted to claim Texas as part of their territory without the permission of the Bandidos, sparking numerous violent incidents.

Eyewitness accounts indicate that the "uninvited" group cited by police were the Cossacks, who rode in with an allied group attempting to stir up trouble. The Cossacks have not traditionally participated in the Texas Confederation of Clubs.

The sequence of events that followed is not yet clear. Police allege that a fight broke out both inside the restaurant and in the parking lot, either over a "parking issue," or because "somebody had their foot run over," which quickly escalated into an all-out brawl involving knives, brass knuckles and firearms.

Police claim that the shooting itself began in a separate incident in the restaurant's men's room. Responding police officers allegedly received fire from the crowd and at least four officers returned fire. Police claim that, when the fighting ended, they recovered nearly 100 weapons, ranging from knives, brass knuckles and chains to fully automatic weapons.

However, this official characterization of a large-scale melee involving a variety of weapons is

contradicted by the fact that all nine victims were killed by gunfire. Initial reports indicated that at least four of the victims were killed by police. This claim was disputed by Swanton, who declared: “Is it possible? Yes. Is it a fact? No, because the autopsies are not complete.” In addition, despite allegedly facing heavy gunfire from nearly 200 gang members, no police officers were injured.

The question remains: how many of the victims were killed by police? More fundamentally, what role did the police response play in precipitating the scale of the bloodshed?

In any event, the police response after the shooting has been heavy-handed. A total of 170 people were arrested at the scene, with bail set at \$1 million each. Three individuals were released on much smaller bail amounts after being arrested “after they rode up to the scene carrying weapons and wearing motorcycle-gang colors,” according to the *New York Times*, but later re-arrested and given the full \$1 million bail amount. According to a lawyer for some of the bikers, bond-reduction hearings could take “weeks and possibly months.” In the meantime, the McLennan County Sheriff’s Office released all 170 mug shots on Tuesday, and they have since been paraded in the press nationwide.

Many of those arrested maintain that they were bystanders from unaffiliated, non-violent biker clubs and had nothing to do with the shootout. One person who spoke to the *Los Angeles Times* said that he was arrested after helping drive people to the hospital at the suggestion of paramedics. “Yes, there was a problem at this scene, and it was absolutely horrific, but there just also happened to be a significant amount of people there who had nothing to do with it,” the spokesman for the Vise Grip Club, an eight-member vintage motorcycle club present at the scene, told the Associated Press.

All 170 arrestees are being charged under state law for “engaging in organized criminal activity,” meaning that they could potentially be charged with a capital offense in a state that executes by far the most offenders in the country. However, it is expected that most of them will “walk,” according to Robert Draskovich, a defense attorney who spoke with the *New York Times*. “Oftentimes, these mass prosecutions fail because of the overreach,” he told the newspaper.



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