

NLWJC- Kagan

Counsel - Box 012 - Folder 010

[Waco-file and reports] [1]

COUNSEL'S OFFICE

ELENA KAGAN

Waco - file and reports

1 of 10

Takeings - 3 files from
Marvin Krivlov

Criminal project

Navajo - Hopi

No-fault insurance

Nuclear waste bill

10 BOXES PICKED UP
FROM DOUG BAND
IN ROOM 125 DEOB
1/8/97

ENCLOSURES FILED OVERSIZE ATTACHMENTS

10 boxes filed 1/8/97
TT

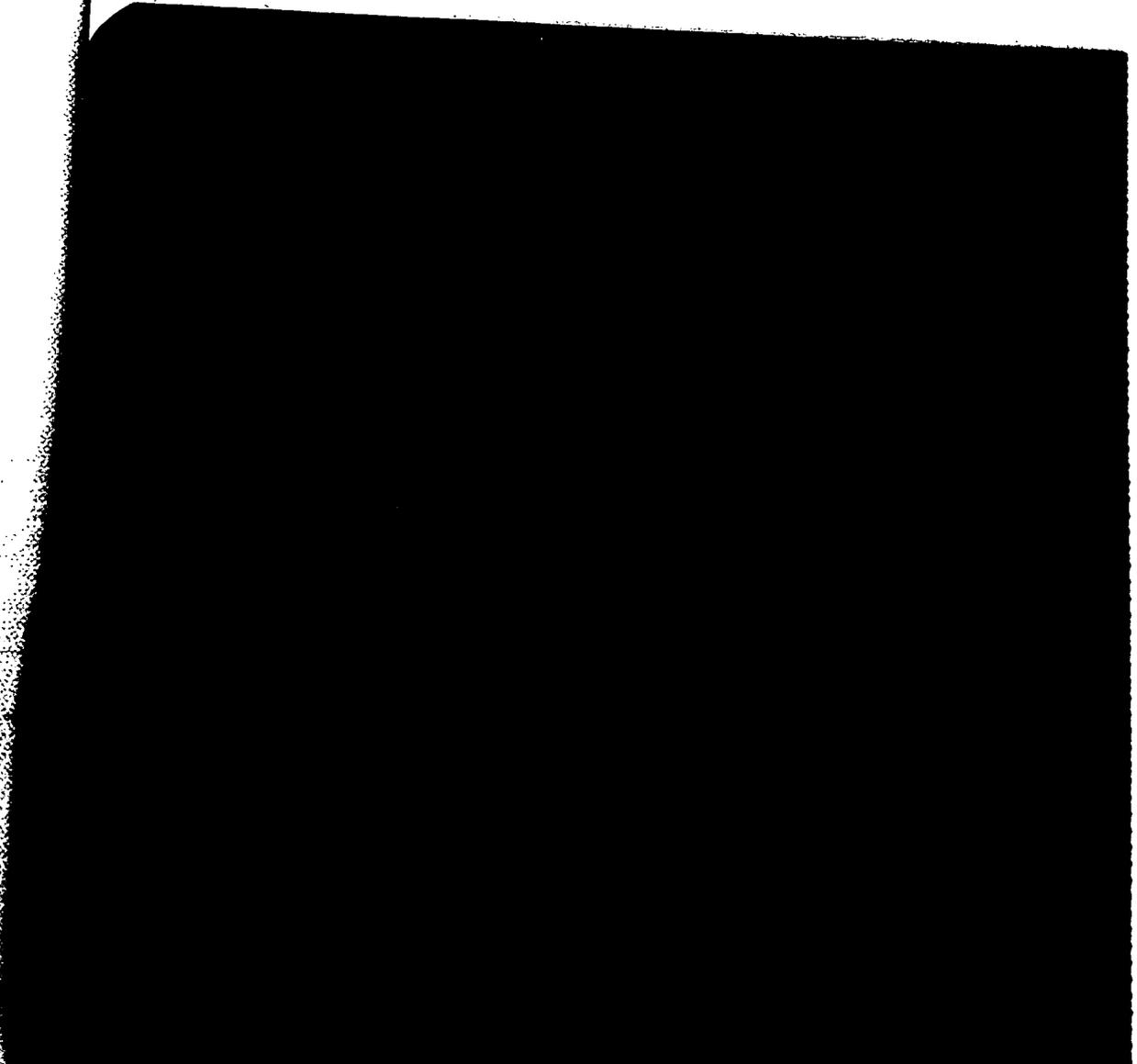
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WACD



THE WHITE HOUSE

WASHINGTON

July 31, 1995

The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security,
International Affairs, and Criminal Justice
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Zeliff:

I am writing in response to your comments on "Meet the Press" regarding the President's involvement in events at Waco. Your comments were nothing short of irresponsible, intent on creating a story without any news and alleging a scandal without any basis.

The facts relating to the President's involvement in the decision to end the siege at Waco are a matter of public record. The President has never shied away from, indeed has repeatedly acknowledged, his knowledge and ultimate approval of that decision. Respecting and giving due deference to the judgment of the FBI and the Attorney General, the President accepted their recommendation in a discussion with the Attorney General on April 18. Prior to that time, the President learned of the proposal, expressed his confidence in the Attorney General, but also noted a desire to review any decision of this kind. All this is spelled out in the Justice Department's Report on Waco, specifically at pages 108 and 241-48.

I am distressed that you would go on national television, recite nothing other than these facts, but then suggest that you are exposing hidden misdeeds. That is a disservice to the American people. Statements such as these undermine your stated goal of holding open and honest hearings to review the facts and make credible policy recommendations as to how to avoid such tragedies in the future.

Sincerely yours,



Abner J. Mikva
Counsel to the President

THE WHITE HOUSE
WASHINGTON

July 26, 1995

The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security, International
Affairs, and Criminal Justice

The Honorable Bill McCollum
Chairman, Subcommittee on Crime
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Zeliff and McCollum:

I write this letter to summarize the White House's production to your Subcommittees of documents pertaining to the 1993 events at Waco, Texas. I also write to resolve the one remaining issue that has been the subject of our discussions in the past few days.

As you know, in response to your Subcommittees' request for documents, the White House several weeks ago turned over more than 1,000 pages of materials for your unrestricted use. At that time, I indicated that there were an additional 28 White House documents that required different treatment because they were covered by executive privilege. The confidentiality of such documents must be respected, as it has been by prior Administrations, Republican and Democrat alike. No President would be able to obtain the frank and candid advice he needs from senior advisors -- on topics ranging from foreign affairs to domestic problems -- if those advisors feared that such advice and information would be made public whenever Congress subsequently asked for it. Such a loss of confidentiality would have a substantial chilling effect on *any* President's decision-making process. A very similar principle operates among Members of Congress. Indeed, Chairman Henry Hyde invoked this principle just last week in his response to Congressman Conyers' request that your Subcommittees disclose pertinent notes and memoranda of Committee staff to shed light on the NRA's role in the Waco hearings. Chairman Hyde rejected such disclosure of Committee work product, stressing the importance of protecting staff members' ability to "gathe[r] information on a confidential basis, for the specific members for whom they work."

While the President has pledged to uphold the principle of executive privilege that his predecessors have preserved and that prior Congresses have recognized, he has also stated publicly that he would "cooperate fully with all congressional inquiries [about the events at Waco] so that we can continue to be fully accountable to the American people." Accordingly, I set up a procedure with you to ascertain whether any of the 28 documents contained information that would be essential to your Subcommittees' hearing. I indicated that if you identified such information in any particular document, the White House would

Chairmen Zeliff and McCollum
July 26, 1995
Page 2

make every effort to reach agreement with you on the Subcommittees' use of that information. I also made clear that, if you could not demonstrate that a document contained such information, the Subcommittees would not have shown a need sufficient to overcome the executive privilege that protects that document's confidentiality. This process is precisely the sort of accommodation between executive and legislative interests that courts have said the two branches must pursue in these circumstances.

To carry out this procedure, the President directed me to let both of you review the 28 documents in my presence. I offered to do so on any occasion and for as long as you needed. As you know, we initially had two meetings during which you were able to look at all 28 documents, some more than once. We provided this access to privileged documents even though none of the documents adds anything of substance to what is already publicly known about the Waco events, including the facts disclosed in the voluminous reports published by the Departments of Treasury and Justice at the direction of the President.

Nevertheless, following these meetings, both of you made the case that two particular documents -- both originating from the Treasury department -- would be of real assistance to the Subcommittees because they reflected the contemporaneous thinking of various Treasury officials as the Waco events unfolded. I found your arguments to be persuasive in light of the President's commitment to full cooperation, and thus I provided copies to you, subject to the reasonable restrictions that you and I agreed upon in order to preserve the documents' confidentiality outside the bounds of the Subcommittees.

It was after our meeting on Thursday, July 20, that I also learned of your request for a copy of a third document. My initial response was to provide, for your use, a written summary of each of the three Waco-related paragraphs in this document because, unlike the two Treasury documents, this third document is a memorandum to the President from his closest advisor -- his Chief of Staff -- and therefore lies at the very core of executive privilege. Moreover, the information that it contains is already in the public domain. Over this past weekend, however, you reiterated your view that use of this document would benefit the Subcommittees' work, a view that appears to be based on the choice of words in the document, rather than the facts recited in it.

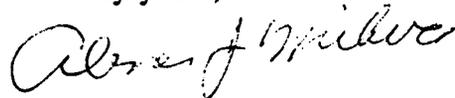
You have indicated an interest in two sentences encompassed in the Chief of Staff's memorandum. In particular, you wish to be able to quote a sentence in the first paragraph: "[Acting Attorney General Gersen] concurred fully with your philosophy regarding this matter and assured me that no significant action would be taken without White House approval." I have no objection to your publicly quoting this phrase. As you know, the fact that the President wished to be advised by key law enforcement officials before any significant change in tactical strategy and that he subsequently was so advised is already a matter of public record, for example at pages 126-127 and 236-245 of the Justice

Chairmen Zeliff and McCollum
July 26, 1995
Page 3

Department's report. You also wish to be able to use a phrase appearing in the second paragraph, in which the Chief of Staff indicated he had spoken with Secretary Bentsen and that "[Secretary Bentsen] is on top of the situation in Waco." I similarly have no objection to your quoting this language.

I have recited at some length the White House's accommodation toward congressional interests in this matter because I believe our accommodation is unprecedented. The record makes clear that, even with the long-recognized need to protect the confidentiality of Presidential deliberations, we have made every reasonable effort to provide necessary information to assist in the work of your Subcommittees.

Sincerely yours,



Abner J. Mikva
Counsel to the President

cc: Hon. William Clinger
Hon. Henry J. Hyde
Hon. Cardiss Collins
Hon. John Conyers
Hon. Karen Thurman
Hon. Charles E. Schumer

H. passed bill
w/ MA in it.

SATP - Chuck Leiter
↓
supportive
of

→ Lydia

5-4790

H-passed
/enforce.

Need to talk
to CK or PAD
who handled
issue.

How in
mark-up?

- How far we're
gone

- how far they
has gone out.

THE WHITE HOUSE
WASHINGTON

For your files

July 31, 1995

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Chairman, Subcommittee on National Security
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U.S. House of Representatives
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Sincerely yours,



Abner J. Mikva
Counsel to the President

CALL ED KEATING

Documents - complete set in

dat's office - redwells not turned over.

Bentzen - contemp. to Feb 28.

E-mail Clinton/Noble

Hill pts
as well -
very slightly
different
talking
points

Chronology - w/ documentation (with Pres)

Analysis of witness list

- where would above come up.

~~likely questions~~

Likely questions/responses

Talking points - type questions (Dyer/Steph)

2:30 FRI

20th - Waco start
by WJC at law
enforcement bench
(Rahn)

Talking points for people around here.
late night/early morning.

press people
General +
daily msg points

277 - when do we get these?
white papers. Hill + other broadly.
Int'l convention -

10:15
DRYER

Stats of C₆ gas

Kevork theology / prior history - religion

DOD - posse comitatus

Eric Parmer - Reavis - evidence of his bias
plausibility, inaccuracies, connections
Wright

Too much -
DOD, DOD - what
each witness
" getting to say.

Analysis of warrant / p.c.
What weapons anticipate
finding / what were found.
- child abuse interplay
How targeted

DOD involvement -
military chronology

chronology -
analysis of panel -
issue paper -

OUR Two issues

- Did Pres approve raid?
L - with involvement in raid?

Tom Diaz -

Schumer press conference

NRA contamination of hearing process

- Sanders on witness list - left ATF 1984
- Misstatements of fact Zeliff made

Ritt b/w Zeliff + Bluyer
+ Charles
+ Madellum

Post-bij story on weekend.
opener for hearing.

Certain docs requested to Treas / DoD / Justice -
don't exist

Also some have already.

NRA, ACLU, Gunners, ND defense lawyer

Travelling on such
mistake for ACLU?

Piling on

Means have to keep the temperature of ~~staff~~
left - long-time relationship.

Dem. asking for additional witnesses.
Need copy of letter.

The Targets - public criticism

- accused FBI of being stopped by price
- now retracted

Turnover - non of business.

// Documents attached
to 2577 summaries.
(issue papers)

// Chronology
Panel analysis

-17 for each wit -
What Repubs tried to
get out of - response.

• what

4 Dryer/Boyle Mtg 10:15

19th - Whitewater, Waco, off action

Treas/DOJ - still approaches

Rubin letter; 2 days of press briefings
big story this wk - NRA.

Today Schumer shake agt Sanders

Helpful if McC mt make comment
about Sanders - see ^{to invs} Schumer letter.

Story line - in letter - ATF was right; they're doing
to feed militia + weaken g. c. laws

We exposed ATF wrongdoing + made reforms.

Now - production fund to directed by NRA -
Wacos/extremists.

1st witness - Pearson. Lots of errors. Wierd
background - Mao, Marx, Cuba

Flashpoint of 1st day - hearings hijacked by extremists
Schumer upst - doesn't know who to
talk to in with

No one knows who joint person is.

Treas - was room on Hill -

enough sheet at end of day.

to too much,
it looks like
we're behind
raid - which
in fact it
was botched.

**Kiri Jewell's Notes. from taped and hand noted conversations with
Aunt, Lois Jewell Swaine, during May-June 1995.**

When my mother and I first joined David Koresh, he was still Vernon Howell and his group was living in a little 2-bedroom house in San Bernardino, California. I was 5 or 6. We lived with the group off and on there, and in Pomona, California, in Palestine and Waco, Texas and in LaVerne, California. When we joined, David was planning to lead the group to Israel to retake Jerusalem. He taught that there would be a big battle between the forces of the world and David and his people. The world would win and we would be killed, but we'd come back in a cloud and smite the wicked and retake the world. The details would change as David received more messages from God, but there was never a time when we didn't expect to be killed by the feds, who David said were Babylon. While we waited for this to happen, we built up an army for David, so the battle would be a big one and all the world would know the power of David and God. In the meantime, David was very strict about how we should live.

He only spanked me twice, though I knew he spanked other people, or had them spanked. He personally spanked me because I said I was going on a diet when I was about 8 years old. He used the big wooden boat oar they used for adults, not the wooden spoon they called the "Little Helper." The second time David spanked me and the other kids involved in getting candy from vending machines against his teachings. Before spanking us that time, he bought an enormous lot of candy and made us eat it till we were sick of it.

It was common for David to sleep in a bed with women and children. Sometimes I fell asleep in his room after a meeting or maybe I'd fall asleep on his bed watching MTV.

I didn't even think about it, because the women and girls were all David's wives, or would be, and many of the kids were his, too. Even if he wasn't really our father, we were taught that he was our Real father.

I have slept together with him and my mom and Lisa Ferris. I have slept with him and Ayesha Gyarfus. Ayesha was older than I was. She was probably 13 when I was 6 or 7. She became one of David's wives when she was 14 and had a baby for him. Once she was pregnant, I never saw her. She was kept hidden because she wasn't an adult.

David took me on a motorcycle trip with some of the guys to Mt. Baldy, when I was about 7. On that trip, he took me for a ride down a mountain ski trail on the chair lift. There wasn't any snow, but it seemed like we could see the whole world. That was when David said personally to me that one day I would be one of his wives.

We all knew about sex because David talked about it a lot. He made us watch movies that showed sex and war, like "Platoon" and "Hamburger Hill" over and over again. I was totally scared by the rape scene. but I would have been more scared to try to leave the room while he was there. We also watched "Miracle of Life" to see how babies were born.

David talked about having sex with his sister-in-law Michele Jones for the first time. She was young and scared. He said he got into bed with

her and was trying to pull down her underwear while she was trying to keep it on. He said her heart was beating really fast.

He talked about how he liked Novelette Sinclair playing with his nipples. He said Jeanine Bunds had the type of pussy that really held on to his dick.

I was in the meeting at the white house in California, where he told Judy Schneider to stand up and then asked the guys if any of them lusted after her. A few of them nodded. He told her to pull her skirt up. She pulled it up a little way and he told her to pull it higher. He told her "higher" several times before she got it up enough. Then he asked the guys, "Now do you lust after her?" Then lots of them said "Yes" loudly. Judy just seemed shocked and embarrassed, but like everybody else, she wanted to please David. You couldn't really think about not doing what he said to do.

My mom and Lisa and I went to Texas for Passover in 1991. David took the three of us to a motel. There were two chairs in the room, and one bed that we all slept in. Mom and Lisa made soup in a crock pot. We were there 2 or 3 days, just mostly hanging around the room. David preached to us. I sat on the floor playing with shoelaces while he talked. We watched "Earnest Goes to Camp." The cops came once and just sat outside. After my mom threw something in the trash, they checked the garbage. Then they went away. My mom and Lisa went to do a little shopping. I took a shower, then I was brushing my hair sitting in the chair and David told me to come sit down by him in the bed.

I was wearing a long white T-shirt and panties. He kissed me. I just sat there, but then he laid me down. He took his penis and rubbed it on the outside of my vagina, while he was still kissing me. I had known this would happen some time, so I just laid there and stared at the ceiling. I didn't know how to kiss him back. Anyway, I was kind of freaked out.

When he was finished, he told me to go take another shower. I walked to the bathroom with my panties down around my ankles. In the bathroom I realized it was all wet and gooey on my legs. That freaked me out more. I stayed in the shower for maybe an hour. When I came out, David was in his jeans and the bed was made. He told me to "Come here" again. This time he read to me from the Song of Solomon.

I was 10 years old when this happened. I remember sitting in the gas station wondering when he would do it again. I wasn't afraid, but I was nervous. I knew I wouldn't get pregnant because I hadn't started having periods yet.

This was soon before I left my mother, for what turned out to be the last time. I didn't tell her about what David had done in the motel. Some time later she said David's habit was to sleep with one of his wives, then leave them for a long time. I said, "Yeah, I know." She said, "What? Did he take you?" I just said, "Yeah." She wasn't mad or anything.

I asked my mom "What would we do if we ever left here?" She said "We'll never leave, so why ask?" I never liked it there, but I wouldn't leave my mother there, so I figured I'd be with her to the end. "The End" meant the great battle between David and his people and the

rest of the world. We were always waiting for and preparing for the feds to come in. The people in the group didn't have to train for war, but if they didn't choose to, David asked them why not.

Dana Okimoto and Janet McBean were in nursing and Janet said they and maybe Jeanine, who was also a nurse, could and would provide cyanide so we could all commit suicide if it came down to it. It was also accepted that the best way to shoot yourself if necessary in this battle with Babylon, was to put the gun into your mouth back to the soft spot above your throat before pulling the trigger.

When it was almost time for me to leave Michigan to go back to my mom from my last visit to Michigan as a Davidian, my dad told me he had a court order for me to stay with him. I was shocked and scared.

My mom and Steve Schneider were on the phone to me often, telling me stuff like "Remember Little Esther," so I would remain true to David. She told me David had given beer to Rachel Sylvia, who was then 11 or 12, to soften her up. Mom said I needed to hurry up and get back there or I would lose my place to Rachel. She told me, "It's time to fight. Are you ready?"

Kiri Ehlise Jewell

July ____ 1995

**Oversight Hearings on Federal Law Enforcement Actions
in Relation to the Branch Davidian Compound in Waco, Texas**

Tentative Witness List

SECOND DAY

Second General Inquiry: Planning the Raid and Department of Defense Involvement

Panel A

Robert Sanders	Former ATF Deputy Director for Enforcement
Wade Ishimoto	Sandia National Laboratories
George Morrison	Los Angeles Police Department
John Koonce	Drug Enforcement Administration
Donald A. Bassett	Former FBI Crisis Management Specialist

Panel B - Department of Defense Assistance

Amb. H. Allen Holmes	Assistant Secretary of Defense for SOLIC
MG John M. Pickler, USA	Commander, Joint Task Force - 6
BG Michael Huffman, USA	Assistant Judge Advocate General for Civil Law
Mr. Chris Crane	Special Forces Group
LTC Philip Lindley, USA	Former Deputy Staff Judge Advocate for U.S. Army Special Forces Command
MAJ Mark Petree, USA	Formerly of 3/3d Special Forces Group
SSG Steve Fitts, USA	Formerly of 3/3d Special Forces Group
SSG Robert W. Moreland, USA	Formerly of 3/3d Special Forces Group

THIRD DAY

Third General Inquiry: Execution of the Raid

Panel A

Ira Glasser Executive Director of the American Civil Liberties Union
Joyce Sparks Texas Department of Child Protective Services
George Morrison
Tim Evans Attorney
John Kolman Formerly with Los Angeles County Sheriff's Department

Panel B

Robert Rodriguez ATF Special Agent
Chuck Sarabyn
Phillip Chojnacki
Sharon Wheeler ATF Special Agent
Dan Hartnett
Daniel Black ATF Personnel Office
Lewis C. Merletti
ATF Special Agents To Be Determined
James Cadigan FBI Firearms Expert



Department of Justice

Blast Fax
to 50851?

TORNEY

BEFORE

THE

SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY

AND THE

SUBCOMMITTEE ON NATIONAL SECURITY,
INTERNATIONAL AFFAIRS AND CRIMINAL JUSTICE
COMMITTEE ON GOVERNMENT OVERSIGHT AND REFORM

U.S. HOUSE OF REPRESENTATIVES

ON

JULY 19, 1995

My name is Ray Jahn and with me today is my wife and co-counsel, LeRoy Morgan Jahn. We are Assistant United States Attorneys and between us have 44 years experience in investigating and prosecuting crimes committed against the United States. LeRoy has served under eight Attorneys General, and I have served under twelve.

LeRoy was assigned to the Branch Davidian matter on March 2, 1993, by the United States Attorney and went to Waco about that time. I was appointed to head the prosecution effort on April 1, 1993, and joined the team in Waco then. Neither of us are in management at the Department of Justice; nor do we hold any policy or decision making authority. Rather, we are career prosecutors whose responsibility it was to represent the United States of America in the criminal case of United States v. Brad Branch, et al.

We are here, today, because more than anyone else involved with the case, we had the opportunity to review all of the investigative reports and materials and to speak with the vast majority of witnesses. As you know, we met recently with your staff for more than five hours to dispel some of the myths surrounding the Branch Davidian matter. We are available today to continue to assist in your search for the truth and appreciate the opportunity you have given us to address you and the American people.

It is clear that, at this juncture, any opinion expressed about Waco is the result of hindsight and Monday-morning-quarterbacking, but given that indulgence, LeRoy and I have drawn some lessons from these events which we would like to share with you.

1. THE BRANCH DAVIDIANS WERE NOT COMING OUT.

This tragic affair commenced in 1992, when David Koresh predicted that the Passover the Branch Davidians were then celebrating was to be their last Passover before the violent confrontation with the United States Government -- which was the foundation of his theology -

- occurred. All the surviving Branch Davidians who testified at the trial stated that when Koresh changed his name from Vernon Howell, he taught them that Koresh meant "Death." His was an apocalyptic theology, and those Branch Davidians who remained at Mt. Carmel, "the members of the Message," as they phrased it, believed that they were at Mt. Carmel to die and be "translated" to Heaven. Indeed some of them had returned to Mt. Carmel for just that purpose, when they were informed that the end was coming before Passover of 1993.

The prophecy Koresh taught was that the "members of the Message" were to die by bullet, tank, fire or direct "translation" to heaven; however, in order to reach heaven, they had to prove that they were worthy by resisting or fighting the "Beast" -- identified as all those outside the message, but personified by the Government of the United States. They all believed Koresh's teachings that in order to die for their God, they had to be able to kill for that God. When asked if there were any "conscientious objectors" at Mt. Carmel, one survivor said, "No."

The United States was prepared to prove at trial that Koresh developed a plan for his followers to go into the community around Waco, Texas, to a public restaurant, confront its patrons, and kill those who would not accept Koresh as the Lamb of God, in order to provoke the promised confrontation. Additional proof was ready to be offered that Koresh had told an outsider, shortly after Passover of 1992, that future events at Mt. Carmel would eclipse the Los Angeles riots in 1992, which would pale by comparison. This evidence was found to be overly prejudicial by the trial court because, of course, Koresh was not on trial, and we were not permitted to offer it during the trial. The facts, however remain, and it is our belief that this evidence establishes that if the ATF had not appeared when it did, Koresh would have forced some confrontation with some governmental authority, resulting in a threat to innocent people.

Instead, on February 28, 1993, when the ATF agents arrived at Mt. Carmel, Koresh, who had 45 minutes advance warning, that they were coming, chose to create the confrontation at his front door by firing at the agents, killing four, and wounding many others, rather than surrendering. The evidence at trial established that the Davidians, not ATF, shot first -- a fact confirmed by three members of the press who were present at the compound on that day.

Because of this mind set and what was learned from the negotiations and other investigation conducted during the 51 day siege, it was clear that Koresh had no intention of surrendering voluntarily. The evidence at the trial from every survivor who testified was that Koresh and his followers were not coming out to surrender. Each survivor testified that a suicide plan was hatched early in the siege because Koresh believed he was dying from his wound.

The plan was for Koresh's followers, after his death, to represent that they were "surrendering;" conceal weapons in their clothing and the clothing of Koresh's children; come out with Koresh's body; and in front of the gathered world-wide press, open fire upon the FBI to force the agents to fire back at them. Should that fail, the Davidians on the outside were to take their own lives or murder each other while those remaining in the compound would do the same. To this end, they rehearsed their own deaths by determining how many could be killed with each of their hand grenades and developed plans so that, should courage fail, some other member would shoot them. This plan was delayed when Koresh improved and he instructed his followers to wait because he had been so instructed by God. However, the intention to persevere in the compound until death always remained the same until that end came on April 19th.

Nothing occurred in the remaining 51 days of the siege to change this resolution. The ploy of waiting to surrender until Koresh had written the "Seven Seals", like the release of some of the children that were not his biological children, still appears to have been nothing more than a delaying tactic, and an effort to gain more publicity. One Branch Davidian who testified reported that those people who left the compound during the siege did so only because Koresh instructed them to do so. She, for example, was expelled for smoking cigarettes and drinking alcohol while Koresh was incapacitated. When she protested being sent out of the compound, Koresh explained that if she -- a sinner -- remained inside, he might not be able to get the remaining followers into heaven and that would mean that all his efforts on earth had been wasted. By early in April, the negotiations were no longer effective because Koresh had surrendered all those that he would.

2. THE BRANCH DAVIDIANS STARTED THE FIRE:

The extent to which it was conclusively established at trial that the Davidians started the fire is best illustrated by the fact that several defense lawyers, in closing argument, conceded the fact. Testimony by a member of the arson investigation team -- a team comprised of four experienced fire investigators from Fire Departments across the United States; the head of the independent laboratory used to determine the presence of accelerant throughout the compound; and an expert in fire analysis established that the fire was deliberately set in at least three, if not four, locations within the compound at about the same time.

This was confirmed by the video tape produced by the Forward Looking Infrared camera mounted on a fixed wing aircraft that was deployed above the compound, still photographs, and the conversations of the Davidians intercepted through electronic surveillance regarding

spreading the fuel and keeping the fires burning. Additionally, eye witness testimony of an FBI agent and a Branch Davidian survivor identified the fire-starters as being within the compound. Finally, the clothing of several of the surviving Davidians smelled of accelerant, which was confirmed to be on the clothes by the laboratory, and many empty cans of Coleman lantern fuel were found in the remains of the fire.

To suggest that the deaths of any Davidians can be attributed to the action of the law enforcement officers on the premises on April 19th is to distort or ignore the facts. The testimony at trial, establishes that when the armored vehicles approached the compound building during the fire, their occupants were engaged in rescue attempts -- such as pulling Ruth Riddle from the flames and coaxing Renos Avraam from the roof; the administration of first aid -- as in the case of Marjorie Thomas and Misty Ferguson; or clearing debris that might impede escape or endanger any Davidians who may have made it to the relative safety of the underground areas.

Let me dispel two other myths: First, rather than impeding escape, the holes made in the building by the Construction Engineering Vehicles (CEVs) that delivered the CS gas created the openings used by all but two of the Davidians who escaped from the fire. Second, the CEV that penetrated the front wall to deliver gas did not impact the walk-in storage room that later became known as the "bunker." That room is located against the back wall of the compound and is separated from the front wall by a room, a hallway and another room. The CEV operator of this vehicle testified at trial that he penetrated into the first room but his boom did not advance into the hallway or the room that separated the hallway from the bunker. Thus the

allegation that any Branch Davidian was killed on April 19th by a law enforcement officer ignores the facts.

3. MISTAKES WERE MADE:

Were there mistakes made at Waco? Yes. Every enterprise that entails human effort and the exercise of human judgment has the built-in capacity and probability for human error. The larger the effort, the more likely mistakes will be made, and in hindsight, they can be identified and corrected and serve as learning tools. The Departments of Justice and Treasury have proven that they desire to accept and learn from such mistakes as is evident from the after-action reports that have been prepared and released.

An example of a problem area that came to light during the siege at Waco was the division between the tactical forces, who were trying to contain the situation; the negotiators, who spent hundreds of hours trying to talk the Davidians into coming out; and those who were investigating the murders of the agents. Each unit had its own goal which was important to the overall result: to end the siege, to obtain a peaceful surrender, and to gather evidence; but the goal of one, at times, conflicted with the needs of one or both of the others. The solution to the problem was better communications, a subject which I addressed in early April and which I am advised has now been emphasized in FBI/DOJ training and in the FBI's reorganization of its crisis management team.

Turning to our major mistake as a law enforcement presence at Waco, our primary failure was that we did not fully realize that the Davidians were zealots in every sense of the word. In hindsight, had this been recognized it may have resulted in different courses of action

but, based on what we now know, it is highly unlikely that it would have led to a different result.

Anyone can spend hours speculating on alternate timetables or courses of action. For example, a recently published criticism of the timing of the insertion of CS gas discusses the prospect of cutting off the water supply by firing at the storage tanks, as if this had never been considered. That assumption is totally false. I raised that issue when I first arrived at Waco and discovered that it had been vigorously debated and rejected by both the Hostage Rescue Team (HRT) and the negotiators. The negotiators were against it because it was an act of violence and would validate the paranoia inside the compound. The HRT was against it because it would endanger the occupants of the compound since they could not fire at the storage tanks without the compound being in the line of fire.

Even so, when April 19th approached, the Attorney General reopened the issue and directed that a complete reexamination of the water status be done, even calling me on the telephone to discuss it. Again the same conclusion was reached for the same reasons -- it was too risky to the occupants to fire upon the water tanks.

Likewise, it is my understanding that many other alternatives to the insertion of CS gas were discussed each containing its set of advantages and disadvantages until a decision was made that only three choices were left: to do nothing and watch the conditions deteriorate; to launch a full blown attack on the compound; or to use the gas. It was decided that use of the CS gas was the most reasonable action -- a decision which will be discussed fully in these hearings by those who were faced with this difficult situation.

4. THERE WAS AND IS NO GRAND CONSPIRACY.

To the extent that LeRoy and I speak for any group in this hearing, we would like to think that we speak for the hundreds of law enforcement personnel, Local, State, and Federal, men and women, whose lives have been affected by the events at Mt. Carmel, and who now find themselves labeled by some as "jack-booted thugs," and allegedly, feared by those that they seek to protect. The law enforcement personnel who went to Mt. Carmel -- be they from the Texas Department of Public Safety, the ATF or the FBI -- went there to address and peacefully resolve a threat, execute a lawful court order, supported by ample probable cause and never found defective by any court, and bring the entire matter into our system of justice.

They were brothers and sisters, husbands and wives, mothers and fathers, and sons and daughters; they were little league coaches, band chaperons, scout leaders and members of the family that sits in the next pew at Church. On the 28th of February, two of the ATF agents were newlyweds; several of the ATF agents had candies in their pockets for the children; and many never fired a single shot, even though, once all the evidence was recovered from the compound, it became abundantly clear that the Branch Davidians had possessed a massive arsenal of assault weapons, illegal explosives, and illegal machine guns, as originally alleged in the ATF search and arrest warrants. On the 19th of April, though repeatedly fired upon by the occupants of Mt. Carmel, the FBI did not fire a shot, other than the non-lethal ferret rounds which carried the CS gas.

Every law enforcement plan -- whether that of ATF, FBI or Texas Rangers -- that was developed in response to the situation at Mt. Carmel was directed toward success -- which was defined as the peaceful resolution of the conflict, the protection of the children, and bringing any criminal actor to justice in a court of law.

However, one group at Mt. Carmel always had the ability to resolve the conflict peaceably: the Branch Davidians. On the 28th of February, had David Koresh surrendered to the agents, the result might have been that he and a few others would have been tried, convicted, and jailed, but all — every agent and Davidian, adult and child — would be alive today. Had they surrendered at any time during the 51 day siege, no Davidians would have perished in the tragic fire of April 19.

THE WHITE HOUSE

WASHINGTON

July 31, 1995

DRAFT

The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security,
International Affairs, and Criminal Justice
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Zeliff:

I am writing in response to your comments on "Meet the Press" regarding the President's involvement in events at Waco. Those comments were nothing short of irresponsible, intent on creating a story without any news and alleging a scandal without any basis.

The facts relating to the President's involvement in the decision to end the siege at Waco are a matter of public record. The President has never shied away from, indeed has repeatedly acknowledged, his knowledge and ultimate approval of that decision. Respecting and giving due deference to the judgment of the FBI and the Attorney General, the President accepted their recommendation to insert tear gas into the compound in a conversation with the Attorney General on April 18. During the week prior to that conversation, the President had learned of the proposal to use tear gas from one of his advisors, had expressed his confidence in the Attorney General to handle operational matters relating to the siege, but also had indicated a desire to review any decision of this kind. All this is spelled out in the Justice Department's Report on the events at Waco, specifically at pages 108 and 244-48.

For you, Chairman Zeliff, to go on national television, to recite nothing other than these facts, but then to suggest that you are exposing hidden misdeeds is a disservice to the American people. It is statements such as these which have prevented the hearing on Waco from serving a useful public function and made the hearing an exercise in the meanest and most unproductive partisanship.

Sincerely yours,

Abner J. Mikva
Counsel to the President

July 31, 1995



The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security,
International Affairs, and Criminal Justice
U.S. House of Representatives
Washington, D.C. 20515

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I am distressed that you would go on national television, recite nothing other than these facts, but then suggest that you are exposing hidden misdeeds. That is a disservice to the American people. Your comments were nothing short of irresponsible, intent on creating a story without any news and alleging a scandal without any basis. Statements such as these undermine your stated goal of reviewing the facts and making credible policy recommendation as to how to avoid such tragedies in the future.

Sincerely yours,

Abner J. Mikva
Counsel to the President

THE WHITE HOUSE
WASHINGTON

DR

July 31, 1995

The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security,
International Affairs, and Criminal Justice
U.S. House of Representatives
Washington, D.C. 20515

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I am disheartened that you would

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~~For you, Chairman Zeliff, to go on national television, to recite nothing other than these facts, but then to suggest that you are exposing hidden misdeeds, is a disservice to the American people. It is statements such as these which have prevented the hearing on Waco from serving a useful public function and made the hearing an exercise in the meanest and most unproductive partisanship.~~

Sincerely yours,

Abner J. Mikva
Counsel to the President

having open and honest hearings to
undermine your stated goal of reviewing the facts and making credible policy recommendations as to how to avoid such mistakes in the future.

DTR

THE WHITE HOUSE

WASHINGTON

July 31, 1995

The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security,
International Affairs, and Criminal Justice
U.S. House of Representatives
Washington, D.C. 20515

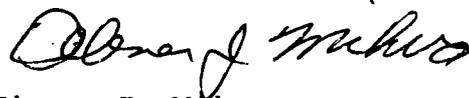
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Sincerely yours,



Abner J. Mikva
Counsel to the President

THE PRESIDENT'S INVOLVEMENT WITH EVENTS AT WACO

The President first learns of the ATF raid when news reports are received on February 28, 1993. Prior to the ATF raid, the President is not aware of the ATF's Branch Davidian investigation, an investigation dating back to June 1992.

Soon after receiving the news reports, he speaks to Treasury Secretary Bentsen and Dep. Secretary Altman to hear their explanations about the events surrounding about the ATF shootout. The President asks whether "waiting out" the cult was considered prior to attempting to enter the compound. Altman tells the President that the compound occupied more than 70 acres of land, that the people involved were survivalists and that there was a "window" of opportunity before more publicity developed during which ATF believed it could be successful in taking action. The President asks Bentsen and Altman to keep him informed.

On the next day, the President learns from WH staff (McLarty, Stephanopoulos) that FBI is ready to assume command and control of the standoff situation in Waco. The President calls Acting Attorney General Gersen to confirm his understanding of the FBI's approach: negotiate until resolution. Gersen concurs. The President asks to be advised if there is any change to this approach such that a tactical resolution is considered.

In the several days following the ATF shootout, the President places calls to wounded ATF agents and to surviving members of ATF who were killed.

During the first week of March, the FBI requests the DOJ to approve the deployment of military vehicles to assist the FBI in limited maneuvers to secure the perimeter. After Acting Attorney General Gersen notifies Chief of Staff McLarty of such a plan, the President immediately calls Gersen to ask for explanation. Gersen tells the President that no assault is planned, that the vehicles are necessary to enable the FBI safely to perform certain tactical operations and that it is legal for the FBI to use military vehicles for safety purposes. The President is satisfied with this response but asks to be kept advised if the FBI adopts a more aggressive stance.

As the standoff continues, the President discusses with McLarty his experience with a similar type of incident while he was governor of Arkansas. It involved a separatist, white supremacist group in northwest Arkansas. This incident was resolved successfully through negotiations.

During the week of April 12, FBI and Department of Justice officials begin developing a plan to insert tear gas into the

compound. The President learns of the plan through White House Counsel Bernard Nussbaum who, together with Bruce Lindsey and Vince Foster, have been briefed by Associate Attorney General Webb Hubbell on the proposed change in tactics. Nussbaum tells the President that the operational handling of the standoff is properly a matter for the Department of Justice to decide in the first instance. The President indicates that he has confidence in the Attorney General and FBI "to make up its own mind," but that he wants to know of their decision so he can review it.

On April 18, the President is informed by Bruce Lindsey that the Attorney General has decided to approve the FBI tear gas plan, and would call the President following her meeting with current and former commanders of Delta Force. Soon thereafter, the President receives a call from the Attorney General, who states that she has decided to approve the FBI tear gas plan and that the gas has been tested and would not cause permanent harm to children or adults.

On this call, the President questions the Attorney General to determine whether she had received all the information she needs to make the decision, in particular, information about the safety of the children and the reasons why a change in approach is being proposed now after seven weeks of negotiations. The Attorney General replies that there is a limit on time during which the FBI Hostage Rescue Team can maintain the quality and intensity of coverage; that no progress has been made recently in negotiations, and none seemed likely; that the danger of self-destructive acts by the Davidians in the compound would only increase with time; and that there is reason to believe that the children are being abused and are being forced to live in unsanitary and unsafe conditions.

The President asks whether the military has been consulted. The Attorney General indicates that they have, and is in basic agreement with the plan. The President concludes that the plan is her decision to make and if she believes it is right thing to do in the circumstances, he concurs and supports the decision.

On the morning of April 19, 1993, the day of the FBI insertion of tear gas, the President speaks to Attorney General to receive a status report. Later in the day, the President issues a statement expressing deep sadness at the loss of life in Waco. He states that the particular course of action followed this day was recommended by law enforcement agencies for reasons explained to him and that he had told the Attorney General he would support and stand behind her decision.

On April 20, 1993, the President makes a formal press conference statement on Waco, indicating that he had "asked the questions [of Attorney General Reno] I thought it was appropriate for me to ask. I then told her to do what she thought was right,

and I take full responsibility for the implementation of that decision."

At the press conference, the President also announces that he has directed Justice and Treasury to conduct thorough and "non-political" investigations of the events at Waco and to determine what lessons should be learned for the future.

THE ALLEGATION THAT "THE WHITE HOUSE CALLED ALL THE SHOTS"

The charge that the White House called all the shots in Waco -- controlled all the events on the ground -- is refuted from the moment the names "David Koresh", "Branch Davidians" and "Waco" first came to the attention of Americans everywhere. For it was only at that time, February 28, 1993, that the White House itself become aware of the situation in Waco, Texas.

Prior to that date, the White House was not aware of the longstanding ATF surveillance and investigation of the Koresh compound -- an investigation dating back to May 1992 in the previous Administration.

Once informed of the events at Waco, the White House -- understandably and responsibly -- contacted key officials at the relevant enforcement agencies (ATF, DOF and FBI) in order to be kept informed of developments. Moreover, at the beginning of the standoff, the White House made very clear to the enforcement agencies its preeminent concern: seeking a resolution through negotiations. The key agency officials were also informed that the President wished to be advised if there was any change to this approach in the direction of a tactical resolution. But beyond those measures, the White House adopted a model for handling the crisis that made sense from a law enforcement standpoint: permit the enforcement agencies on the ground to monitor developments and draw up operational plans, in the first instance, with later review by the President of major tactical decisions.

The President relied on members of his senior staff to communicate with the relevant enforcement officials and keep abreast of developments. The President spoke directly to key law enforcement officials whenever a major tactical decision needed to be made.

This level and pattern of White House involvement -- deference to enforcement agencies on operational matters with a right of final review -- was followed throughout the 51-day standoff. For example, during the first month, the FBI requested the DOJ to approve the deployment of military vehicles to assist the FBI in limited maneuvers to secure the perimeter. Acting Attorney General Gersen so informed Chief of Staff McLarty who, in turn, immediately informed the President. The President called Gersen to ask for an explanation of the need for taking this step. Gersen explained the reasons for such a development; and the President was satisfied by his response. The President then sought assurances that he would be advised if the FBI adopted a more aggressive stance.

The same pattern of White House involvement was in evidence in dealing with a second major tactical decision: the insertion of tear gas into the compound. That plan was not presented to the White House until the FBI and DOJ had developed a preliminary recommendation after researching a number of issues, including the safety of the gas for children and adults. At that point, the DOJ briefed White House staff. In turn, White House Counsel Bernard Nussbaum briefed the President, offering the view that deference should be accorded to the DOJ and FBI for operational tactics within their direct supervision. The President agreed with this basic model of decisionmaking and expressed his confidence in the Attorney General and the FBI. But he indicated, properly, that when a final recommendation was made by the enforcement agencies, he wanted to review it.

THE WHITE HOUSE
WASHINGTON

July 26, 1995

The Honorable William Zeliff, Jr.
Chairman, Subcommittee on National Security, International
Affairs, and Criminal Justice

The Honorable Bill McCollum
Chairman, Subcommittee on Crime
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Zeliff and McCollum:

I write this letter to summarize the White House's production to your Subcommittees of documents pertaining to the 1993 events at Waco, Texas. I also write to resolve the one remaining issue that has been the subject of our discussions in the past few days.

As you know, in response to your Subcommittees' request for documents, the White House several weeks ago turned over more than 1,000 pages of materials for your unrestricted use. At that time, I indicated that there were an additional 28 White House documents that required different treatment because they were covered by executive privilege. The confidentiality of such documents must be respected, as it has been by prior Administrations, Republican and Democrat alike. No President would be able to obtain the frank and candid advice he needs from senior advisors -- on topics ranging from foreign affairs to domestic problems -- if those advisors feared that such advice and information would be made public whenever Congress subsequently asked for it. Such a loss of confidentiality would have a substantial chilling effect on *any* President's decision-making process. A very similar principle operates among Members of Congress. Indeed, Chairman Henry Hyde invoked this principle just last week in his response to Congressman Conyers' request that your Subcommittees disclose pertinent notes and memoranda of Committee staff to shed light on the NRA's role in the Waco hearings. Chairman Hyde rejected such disclosure of Committee work product, stressing the importance of protecting staff members' ability to "gathe[r] information on a confidential basis, for the specific members for whom they work."

While the President has pledged to uphold the principle of executive privilege that his predecessors have preserved and that prior Congresses have recognized, he has also stated publicly that he would "cooperate fully with all congressional inquiries [about the events at Waco] so that we can continue to be fully accountable to the American people." Accordingly, I set up a procedure with you to ascertain whether any of the 28 documents contained information that would be essential to your Subcommittees' hearing. I indicated that if you identified such information in any particular document, the White House would

Chairmen Zeliff and McCollum
July 26, 1995
Page 2

make every effort to reach agreement with you on the Subcommittees' use of that information. I also made clear that, if you could not demonstrate that a document contained such information, the Subcommittees would not have shown a need sufficient to overcome the executive privilege that protects that document's confidentiality. This process is precisely the sort of accommodation between executive and legislative interests that courts have said the two branches must pursue in these circumstances.

To carry out this procedure, the President directed me to let both of you review the 28 documents in my presence. I offered to do so on any occasion and for as long as you needed. As you know, we initially had two meetings during which you were able to look at all 28 documents, some more than once. We provided this access to privileged documents even though none of the documents adds anything of substance to what is already publicly known about the Waco events, including the facts disclosed in the voluminous reports published by the Departments of Treasury and Justice at the direction of the President.

Nevertheless, following these meetings, both of you made the case that two particular documents -- both originating from the Treasury department -- would be of real assistance to the Subcommittees because they reflected the contemporaneous thinking of various Treasury officials as the Waco events unfolded. I found your arguments to be persuasive in light of the President's commitment to full cooperation, and thus I provided copies to you, subject to the reasonable restrictions that you and I agreed upon in order to preserve the documents' confidentiality outside the bounds of the Subcommittees.

It was after our meeting on Thursday, July 20, that I also learned of your request for a copy of a third document. My initial response was to provide, for your use, a written summary of each of the three Waco-related paragraphs in this document because, unlike the two Treasury documents, this third document is a memorandum to the President from his closest advisor -- his Chief of Staff -- and therefore lies at the very core of executive privilege. Moreover, the information that it contains is already in the public domain. Over this past weekend, however, you reiterated your view that use of this document would benefit the Subcommittees' work, a view that appears to be based on the choice of words in the document, rather than the facts recited in it.

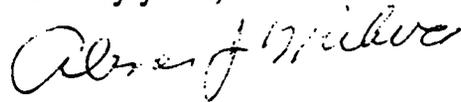
You have indicated an interest in two sentences encompassed in the Chief of Staff's memorandum. In particular, you wish to be able to quote a sentence in the first paragraph: "[Acting Attorney General Gersen] concurred fully with your philosophy regarding this matter and assured me that no significant action would be taken without White House approval." I have no objection to your publicly quoting this phrase. As you know, the fact that the President wished to be advised by key law enforcement officials before any significant change in tactical strategy and that he subsequently was so advised is already a matter of public record, for example at pages 126-127 and 236-245 of the Justice

Chairmen Zeliff and McCollum
July 26, 1995
Page 3

Department's report. You also wish to be able to use a phrase appearing in the second paragraph, in which the Chief of Staff indicated he had spoken with Secretary Bentsen and that "[Secretary Bentsen] is on top of the situation in Waco." I similarly have no objection to your quoting this language.

I have recited at some length the White House's accommodation toward congressional interests in this matter because I believe our accommodation is unprecedented. The record makes clear that, even with the long-recognized need to protect the confidentiality of Presidential deliberations, we have made every reasonable effort to provide necessary information to assist in the work of your Subcommittees.

Sincerely yours,



Abner J. Mikva
Counsel to the President

cc: Hon. William Clinger
Hon. Henry J. Hyde
Hon. Cardiss Collins
Hon. John Conyers
Hon. Karen Thurman
Hon. Charles E. Schumer

Jalen - 15 min overview of Themes from trial
gas was.

live from w/in

all agents did best in day's
mistake made

trying to learn -

welcome any inquiry.

btm line: & could have changed outcome.

Panel 1 laws + warrants

loyal expert - NDA Assoc - Robt Deschamps

Montana

warrants more than suffice re explosive/
firearms

Goldstein - ATF failed to knock + announce
(knocker - lost his Themes) → new 8th case
part of 4A news' case reg.

McMahon - sold guns to K

Tibbalds - in compound during ATF shoot-out.

Panel B

Ag - came upon scheduling Thursdays of inves
attach: wrote bad warrant

Sarabyn - as heard

Dunaj - charge of undercover honor. Rep.
criticized. He'll be heard

Hartnett - "uncount w/ intelligence. Do same news"
(contemporaneous)

Cadison Owen - ID as magazine guns

Perry - psych. - child abuse. Quoted lost wh: no

wanted to
Friday ←

c.a. Inconsistent w/ prior stmts.
(Diaz - coming at their request)

Ceding time OK.

Unanticipated 2 or 3 hr
breaks - approps votes.

Deems - no desire of mbrs

1 hr 40 mins } 3 hrs of 7 1/2 hrs
1) 4 mbrs - each 15
2) " " " 5
3) chairs / ranking mbrs of
each subcom - 5

Tokushu - NARA - prep of affids for Feb 28
warrants. Prob cause - carefully reviewed.
& unusual or rushed.

Day 2 Panel A

Sander - Lost to Hysing in Director; demoted; left.
Went to consult in NARA. Frey. Litigant aft
PTF - II's cancel

Ishimoto - Technical reviewer of report. Reviewed
all ev. All books.

Morrison Also a tech reviewer. Most critical.

Koonce - What one would expect to find/see/smell
in typical meth lab. (Purpose - to dispute
notion that this was 1).

Also - no raid w/ meth lab - bec of explosive potential

Panel B -

H. Holmes - DOD
Support to law enf. Provision of
equipment throughout operation. Who approved.

Asst
Buttman - JAG - posse com. - no probs.
Philip Lindley - wrote memo (St of Future)
re support to ATF - all sorts of p.c.
issues. He's talking abt what was
requested (in his ^{understanding} ~~view~~) - not what was given
No probs

Rehee - Approval process. Very good.
Fitts - Paper (??)

Recommendations as to how to take down a meth
lab. Not followed.

[DEA's offer of assistance declined.]

Drug issues
didn't make
much difference.

DOJ - What ATF said re drugs made
a diff in how support would have been
coordinated. Diff of channel in DOJ would have
More effort than usual to check This was
drug-related.

~~One kind of helicopter~~ anything could have been used
w/out drug issue. But would have had to
find diff funding.

3 more eggs - special force team

2 supposedly at compound - but not.

Panel C -

ChD + Saraby. TR is a lie etc.

Rehnd - line guy. Most of void planning.

Attack - bad planning.

Merletti - respond to Vera Lynn.

Paul D - Ent Office - Treasury

What happened after they were told we
waited.

Day 3 - Panel A

Kiri Jewell - 14 yrs old.

Mother a Koroite. He slept w/ her when 10.

Father urging testimony.

died in line

2 public record docs re this story.

Morrison - tactical adviser

Evans - rep'd 1 of Davs at trial

Blaker - militarization of law ent.

Panel B - meltdown

Rod - solid - will cand. but state since this
happened.

Whelan - media person. Response to ally
that she tipped it off; wanted to create
media show

Special Agents John Williams - right behind...

Roland Bullock - 1st guy up

liveaway - shot them off.

Black - why T. didn't fire S. + C.

Day 5

Delmer

Zimmerman

observed bullet holes in wall -

firing down from helicopters??

Private efforts to end war - would have
been successful. FBI didn't give chance

FBI log - followed up lots of calls from rel. people who say they could help.

FBI not negotiating in good faith.
Should have been more patient.

Panel B

Arnold/Taber - FBI didn't understand religion.
Mistake to fail to deal w/ K in rel terms.

Cook/Burns - Rebutte notion that FBI prevented K from surrendering to them.

Briefed on gas plan - agreed.

Thought K was never coming out.

Dump on certain indivs - arrogant / difficult. - Samar

No ultimate effect.

Love ATF

Hilburn - consultant on religion during seizure.

Nepts Expert - ??

→ FBI didn't appreciate.

Poster - cut of contact -

acct for strongly held

religious views. A-H

(Ash-Sage, Samar)

Panel C

Smerech - behav. scientist - wrote memos in to rel. zealots - back of - sent T pressure.

Left in frustration after didn't glean superiors w/ advice

Critical. But K - can man / They - no real date to outcome.

Cavanaugh - rapport w/ BDs. Why taken out?

Sage - Chief negotiator. Best insight into people

Noesner - Chief FBI negotiating there for first time
Directed here & that

look at
Days, A -
expord!

Panel A - "independent"
b/c chance of being covered
by media.

Jama - on-site commander.

Deitz is O/T

Sixth Day

Paul Rice

> experts on Cl tear gas.

David Upshall

toxicity of tear gas

GAO report (?)

Alto Shum

← also came after ATF - NOT ambushed

+ Marcus - toxicity of ever, Quincy

Decided all a
cover-up / never came back.

Panel B

how tear gas was formed

operation plan - w/ 2 variables.

A - slow + incremental (24-48 hrs)

B - if K. opened fire, gas while they.

(still 48 hrs - but full instruction...)

McC - DOJ outside review. Expert on SWAT teams

Panel C

Discussion re whether want to keep

BN on.

Day 7

How fire started generally

Shew - ??

Quintere - ^{AD} M.H.

Review of FLEER tape -
fire started 3 or 4 points of origin.
Doyle - survivor of fire. People inside Olshury,
couldn't move, couldn't get out.

Ev that he was 1 of persons who started
fire.

~~Not~~ Not charged w/ arson - not enough
ev. to indict.

Paul B

Gray - led arson review team

wife is support staff for ATF

McCallum v Zeliff re whether to bring

This in

Roper - commander of hostage rescue team

Also 3 operators -

1) driver of ?

2) raced back into building

3) ATF sniper saw ^{what} looked like a
Dav. firing gun.

Dennis - outside reviewer. FBI didn't start
fire.

Next wk - no Thurs.

Ab - Monday 8:15

Fenn - speak on current crisis input structure

Also Potts + Noeener.

Weekend arts?

DOT Faceline - to verify stunts, into
for reporters, editors
staffed until 7:00 each evening.

Treasury - demonstration exhibits
ASF helmet w/ bullet
vest " " " hole
machine guns
video - agent shot thru wall.
Schumer
~~Mac~~ is going to introduce.

In breaks - reporters will want to talk (esp
TV/radio)
we to figure out - who to put up at next
break. Maybe more than 1.

Treat will have Montan. Fehelli, ^{Low} [Ciccone/Hij] → sweat
↳ Sap - FBI equivalent
↳ together - fantastic

Media -
CSPAN - tape in eve
WETA - aft.
NPR - ?

Hearings - Day 1, morning

Zeliff - unanswered q's; prior invs lacking

4 agents - honor / respect

ATF - plan flawed? how/why executed? who approved?

how much mil equip? why? legal justification?

gas - how aware of harm to kids? who decided?

At pressured by WH? roles of WH + VF?

1 - respect for law enforcement

- not about militias, OK, gun control. Just oversight.

McKullam - uncover errors; discover who should be held accountable;

create reforms

mil-like tactics to serve warrant?

ATF mislead US army?

Judgment of PG to use gas?

Article - damage control expert.

Not here for that. Objective, fair hearings.

Some conspiracy theories unbundled.

Restore trust in law enforcement

Thurman - Deserve deeper exam; don't obstruct - not a 7P subj

See what was wrong; avoid trivial partisan politics

Scheuer - Should have hearings. Mistakes; admissions; reforms

Danger - distraction. No show trial, kangaroo ct

K - dangerous sick man. Armed fanatic

sexual abuse; obsession w/ guns

Nothing executes ambush - don't meet warrant w/
unlawful gun

Hearing on militia & law!

Collins - Law out abuse poss - racism etc.

also weakening warrant reqs (Construct)

Ruby Ridge - Ranch

NOT partisan issue.

OK bombing → Waco hearings.

Not unbiased - tainted by NRA involvement

Disclosure of all contacts staff/NRA!

Questioning under oath!

All about assault weapons.

No hearings all yr on critical legislation this yr
And look at this new found concern on civil rights.

Lantos - Cloud hanging over hearings to dispelled.

NRA involvement, letter from Hyde - share outrage
Your staff involved in non-political way.

Entitled to respect. I believe you didn't know,
but many of your staff directly responsible for
financing people of NRA.

Zelick - All of us held accountable to this hearing & its results.

Other issues not relevant.

Tachibana - Recorder rules - disallowing mems of this
cmttee from asking Q's.

2 - Process agreed on by maj/min.

Watt - rules - are disenfranchising others - by leadership on both sides.

Taylor - witness list - starting w/ raid - no look at events leading up - no context.

Subpoena additional witnesses!

McC - 85% of min requests have been granted.

Lee - Not ent line officers on witness list.
Go beyond 8 days.

// 2 - DOJ, FBI very upset abt request for line ofc.

Leahy - You refused to answer 2.

What has been involvement of your staff w/ NRA?
Disciplinary action?

Coyne - Investi-~~gation~~ of NRA activity.

Schumer - NRA - every right to make views known. But...

Hyde - W. who passed lawsuit off had no connection w/
Cory, staff who met w/ her prepared.
Wanted to delve into prep for hearings.

Leahy - goes to integrity of process.

Coyne - violation of rules of House, even on the law.
issue subpoenas!

Schumer - Ms. Hays - letter intimates prior contacts w/ staff
We produce sacrosanct? That's what counsel to Jones
has said. Maj has said NO!

Blute - Concentrated effort to throw off-track.

Schauer/Coyne - let's wait see if we can work out. If
not, review follow.

DONE.

CNN film clip. Dennis knew & about this!

Mica - unprecedented delaying tactics. M.u leadership horrific controlled
w/ voters. Muj - provided with, etc.

Watt - & in rules allows this. Needs to be substantiated by wit!

1st witness - Reavis

Followers - rational

Relieved in ult confrontation btw followers + state.

K. began buying rolling guns - stockpiled weapons (see they
were gun dealers - this was an inventory!)

Not all B's involved in gun op.

K began accumulating weapons to manufacture when he learned
that ATF was by means (?)

Affidavit weak on several points. No active btw byt
Nov.

K. was guilty of stat rape. But why is search w.
abt this when ATF has no juris over them often?

ATF must show parts unred w/ requisite intent.

Warrant had see intent warn & show.

Was raid necessary? K off the compound on several
occasions.

Element of surprise lost - mt had been expected
Helicopters flying off Mt Carmel -

helicopters came over before ground troops.

But let holes in roof - came from a bomb.

Alleg. of methyl lab. But no long derivatives in compound.

Govt ignoring FOIA.

Wright - Likable democrat / support assault weapon ban

Plutonium of religious nuts - often apocalyptic.

Military-style raid. Not just decision not to abandon. Key -
decision to do raid at all. Less conventional means
available.

Exaggerated version of BDs. became characteristic of evil.

Talbot - Aug-Nov gap: probably because wrapped up in computer?

Re Wright - not an end mel met. Kids knew how to commit
suicide!

F. was determined to have incubation.

ATF was just the incubate machine.

Re helicopter - no ev. of any gunfire coming from here.

Released how to commit suicide.

No indic^{intention} that I was going to surrender.

BDs started fire - conclusive proof. experts of all kinds.

Japs - listen to directions "spread the fuel"; clo. was smelted
of fuel

Z - Most imp thing to be in hearings?

Reav - declassif. docs. TX Rangers?

⇒ Z - we've had some trouble too.

Z - Acting in self-defense?

No. Just a claim.

Z - No one convicted?

Right

Z - Why out of process of review?

Order's

Thurman - What docs are you still looking for?

R - TX rangers interviews.

Only seen 20 - 40 more

TX rangers won't release.

They say there's a lawsuit.

Federal J - Exceptions under FOIA - congressional legislation.

big backlog on FOIA requests

T - how do your findings differ from other press reports?

Non-answer answer.

T - EV of sex w/ kids?

McCullum?

Q - Helicopter being testimony at trial?

L - Agree that all ev supports no intent to surrender?

Q - Danger of gas?

Q - Take out/pull off Cavayk?

Schumer -

Q - How charac R's factual accuracy?

series of inaccuracies.

AK47 rifles converted into machine gun: In contempt?

No.

ATF had to answer warrant w/ machine gun.

Never a challenge to warrant? Right.

CS/line

Q - ATF killed by friendly fire?

Q - Ev of sexual abuse

Taylor:

Q - Normal Chr preachers? Normal bus as gun dealers?

R - built by viol of law.

Q - Hundreds / succeed other - /C succeed R.

Congress - Quote 149.

→ // R - Perhaps firearm laws are unconst.
given current st of law, firearm laws are const.

Q - warrant invalid

J - no

Q - dynamic entry - any way to avoid.

Don't know. Must defer to experts.

Embarrassing in whether R had chance
to answer q. Can he answer

What I did was illegal. But law mt have been
unconst. Cts now say they are. But maybe
later...

Panel A

Beau

Tibbalds

Let's compound frequently, it sporadically.

Including in Jan/Feb

Go out running

Affidavit - meth lab. Any such faults? No drugs.

pineapple hand grenades - not to my knowledge

Ever visited by DEA agents? No.

Magbag - garage, red car. Car empty? Not aware.

To boldster - Affidavit. Like many affids, it ^{was} a hypnosis

lots of invl, inflammatory mat'l. Not unusual.

Mrs. beyond expectation / quiz over entire seeking warrant.

EG - child abuse - not rel. to reason for entry.

Legal rule - have to show misstatement - almost imposs.

This mt lack prob cause.

Doesn't mt - g.f. exception -

That's where the prob. is.

Fau Kenoy - (Myr Old)

Read street

Went to Waco prior to Feb march

Told Dad - no one will get out

They'd all die

we thought we were big - sometime we'll all die

Denahue - March 10

Star of David

Said gang of imminent suicide

Dad sent Mr to Chaudin

Other checkers - Aisha, Michelle Jones

Methods of suicide -

not taught, known

Don't think it's right that you are getting things out of
it that they shouldn't,
This is my hope

Schlitt -

McMahon - firearms dealer

sold firearms to K. Said wanted as investment.

S.W. - "lawful possession" - no: unlawful.

definitional action cited - stoppy law ent. ab.

Gelstein - cts always do this. Stoppy.

Deschamps - does happen all the time.

It spent as much time working out as
deploying military equipment, fewer mistakes.

lots of surplusage - inflammatory material -
involved to law ent; outside scope of agency

ATF has no jurisdiction over S.W. off.

Prob is that law allows redaction of invol. mat'l -
even lies. no real answers.

Patricia Thomas opinion, no one thought
that knockdown law had any teeth.

No ref. to expert views.

Didn't avail selves of less intrusive means

Selkover -

What real equipment?

To Barber - TX law ent. called in ATF

Extent of shipments - apprehensive

DesChamps -

authentic public cause. Absolutely. Not borderline

No challenge to warrant from excellent attys

And in fact all arms found proved true in respect
Issue of warrant - seems pretty clear, no one did
any wrong - let alone in conspiratorial way

Blake ? w/ The bidamp

Substance ?

Scott - Exclusionary rule
6F exception

Poyant -

Large of time btw into + exec of SW

Lokren -

Qs to Keri

• fan-lyfe - New toy

Talked to fed agents in Feb abt medication

At least 5 marriages arranged so p could stay in
country.

Always prepared to lie

Kory David would spl w/ your wife us to keep
him wrong. Psalm 15 justified all of medication

McCallum

How did fire begin?

Tibbodeaux -

No shots that morning - even after being gassed
Denis knew how fire started.

* No plan to set fire.

Slaughter - Relationship w/ Mr. Jones

children of K.

45-min notice. Mr. Jones (warden)

Stories abt kids being kept w/ no food etc.
speaking (KRS)

Relife - Didn't need subpoena (KRS)
staleness re prob cause.

Goldstein re suppression hearings generally

Tibbodeaux - finding Winston Blake dead.

1?!// Poss that hard precedents could be reopened/lit.

Taylor -

Mr Jewell - custody hearings.

Need to know context. Mane Freund

Former who called Mr. V. Warned him of super
unparalleled evil intent

start a war b w/ rest of world - rivers of blood

Testim re w held captive / systematically raped &
dehumanized.

EV - custody trial - incarcerated.

Schultz -

S.W. again -

- prejudicial + inflammatory
- misstates statute - sloppy
- technical mistakes of law

hurry to make a bit of work w/ this.

Campers

not contact?

(Couda(er) - You contacted re hearing.
Talked to them yesterday.

Jim Warner
There, no want at all
Sudden change

HP 666

Chapin -

at camp to direct testimony?

Schultz -

State articles came to inves kids -
crossed case
limited benefits out to compound

Collins

2 phone calls w/ K.
tight back - kill everyone they had to

Green -
grenades

Lee

Religion or cult?
unreliable
Mistake

took away
winds of
others
223 seems sold to
him
not licensed for
dealer

Burr

Johnson -

Dynamic entry

— used to work —

Schamer

To Aquilina - referral from local law enforcement

or supporting warrant

To Johnston - Ag. did good job

Decision to put ^{sup about} in affidavit - very call
context for why Ms Sparks was there

Found - books re how to make bombs

To Owen - ID of weapons

To Dr Perry - offensive to suggest this is "unholy"

plans about / grooming to be sure objects

Men separate from w + kids - The body op - Ltd knowledge

Tranquilized

Ehrlich -

Request for Bradley lighting vehicles

Drug nexus?

^{with} medical assistance/training to ATF

surprise - press awarded all of year. use.

Proctor -

To Dept Request to National Guard re drug nexus

Plan for dynamic entry

justifications

Timing of entry

B. suggests K should have been arrested outside

changes made in procedures?

Element of surprise

Heineman -

Intelligence gathering prior to raid

P. 9 - rarely leaves compound.

Thibodo says no

Use of IR ranges for intelligence purposes

Basso
Shulkin

Arrest IC outside? Gather intelligence on this? No

Declined invite to compound - over premature

Sambryn - we considered arresting him from compound

Element of surprise

Taylor

Quotes from I Rpt re Aguilera

Lohmer

Resisting ^{Dr} entry

Scott

- Exclusionary rule / go further exceptive

Lee

Zeliff

Weapons

Trick to get access

Marcus forced to open fire.

Schumer

New expansion ev.

or x-ray

* *

Shadell

Ever take up K's offer to look at weapons
in compound

Why dynamic raid necessary?

Fire from helicopters?

Hartnett - some cover-up.

Some ST WTS innocent

In report - omission / falsehoods

Concerned about fallout from media.

They felt they had to write a scathing report
Innocent people suffered.

Noble says we directed not to go beyond 14 best
element of surprise

But no such order

Aguilera -

Higgins said 'don't continue if element of
surprise lost'

WACO - Day 2

2/20/95

D?

Zeliff - 2) s.w - inflammatory lined

3) little consid. to non-dynamic entry

4) no ev of drug lab - so why mil?

5) helicop shot thru roof? how much ev of abuse?

6) loaded gun on board helicop

7) papers turn out of ATF search logs

8) T. Rprt - falsehood, distortions (Dep Dir)

Misa - Enam joining Treas. Dept circles

trying to influence what agents are saying

Podesta.

guns - how do you get, when we don't

Schumer - instructs Sanders - connect w/ NSA.

Schiff - Request to military on basis of drug laws.

Well planned? Blumstein - consultants allowed access to all mat'l's. Plan had near chance of success.

Thurman - review process. Access to docs etc.

No resistance to providing info. Total access. No conspiracy.

How to prevent from happening again:

What done differently? Sanders - no mil-type up.

Mexican - more active report review - contained in report

Scott - exclusionary rule.

* || Forms of entry - less lethal
ATF - returns taken.

Rumel - Lack of about conditions. In there, but not followed.

No full flow of info to tactical ideas

Lack of exper / absence of clear chain of command

No one person w/ access to all info

Communications syst; organizational input syst

Weak drug network

Labos - Turekova / WTC / Japan / here Means of mass destruction.

* Criticism of mil involvement absurd

Integrate mil into fighting these threats!

↓
planning / precedents not involving drug use

Wounded Knee / Pine Ridge

Notes series pending grievances congress - mil has special resources.

Detroit visits / Little Rock

Wall - No lying re drug nexus
Had old info; also some info from ~~Gov's Office~~ ^{Gov's Office} who said cause
Real reason for raid: failure - loss of surprise

Hummer - DOT has revealed all.
We'd still like to see what we need.

Ingers - AFT could w/ other ops - not unusual
If anything, prob is that not enough coop.

Zeliff - Some of meth lab; training needed to take lower
DOT has lots of expertise - but not nec to have involvement -
others can do.

Jackson Lee - Acknowledge - nervous fall short
in TRP

Ⓟ

Coble - Dynamic entry - can reduce risk in hi-risk sites.

But D. tactics are hi risk - involve training

Risks of tactics weighed against necessity.

(~~Person~~ FBI guy) = need ^{real} necessity to outweigh risks here.

Condit - Other military involvement? What stds are used?

Review process by DOD to make sure involvement proper.

Done here.

McKullum - ^{Spartan} Arrest away would have reduced risk

Wagner - Team approach - multi-agency

Zeliff - Meth lab & dyn entry?

Each diff - take all circe in acct

Minister - planning didn't really include fact of meth lab.

Still missing Hill's logs

Schumer -

13,000 boxes unindexed Treasury

Every single line - given

4 new boxes yesterday

Reduced docs held by Zeliff

McKullum - generally been cooperative.

Wheeler - Why declare inevitable to 10 in?

Summers says no reason

Others say depends on circe.

Boyer - Documents - hope passage of time will dim memories

DOJ to DOJ: deint interview

Handwritten notes, etc.

Summers

Boyer - Fired in the field by HQ

Troubled agency - TVII, sexual harassment, racial discrimination

Greenie -

Slaughter - Would not make sense to surve SW except on premises

Request that -

T+J reports -

~~Panel B~~

Bulger - Clear that PC doesn't apply to AG funds under it
control. Not a gray area.

Thurman - 2 soldiers not at camp and
Procedures re ~~the~~ request for equipment

Bulger - Drug nexus - not req'd - just reimbursement
Initial request - impermiss.

Thurman - No action taken violating PC
Not even close
Even assuming delib misshut as to drug lab,
only diff is as to who would pay.

~~Subst~~
~~Subst~~
~~Bulger~~ Info from ATF re meth lab
Not DOD's role to 2nd guess drug nexus

Slaghter - Existence of meth lab quite possible

Sheddy - ATF never evidenced a concern w/ a meth lab
Document - "Sham initiated by Lomax HQ to
(Cust lab) - get assistance" 00010228
Concern that 1 of her to another even if could have
gotten similar resources by other means

Selbst - Created drug connection to get mil support - part 2
in list from (JTF-6)

Also - ATF couldn't wait to do mil-style raid.

- didn't arrest outside
- turned down offer to come into compound
- prep poor - surv team spotted
- surprise list
- rushing to get medical team

Poor input by ATF put com agents into
unclear, deep sit

Udall

Clarit - re JTF-6 can't serve a/c
drug users.

Key is whether
ATF
deceived -
w/ a mt
of DOD
conduct

Other assistance OK and p. c. law
+ other DOD policy.

Usually reimbursement, NOT for drugs
to mil.

List of equipment

used in 2 raids

What on list day?

Just TX NG helicopters?

111 11
PANEL C

Blake - No written road plan!

Schumer - 15 shots by machine guns - by BPs.

Differences as to accuracy of report

Collins - invitation of K - dangerous to accept - killed or taken hostage

Why not arrest outside? Need for speed

* BARR - memo does suggest "no notes, no SS" etc.
no IVs

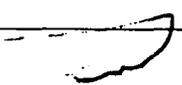
procedures for shutting review - when a local
gen is prosecuting a case.

Also does re T. provide insistence on removing
personal files from record.

Mica - Making field agents the scapegoats

DET presence - local agent

McCallum - Why was? What was the imminent danger to
the community?



MS 6-1414

DAY 3 - PANEL 1

Dispute re subpoenaing witnesses Taylor wants.

ROUND-UP HEARINGS

GORELICK

NOTLE

Underkey in Ent, Treas

LANE

Inspection Gen'l, Treas

FREEM

FBI

MAGAW

DIRECTOR, ATF

CONSTANTINE - ADMIN, DE A

Match - Exhibits - hunting license, invitations

to Magaw - Don't want to analyze etc.

How many ATF agents etc.

- 1980-85: camping etc. ^{OFFs} mostly from local area.

Family affair. Even then, blacks wouldn't have felt welcome

1985-90: Reverend's Shimp. Still in ⁱⁿ phase

1993-5 - 7 or 8 active, 3-5 retired

(more from 85-90)

Always, a dozen or 15 - mostly agents

93-7 active, 2⁵ retired

94 8 5

95 7 4

ATF agents always organized IT.

? from ATF using ATF offices.

Until last 2 yrs - same organized, now retired
1 in appaled.

grew rapidly: 1980 - 57 total
Shirts - demography / racist
1 person dressed as Klansman -
sodomy on person in black box
Some criticized it at mtg.
Organizers said - no more of this.

To French -

Used 7 FBI agents (incl support ee) -
Each had said didn't partic. in racist conduct
" " " " observe any such activities
1 went 1982 All EEs asked if they went
1 went 1984 That's all
1 went 1988
4 went 1991
1 - 1992 - 95

Gorelich -

tentative

preliminary fact-finding. Didn't know any
DOJ ee's involved until late last night

Constantine -

10 agents starting in 84
us. 2 each yr. 4 in 1993

MSPB - making use whom p. who aren't
fit to be law enf off's.

WACO
CONNEL

Specter -

Why not detected earlier?

Depos - part of lawsuit alleging discrim agt ATF

2 Jan 24, 1955 - he said known throughout ATF

in context of lawsuit - and given "well-known" -
why didn't it come to attention earlier?

- legal counsel knew. Forward in comments
by 1 indiv (Wrightmeyer).

lots heard abt it in org.

Legal counsel should have brought it forward.

^{early} Stewart - black ops - deposition a year
ago.

2 separate issues - racist shunt / roundup.

lawyers concerned w/ collecting all neg
things. Just part of suit.

Should have been advised earlier.

Should have handled earlier.

When did you 1st hear?

I heard for 1st time when I saw it in
paper.

Inspectors began to look at it in
June. Hadn't told me about it yet
2 a month ago.

S: lawyers knew abt it Jan 24 - or earlier
(a yr ago)

I've asked them. Looked at it as part of
lawsuit. Just looked at it as part of case and
didn't know really anti-black.

St. Aubrey testified specifically.

No - Stubs mentioned not tied to roundup.

~~4~~ S - Trying to figure out when other ranking
off's found out. When they knew; what they knew

Process already started.

over-
valued / S - to
S - Can - when did vanishing members of HFF learn?
Don't yet have exact info to be helpful

S - when did Freek learn?

lost when?

litto / - Ask which vanishing officials knew
Peter to IG inquiry.

S - What impact on rendering of life.

McGowan - Need to correct probs. Developing gd syst
now.

S - Don't understand. Don't you have to rectify probs
alleged in this lawsuit?

Don't want to favor blacks - other groups
too: hispanics, women, etc

Just trying to be fair.

S - When will life end?

In mediation.

* * * S - Don't have to wait for judge. Make own eval
as to complaints?

I'm looking. God is asking for too much.
Other fgs will resent.

S - Probs exist w/ 17 other units?

All have experienced probs.

S - Freek - cancer? Probs that reason back of
all these sps.

* * * W/in FBI - NO

We had probs. lawsuit - new method.

Older out - hispanics - settled.

List of grievances by w.

Re Probs - most had been on - solved most.

To Constantine -

1960s - all white male

Tried to address huge probs quickly.

Run into probs - trumping sensitivity syst.

Each of us to wh thru these.

DEA - 2 ct decision / court decrees.

Magaw -

Expect to get it settled.

S - Why no disc action agt Wightman for racist
stunts?

Retired before depos. taken

Do stony after retirement?

Don't think you can - even for felonies

S - Take another look

Hoffin -

Q - How comprehensive will your review be?

Law
Gorelich - 120 day deadline

Limit scope to rounding

Q - Why not extend?

Magaw - stuff

* // Q - Broad-sweeping issues.

Hope each meet w/ A-A gps

Gorelich - no limit on what can be

will look at. Put me wherever they go.

At open to all complaints, criticism

(Next Sar - nt
Cynthia

Feinstein -

Attids - excessive use of alcoh
poss use of narcotics
" rape of w.

Commitment to investigate, when it
appropriate.

*// Time for code of conduct - military / law
ent. - even in private time

Hatch

~~Read~~ To McGraw - Two raid commanders - discharged
as result of T. report.

Reads Rpt 193, 206

2 mos later - rehired, this not as agents.

ATF commitment re 2'd by number of public-
re adversary agents' wrygs.

- Experience, families
incident - fingers pointing at them. ^{from above} them.
Talked to other people - They had no bad intent
& They eventually told truth.

Appeal process instigated

- 60 mins: critical of ATF re racial &
sexual discrim. FIRED person.
AMSB - have to bring him back.

w/ that context; I asked - do we have a strong email case?

Take advantage of experience, NOT in law enforcement capacity.

Noble - Portier put lots of p. on leave.
Lots retrained. Whole stream of communication gone. Personnel changes.

BIDEN -

Allegations about sexual abuse

Whenever this takes you, you will go?

Yes.

Off-duty stuff

Does Code of Conduct for law enforcement say anything about off-duty?

FBI - no crime, dishonest, prejudicial to just interests etc

Legal nexus btw that code + your ability to live?

How is it that everyone is so surprised?

If supervisors knew of others' attendance

Why didn't anyone know?

McBraw - I didn't know. Secret Service - 20 yrs.

Boreklich - will look. 4 agents out of 20,000

Diff from ATF

Case Stewart
Curtis Cooper

ATF
ATF-net

John Scott
Cordell Malone

Thurmond -

?

Grassley -

Atlys app ast v/s discur w/ ATF

Doesn't seem much done.

Mention Potts appointment - another mistake.

Noble - participating in mediation process
on suit. Utmost to be fair.

Garces

Continuing practices at ATF. Not dealt w/

Thompson -

same way - private property

freedom of expression.

Part not one penny of govt assets

" second " " time

generally - w/ it if low end opens

As now have another area in justice

- Can't discipline anyone anymore

Vast regulatory scheme

Leahy -

Day 3, Panel 2
midway through

Burr - DOT directing DOT not to conduct investigations, not to get at fault - stop/shooting review, no notes.
SAC op. process? b/c. may turn up ev of innocence
No; if it does, we're all in trouble.

Evans:
Conyers - S.W. is legally sufficient.

Kidman re CS gas: hundreds of cases - no problems
re flashbangs - also OK if used properly.
dynamic element of surprise key.

Buyer - For Treas key to call -
no one ever could intimidate Brewster
disappointing.

Hyde - For same, a PR exercise. Let's put aside...

Sparks: Should have tried to talk to them on
basis of scriptures

WHAT ^{SENT} AFF did - a fulfillment of prophecy

I tried to comment - part got passed on.

All avoidable

Result was predictable

Bryant -
~~Scott~~

Knew there were propane tanks

told people - concerned w/ whether use of gas

Lee -

Thurs -

12:50 - James

Shedding - the Barr stuff again

w/ Evans

very effective

12:15 - Rahm

Cullen - "Shawtime" - code word to kick said of

PR center - strange use of resources.

How to serve warrant - Evans: police never knock.

Should knock / didn't - go to front door & knock.

~~***~~ Julia testimony -

tapes - can hear conversation re shaking line
true - you can - heard but poss. they ignored it.

? spreading fuel

Relitt - Obstruction of justice charge re Barr documents

Dubious re TR - agents' stories didn't add up.

Summary

- April 15 memo to CB

- Barr documents

? - FBI

Re meeting w/ Rahm -

? - Hyslop knew

1. Not exact re legal points that Post

inbar to by Benton

criticisms have been made that -

- Rand went forward w/out

they're ours.

element of surprise

- Hant, to A to camp, ch
- Hissins, lock, of, super

Document - Hubbell to ? Pres

Written (Trusts) Secretary - raised w/ Pres.

of IFC

'Walter - Noble involved in reviewing?

Kept informed; didn't make decision.
discussed w/ staff;

Bob to have person in charge of report who wasn't
involved in ^{initial} decision-making?

Criticism of line ofts but no criticism of top
Treasury officials.

-- e.g. inadequate superv. from T officials.



3-2-7

~~Handwritten scribbles at the top of the page.~~

Log list
Treachy gas

media stuff

ATF HQ

Phone log

Criticism of
Do I m docs,
indices etc.

Doc. shows that
folks in Wash
knew abt ~~of~~ secrecy
probs at time of the
raid. approx the

Rodriguez
report

As newspaper
first source
leverages

Alrea
Jim Keesler

Ren's not convinced - or pressured - to
do this.

She works for someone, doesn't she?
Mystery - why did she change mind?
Book account (top w/ JR - skips w/
the Pres.

Barry
16797

Some thoughts on the documents ...

Is it unthinkable to turn this over?

- bec of Whitewater?

- bec of other things coming down?

- just as a mtr of principle?

Might this be a powerful one-two punch w/ Rubin?

- but Rubin didn't get all that much play today.

Can we get some old-line Repubs or credible Dems to support us on this? Who? How?

And more generally ...

Don't be completely negative about the hearings

Accept that we ^{might be able to} learn from them.

(Though note that we have already conducted very thorough reviews)

If C adopts this attitude, he will be held less responsible for any mistakes made than if he is combative about the hearings: a kind of triangulation strategy.

But of course continue to make the point that it is the real monster here.

And the point that we're not sure the Repubs are holding these hearings in a spirit of "good faith" search for the truth

- hope to embarrass the Pres.

And the point that so far the hearings have validated rather than challenged our own self-criticism (i.e. - not much new has emerged)

~~69187~~
Eliou Harris
NSC

THE WHITE HOUSE
WASHINGTON

Chemical Weapons Conv.
- (CWC) as method
of warfare

exemption
law enf. } restrictions on use of
RCA's - riot control agents
as is an RCA

SIT-2291

Yvonne Campos - Reno's office

called last evening
Alysa - NSC staff person

Talk to C's or D's on status?

69181

THE WHITE HOUSE
WASHINGTON

Ye - contacted a couple of weeks
ago.

sent her some sheets
transmittal letter
Nov 93

Yesterday - prepared to answer
g's from staffers?
Asked
leg history - re RCA 2.
negotiating

restricted bec - slippery slope
argument

- misperceptions that more
lethal gas has been
used
- pretext for use of more
lethal gas.

explained in documents.

THE WHITE HOUSE
WASHINGTON

History of escalation ^{was}
TCAs always preceded
more lethal gas.

Genuine basis for escalation.

Everyone understood - legit
~~use~~ use of TCAs.

Also - more toxic chemicals
execution. (injection/
gas chamber)

BC-NBC-PRESS-ARMEY SKED
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TRANSCRIPT
July 30, 1995
TELEVISION NEWS PROGRAM
REP. DICK ARMEY (R-TX)
HOUSE MAJORITY LEADER
WASHINGTON, D.C.

REPS. ARMEY, GEPHARDT, ZELIFF, AND SCHUMER DISCUSS MEDICARE,
AFFIRMATIVE ACTION, BOSNIA AND THE WACO HEARINGS.
FEDERAL DOCUMENT CLEARING HOUSE, INC.
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MEET THE PRESS
JULY 30, 1995

SPEAKERS LIST: TIM RUSSERT, NBC NEWS
LISA MYERS, NBC NEWS
REP. DICK ARMEY (R-TX)
REP. DICK GEPHARDT (D-MO)
REP. BILL ZELIFF (R-NH)
REP. CHARLES SCHUMER (D-NY)
(+)

RUSSERT: Welcome again to MEET THE PRESS. Our issues this Sunday morning: Medicare, affirmative action, Waco and Whitewater. Our guests -- first we will be joined by Newt Gingrich's top deputy, the Majority Leader of the House of Representatives, Dick ArmeY of Texas. He'll debate the Minority Leader of the House, Democrat Dick Gephardt of Missouri. Medicare was started 30 years ago today. Is it going bankrupt? ArmeY and Gephardt have very different views on what to do about Medicare, they'll square off.

Then we'll have a debate about who did what at Waco on April 19th, 1993. Four federal agents and 86 American citizens, including 22 children died. Why? We'll talk with two key players in the on-going hearings looking into Waco, Republican Congressman Bill Zeliff of New Hampshire and Democrat Charles Schumer of New York.

And in our political round table -- is there a conspiracy surrounding the death of White House counsel Vincent Foster and growing American unease about Bosnia. We'll take with author and "New York Times" columnist William Safire.

In MEET THE PRESS MINUTE, you remember this man. He's Jimmy Hoffa, former president of the Teamsters. He disappeared 20 years ago today, disappeared from the face of the earth. And he was a guest on MEET THE PRESS 34 years ago, July 9th, 1961.

And joining me to question for this segment is Lisa Myers, who covers Capitol Hill for NBC News. With us now the Republican Leader of the House, Dick ArmeY, Democratic Leader, Dick Gephardt. Gentlemen welcome.

GEPHARDT: Good to be here.

ARMEY: Morning.

RUSSERT: Congressman ArmeY, let me start with you. The Republicans have pledged to find \$270 billion in savings from Medicare over the next seven years. Will you pledge this morning that every cent in savings that you find of that \$270 billion will be poured back into the Medicare trust fund to guarantee Medicare's survivability for future generations?

ARMEY: Well, that, in fact, is the pledge, the pledge I signed just yesterday or two days ago on the Hill. The fact of the matter is Medicare starts going broke in 1996. We've got to do something about it. It's broke by the year 2000. We are pledging to do that and we're going to do that by giving senior citizens greater choice and greater control over their own Medicare dollar in such a way as to save this, not only for this generation to use, but for my generation too, when I get there, and hopefully for my kids when they come up.

RUSSERT: So not one cent of the savings from Medicare will be used for tax cuts? It'll all go back into Medicare?

ARMEY: Well, I think you have to understand that the Republican tax cut proposal was passed during the Contract period, during which time, in fact, we paid for the tax cuts without, with spending cuts. And, in fact, we did not touch Medicare at all. Medicare's a whole separate problem. 1993, the President passed a budget with \$300 billion worth of tax increases that run \$200 billion deficits for as far as the eye could see, and still in 1994, his commission, his trustees report with three of his cabinet members, say Medicare's going broke. You must deal with this and not confuse it with other things going on in the federal government.

RUSSERT: Congressman ArmeY, Senator Packwood, a Republican, has said that with \$160 billion in savings from Medicare, you could deal with the Medicare problem, and that the extra money that you're looking for is going to be used for tax cuts.

ARMEY: Well, Senator Packwood's confused on that point. He needs to go back and review what it is we've done. This is a very difficult business we're into. I'm sure all of the misrepresentation and thundering demagoguery of the Democrats may have confused him, but the fact of the matter is we are very steady in what we are doing.

MORE

**** filed by:RB--(--). on 07/30/95 at 13:46EDT ****
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BC-NBC-PRESS-ARMEY 1STADD

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XXX what we're doing.

ARMEY: We're doing three things separately and -- on separate tracks, we're getting to a balanced budget, we're saving Medicare, and we're raising or lowering taxes for the working men and women of this country.

RUSSERT: Would you . . .

ARMEY: All the background noise in the world doesn't change the facts of that, but it could possibly have confused Senator Packwood.

RUSSERT: Let's tell the truth this morning, Congressman. Will you tell the American people, the 37 million people who are on Medicare and those who'll be on it in the future, that in order to find \$270 billion in savings, you will have to limit the choice they will have for hospitals and doctors, meaning managed care, and, and increase out of pocket expenses, either higher deductibles or higher premiums? Isn't that a fair statement?

ARMEY: No, it's not a fair statement. First of all, let me say and even in the President's budget of '93, deductibles and co-payments doubled for senior citizens on Medicare. We're not limiting anybody's choice, we're expanding the choice of the senior citizens on Medicare. It's just the opposite of that. I don't know where you got that characterization of what we're doing. It sounds like you got it from the Democrat Congressional Campaign Committee.

RUSSERT: No, I got it actually from the Republican draft plan, which said that...

ARMEY: I don't believe so.

RUSSERT: Which said that in order to find \$270 in savings, and let's be honest, we cannot make this up out of the air, folks, you're going to have to pay higher premiums, a little bit, probably, higher deductibility, and you'll probably have to join an HMO, a managed care organization. Fair enough?

ARMEY: No, you may have the choice to join an HMO under our plan. The fact of the matter is . . .

RUSSERT: And it would it cost you more to keep the existing program, to stay in the existing program.

ARMEY: It may be, but it's going to cost more to keep the existing program even under the plan that, the President's budget plan passed in 1993. Now, the question is, do we have people have an adjustment in these things and then save Medicare, or do we just turn our back on Medicare, as the President has done, and say I have nothing to say on Medicare except criticism of the Republicans?

RUSSERT: But in honesty, in order to save Medicare, you have to make the adjustments that would limit choice and increase cost for the...

ARMEY: I have to tell you, we're working on all of the plans and all of the options that we want to make available for the senior citizens and when we work out the details, we'll see what it means. But I can tell you, there will be no increase in copayments or adjustables that will be as great, certainly none any greater than was already scheduled for them in the 1993 budget passed by the Democrat Congress and signed by the President.

RUSSERT: You know, Congressman Armeý, when President Clinton had a secret plan for managed care, you were rather outspoken. Why won't the Republicans come forward and tell the American people exactly what they're going to do rather than to wait until September and try to rush it through?

ARMEY: Well let me say, first of all, the President had a very costly and secret task force to take over all of medicine in America. We have been not working in secret, just about everybody interested in health care, including the AARP and other seniors groups, including the providers, have been, including the insurers, have been in meetings with us as we have explored all kinds of possibilities, all kinds of recommendations. The only thing that is secret, in terms of the Democrats' characterization of this, is that we haven't been able to put the details together and reveal it to the American people.

But let me just talk, yesterday I heard the President on the radio. First five minutes, he's harping that we got a secret plan and the second five minutes he's telling everybody what's going to come of it. Now if it is a secret plan, I can promise you we haven't confided in the President so that he can go out and tell everybody what it's implications is. How in the world can anybody have the audacity to expect, on one hand, the plan's secret, on the other hand, I know what it's going to do to people. I mean this is just pure balderdash, all this stuff about secret plans.

MORE

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BC-NBC-PRESS-ARMEY 2NDADD
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XXX about secret plans.

RUSSEY: All right, let me ask you one last question, and then I'll get Congressman Gephardt in here. You said that 'Medicare was a program I would have no part of in a free world.' That you deeply resent the fact that when you're 65 you're going to have to enroll in Medicare. Honestly, in a perfect world, would you prefer to see the government out of Medicare?

ARMEY: I would prefer to see the government respect the American peoples' right to make choices and allow senior citizens to have a range of options just like my wife and I do. Dick and his wife Jane sit down every October, we look at the schedules in front of us, see what options we could want to exercise for ourselves and our family. As our lives change we make different options. We don't need a one size fit all health care plan for senior citizens, and I think we need to improve this set of options for the American people in the future. So that they can control their Medicare dollar rather having it controlled in Washington.

RUSSEY: But, in a perfect world, Medicare should not be mandatory?

ARMEY: In a perfect world, ill health wouldn't be there.

RUSSEY: But, should we have Medicare as we know it?

ARMEY: Medicare is a program we have had for 30 years now, and the American people, a great many of them, including my mother-in-law, whom I love and respect, have become quite accustomed to it, and want it continued, and plan their retirement years on it, and we're going to protect it, we're going to preserve it, we're going to give people greater choices, and we're going to make it last -- not only for my mother-in-law, and her generation, but my generation as well. And we're going to keep working on it until we get it right.

RUSSEY: It's a rather courageous statement, Congressman, that you love and respect your mother-in-law. I'll tell you, it really, taking on a tough one this morning.

ARMEY: If you knew my mother-in-law, you'd know. No, that's easy, that's easy.

RUSSEY: Let me turn to Congressman Gephardt. You've been called 'Mr. Status Quo.' Leave Medicare alone, everything's just hunky dory and fine. Isn't it true that we cannot allow Medicare to grow at 10 percent a year. And that we're going to have increase deductibles and premiums, and perhaps have HMOs in order to save Medicare.

GEPHARDT: Tim, every year the trustees' report has come out, as it did this year. They have said that Medicare will have solvency problems, sometime in the future. In 1992, they said it would be in 1986. I can take you back and show you every report. Now, the Republicans are saying, because the report says that the fund will have solvency problems in the year 2002, there's a great emergency. Where have they been? Why haven't they told us this in the years past? I'll tell you why. It's because this time, they want to cut Medicare by \$270 billion so they can fund a tax break over half of which goes to families that earn over \$100,000 a year. That's what's going hear. This is a hoax. They want to use it for a tax break, and they don't want to admit that to people, so they're bringing up the idea that Medicare's in trouble. We've always fixed Medicare...

RUSSERT: But, the President himself said we needed \$124 billion in savings and Medicare. How would you find that...

GEPHARDT: Through the years we have changed Medicare and made it more efficient, and saved money, and made the program solvent. It was Democrats and Republicans in the early 80's who brought in perspective payment, a new way of paying doctors and hospitals so it was more efficient. We gave the HMO option. Dick says he wants his mother-in-law to have an option. She has it. She can join any managed care plan she wants today. We can do more of that if that's the way to go. But, what you don't need to do is to cut it by \$270 billion.

I have a deal for the Republicans. I give this challenge to my friend, Dick Arney today. You take the tax cut off the table, you take this issue out of the budget, and we'll sit down and before sunset, we'll have a plan to make sure that Medicare solvent out into the future.

MORE

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BC-NBC-PRESS-ARMEY 3RDADD

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XXX into the future.

RUSSERT: And you will not let Medicare grow at 10 percent a year?

GEPHARDT: There are a lot of things you can do, there are a lot of things you can do that are far less than \$270 billion in order to keep this program solvent. And again, the program's not going broke tomorrow. You have solvency problems in 20 years or...

RUSSERT: Let's level with the American people. In order to reduce the growth in Medicare, we're going to have to increase the deductible they pay, the premium they pay, and more people have to go into HMOs. True?

GEPHARDT: Tim, you don't have to do that, if you can find other ways to find the savings. When you go to \$270 billion, which is the Republican plan to fund their tax break for the wealthy, then you have to go to raising deductibles, co-pays, and premiums. That's why it's wrong.

ARMEY: It gets down to...

RUSSERT: Congressman ArmeY, just a second. I'll be right there. But Congressman Gephardt, you were on a radio show yesterday with former governor Mario Cuomo of New York, and you said you would be in favor of a bipartisan commission to deal with Medicare. Just like we've had commissions that deal with Social Security and so forth. Would you support such a commission to begin immediately?

GEPHARDT: Right after the Republicans take off the table their tax cut that goes to the privileged few, and right after they do something to get this out of the budget. Then we can sit down and figure out a solution to the problem. Not until then.

RUSSERT: Congressman ArmeY.

ARMEY: Well first of all, I need to correct the record. First of all, nobody is cutting Medicare. The average beneficiary will go up from \$4,800 a year to \$6,700 a year during this period of time.

Secondly, let me again remind Mr. Gephardt that in the President's budget of 1993, we had \$300 billion worth of tax increases, including increases on the taxes of Social Security benefits for seniors making as little as \$3,400 a year, and still then co-payments and other costs to the seniors on Medicare almost doubled in that budget that was passed by the Democrats. It sounds to me like we've got another case of the Democrats accusing the Republicans of what it is they've already done themselves.

RUSSERT: Congressman ArmeY, would you...

ARMEY: It takes more hard work, careful thought, and we will bring this plan through and we'll get it done.

RUSSERT: Why not have a bipartisan commission? The Social Security Commission in the 80s, headed by Alan Greenspan, solved that problem. Why not agree to a bipartisan commission to objectively examine the facts and make recommendations?

ARMEY: Well, because the fact is, we will have this job done by the end of September, and that would be quicker than they could even pull such a bipartisan commission together. What Dick is trying to do now is throw some

idea he thinks will sell on the table in order to try to derail the tax cuts for the working class Americans, that we've got in our proposal. One, he mischaracterizes just awfully and then, two, he says he has such an aversion to cutting taxes for the American people that there's no guile that he won't resort to in order to stop them from getting a tax break. I'm just amazed at this.

RUSSERT: Mr. Arney had the first word on Medicare. Congressman, you have the last word.

GEPHARDT: This program has been the most successful program we've ever had, right next to Social Security. We should not ruin it. The Republicans were against it when it passed in 1965.

You can read the quotes. They thought it should be voluntary, thought it was going to be socialized medicine, they called it. They've been against it ever since. Dick Arney says that he resents having to enroll in it. Are we really in a problem with Medicare or are we doing this to fund a tax break for very wealthy people? That's what's going on here. It should not happen, and Democrats will fight to keep it from happening.

RUSSERT: Lisa.

MORE

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BC-NBC-PRESS-ARMEY 4THADD

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XXX happening. RUSSERT: Lisa.

MYERS: Congressman Gephardt, on Bosnia. On Tuesday, the House will take up a resolution to require the President to lift the arms embargo against Bosnia. You voted against lifting the embargo in June. You voted with the President. Since then, two so-called safe areas have fallen. The UN has stood by while the Serbs raped and murdered the Bosnians. Given that record, is it not time to finally give the Bosnians the weapons they need to defend themselves?

GEPHARDT: Lisa, let's look at what we're trying to do. First, we're trying to stop the violence and the bloodshed. Second, we're trying to get a peace agreement so that the three peoples that live in this area can live together in peace. Lifting the embargo will not advance either of those goals. It will first cause the UN to pull out the peace keepers, and we'll have to put in 25,000 troops to help them get out, because all three sides will not want them out.

Secondly, the violence will be increased. The fighting will widen. Other parts of the area will get involved. It's not a good idea. It relieves our frustrations. We're all frustrated with the horrible things that are happening there. But, this is not an answer to the problem. We need to keep pushing for a peace agreement, get the parties together and get this thing, finally, resolved.

MYERS: Do you agree, though, with Senator Chris Dodd, the General Chairman of the Democratic Party that the current policy, the President's policy, has been a pathetic failure?

GEPHARDT: Well, you know, it's easy for all of us to say this is a failure. This is tough. This is really tough. I know of no one who has a great answer to Bosnia. And, I'll say this further. The bottom line here is -- Do we want to send our kids, our young men and women, over there to resolve a civil war and take sides, because that's what you'd have to do? I don't think we do. I think the President has been right in not wanting that to happen.

If you're not going to do that, your options are very limited and very difficult, and I think he's done a good job of trying to push this toward a peace agreement. We need to renew the effort, now, to push all sides to get to the peace table and to get this thing resolved to stop the bloodshed and the violence.

MYERS: Congressman Arme, you were one of the few Republicans who voted with the President, against lifting the embargo, in June. How will you vote this time?

ARMEY: I'm afraid it's time we'll have to vote, I'll have to vote, yes. I've studied -- First of all, this is a better resolution. I think it's much more well-prepared. But the fact of the matter, if you're going to have an arms embargo and if you're going to tell people that we deny you the arms to protect yourself, your family, your children, and then, we fail to provide them protection, then I think the time comes when we have got to allow these people to arm themselves and protect their own families. And, as Dick says, this is not easy business. This is a very tragic circumstance. I think it's very harmful to start pointing fingers at one another over the fact, but search out the right policy. And, this is probably as serious a business as we can do. But having thought it through, listening to advice from some of the best people I can find, I think the time has come that we must make this

vote. And frankly, I have to tell you, it's not a vote that'll make me very happy.

MYERS: Do you have the votes to override a Presidential veto?

ARMEY: We don't know that. We think it will be very close. We have to take the vote. We'll then get a good measure of the matter, and we'll just have to go on with it.

MORE

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BC-NBC-PRESS-ARMEY 5THADD

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XXX on with it.

ARMEY: Like I say, it's not a happy business, and it's a very, very serious business, and we're going to just go about it as seriously as we can and see where we come out. I wish I had the answers. I'm sure the President and everybody else feels the same.

MYERS: Quick final question on Bosnia. If you vote to lift the embargo, are you prepared, you and Speaker Gingrich prepared, to find the hundreds of millions of dollars which will be required to pay for the heavy weapons to send to Bosnia?

ARMEY: Well, this again is a big part of the problem, isn't it? Now, on one hand, I think to allow people to arm themselves, free from restraint, extraneous restraint is one thing, to assume the responsibility is quite another. But again it's a part of a depth the issue. We're going to debate it. It's going to be a serious debate. As I did in Desert Storm, I will listen to every minute of that debate. When people's lives are being put on the line, I think it's time to sit down and listen to the debate, think it through, and make sure you know exactly, to the best of your ability what you can do. I wish, again, I just wish, Lisa, that I could provide a solution to the problem.

MYERS: Let's go to affirmative action for a moment. Last week, Congressman Gary Franks wanted to eliminate, he's one of two Black Republicans in the House, wanted to eliminate programs which set aside a certain percentage of federal contracts for minorities and women. He says that Newt Gingrich lied to him, that he had been promised that the leadership would support his amendment and allow him to offer it on a bill before the House, and that the leadership, Newt Gingrich reneged. He said, "I've been lied to by Newt Gingrich, and I can tell you that I will never again go out on a limb thinking I have Newt Gingrich behind me." Was Congressman Franks lied to?

ARMEY: No, I think that's strong. Gary was obviously disappointed. This is a man who is very bright, very able and very, very dedicated to the work that he's doing. And the fact of the matter is what we have discovered is that we have had so much authorizing legislation on these appropriations bills, the burden's been so heavy, it's just, but we've just come to the point where we've got to do this kind of legislative effort which Gary wants to do and is frankly, in my estimation, clearly the right thing to do. We just can no longer burden the appropriations bills with this very complex and difficult language. The appropriations window is closing fast on us. We've got to get this work done, and we will, in fact, find a time for Gary to move this legislation. He's correct in his understanding of this. He's absolutely devoted to it. He deserves all our admiration and respect and he deserves his time on the floor and he will get it.

MYERS: Congressman Franks, while he opposes set asides, says he does support good affirmative action, that he would not have gotten into Yale University without it. Do you support good affirmative action?

ARMEY: Well, I don't know what good affirmative action is. Certainly, everybody should make it a point in their life to reach out to other people and to be kind and considerate to all people, irrespective of color or gender. But the fact of the matter is affirmative action as administered by the federal government seems to always devolve into some kind of a quota system where somebody's looking over your shoulder and counting and toting up on things and trying to make you fit ratios, et cetera, and so forth. If you had

affirmative action that came from the normal everyday kindness and consideration of the American people, without some kind of arbitrary government numerical enforcement mechanism, you'd be absolutely right. And that's where we ought to get, and I think Gary Franks is devoted to getting to that point.

MORE

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BC-NBC-PRESS-ARMEY 6THADD
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XXX to that point.

RUSSERT: Congressman Gephardt, let me turn to another issue. It passed the Senate last week -- a gift ban. No gifts over \$100 to any member of the Senate, no more free skiing trips, golf trips. Will the House bring up such legislation?

GEPHARDT: I wish we would. I hope the Speaker will do that. We've been urging him to do that.

RUSSERT: Do you support it?

GEPHARDT: Absolutely. We passed such a ban in the last Congress. We were never able to get it out of the Conference. But I believe it should be passed. I hope the Speaker will bring it up. I dare say that the Republicans are not so anxious to do this. They've been reforming Congress without the major reform, which is campaign reform and lobbying gift reform. Those are the two people really want.

RUSSERT: Mr. Armev, will you bring up a gift ban on the House floor, which would say only \$100 per member of Congress from any lobbyist and no more free junkets on skiing or golf trips?

ARMEY: I intend to get that done as soon as we can. But I think you've got to give us credit. We have made a decision. We're going to tend to the nation's business first and we're working very hard on that. When we have an opportunity when there's room in the schedule, I want that up. It seems to me ...

RUSSERT: When will that be?

ARMEY: I don't know the answer. And I'm frustrated, too, that I can't give you an exact date. We need to move it as quickly as possible.

RUSSERT: Do you personally support such a ban?

ARMEY: Well, of course, yes, I have no problem with that. I'll have to tell you my problem is we have to find time in the schedule for that in competition with a lot of very, very important things. So, we try to set priorities and move things along.

RUSSERT: But you'll find time this year, some time this year?

ARMEY: Well, I'm not sure I'll find time this year. This year's closing on me very fast. But I will find time before this Congress is over.

RUSSERT: But it is an important issue that you should find time for?

ARMEY: Yes, we should, especially now that the Senate has, in fact, passed it. So we have an opportunity now to get legislation through on our side, get it to conference and get it really resolved. You know, we might have passed it a year ago and the Senate not. Now, that they have, in fact, passed it, I think this is an opportunity we ought to move on and I'm anxious to get on with it.

RUSSERT: Mr. Armev, I'll let you go here in just a second. Speaker Gingrich said last week that he wasn't sure that Vincent Foster, the White House Counsel's death was a suicide. What do you think?

ARMEY: I don't think about that a whole lot. This is a very tragic thing. Quite frankly, I have my clearly defined job obligations and so forth. I think there are people that are investigating the whole area -- Whitewater and all related activities -- that are able and responsible, well-staffed and have good information bases. For my money, I think I am content to wait and see what we discover rather than for me to speculate about it.

RUSSERT: If Speaker Gingrich ran for President, you'd probably become Speaker. Would you like that?

ARMEY: I would like both events. I think it would be great. But we have a very good field of presidential candidates and there's no evidence, certainly has been no conversation between me and Newt about him running for President.

RUSSERT: But you would like that if he did?

ARMEY: Well, what can I say? Do you know anybody in the House that wouldn't want to be Speaker, Dick? I think it's a wonderful position. But I have to say I'm very happy with the Speaker we have and I'm very content with my own job.

RUSSERT: Thank you very much and happy fishing today. I know that's where you are going.

ARMEY: You bet. Thank you.

RUSSERT: Congressman Gephardt, we thank you. You're on to Independence, Missouri.

GEPHARDT: Independence, Missouri for the 30th birthday where Harry Truman and Lyndon Johnson signed the bill in 1965.

RUSSERT: Have a safe trip and both of you have a good weekend. Coming next, April 19th, 1993, the federal government raided David Koresh's Branch Dividian Compound in Waco, Texas. What really happened? We'll try to find out.

(BREAK)
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BC-NBC-PRESS-ARMEY 7THADD
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XXX to find out.

RUSSEY: Welcome back to Meet the Press.

With us now, two men who have been holding hearings on Waco, Republican Bill Zeliff of New Hampshire, Democrat Chuck Schumer of New York. Gentlemen, welcome.

ZELIFF: Glad to be here.

RUSSEY: Congressman Zeliff, Janet Reno, the Attorney General, is coming before you on Tuesday. What is the most important piece of information you would like her to share with you and the American people?

ZELIFF: Why did she approve the plan to gas over 90, almost 90 Americans? What information was she given? Who did she share the decision with? We've got to find out who, ultimately, is going to be held accountable for this tragedy. Was Hubbell involved? Was the White House involved? She was there for less than two weeks. This is what we need to find out on Tuesday.

RUSSEY: Congressman Schumer.

SCHUMER: Well, I think we have to find out what happened here. But, the fact of the matter is most of what we're looking for has come out. It's never come out on national television. It's never come out with the same spotlight. But, for instance, the parts of the hearings we've already done, those on the ATF, there haven't been any new facts, although it's certainly highlighting, served a useful purpose in saying "You lose the element of surprise, don't go in." And I don't ever think that will ever happen again.

RUSSEY: Do you think President Clinton, Congressman Zeliff, was personally involved in making this decision?

ZELIFF: I believe he was, and -- Let's go back to Jack Kennedy, the Bay of Pigs. He came right... He faced up with the problem. He addressed it. If we bomb Bosnia tomorrow, are we going to blame the pilot? We believe there was information, we can show this week, that indicated that he wanted to be informed every step of the way. He wanted to know. He wanted to be involved in the decision process. The American people are very forgiving. But I don't believe Janet Reno, who had less than two weeks on the job, made this decision all by herself.

SCHUMER: You see, this is the kind of fishing expedition that has given these hearings something of a bad name. Everyone involved -- we had Web Hubbell -- we had heard lots of allegations the previous week that Web Hubbell was the conduit between the President and the FBI, and he said no, he never even talked to the President about it. Janet Reno has said the same. Before you make an allegation that the President was involved, have some facts. We, because of Mr. Zeliff's persistence, we got to examine every Presidential document related to Whitewater. There wasn't one shred of evidence that the President made the decision. He was informed of the decision...

ZELIFF: Related to Waco.

SCHUMER: ...related to the Waco, right. He was informed of the decision and just said "Janet, I trust you. Go ahead and do it."

RUSSEY: Does it trouble you, Mr. Schumer, that the President of the United States would not be involved with a decision involving army tanks being

turned on American citizens?

SCHUMER: Well, I think, again, the President was informed, but you had the best minds in the business making decisions here. You had experts from the FBI, experts from some of the other areas, and it doesn't trouble me. I think the President did it right. He relied on the experts. He went, you know, they told him what the plan was. And, he said ``Well, it's your decision to make.''

The President can't make every type of decision. But what I truly -- it may be troubling -- but, what I truly resent here, Tim, is each day we've had some new allegation pop up, and then we have the hearings, and they are put to bed. And the troubling thing about this is certainly many mistakes were made in Waco. But I would like to see these hearings be constructive. I would like to see them strengthen law enforcement so that they don't make the same mistakes again, instead of a whole bunch of conspiracy theories that have political agendas.

RUSSETT: Congressman.

ZELIFF: Tim, I'm troubled by people running for cover. On Oklahoma City, the President, rightfully, I think he did a tremendous job.

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XXX a tremendous job.

ZELIFF: FBI did a great job, FEMA did a great job, he was the President of United States, he took credit for that, he stood with that. Now we have to stand up and something went wrong. The American people want and demand accountability and responsibility. I'm troubled by people like Altman writing a letter to Bentsen on the 15th of April saying there's going to be a catastrophe happening in four days and nobody does anything about. There's no responsibility, everyone's running for cover.

RUSSERT: Joining me on the question this morning is Pete Williams of NBC news who's been covering the hearings. Pete?

WILLIAMS: Mr. Schumer, is it clear that the Attorney General Janet Reno was fully briefed? During her statement the day of the fire and in her testimony before Congress nine days later, she said what worried her most was the possibility of children being hurt in the compound if something wasn't done and the possibility that the hostage rescue team was going to become exhausted and she said that she was told by FBI experts that there was very little risk of suicide and the tear gas. Then we had this week the FBI's top men saying what pressed them to take action was, not primarily those factors, but their fear that if they did nothing, David Koresh might end the stand off violently. There's a mismatch there, why is that?

SCHUMER: Well, I think that Janet Reno, when you look at the facts and we'll hear her on Tuesday, will say that she too was troubled by the fact that there might be a suicide. And you know, we have a lot of Sunday morning, Monday morning, Tuesday morning quarterbacking. We knew David Koresh was a madman and a law breaker, not somebody who was just, you know, a poor little fellow who was -- did -- was taken advantage of. Had Janet Reno waited, they waited 51 days, Koresh had repeatedly lied and lied and lied about coming out. Let's say she made the other decision. Let's say she said let's wait another ten days and let's say then Koresh blew the whole compound and killed everybody. You would find the critics saying over and over again, ``She was indecisive. She should have acted. Koresh lied. It was 51 days already.'' So, it's very easy, this was a mess. Do we agree?

WILLIAMS: Should we be concerned though that there was a different reason given at the time than the one we're hearing now?

SCHUMER: Well, I don't think so because I think that the fear of Koresh using fire or something else, some 20 odd people in the compound were killed by bullets and not a single FBI agent fired bullet, the fear of Koresh taking the lives of everybody in there, including his own, given his Armageddon beliefs, was very real all along.

WILLIAMS: Mr. Zeliff, we've heard a lot this week about the National Rifle Association. It's been the sort of side show at your hearings, I think . . .

ZELIFF: It sure is a side show.

WILLIAMS: . . . as on or two of you have said it. But in retrospect, was it a mistake to enlist the NRA support in doing some of the committee work?

ZELIFF: That's not true. Pete, we just didn't do it. And, the bottom line is, anybody that wants to could give us evidence, we're getting evidence from everybody across the country.

WILLIAMS: Are you saying that no one on your committee staff or any of the committee staffs asked for the NRA support?

ZELIFF: We did not ask for NRA support. I did not meet with NRA people. I did not ask for NRA support. It's a diversionary tactic. The bottom line is -- we had a tank that went through that front door, went into that area where women and children were there, we killed over 80 people and people -- Howard Coble said it best, I think, "My God have we lost our minds?" We're going in to a process, is this what America's all about?

WILLIAMS: Well, if I could just ask one other question about the NRA. They did volunteer their help and the committee staff did accept that help.

ZELIFF: Yeah, and many other people did.

WILLIAMS: Was that a mistake, do you think?

ZELIFF: No, the committee -- if you want to get into the process, they submitted evidence and they offered evidence from failure analysis. the bottom line, it wasn't used. There is no time in all the hearings that we've had so far the NRA had any influence whatsoever. That's the bottom line.

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XXX the bottom line.

ZELIFF: That's diversionary tactics.

SCHUMER: I'd like to make two points, here. First is the NRA was quite involved in these hearings and the facts have shown it. But second, what Bill Zeliff just said indicates the whole problem with these hearings. He said the government killed 80 people. That's the kind of moral relativism. That's the kind of problem we had. Every fact we've had, every bit of evidence, including the fire experts, showed that David Koresh killed the people when he lit the fire. Now maybe the FBI could have done something differently, but you see, here's the problem and what I worry about. The hearings can have a good effect if they bring out facts so that Janet Reno, ATF, FBI, even the President learned so it doesn't happen again.

But the bad fact of these hearings is you have some really crazy and paranoid people out there in America, who want to believe that this was a conspiracy, who want to believe that not only did ATF and FBI make mistakes of action, but of motivation, that they wanted to kill David Koresh because his religious beliefs were different. And that is not the facts at all. And when Bill Zeliff says that government killed 80 people, that's what's wrong. David Koresh was a monster. He is to blame. The government made mistakes, but they're not on the same moral plane.

ZELIFF: Our role is oversight of ATF, Department of Defense, and FBI; that's the reason we're having these hearings.

RUSSERT: Should the government have used CS gas, Congressman Schumer?

SCHUMER: Well, I think when you look at all of the choices, in retrospect, it may have been a mistake. But there were no good choices. As I said, if you waited another 10 days, Koresh might have blown the thing up. In fact, it wasn't the gas. You know, when Bill Zeliff says gas people, it was tear gas, something that, wait let me finish, that every expert says isn't harmful. I think the major mistake they made was having the tanks come up and pound the building so that the people got scared and didn't come out when the tear gas went in. That was the basic problem.

RUSSERT: We have to go. Congressman Zeliff, should we abolish the ATF or merge it with the FBI?

ZELIFF: I think that's what we need to finish up our hearings. We've got to write our report. I am not pre-judging ATF at this point. But I am doing one thing, when the expression is, "My God, have we lost our minds with what we've done?" Do the military get involved to the process that they did? I mean, we've got to sit back. If we spent as much effort as we did on Waco in the drug war, we might even win the drug war, too.

RUSSERT: On a lighter note, we have to get out. You brought Newt Gingrich to New Hampshire on a "moose trip". Should Newt run for president?

ZELIFF: No. I believe he is doing a terrific job in running the House of Representatives. I believe that Bob Dole will do a terrific job as the President of the United States.

SCHUMER: And not on the "bull moose" ticket.

(LAUGHTER)

RUSSERT: Congressman Schumer and Congressman Zeliff, we'll be watching your hearings over the next two days. Thank you very much for coming in this morning. Coming next, Whitewater and Bosnia, the views of William Safire and the Meet The Press Minute with Jimmy Hoffa from 34 years ago.

RUSSERT: We're back. With us now William Safire, the New York Times. Bill, welcome.

SAFIRE: Thanks.

RUSSERT: Whitewater. What should we know and why should we know it?

SAFIRE: You remember two years ago, about around now, I rolled this hand grenade out on this table and suggested that there's a dead body involved in this now and the White House, all they're doing is saying it has nothing to do with Whitewater. And indeed the Justice Department was kept out of it and they hired a patsy prosecutor who came with a report saying there's no evidence that Vincent Foster had any worries on his mind about Whitewater. Well, that's discredited now, too. We now know that he was working on the tax returns of the Clintons, which he shouldn't have been doing anyway.

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XXX been doing anyway.

SAFIRE: And, he had a date the next day with the lawyer from Denver who had done the discredited report that waived everybody off and said 'There's nothing to this.' And now, we learned, six months afterwards, that the Whitewater files were in his office and were spirited out the night that he committed suicide, if he did. So now, there you have a concerted effort to hide something.

RUSSERT: Why?

SAFIRE: Well, if there's nothing to be there, nothing there, then there crazy. I mean, you just can't have it two ways. Either there was something there and they are very wisely fighting to keep it out for at least through the next election, or they are not crazy.

RUSSERT: What's your gut tell you? If they are hiding something, what's being hidden?

SAFIRE: Look, Whitewater is about a serious matter. The charge that nobody ever says is -- Did Governor Clinton take a bribe? And, did he, as President, obstruct the investigation in to that? That's heavy stuff. It's not going to lead to impeachment. Quite frankly, the Republicans want him there to run against not to impeach. But, these are not light matters, and the investigation in to Foster's death is substantive and serious and can't be swept aside.

RUSSERT: Another serious and substantive issue, Bosnia. We are going to have the House of Representatives vote on Tuesday to lift the arms embargo to provide weapons to the Muslims. The Senate, this week, by margins of almost two to one, it's almost a vote of no confidence in the Clinton administration's handling of Bosnia.

SAFIRE: Well, the amazing thing to Americans should be the vacancy in the White House. We've never had this, at least in 100 years, of a President, in foreign affairs, losing control and control being seized by the Congress. Now, in the election, we saw Congress gets control of domestic policy -- Well, OK. That's the way it goes. It has happened before. But, the President, Constitutionally, is the man in charge of foreign policy. And here, because Bill Clinton has essentially followed the polls, and two out of three Americans don't want to know about Bosnia, and he's followed the polls down the line to the point where the Congress says somebody has to be in charge. This is not about stopping the killing because stopping the killing means getting one side to surrender. And, the Muslims, for some reason or other, don't want to surrender. They don't want to be pushed in to a concentration camp around Sarajevo.

RUSSERT: But, don't the American people want it both ways, Bill? They don't want the agony and the pictures coming out of Bosnia, and yet they don't want to commit American troops and resources to stop it.

SAFIRE: That's why we hire Presidents. And Presidents come before the American people and say 'I've looked at this. Here is my best judgement' and he leads. He forms public opinion. That's what happened with George Bush in Desert Storm...

RUSSERT: But, not George Bush on Bosnia?

SAFIRE: No, no, not a bit. But, when he acted properly, you could see public opinion change. When he acted improperly, it just sort of fubbed along

until this new President continued the policy of inaction.

RUSSERT: We have a few seconds left. The race to succeed to replace Bill Clinton, who do you like? Who would you bet on in the Republican primaries?

SAFIRE: If you're betting, you have to bet on Dole now.

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XXX on Dole now.

SAFIRE: He's been washing dirty dishes. In other words, he's been picking up delegates, as they call them, one after another. But I think we have to keep our eye on the possibility of a stumble and who would move in. Lamar Alexander is doing a good job. I think Pete Wilson is the guy to watch.

RUSSEY: Not too moderate on abortion, other issues?

SAFIRE: Why is he the one they worry most about at the White House? And I think the mother lode is California and I think he could beat Clinton in California and that's his selling point to the Republicans.

RUSSEY: And he'll be our guest here next week on Meet the Press, Governor Pete Wilson.

SAFIRE: Ask him a few things.

RUSSEY: Well I will, but Pete Williams, Lisa Myers, Lisa who do you like in the Republican race?

MYERS: Bob Dole.

WILLIAMS: I think the same answer right now, yes.

RUSSEY: It's unanimous.

WILLIAMS: It is.

RUSSEY: Oh, my God.

MYERS: This week.

RUSSEY: This week. Lisa Myers, Pete Williams, Bill Safire thank you all, we're out of time.

END

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