

NLWJC - Kagan

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**[Theories About the Incidents At
Ruby Ridge and Waco From
Private Individuals and Groups][3]**

* Repeal the drug exemption to the posse c

* Work for non-violent resolution of confly should communities, regions or states assert theirom the United States of America.

[582]10. Protect Powers Reserved to the State

* End the practice of creating local-state forces" which override local powers so that local is cannot protect their citizens from excessive fede

* Ensure that the people retain the power t state involvement in federal law enforcement actiminal and civil suits against local and state law participates in any federal violations of i

* Restrict the Federal Bureau of Investigang only narrowly defined federal crimes like espioross state lines, etc.; it should not become a re overriding the authority of local and state

* Pass an Independent Counsel law to prosecutive branch of government--including any massivations of citizens rights, as occurred in Waco, Texasgeneral refuses to appoint one.

[583]CONCLUSION

The Committee for Waco Justice encourages clitical and religious organizations and the media tublic and politicians about the necessity for protecterty and restraining governmental power. We thereforary 10, 1994, letter to President Clinton from the erties Union, Citizens Committee for the Right to , the Criminal Justice Policy Foundation, the Drum, the Independence Institute, the International Ailian Oversight of Law Enforcement, the National iminal Defense Lawyers, the National Legal Aid andion, the National Rifle Association Institute for Leg. and the Second Amendment Foundation. The letter call commission to review the policies and practl law enforcement agencies and to make recommendateps that must be taken to ensure that such agencies ow"--and, we would add, the Bill of Rights.

The letter's signers note that "federal policomprise close to 10 percent of the nation's total led that "some fifty-three separate federal agencies y to carry firearms and make arrests." The signerthe national commission be composed of law enfor constitutional scholars, criminal defense lators, judges, representatives of federal law enforal and labor organizations, and representatives of t monitor police practices. They end their letter by ae creation of a high level national commissiongreatly to the continued improvement of federal polielping to ensure that federal police not only enforce tective, humane and constitutional manner, but that ts models for local and state law enforcement agencies

The Committee for Waco Justice believes all local, state and federal law enforcement agencies must overhaul their investigative and enforcement procedures to prevent another massacre like that of the Branch Davidians. We believe strict adherence to the Bill of Rights will help accomplish this. However, we also believe that our citizenry and our political culture must become more tolerant of unconventional religions and lifestyles. And we believe our government must be more willing to apply non-violent conflict resolution to the inevitable challenges to the social, economic and political status quo as we approach the year 2000.

FOOTNOTES

[584]1. (c) 1993 Carol Moore. Copying for non-commercial distribution encouraged.

[585]2. Six Branch Davidians died during the February 28, 1993 raid and, at least 80 during the April 19, 1993 fire. According to several Branch Davidians, in the last few years the group had come to call themselves "Students of the Seven Seals." However, survivors do accept the use of the term "Branch Davidian" since it is so well known at this point (private communication).

[586]3. April 22 and 28, 1993 House Ways and Means subcommittee hearing, p. 5.

[587]4. Associated Press wire story, April 26, 1993, 01:26 EDT. 5/ Michael Isikoff, "Reno Strongly Defends Raid on Cult," Washington Post, April 29, 1993.

[588]5. (Reference missing in original ASCII file.)

[589]6. >From the Report of the Department of the Treasury on the Bureau of Alcohol, Tobacco, and Firearms Investigation of Vernon Wayne Howell also known as David Koresh, September, 1993. All references from the report will be included within the text, with the page number after the colon, e.g., (TDR:#).

[590]7. Louis Sahagun and Doug Conner, "Pair Acquitted of Murder in Idaho Mountain Shootout," Washington Post, July 9, 1993.

[591]8. "Informant said he built Trade Center Bomb," Washington Times, December 15, 1993, A5.

[592]9. Stephen Millies, "Did Government Agent Set World Trade Center Bomb?" Workers World Service, New York, NY 10011, January, 1994.

[593]10. All quotations from Clinton press conferences are from electronic mail transcripts.

[594]11. >From BATF Director Stephen Higgins written statement to the April 28, 1993 House Judiciary Committee hearings. Because the hearing

transcripts are still in draft form, no page numbers are given.

[595]12. >From National Rifle Association April 19, 1993 Press Release, "NRA Calls for Congressional Inquiry into Waco Raid," and James L. Pate, "No Longer Untouchable," American Spectator, August, 1993, page 35. Pate also notes in the article that on April 19, 1993, the day of the fatal fire in Waco, 1500 BATF agents celebrated their hero Eliot Ness's birthday in Baltimore.

[596]13. McAlvany Intelligence Advisor, July, 1993.

[597]14. Account drawn from following articles: Associated Press wire story, "U.S. plods on in case against 2 white separatists in Idaho," May 10, 1993; Jerry Seper, "White separatist acquitted in marshal's murder," Washington Times, July 9, 1993; David Johnston and Stephen Labaton, "F.B.I. Shaken by Inquiry into Idaho Siege," New York Times, November 25, 1993; Jerry Seper, "FBI's Idaho firefight linked to misinformation from marshals," Washington Times, December 1, 1993.

[598]15. FBI Legal Handbook for Special Agents, Section 3-6.4. 16/ Jerry Seper, "FBI Agents waged war on minds," Washington Times, September 22, 1993.

[599]17. Michael Hedges, "FBI fined for delays in trial of Weaver," Washington Times, October 29, 1993.

[600]18. David Johnston and Steven Labaton, November 25, 1993. 19/ Jerry Seper, "FBI agents likely to face charges in deadly siege," Washington Times, December 14, 1993, A14.

[601]20. "Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Domestic Security Terrorism Investigations," 1976.

[602]21. "Anti-Defamation League Still Faces Legal Action," Washington Post, November 28, 1993, A12.

[603]22. Herb Brin, "ADL's travails bring glee to enemies of the Jews," Heritage, April 16, 1993, p. D.

[604]23. Associated Press wire story, April 23, 1993, 10:25 EDT.

[605]24. Dr. Gordon Melton presentation at American Academy of Religion panel on the Branch Davidians, Washington, D.C., November 22, 1993.

[606]25. Gustav Nieguhr and Pierre Thomas, "Abuse Allegations Unproven: Koresh Was Investigated in Texas, California," Washington Post, April 25, 1993, A20.

[607]26. "30 Members of Children of God Arrested," Washington Post, September 2, 1993.

[608]27. December, 1993 Letter to Senators from Charles Russell of The Family, Los Angeles, CA.

[609]28. Information on CAN and unfootnoted quotes are from the Ross & Green Report "What is the Cult Awareness Network and What Role Did It Play in Waco?", 1993. Available from Ross & Green, 1010 Vermont Avenue, NW, Suite 118, Washington, D.C., 20005. ("Ross" is no relation to Rick Ross.)

[610]29. All references from the Justice Department report will be included within the text, with the page number after the colon. The

report consisted of 4 books and an unbound paper. (JDR:#) refers to the largest book, the factual report. All other references will include the name of each specific contributor, e.g., (JDR:Dennis:#) or (JDR:Stone:#).

[611]30. A description of Representative Leo Ryan's actions against Jim Jones and their similarity to the Cult Awareness Network's actions against the Branch Davidians is contained in Peter McWilliams Ain't Nobody's Business If You Do in the chapter on "Unconventional Religious Practices," pgs. 621- 639. (Santa Monica: Prelude Press, 1993).

[612]31. Steven R. Reed, "Would-be Messiah gave death, not life," Houston Chronicle, April 20, 1993, 18A.

[613]32. Alexander Cockburn, ">From Salem to Waco, by Way of the Nazis," Los Angeles Times, April 27, 1993.

[614]33. Scott Shepard, "ATF chief vows to keep an eye on religious cults", Washington Times, November 2, 1993, A3.

[615]34. Information from Clifford L. Linedecker, Massacre at Waco, Texas, (New York: St. Martin's Press, 1993) and Brad Bailey and Bob Darden, Mad Man in Waco, (Waco, Texas: WRS Publishing, 1993).

[616]35. June 9, 1993, House Appropriations Subcommittee on the Treasury, Postal Service, and General Government Appropriations, p. 189.

[617]36. Unless otherwise noted, material on or attributed to Marc Breault is from his book, Inside the Cult, co-authored by Martin King, (New York: Signet Books, 1993).

[618]37. Maury Povich television show, November 9, 1993. Povich presented two interview shows about the Branch Davidians on November 8 and 9, 1993.

[619]38. Marc Breault and Martin King, p. 245.

[620]39. Clifford L. Linedecker, pgs. 144-147.

[621]40. Newsweek, May 3, 1993, p. 27.

[622]41. Gustav Nieguhr and Pierre Thomas, April 25, 1993, A20. 42/ Clifford L. Linedecker, p. 144.

[623]43. Gustav Nieguhr and Pierre Thomas, April 25, 1993, A20. 44/ "Cult kids' discipline tough, but wasn't abuse, says doctor," Washington Times, May 6, 1993.

[624]45. Sue Anne Pressley, "Waco Cult's Children Describe Beatings, Lectures, War Games: Experts Fail to Confirm Abuse of Cult's Children," Washington Post, May 5, 1993, A17.

[625]46. Daniel Wattenberg, "Gunning for Koresh," American Spectator, August, 1993, p. 38.

[626]47. Newsweek, May 17, 1993, p. 50.

[627]48. Marc Breault and Martin King, p. 92.

[628]49. Gustav Nieguhr and Pierre Thomas, April 25, 1993.

[629]50. Clifford L. Linedecker, p. 153.

- [630]51. Associated Press wire story, March 1, 1993.
- [631]52. Louis Sahagun and J. Michael Kennedy, "FBI places full blame on Koresh for Tragedy," New York Times, April 20, 1993, A20.
- [632]53. Ruth Riddle interview on "Dateline NBC", June 15, 1993.
- [633]54. Maury Povich television show, November 8, 1993.
- [634]55. Clifford L. Linedecker, pgs. 151-152.
- [635]56. Brad Bailey and Bob Darden, p. 152.
- [636]57. Michael deCourcy Hinds, April 20, 1993, A20.
- [637]58. Houston Post, March 8, 1993, p. A10.
- [638]59. Houston Post, March 9, 1993, A13.
- [639]60. Steven R. Reed, "Would-be Messiah gave death, not life," Houston Post, April 20, 1993.
- [640]61. "Seven Seals rich in imagery," Houston Post, April 20, 1993, 16A. This version is from the Oxford Study Bible.
- [641]62. The fact that Kathryn Schroeder made the allegation is from Associated Press wire story, October 2, 1993, 12:18 EST. The actual quotation is from the Treasury report, p. 127.
- [642]63. Maury Povich television show, November 8, 1993.
- [643]64. Paul H. Blackman report, "Affidavit to Kill," Institute for Legislative Action, National Rifle Association, p. 9.
- [644]65. Federal Search Warrant Case Number W93-15M: issued on the probable cause to believe that unregistered machineguns and destructive devices concealed in violation of 18 and 26 USC.; Federal arrest warrant for Vernon Wayne Howell Case Number W93-17m issued in the belief he was in unlawful possession of an unregistered destructive device in violation of 26 USC. >From June 9, 1993, House Appropriations subcommittee hearing, p. 93..
- [645]66. Michael Isikoff, "Treasury Balked at First At ATF's Raid on Cult," Washington Post, May 1, 1993. Then consultant, now Assistant Secretary for Law Enforcement, Philip K. Noble made the comment.
- [646]67. Sam Howe Verhovek, "Scores die as cult compound is set afire," New York Times, April 20, 1993.
- [647]68. "Cult Had Illegal Arms, Expert Says," New York Times, January 15, 1994.
- [648]69. Jim McGee and William Clairborne, "The Transformation of the Waco 'Messiah'," Washington Post, May 9, 1993, A19.
- [649]70. Marc Breault and Martin King, p. 223.
- [650]71. Clifford L. Linedecker, p. 10.
- [651]72. Paul H. Blackman report, p. 4.
- [652]73. Associated Press wire story, January 13, 1994, 12:36 EST.

- [653]74. Hugh Aynesworth, "President calls for investigation," Washington Post, April 21, 1993.
- [654]75. Daniel Wattenberg, p. 33.
- [655]76. Paul H. Blackman, report, p. 51.
- [656]77. Ibid. 23.
- [657]78. Ross and Green report, p. 12.
- [658]79. Clifford L. Linedecker, pgs. 144-147.
- [659]80. Marc Breault and Martin King, p. 317.
- [660]81. Clifford L. Linedecker, on pgs. 17-18, presents the only available evidence of the alleged name change. Member Perry Jones allegedly paid a bill at "Central Rental" in Waco and said Mount Carmel's new name was "Ranch Apocalypse." However, this seems to have been an in-house joke, not an official name change.
- [661]82. June 9, 1993 House Appropriations subcommittee hearing, p. 15.
- [662]83. Daniel Wattenberg, p. 36.
- [663]84. Daniel Wattenberg, p. 33.
- [664]85. Paul H. Blackman report, p. 10.
- [665]86. Ibid. pgs. 12-13.
- [666]87. Ibid. p. 17.
- [667]88. Larry Pratt, Gun Owners of America Special Report, "Could a Search Warrant Be Your Death Warrant?," 1993, p. 2. 89 Paul H. Blackman report, p. 6.
- [668]90. Ibid. p. 21.
- [669]91. Marc Breault and Martin King, pgs. 317-318.
- [670]92. Roy Bragg, "Ex-prosecutor laments agents' 'storm trooper' tactics," Houston Chronicle, March 2, 1993.
- [671]93. Dirk Johnson, "40 Bodies of Cult Members are Found in Charred Ruins," New York Times, April 22, 1993, B12.
- [672]94. Lexington (KY) Herald-Leader, March 7, 1993, A2.
- [673]95. James L. Pate, "Waco: Behind the Cover-Up," Soldier of Fortune, November, 1993, pgs. 36-41, 71-72.
- [674]96. Marc Smith, "Agent allegedly refused Koresh's offer," Houston Chronicle, September 11, 1993.
- [675]97. Associated Press, "Gun Dealer Alerted Koresh to ATF Probe, Lawyer Says," Houston Post, September 11, 1993.
- [676]98. April 9, 1993 House Appropriations subcommittee hearing, p. 137.
- [677]99. Ibid. pgs. 163-164.

- [678]100. Ibid. p. 77.
- [679]101. Ibid. pgs. 130, 137-138.
- [680]102. Marc Breault and Martin King, p. 245.
- [681]103. Clifford L. Linedecker, p. 16.
- [682]104. Marc Breault and Martin King, p. 318.
- [683]105. Dallas Morning News, May 13, 1993, 8A.
- [684]106. While here he may have meant "children" in the larger sense of his followers, Koresh's claim elsewhere on the tape that his 2-year-old daughter had been killed was not true, according to his attorney Dick DeGuerin and surviving Branch Davidians.
- [685]107. "Koresh to agents: Should have called me," Washington Times, May 26, 1993.
- [686]108. Newsweek, March 15, 1993, p. 55.
- [687]109. Time, March 15, 1993, p. 39.
- [688]110. Marc Breault and Martin King, p. 299.
- [689]111. Larry Pratt report, p. 15.
- [690]112. Marc Breault and Martin King, p. 306-307.
- [691]113. Gustav Nieguhr and Pierre Thomas, April 25, 1993, A20.
- [692]114. "A Botched Mission in Waco, Texas," U.S. News and World Report, March 5, 1993.
- [693]115. Associated Press wire story, April 22, 1993, 13:04 EDT.
- [694]116. Stephen Labaton, "Firearms Agency Struggles to Rise >>From Ashes of Waco Raid," New York Times, November 5, 1993, A21.
- [695]117. June 9, 1993, House Appropriations subcommittee hearing, pgs. 144-145.
- [696]118. Marc Breault and Martin King, p. 106.
- [697]119. Daniel Wattenberg, August, 1993, p. 32.
- [698]120. Joseph Sobran, "Applying the Cult Label," Washington Times, March 22, 1993.
- [699]121. June 9, 1993, House Appropriations subcommittee hearing, p. 77-78.
- [700]122. Private communication with Terry Liberty Parker of Austin, Texas.
- [701]123. June 9, 1993, House Appropriations subcommittee hearing, p. 342.
- [702]124. Ibid. p. 189.
- [703]125. Ibid. pgs. 177-178.
- [704]126. June 9, 1993, House Appropriations subcommittee hearing, p.

175.

- [705]127. James L. Pate, "Gun Gestapo's Day of Infamy," Soldier of Fortune, June, 1993, p. 62.
- [706]128. USA Today, April 21, 1993, A4.
- [707]129. Associated Press wire story, February 28, 1993.
- [708]130. Daniel Wattenberg, p. 40.
- [709]131. Scott Pendleton, "Waco Siege Prompts Scrutiny of Agency," Christian Science Monitor, April 8, 1993, p. 8.
- [710]132. Account from four January 19, 1994 news stories: Kathy Fair, "ATF agent testifies about cult ambush," Houston Chronicle, 8A; "1st Eyewitness Testifies at Branch Davidian Trial," Washington Post; Chip Brown, "Davidians fired first, agent says," Washington Times; "Witness Says Cult Ambushed Agents but Acknowledges Blunders," New York Times.
- [711]133. Kathy Fair, "Witnesses testify Koresh cultists fired first," Houston Chronicle, January 21, 1994, 23A.
- [712]134. Lee Hancock, "Television Photographer Says He Tipped Waco Cult," Washington Post, August 28, 1993.
- [713]135. Washington Post, January 19, 1994.
- [714]136. Houston Post, March 4, 1993, A20.
- [715]137. Kathy Fair, "Cult assembled weapons in compound, FBI says," Houston Chronicle, January 15, 1994, 36A.
- [716]138. James L. Pate, "What the Feds Don't Want you to Know about Waco," Soldier of Fortune, October, 1993, p. 102.
- [717]139. James L. Pate, October, 1993, p. 10.
- [718]140. Associated Press wire story, March 24, 1993, 20:09 EST.
- [719]141. "Witness Says Cult Ambushed Agents but Acknowledges Blunders," New York Times, January, 19, 1994.
- [720]142. Scott W. Wright, "Agents at Branch Davidian Trial Describe Blitz of Bullets at Raid," Austin American- Statesman, January 21, 1994, B3.
- [721]143. Ibid.
- [722]144. James L. Pate, October 1993, pgs. 93 and 101.
- [723]145. "Much Evidence and Conflict in Branch Davidians' Trial," New York Times, January 17, 1994.
- [724]146. Stephen Labaton and Sam Howe Verhovek, "U.S. Agents Say Fatal Flaws Doomed Raid on Waco Cult," New York Times, April 28, 1993, A20.
- [725]147. Order, April 20, U.S. v. Vernon Wayne Howell, U.S. District Court of the Western District of Texas, Waco Division.
- [726]148. "FBI Places Full Blame on Koresh for Tragedy," Los Angeles Times, April 21, 1993, A6.

[727]149. Information from letter to editor of Portland Oregonian submitted by Jim Bell, November, 1993.

[728]150. James L. Pate, June, 1993, pgs. 51-52.

[729]151. "Sect's Lawyers Dispute Gunfight Details," New York Times, April 5, 1993, A10 and transcript of September 30, 1993 Treasury Department press conference.

[730]152. New York Times, April 5, 1993, A10.

[731]153. June 9, 1993, House Appropriations subcommittee hearing, pgs. 99-129.

[732]154. Associate Press story, "FBI tape of Waco talks probed," Washington Times, June 17, 1993.

[733]155. "Much Evidence and Conflict in Branch Davidians' Trial," New York Times, January 17, 1994.

[734]156. Kathy Fair, "Cult assembled weapons in compound, FBI says," Houston Chronicle, January 15, 1994, 36A.

[735]157. Interview with Catherine Matteson, August 30, 1993, on file at Gun Owners of America.

[736]158. Sue Anne Pressley, May 5, 1993, A17.

[737]159. Kathy Fair, "Cult members 'executed' injured, prosecutors say," Houston Chronicle, January 13, 1994, A6.

[738]160. "3 Waco Cultists Shot Point-Blank, Autopsies Show," Washington Post, July 15, 1993, A4.

[739]161. Brad Bailey and Bob Darden, pgs. 172-173.

[740]162. James L. Pate, October, 1993, pgs. 101-102.

[741]163. New York Times, April 5, 1993, A10.

[742]164. Roy Bragg, "Ill-fated ATF raid: the beginning of the end," Houston Chronicle, April 20, 1993, 17A.

[743]165. New York Times, January 17, 1994.

[744]166. On page 104 the Treasury Report does describe in detail the type of guns which killed Branch Davidians.

[745]167. "ATF agent tells of retrieving dead," Washington Times, January 25, 1994.

[746]168. Dallas Morning News, March 3, 1993; Newsweek, March 15, 1993; p. 54.

[747]169. On December 7, 1993 KWTX's Ray Deaver told us station employees had edited the tape and that it had not been impounded by the government. Nor had the tape been subpoenaed for the Branch Davidian trials.

[748]170. "ATF agent says he may have shot comrade," Washington Times, January 26, 1994.

[749]171. "Was It Friendly Fire?", Newsweek, April 5, 1993, p. 50.

[750]172. James L. Pate, July, 1993, 53.

[751]173. Stephen Labaton and Sam Howe Verhovek, March 28, 1993.

[752]174. Washington Times, January 26, 1994.

[753]175. John McLamore and Dan Mulloney statement on Maury Povich television show, November 9, 1993.

[754]176. >From audio tape of John O. Lumpkin, Texas Bureau Chief of the Associated Press, speaking at September 10, 1993 Freedom of Information Foundation panel on "Mt. Carmel: What Should the Public Know."

[755]177. Associated Press wire story, March 13, 1993, 02:57 EST.

[756]178. Paul H. Blackman report, p. 51.

[757]179. Mary Jordan and Sue Anne Pressley, "Cult Leader Wants to Die a Martyr in 'All-Out Firefight'," Washington Post, March 9, 1993.

[758]180. "The Seven Week Siege," Washington Post, April 20, 1993, A8.

[759]181. New York Times, April 5, 1993, A10.

[760]182. June 9, 1993, House Appropriations subcommittee hearing, p. 137.

[761]183. >From audiotape of September 10, 1993 Freedom of Information Foundation media panel.

[762]184. Paul H. Blackman report, p. 50.

[763]185. James L. Pate, "Government's Waco Whitewash," Soldier of Fortune, January, 1994. p. 69.

[764]186. Ron Engelman, "Ron's Waco Update," The Freedom Report, September, 1993.

[765]187. Hugh Aynesworth, "Koresh followers set fires," Washington Times, April 27, 1993.

[766]188. June 9, 1993, House Appropriations subcommittee hearing, p. 60.

[767]189. Ibid. p. 18.

[768]190. Newsweek, March 15, 1993, p. 55.

[769]191. Jerry Seper, "ATF chief denies Waco cover-up," Washington Times, April 19, 1993, A3.

[770]192. Kathy Fair, "Report on Waco cult raid likely to be scathing," Houston Chronicle, September 26, 1993, 9A.

[771]193. Clifford L. Linedecker, p. 27.

[772]194. Associated Press wire story, March 11, 1993, 16:23 EST.

[773]195. "Jury Told of Gunfire and Horror in Texas Siege," New York Times, January 13, 1994.

[774]196. "How David Koresh Got All Those Guns," U.S. News and World Report, June 7, 1993, p. 42.

[775]197. "Cult had illegal Arms, Expert Says," New York Times, January 15, 1994 and Kathy Fair, "Jurors see a parade of cult weapons," Washington Times, January 14, 1994, 26A.

[776]198. "Koresh Follower Pleads Guilty to Resisting Officer," New York Times, September 12, 1993.

[777]199. Lee Hancock, "Thousands protest proposal to limit access to cult data," Dallas Morning News, September 23, 1993.

[778]200. Freedom of Information Foundation Press Release, September 25, 1993.

[779]201. Jerry Seper, "Treasury wants to hid reports on Waco raid," Washington Times, September 2, 1993.

[780]202. June 9, 1993, House Appropriations Subcommittee Hearings, pgs. 69 and [781]84..

[782]203. Scott Shepard, "ATF chief vows to keep an eye on religious cults", Washington Times, November 2, 1993, A3.

[783]204. Jerry Seper, "New ATF chief tells panel his bureau will be ready for Waco-like situations," Washington Times, October 23, 1993.

[784]205. In the coming weeks law enforcement agencies would deploy the following number of personnel: FBI-668, ATF-136, U.S. Customs-6, Waco Police-18, McLennan County Sheriff's Office-17, Texas Rangers-31, Texas Dept of Public Safety Patrol-131, U.S. Army-15, Texas National Guard-13. [785](JDR:10).

[786]206. Dr. Philip Arnold and Dr. James Tabor, "Comments and Clarifications" section of "The Decoded Message of the Seven Seals of the Book of Revelation" by David Koresh.

[787]207. "Ex-prosecutor laments agents' 'storm trooper' tactics," Houston Chronicle, March 2, 1993.

[788]208. Audio tape of the September 10, 1993 Freedom of Information Foundation media panel on Waco.

[789]209. Brad Bailey and Bob Darden, p. 232.

[790]210. Paul McKay, "Photographers for Chronicle, AP arrested," Houston Chronicle, April 22, 1993.

[791]211. Brad Bailey and Bob Darden, p. 206.

[792]212. Mary Jordan and Sue Anne Pressley, May 9, 1993, A1.

[793]213. April 22, 1993, Senate Committee on Appropriations hearing, p. 122.

[794]214. Paul H. Blackman report, p. 56.

[795]215. Libertarian Party of Dallas 1993 promotional materials on Ron Engelman talk video tape.

[796]216. Naftali Bendavid, "The Costs of Cult Standoff: Were Estimates Too High?" Legal Times, May 3, 1993, p. 18.

- [797]217. Interview on "Dateline NBC," June 15, 1993.
- [798]218. During the April 28, 1993 House Judiciary Committee hearings probably-confused FBI Director William Sessions asserted that "cult experts" had advised the government to leave the area and give up on arresting the Branch Davidians.
- [799]219. Maury Povich television show, November 8, 1993.
- [800]220. James L. Pate, October, 1993, p. 73.
- [801]221. Associated Press wire story, March 16, 1993, 4:42 EST.
- [802]222. Nancy Ammerman presentation at November 22, 1993 American Academy of Religion panel on Branch Davidians.
- [803]223. "Bad Attitude Turns Fatal," The Balance, August, 1993.
- [804]224. Nancy Ammerman presentation, November 22, 1993.
- [805]225. Information from Dr. Gordon Melton talk at the November 22, 1993 American Academy of Religion panel on the Branch Davidians and private communication.
- [806]226. Louis Sahagun and J. Michael Kennedy, "FBI Places Full Blame on Koresh for Tragedy," Los Angeles Times, April 21, 1993.
- [807]227. Michael Isikoff and Pierre Thomas, "Reno, FBI Took Fatal Gamble," Washington Post, April 21, 1993, A15.
- [808]228. Sam Howe Verhovek, "F.B.I. Saw the Ego in Koresh But Missed Willingness to Die," New York Times, April 22, 1993, B13.
- [809]229. Marc Breault and Martin King, pgs. 335-336.
- [810]230. Sam Howe Verhovek, April 21, 1993, A20.
- [811]231. "FBI brings out secret electronic weapons as Waco siege drags on," Sunday Times of London, March 21, 1993.
- [812]232. Mary Jordan and Sue Anne Pressley, March 8, 1993.
- [813]233. "Primetime Live" television special on Waco, January 13, 1994.
- [814]234. Brad Bailey and Bob Darden, p. 246.
- [815]235. Dan Friedman, "Wealth of advice seen as costly to FBI at Waco," Washington Times, October 8, 1993.
- [816]236. New York Times, April 5, 1993, A10.
- [817]237. Maury Povich television show, November 8, 1993.
- [818]238. JoAnn Zuniga, "Outcome shocks compound visitor," Houston Chronicle, April 20, 1993, 16A.
- [819]239. Associated Press wire story, March 25, 1993, 03:53 EST.
- [820]240. Dirk Johnson, "Inside the Cult: Fire and Terror on the Final Day," New York Times, April 26, 1993, B10.
- [821]241. New York Times, April 5, 1993, A10.

[822]242. Paul Craig Roberts, "Unsettling questions in probe of Waco," Washington Times, June 1, 1993, E3.

[823]243. James Adams, "They Could Have Waited: A Lesson in How Not to Play the Hostage Game," Washington Post, April 25, 1993, C3.

[824]244. Associated Press wire story, March 16, 1993, 04:25 EST.

[825]245. Brad Bailey and Bob Darden, p. 233.

[826]246. Clifford L. Linedecker, p. 215.

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World-Wide-Web html format by

Scott Ostrander: scotto@cica.indiana.edu

From: cs101b49@dcl-nxt11 (cs101 student)

Subject: WACO history

Date: Thu, 22 Apr 1993 19:18:24 GMT

Message-ID: <C5wGAo.K0v@news.cso.uiuc.edu>

Organization: University of Illinois at Urbana

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Words can't express the sickness, horror and outrage I felt, watching an army tank bash holes in the walls of the house at Mt. Carmel Monday, April 19, 1993 -- exactly 50 years after the Nazis burned the Warsaw ghetto.

And all the while, the FBI's personal buffoon, Ricks, sanctimoniously made claims that this was done to "urge" the people to come out, that the FBI was "concerned about child abuse" because of the "conditions the children were living in."

What utter and total baldfaced lies.

The holes were bashed in the sides of the building, not to introduce CS gas, so much as to make sure the house was well ventilated, so that the fire would spread rapidly.

I have received reports from no less than 15 people across the country who saw on the TV footage, two men in black uniforms, wearing gas masks, set the fire.

I personally saw an incendiary fly through into the second story window.

Three others reported seeing footage where the tank drove over a gas tank, exploding it.

I represent several family members and Branch Davidians. I have talked with several Branch Davidians. They are not glazed over moonie-type crazies. They are well educated, articulate, very nice people. All of them had normal jobs outside the Mt. Carmel Center. None of them believed they were under David Koresh's "control." All of them said they were free to leave whenever they wanted.

One of them said that there was no "suicide" -- that no one from the Branch Davidians set the fire at all and didn't know it was coming.

And the real story follows.

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Most of you have seen our earlier accounts of Waco while the Branch Davidians were under seige and know from the TV news what the conditions were there.

The news media was kept 3 miles from the Mt. Carmel Center by armed guards at all roads into the compound. And the media dutifully reguritated whatever tripe the FBI fed them each

day at 10:30, calling it "news" as they slandered the Branch Davidians, spreading lies of "child molesting", "planned mass suicide", and "religious whackos in Waco." No matter, sensationalism sells newspapers, doesn't it? It gets those network ratings up, too. It wouldn't be a story if they told the truth. The FCC might shut down a network or two or yank a permit. Better that 100 people should die in an inferno than expose the depths of the depravity of the leaders of this country.

Well, the FBI lied and so have the major media throughout this entire ordeal. Here's the real story:

In 1992, Sheri Jewel and her ex-husband were in a custody battle over their daughter, Keri. Sheri was a Branch Davidian and she was killed in the fire Monday.

Her ex-husband is a radio announcer. His wife is a TV personality. They have money.

A fellow named Mark Breault, who is reputed to have a felony record, used to be a Branch Davidian. He proclaimed himself to be a prophet. After awhile, he tried to take over the Mt. Carmel compound and was ousted by David Koresh. Breault, an Australian, left, vowing revenge. He often called the compound daily to harrass the members.

The Jewel's hired Mark Breault to testify in their custody dispute. In an affidavit, Breault made allegations of child molestation and religious weirdness.

This was in Michigan in 1992.

Senators were contacted to investigate these allegations, as was the "Cult Awareness Network." The Cult Awareness Network is

a group in Washington, D.C., headed by the wife of late Senator Ryan who was killed at Jonestown. She has a personal vendetta, too. And she wields a lot of power in Washington, apparently, because if someone ends up on her cult hit list, they frequently end up dead.

The allegations of child molestation were investigated in the intervening two years, twice, by Texas welfare department authorities and found to be baseless. The Sheriff's department investigated the allegations of illegal guns and these claims were found to be baseless. The investigations were peaceful. There were no problems.

Mark Breault, however, continued to make his baseless and slanderous allegations against the Branch Davidians. The Cult Awareness Network turned up the pressure.

The newspapers called Breault a "private investigator who has tracked the Davidians for two and a half years." "Tracked"? They had lived at the Mt. Carmel Center since 1935. How much "tracking" did it take? "Investigator"? Ha. He's a self-proclaimed "prophet" with a vendetta against the Branch Davidians. And who paid him so handsomely that he could afford to "track" them for 2-1/2 years, anyway? Did the media bother to check any of this out? Never.

You may remember that in the first few days the Branch Davidians were under seige, they hung a sheet outside the window that said, "Send in Don Stewart, CFA and Ron Ingleman." I now know all these people pretty well by phone.

Don Stewart says he is a former paid informant and hired

assassin for the BATF. He named dates, times, and places, and detailed a secret hit squad operated under the BATF by a man code-named "Wolfgang" (whose name he identified to me). He claims this secret hit squad killed a fellow named Tomassi in California, a religious leader called the Bogwan Rashnesh Shari, and provided the weaponry to the woman named Moore who tried to shoot President Ford, driving her through guards to get her in place. They took her children to keep her quiet. He also says that John Wayne Hearn, the man who ran the ad in Soldier of Fortune magazine as a hired hitman that got Soldier of Fortune sued when he actually carried out a hired murder for someone, was a paid operative. Congressional records show that a man named Dirk Stoffberg was another such operative, who was a hired assassin of our government and also ran guns and cocaine in and out of the country. Don Stewart is now on the run from the BATF, living in an RV with his family. If even a 10th of his information is true, it is a sorry, sorry tale of the depravity existing at the highest levels of our government.

CFA -- the Constitutional Foundational Association, was started by Greg

Sali and Bill Griffith, to expose the true story in Waco.

They are also now working to establish common law courts throughout the country to put corrupt judicial officials and politicians behind bars, where they belong. Together with Ken Fawcett, they have collected over 300 hours worth of videotapes of the initial onslaught. People who have

studied these tapes in slow motion say that they show that the BATF agents who were killed going in through the second story window were killed by friendly fire and their own frag grenade.

When they got inside the window, they were in a 10 x 10 room that had a locked steel door. They couldn't get out.

They were hit by friendly fire and trapped in the room when the frag grenade went off.

One Branch Davidian, Mike Schroeder, left the Mt. Carmel compound that morning to go to work as usual. He passed by agents who never stopped him. He didn't learn of the initial seige until later that day. When he tried to return home, he was shot in the back as he climbed a fence. His body was left hanging on the fence for days, as his wife and child could see him there, from inside the house. The government finally moved his body, using a grappling hook from a helicopter, at night, to drop it into a nearby field, where it was chewed by wild dogs and buzzards beyond recognition as a human being.

Another man was shot and his body was left up on the water tower for days by the government and it, too, was dropped to the ground at night by a helicopter, leaving pieces to be scraped up from the ground.

The two old ladies who came out of the compound with the children said that all the children had been in an upstairs room when they were suddenly fired upon by helicopters through the roof the day of the seige. They covered the children with their own bodies to protect them. These old ladies were

charged with murder and held in jail. Eventually, they were put under arrest as material witnesses and held in a half-way house out of the city.

While the FBI was claiming to be urging the Branch Davidians to surrender, FBI spokesperson Ricks announced on Friday, April 17th, that anyone who came out would be considered a threat to the BATF agents and would be shot. Shots and percussion grenades were fired at a person who tried to leave through a window that day and at Steve Schneider. Ricks said that Steve Schneider had "abused his privileges" and had to be taught a lesson.

For 51 days, the FBI tortured the people inside the Mt. Carmel center. All utilities, including sanitation, were cut off.

Loudspeakers were set up all around the house to blare sounds 24-hours a day, including the sounds of rabbits being slaughtered, the sound a phone makes when it is left off the hook, Tibetan monk chants, jet airplanes, babies crying, and songs such as "these boots are made for walking" and Christmas carols.

Stadium lights were set up to keep the place lit up 24 hours a day. Military tanks, including M1 Abrams and Bradley's, were brought in and rapidly circled the house, firing percussion grenades, continuously. The tanks would charge up to the house and then stop within feet of the house repeatedly.

Black helicopters flew overhead. Two huey gunships also flew over frequently, guns mounted in front.

Around the 40th day of the seige, David Koresh announced that

the children and babies were out of milk. Two relief efforts to bring baby food to the Mt. Carmel compound were turned back. Two people, one of them Gary Spaulding from South Bend, Indiana, were arrested for trying to take the food past a roadblock. When I posed the direct question to the FBI headquarters, "Has it come to this? Does the United States government want babies to starve to death?" The answer was, verbatim, "Yes." An ATF agent, in a pickup truck that said "Wild Bill" on the side, stole the food, too. And to that agent, and every state trooper, every BATF agent, and every FBI agent who prevented those children from receiving food, you are murderers.

And how did the BATF account for what it did when it assaulted the Branch Davidians? Did it offer to show the American public the search warrant they claimed to have? No. In fact, the search warrant and probable cause affidavit, if they existed at all, were "sealed" by court order. A court order from the same judge who apparently signed it in the first place.

The same judge, Walter Smith, Jr., of the Waco Division, Western U.S. District Court in Waco, denied eight petitions for relief filed by various lawyers seeking to order the FBI and BATF to be made to follow the law and the United States Constitution. The government never once filed a single paper in opposition to any of these motions. There was clear, controlling Supreme Court law that required that these petitions be granted. The judge had no legal reason to deny them, yet he did. And he used the same order,

nearly a xerox, to deny all of them. Walter Smith, Jr.,

you are a murderer.

Walter Smith is the same judge who allowed arraignments of people who left the compound to be held in secret. When there was not sufficient probable cause to hold them under arrest, he allowed them to be detained in jails as "material witnesses."

And this same judge is the only judge in that division, where all the remaining Branch Davidians, now facing "murder" charges, will be put on trial.

After the BATF and FBI learned that the American Justice Federation had released a press release stating that the use of military troops against United States citizens violated federal law, specifically, the Posse Comitatus act at the BATF released a cover story, claiming that the tanks were "really" not Army, they were national guard, and had been brought in under the "Drug interdiction act" because they had heard there was a "methamphetamine lab" -- three weeks after the FBI had already publicly announced there was never any question whatsoever of drug involvement.

Governor Ann Richards of Texas, who authorized the use of the tanks, claimed she had been tricked. But she still did not order the tanks to be withdrawn. Ann Richards, you are a murderer.

Each day, secret horrors were perpetuated upon the Branch Davidians, out of sight of the American public, as the press cowered like sheep, out on the fringes. Each day, the FBI gave us "The Truth", as told by the FBI, and the news media dutifully

lapped it up and spread it throughout the country,
poisoning the minds of people across the country, just as
the FBI intended. FBI Agents Jeff Jamar and Ricks, you are
murderers.

Did any of the news media ever challenge how the BATF
might have any jurisdiction at all over "child molesting"
allegations? Or their authority to bring in two cattle
trailers full of armed men, who threw grenades at the
front door and went in shooting at women and children on a
Sunday morning? Each of you in the media, who didn't
question, who didn't challenge, who didn't know enough
about the Constitution of this country to even ask an
intelligent question, each of you are murderers.

One or two persons asked decent questions at the press
conference. Lewis Beam, a former KKK grand dragon and
political activist, and a reporter from Soldier of Fortune
Magazine, were kicked out of the press conference for
doing so. Lewis Beam was arrested. His crime? Asking "Is
this the beginning of gestapo tactics and martial law in
this country?" at the press conference.

Two other known "trouble makers" (this author included), were
prevented from entering the press conference, despite valid press
credentials. In fact, later that day, I was detained, as a
BATF agent at a road block pointed a machine gun at me and
my partner, John Baird, and our credentials were stolen.
My crime? I had filed a lawsuit on behalf of the Branch
Davidians, asking that they be allowed to have legal
counsel.

And, for all the unasked questions: No, it is not illegal to own a machine gun in this country. Even if the Branch Davidians had a machine gun, which it now appears they did not, if it was "illegal" it merely meant that a \$200 tax had not been paid on it. All it takes to legally own a machine gun in this country is to pay a \$200 tax and fill out a form 4. The BATF is supposed to check that those taxes have been paid.

Neighbors we have spoken with who have known the Branch Davidians for 15 years described them as "good samaritan" types who helped their neighbors and were kind and friendly. Normal people, good neighbors. The kind of folks you'd probably rather have living around you than the thugs who commit the drive-by shootings, rapes, and robberies, for instance.

Calling a religion a "cult" and putting out false information across the media about "child molesting" and "weapons caches" is exactly the same technique that was used by the Nazis to portray the Jews as filthy, disgusting people, so they could be killed.

It is the same technique used by every tyrannical government, to kill an unpopular and potentially vocal adversarial group. But in this country, we are supposed to have freedom of religion. It would seem that is a pipe dream.

We have three confirmed reported citings of trainloads of U.N. tanks going into Portland, Oregon, over the past few weeks, and troop movements of unmarked military vehicles across the nation. Perhaps you might want to ponder the significance of these events. And tonight, Peter Jennings, in yet

another "made for propaganda" ABC News TV special, gave a full and impartial (not) accounting of events by having those bastions of integrity, Kisser, of the Cult Awareness Network, and a former Branch Davidian, give us "insight" into how Branch Davidians and "all cults" think. As if they know. Peter Jennings twice said tonight, that "there are more than 100 cults across the country and this is a warning of things to come."

Paul Fatta, a Branch Davidian, held a Class III dealer's license. That meant that he could legally own, sell, and buy, any type of gun. It is thus highly unlikely that there were any "illegal" guns in the center at all.

And who is responsible for issuing these permits? The BATF. They knew Paul Fatta had a license.

Paul Fatta was not at the Mt. Carmel Center the day the BATF assaulted the Branch Davidians. Nonetheless, he is now listed on the FBI's "10 Most Wanted" list as "armed and dangerous."

This gives the government the ability to shoot him on sight and then claim he was a "fleeing felon." It is, in other words, a license for the government to kill, again. To bury the best evidence against them, again.

David Koresh had a message for the world. He wasn't holding out to commit suicide. He didn't hold anyone hostage. He wanted to give what he believed was a gift to the world. He believed he held the secret to the seven seals, spoken of in Revelations. He wanted to offer what he knew for anyone who could hear it, believing he had a duty to offer it to help save the souls of those who did not know. He wanted the time to write it down,

which he had to do in candlelight, using a manual typewriter, on scraps of paper.

He sent a message to the FBI telling them this. He also sent messages, Bible scriptures, that said that God would send his holy armies to smite his enemies.

That much may be true. The Waco massacre has awakened Americans all across the nation to what is horribly wrong in this country. A voice of unity is being heard, growing louder each day. Interestingly, the day the Branch Davidians were murdered is also the anniversary of the ride of Paul Revere.

We have seen our leaders on the television, lying to us with straight faces, offering justifications for this carnage, as if there could ever be any possible moral explanation or excuse that could be enough. That the people offering these excuses are morally bankrupt and corrupt, should be obvious. A simple, "We're sorry" would at least show a glimmer of common decency and humanity, but those words have never crossed any of their lips.

And each of them, Bill Clinton, Janet Reno, William Sessions, and Lloyd Bentsen, are murderers.

So, America, we have cold-blooded killers running our country. Isn't it about time you put down your beer, get up off the sofa, and do something about it?

Linda Thompson

American Justice Federation

- Indianapolis

317-780-5204

I received the following by email. The author gave me permission to use it as I see fit, but didn't authorize the use of his name or email address.

THE CLINTON BODY-COUNT

The following is a partial list of a large number of persons who have recently met their demise in suspicious circumstances who appear to have some connection to the Clintons. The information was compiled from several sources, and some of it is more complete and detailed than other parts, and there may be some inaccuracies. But it is the length and breadth of the list that is the most disconcerting. It is beyond credibility that every single one of these cases is mere coincidence.

=====

Bill Shelton - Arkansas state trooper and fiancée of Kathy Ferguson

died: 6/94 - allegedly committed suicide by shooting himself at the gravesite of his fiancée

- Officer Shelton was the fiancée of Kathy Ferguson, who was the ex-wife of Trooper Danny Ferguson. Kathy Ferguson also committed "suicide" last month when she shot herself in her living room. Oddly, next to the body were her packed bags, as if she was expecting to be going somewhere. Danny Ferguson is a co-defendant along with Bill Clinton in Paula Corbin Jones's sexual harassment suit. His ex-wife was reported as a corroborating witness for Ms. Jones.

C. Victor Raiser II - National Finance Co-Chairman, Clinton for President Campaign

Montgomery Raiser - Son of Victor Raiser II

died: 7/30/92 - Both men died in a private plane crash in Alaska, en route to a fishing expedition. No cause was ever determined. Five others not connected to Clinton died with them.

- DeeDee Meyers described Raiser as a "major player" in the Clinton organization. Victor raiser was also chairman of Mobile Telecomm Technologies Corp., whose subsidiary, SkyTel Corp. is an international paging company used by federal police agencies such as the FBI.

Paul Tully - Democratic National Committee Political Director

died: 9/24/92 - Found dead in a hotel room in Little Rock Arkansas of "unknown causes."

- Described by Clinton as a "dear friend and trusted advisor. Tully authored several key strategies for Clinton and the party.

Paula Grober - Clinton's speech interpreter for the deaf
died: 12/9/92 - Died in a one-car accident with no known witnesses.
- Traveled extensively with Clinton from 1978 until her death.

Jim Wilhite - Vice Chairman, Arkla, Inc.
died: 12/21/92 - Died in a one-person skiing accident.
- Wilhite had extensive ties with Clinton and Mack McLarty, with whom he visited by telephone just hours before his death.

Maj. Gen. William Robertson - Deputy Commanding General,
V Corps, Europe
Col William Densberger - V Corps Chief of Operations and Plans
Col. Robert Kelly - V Corps Chief of Intelligence
Spec. Gary Rhodes - Crew Chief
died: 2/23/93 - All were killed when their helicopter crashed in Weisbaden, Germany. No cause was ever determined.
- V Corps figured prominently in the US Bosnia-Serbia peacekeeping operations, along with the carrier Roosevelt. These men, and 8 others associated with Clinton's visit to the Roosevelt all died within 4 months of each other.

Steve Willis - Clinton bodyguard
Robert Williams - Clinton bodyguard
Conway LeBleu - Clinton bodyguard
Todd McKeehan - Clinton bodyguard
died: 2/28/93 - "executed" by gunfire in the Waco, Texas assault on the Branch Davidians.
- All four were examined by a "private doctor" and died from nearly identical wounds to the left temple, so-called execution style. According to Linda Thompson, videotapes and other evidence indicates that none died from guns fired by Branch Davidians.

Five Navy aviators - Clinton bodyguards/escorts
(names not determined)
died: 3/26/93 - all died in a crash of an E-2C Hawkeye in Italy. The crash occurred shortly after the plane was "waved off" from a landing attempt on the Carrier Roosevelt, due to a "foul deck".

- All five men had been Clinton's escorts during Clinton's visit to the Roosevelt 2 weeks prior.
- Three other men, who had flown Clinton to the Roosevelt for that visit also died later in a helicopter crash.

Staff Sgt. Brian Haney - Clinton bodyguard
Marine Sgt. Tim Sabel - Clinton bodyguard
Maj. William Barkley - Clinton bodyguard
Capt. Scott Reynolds - Clinton bodyguard

- died: 5/19/93
- All four men died when their helicopter crashed in the woods near Quantico, Va.
 - Reporters were barred from the site, and the head of the fire department responding to the crash described it by saying, "Security was tight," with "lots of Marines with guns." A videotape made by a firefighter was seized by the Marines. All four men had escorted Clinton on his flight to the carrier Roosevelt shortly before their deaths.

Paul Wilcher - Washington attorney investigating government corruption

- died: 6/22/93
- Found dead on a toilet in his Washington apartment. No cause of death was ever determined.
 - At the time of his death, he was investigating connections between the "October surprise" during the 1980 federal election campaign and drug and gun-running out of Mena, Arkansas, as well as the BATF assault on the Waco, Texas Branch Davidians. Was planning on producing a television documentary on his findings. He had delivered a 99-page affidavit to Janet Reno three weeks before his death.

Vincent Foster - White House Counsel

- died: 7/21/93
- Found dead in Ft. Marcy Park in Washington, DC, of a supposed suicide by gunshot. A suicide note was supposedly found a few days later, torn into several pieces, in his briefcase, after his office had been entered by WhiteHouse staff and materials removed. The gun which he supposedly used to kill himself was reported to be still in his hand, but the person who first found the body reports that there was no gun at that time. Many irregularities surround the death and the investigation of it.
 - Foster was also from Hope, Ark., like Clinton, and also worked for the Rose Law

firm. Foster had intimate knowledge of the Clintons' personal finances. Foster was involved in an investigation of their finances, and reportedly made a phone call to Hillary Clinton, in Little Rock, just hours before his death.

- Stanley Heard - Chairman, National Chiropractic Health Care Advisory Committee
- Steve Dickson - Counsel to Mr. Heard
- died: 9/10/93 - Both died in a plane crash outside Dulles airport, after their aircraft, rented after Heard's personal craft developed troubles, crashed while attempting an emergency landing after reporting a fire on board.
- Heard, in addition to serving on Clinton's advisory council, also personally treated Clinton's mother, stepfather, and brother.
-

- Luther Parks - Head of Clinton's Gubernatorial security team in Little Rock.
- died: 9/26/93 - Gunned down in his car at a deserted intersection outside Little Rock.
- His family reported that shortly before his death, they were being followed by unknown persons, and their home had been broken into. Parks had been compiling a dossier on Clinton's illicit activities. The dossier was stolen.
-

- Ed Willey - Real Estate Attorney, Clinton Fund Raiser
- died: 11/30/93 - Died of gunshot to the head. Body found in deep woods in Virginia. Ruled a suicide, no note was found, nor was any motive identified.
- Intimately involved in several Clinton fund raising events.
-

The following items are a bit less complete than the previous items, but still noteworthy.

- Hershell Friday - Attorney and Clinton fund raiser.
- died: ??? - Killed when his plane exploded. Cause unknown.
-

James Bunch

- Influential Texan

died: ???.

- Died from a gunshot suicide, similar to Vince Foster.
- Was discovered to have a "little black book" containing the names of many influential persons in Texas and Arkansas who visited certain prostitutes. Connection to Clinton not proven.

John Wilson

- Former Washington DC Council member

died: 5/18/93

- Found dead from an apparent hanging suicide
- Suicide appears suspicious due to an unusual number of reports made to the media concerning his "depression". Was reported, but not proven, to have ties to the Whitewater affair.

the ex- Mrs. Danny Ferguson - Ex-wife of Trooper Danny Ferguson

died: circa 5/94

- Died of a supposed gunshot suicide in her living room. There was a suicide note found by the body. However, friends were surprised at having noticed nothing wrong previously. And even more curious, found nearby were several packed suitcases, as if she expected she was going somewhere.
- She was the former wife (since changed her name) of Trooper Danny Ferguson, who is the Arkansas State Trooper alleged to have escorted Paula Corbin Jones to the hotel room for her alleged episode of sexual harassment by then-Governor Clinton. Ferguson's wife was reported as a possible corroborating witness for Ms. Jones.

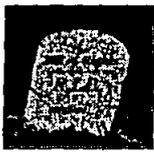
attorney for
Mr. Lassater
(name unknown)

- Attorney representing Mr. Lassater in a case concerning alleged financial misconduct.

died: circa 5/94

- Died in an alleged suicide by jumping out of a window of a multi-story building.
- Mr. Lassater was a close associate of Gov. Clinton, and was later indicted on drug related charges, among other things.

And the list goes on.....



Questions for Congress About "Waco"

(BATF AND FBI Crimes Against the Branch Davidians)

COMMITTEE FOR WACO JUSTICE

Box 65518 * Washington, D.C. * 20035 * 202/986-1847

Between March and June, 1993 the United States House and Senate held several hearings regarding Bureau of Alcohol, Tobacco and Firearms (BATF) and Federal Bureau of Investigation (FBI) actions against members of the Branch Davidian religious group in Waco, Texas. These actions led to the deaths of 82 Davidians, 56 of them women and children, and of four BATF agents.

While Congress asked some important questions regarding these deadly raids, too many remain unasked and unanswered. Since those hearings new information revealed at the trial of 11 Davidians and through the research of a number of investigators, including in the ongoing civil lawsuits, has raised many more questions that cut to the very heart of our Constitutional government.

Millions of Americans are beginning to discover the truth about what really happened February 28, 1993: BATF agents in National Guard helicopters zoomed in on the Branch Davidians' church and home, Mount Carmel Center, with guns blazing, killing unarmed Davidians. Ground agents mortally wounded David Koresh's unarmed father-in-law who stood at the front door with Koresh as he begged BATF agents to stop the attack on a building filled with 82 women and children. BATF agents--and FBI agents who took over from them--knew that more than a dozen agents would face prosecution if America learned the truth.

We believe leading BATF and FBI agents in Waco conspired, either explicitly or silently, to lie to and harass the Davidians to keep them inside Mount Carmel so agents would have an excuse to destroy the building, its incriminating evidence, and the defiant witnesses calling for justice. A study of the April 19, 1993 gas and tank attacks suggests they were a successful systematic effort to render Mount Carmel an inescapable fire trap.

Congressional committees conducted three in depth hearings, the April 22, 1993 House Ways and Means Subcommittee on Oversight hearing, the April 28, 1993 House Judiciary Committee hearing (whose transcripts still have not been released), and the June 9, 1993 House Appropriations Committee hearing. Below is list of questions which these committees never asked or which BATF, FBI, Treasury and Justice Department agents and officials never really answered. (Neither were these questions adequately answered in the official Treasury or Justice Department reports.)

Except at trial, in no investigation have these agents and officials been questioned under oath. Nor has immunity ever been granted to any agents or officials. Even under oath, many agents gave inconsistent, altered and self-serving testimony.

Millions of Americans are troubled by the obvious continuing coverup of BATF/FBI crimes against the Davidians and the failure of Congress to find the truth. They similarly are concerned about the failure of the Justice Department to prosecute or the FBI to fire agents and officials responsible for the death of Vicki Weaver in Idaho. Tens of thousands of Americans have gone so far as to form armed militias and vow to march on federal agents should they ever again put Americans under siege. Congress must re-open hearings or see to the appointment of an independent counsel to go to reassure the American people that federal law enforcement never again will raid and massacre Americans.

The supporting information mentioned in these questions is documented in Carol Moore's The Massacre of the Branch Davidians to be published soon by Gun Owners of America. Please contact us for sources of additional information.

1/26/95 Version

1. Did BATF hide irregularities in its investigation of the Branch Davidians from Congress?

****** When a representative asked about cooperation with local law enforcement, BATF officials did not reveal that they avoided cooperating with the McLennan County Sheriff and prosecutors' office because of one individual's allegations of "leaks" in the Sheriff's Department to Koresh.

****** Congress was not told that both U.S. Assistant Attorney Bill Johnston and District Judge Walter J. Smith (who presided at trial) may have been prejudiced against Koresh because of civil suits linked to alleged drug dealing out of Mount Carmel under George Roden before David Koresh took over. Others may have feared that Koresh would reveal evidence of local law enforcement involvement in that activity. The Treasury report asserts Johnston insisted that BATF use a paramilitary entry as opposed to more peaceful means. This became a big issue at trial.

****** Why didn't BATF officials tell Congress that David Koresh had a legal gun business and that through his gun dealer, Henry McMahon, Koresh had invited BATF agents to inspect his guns on July 30, 1992? Why didn't they reveal that a few days later Koresh faxed the dealer documentation for his weapons purchases which was forwarded to BATF?

****** Why didn't BATF officials tell Congress that Koresh complained to the Sheriff's office about obvious surveillance weeks before the raid? (Why must Americans fear this kind of attack despite their efforts to cooperate?)

****** Why wasn't Congress informed of the mass of prejudiced, stale, inaccurate, false, misleading, irrelevant and inflammatory information contained in the February 25, 1993 affidavit in support of search and arrest warrants? Will Congress investigate BATF and other federal agencies habit of providing such faulty affidavits to judges and the judiciary's role in rubber stamping them?

2. Did BATF and FBI lie about or even fabricate Davidians' allegedly illegal weapons?

****** There have been frequent allegations that BATF converts legal semiautomatic weapons to illegal ones in order to score convictions. BATF/FBI needed to find such weapons to excuse the deaths of 82 Davidians and four BATF agents.

****** That is why many suspect BATF and the FBI falsely claim that after the fire they found 48 automatic weapons, four live grenades and twenty metal tubes they labeled "silencers." These agencies have proved to no one outside of law enforcement that Davidian guns were illegally converted. Nor have they proved the grenades were live or the metal tubes were silencers.

****** When a Davidian gun expert tried to look at the weapons, he only was allowed to do so through thick plastic, which would make it difficult to see if the changes had been made or if they had been done before or after the fire.

****** While several agents alleged they heard automatic gun fire coming out of Mount Carmel, prosecutors could not provide such evidence in video tape or in vehicles shot at by Davidians. If Davidians had used such weapons, they would have done much more damage to vehicles and killed many more agents.

****** Prosecutors put on the stand a Davidian woman with little weapons experience to testify a deceased Davidian told her some weapons were automatic. (A Davidian man with little experience told a grand jury that because some guns had three switch positions he assumed they were automatic. He was told a grenade in his possession was live but did not know if this was true.)

****** Prosecutors did not prosecute or call to the stand a Davidian mechanical engineer who both the woman at trial and BATF agents in affidavits had identified as being possibly involved in converting weapons. This suggests the engineer had no credible evidence Davidians converted weapons.

1) BATF used

Texas Nat'l Guard

helicopters

2) BATF agents

trained at

Fort Hood (Special
Forces)

3. Did anti-cult individuals and organizations lie to law enforcement about the Branch Davidians?

** Will Congress investigate whether financially motivated anti-cult "deprogrammers" like Rick Ross provided false or exaggerated information to law enforcement about the Branch Davidians? Ross hinted of his knowledge of BATF's upcoming raid to try to scare Davidian Steve Schneider's family into paying Ross to deprogram Schneider. Schneider and his family died on April 19th.

4. Did BATF hide the reason for a paramilitary raid from Congress?

** During one hearing a representative questioned a low ranking BATF public affairs official about BATF's "publicity" motivations for a paramilitary raid. Her superior, who also appeared and probably knew the answer, did not volunteer an answer.

** Congress did not ask other more disturbing questions like: What was the role of the federal prosecutor in promoting such a raid? Are violent paramilitary raids the preferred BATF modus operandi against citizens? Did anti-cult individuals give BATF false information about the likelihood of Koresh complying with a search warrant and of Davidians committing mass suicide? Was BATF punishing David Koresh and the Davidians for showing a BATF undercover agent a Gun Owners of America video tape which exposes BATF abuses of citizens' rights?

5. Did BATF break the posse comitatus law?

** Hidden in paperwork BATF submitted to Congress was the fact that BATF knew the identity of the individuals most likely responsible for building a methamphetamine at Mount Carmel in 1986-87 before David Koresh took over. (They also knew Koresh dismantled the equipment and may have contacted local law enforcement about it.) Yet BATF used this stale and irrelevant knowledge to obtain free use of Texas National Guard helicopters and defended its actions when the Texas Governor complained!

** Army Special Forces were involved in training BATF agents at Fort Hood. Reporter James L. Pate asserts "military sources" told him Special Forces illegally trained BATF agents in techniques of "room-clearing, fire-and-manuever and building takedown," methods of indiscriminate killing of uncooperative enemy forces. Some fear the attack was a "test" of whether Americans would accept such military-style attacks on civilians.

** If BATF agents were indeed shooting from helicopters, as evidence below indicates, this would violate the posse comitatus law.

6. Why didn't BATF tell Congress it had no plan for peaceful service of warrants--and that agents forgot to bring the warrants?

** BATF did not have a no knock warrant which would allow them to bust in unannounced, yet they never practiced anything but a forced entry into several parts of the building at once. (When one representative asked what happened when BATF went out to "knock on their door and they started shooting," BATF officials did not correct his misconception.)

** Agents did not have a plan to stop their aggressive actions in busting into the house even if Koresh immediately surrendered.

** No agent was assigned to announce the warrant, no Davidians heard them do so, and no agents originally admitted doing so--until after they talked with Treasury Department agents.

** At trial agents admitted agents actually forgot to bring the warrants with them when they raided Mount Carmel.

7. Why didn't BATF tell Congress it expected a "shootout"?

Issue 8
BATF agents
shooting from
helicopters

** BATF agents expected a shootout. Agents admitted they anticipated they would be met with force and that agents were told to mark their blood types on their necks for medical purposes if they were wounded.

** The Treasury report admits the newsman who accidentally warned a Davidian about the upcoming raid said it would be a "shootout" involving helicopters, obviously what agents were telling others.

8. Has BATF lied about whether agents carried automatic weapons?

** BATF describes the Heckler & Koch MP-5s agents carried as semi-automatic. However, the new version carried by law enforcement has a two shot burst and therefore under law it is a machinegun. (It should be noted that only law enforcement is allowed to use silencers on these weapons, which would give agents the ability to shoot first and deny it!)

9. Why didn't BATF tell Congress agents were using dangerous hydroshock bullets and throwing "flash-bang" and concussion grenades?

** Hydroshock bullets are hollowpoint bullets made to pass through body armor and destroy large areas of flesh. They killed or mortally wounded several probably unarmed Davidians.

[Note: The Committee for Waco Justice is wrong on this point. There are no hollowpoint rounds which can pass through body armour. Also, I'd have to add that the "destroy large areas of flesh" line is more than a bit of an exaggeration. Hollowpoint rounds are designed to transfer as much of the kinetic energy of the shell into the tissue, but this does not mean that it will tear up large areas. That type of claim ranks up with Rep. Schumer's description of the Black Talon round as "spinning blades of death." - Ed.]

** As video tapes show, and agents admitted, agents threw dangerous "flash-bang" grenades ("diversionary devices") which can cause injury and death into the building, including into the church chapel. These are pyrotechnic and can start fires.

** Davidian attorney Col. Jack Zimmermann, who has extensive military experience, alleges BATF threw an even more dangerous concussion grenade into one room, starting a small fire there.

10. Did BATF officials hide from Congress the fact that BATF agents shot at Davidians from helicopters?

** Three Texas National Guard helicopters carried about 10 agents each, including two raid commanders, one of whom BATF later fired, and then rehired. (The two raid commanders BATF fired probably threatened to publicize the truth about BATF's illegal actions if they were not re-hired.)

** KWTX-TV news video proved that the helicopter pilots lied on the stand when they denied overflying Mount Carmel 20 minutes before the raid. They may have lied to cover up the fact that they had done a surveillance flight in anticipation of shooting from the helicopters.

** At trial National Guard pilots never directly denied there was shooting from the helicopters, only repeated that such firing would be "against regulations." (The judge would not allow the defense to call any of the BATF agents in the helicopters.)

** In some KWTX-TV video tape footage it appears that bullets enter the roof of the second story room from almost directly overhead, even as helicopters can be heard flying above.

** Davidian survivors—including a Davidian prosecution witness--allege that agents in helicopters started unprovoked firing at them as they arrived at the north side of the building and continued to pass back and forth over the building, firing at will, for several minutes, puncturing the walls and ceilings with over 100 bullet holes.

** Davidians called "911" one minute after the start of the attack and can be heard yelling that helicopters flying

(1) Does BATF
have videotape
of the raid
on 2/28/93
?

overhead are shooting at them as they speak. "Another chopper with more people; more guns going off. They're firing. That's them, not us."

** Davidian attorneys Jack Zimmermann and Dick DeGuerin, who entered Mount Carmel after the raid, said they saw what clearly were bullet holes entering the ceiling of the four story tower and other roofs and walls from the sky.

11. Did BATF tamper with and destroy evidence that BATF shot first at the front door?

** Davidians allege that BATF shot first as the unarmed David Koresh stood in the front door at the south side of the building. The shots injured Koresh and mortally wounded his also unarmed father-in-law Perry Jones. At trial the agents who ran at the front door gave testimony that not only conflicted with each others' testimony, but was different from testimony they gave Texas Rangers before they spoke to Treasury agents and prosecutors!

** Texas Rangers admitted that the half of the front door which allegedly had been hit by the most gunfire from the outside was missing. Photographs taken during the fire showed that tanks had dragged both doors well away from the building so the missing metal door could not have been incinerated.

** Davidians claim Perry Jones was hit in the stomach by that first barrage of bullets. (A Davidian prosecution witness confirms he was wounded.) However, the medical examiner and Treasury report describe no other wounds for Jones, who allegedly committed suicide with one shot to the mouth on February 28th. (While medical examiners assured Jones' family and attorney the body was in cold storage for an independent autopsy, in October of 1994 they revealed the body had been unfrozen for six months and had been consumed by maggots!

** Right after the raid BATF announced it had video tape of the first minutes of the raid. BATF never presented such video evidence, claiming BATF equipment in both the helicopters and the undercover house failed during the raid!

12. Did BATF lie to Congress about the Davidians "ambushing" BATF?

** David Koresh warned the undercover agent "we know BATF or the FBI are coming," something he would not have done had he intended to ambush agents.

** Davidians did not use their "tactical advantage" of being situated on a hill surrounded by open space to shoot at oncoming cattle trailers.

** At trial Davidians testifying for the prosecution made it clear Davidians were unprepared for a raid and had to hustle to find guns.

** Koresh told only a few Davidians a raid was imminent and told them not to shoot unless he ordered it.

** An unarmed David Koresh came to the front door, something an "ambusher" would not do.

** KWTX-TV video and Waco Tribune-Herald photographs taken in the first minutes of the raid show little or no return gun fire of any kind coming from the Davidians. In fact, photos show BATF agents standing in the wide open firing on the building!

** Davidians called "911" for help, something no "ambusher" would have done!

13. Did "friendly fire" injure or kill some BATF agents?

** Agents admitted at trial that shooting from the undercover house 300 yards south of Mount Carmel and from agents exiting one cattle trailer hit a BATF truck.

** At trial one agent admitted that he probably shot the bullet taken from another agent wounded in the second story arms room.

** Two agents were killed on the roof in the area where KWTX-TV video shows that helicopters had been shooting.

Autopsy results indicate those agents were shot from above.

** After the raid, contrary to policy, no BATF "shooting review team" ever was formed to determine what bullets wounded which agents. The Treasury report notes that besides the four agents killed by gunshot, 20 agents were wounded, 7 by shrapnel and 13 by gunshot.

** There were several news reports of "friendly fire" right after the raid, before BATF put a gag order on all its agents.

14. Has federal law enforcement hidden the fact that agents killed four unarmed Davidians during the raid?

** Davidians allege that four of the five people killed during the morning raid were not armed. Besides claiming Perry Jones was shot at the front door, they allege three were shot from the helicopters, one as she slept, another as he ate breakfast, and a third as he climbed out of the water tower to observe the commotion.

** The government denies Perry Jones was wounded at all and claims he committed suicide for no apparent reason. It claims the woman in bed and the man in the tower were armed and shooting and that the other man was "murdered" by Davidians. The government's evidence lacks credibility. (Because of the savagery of the attack, Jones and a mortally wounded man who probably was armed were convinced the government was about to kill them all and committed suicide or asked for a mercy killing rather than surrender to the "beast.")

15. Did BATF agents assassinate an unarmed Michael Schroeder outside Mount Carmel?

** BATF spokespeople originally claimed Davidian Michael Schroeder was killed when three Davidians tried to shoot their way out of Mount Carmel. In fact, they were trying to return.

** The Treasury report alleges all three shot at agents, but at trial agents alleged only Schroeder shot. Fourteen agents fired at Schroeder who died of six gun shot wounds, most of them to the back.

** BATF agents never admitted to making any attempt to see if Schroeder was dying or dead. That two gun shots were heard as agents left the area with their one prisoner, and that Schroeder's blue stocking cap disappeared, leads some to suspect angry agents "finished off" the wounded Schroeder and later took the powder-burned cap.

** Texas Rangers were deputized as federal marshals by the U.S. Attorneys office and put in charge of the investigation. Nevertheless, the FBI would not let them retrieve Schroeder's body for 4 days--after BATF agents had revisited his body. The FBI would not let Rangers investigate the area for ten days. By that time rain had washed away footprint evidence of whether Schroeder really had shot at agents--or whether he was approached and shot by agents as he lay wounded.

** BATF agents claimed they found a 9mm weapon near Schroeder's body before Texas Rangers investigated. Texas Rangers later found a stun gun near his body, as well as 9mm shell casings around it. Some suspect the BATF agents planted the weapon and shell casings and that Schroeder was armed only with the stun gun.

** U.S. Attorneys prosecuted the two men who accompanied Schroeder, even though there was no evidence they had held or fired a gun, and even though they did not prosecute four Davidians who carried guns inside Mount Carmel during the siege. This suggests the prosecutions were part of the coverup of the assassination of Michael Schroeder. Both men were acquitted of all crimes.

16. Did BATF illegally "kidnap" Koresh's gun dealer to keep him away from the press and FBI?

** March 1, 1993 BATF agents told Koresh's gun dealer Henry McMahon and his woman friend Karen Kilpatrick that Branch Davidians outside Mount Carmel might try to kill them in order to "con" them into asking for protective custody. BATF flew them to the west coast.

****** When McMahon and Kilpatrick realized they had been tricked, BATF threatened them with conspiracy charges and kept them away from the FBI and the press for a number of weeks. They probably feared the public would be sympathetic with Koresh if they knew he'd cooperated fully with BATF. McMahon and Kilpatrick are now suing BATF.

17. Did BATF try to set up Davidian Paul Fatta for execution?

****** Paul Fatta, who ran the Davidian gun business, was in Austin selling weapons and equipment at a gun show on February 28th. Fatta returned to Waco and offered to help the FBI but was rejected.

****** Fatta gave numerous interviews in the first week of March stating that the Davidians had a legal gun business and BATF was lying about them. Doubtless this infuriated BATF.

****** When Fatta left Waco a few days later, BATF put him on its "most wanted" list and labelled him armed and dangerous, which could have led to his "execution" by BATF agents. He surrendered to Texas Rangers after the fire. He was prosecuted and convicted of manufacturing machineguns on evidence equal to that of two individuals who were not prosecuted for that crime.

18. Did FBI agents conspire with BATF agents to harass the Davidians and keep them in Mount Carmel so they would have an excuse to burn the building--and blame it on the Davidians?

****** The same FBI officials, Hostage Rescue Team (HRT) commander and agents involved in the killing of Vicki Weaver in Idaho were in charge in Waco. While lightly disciplined by the FBI for using excessive force, some of these men still face possible prosecution by the state of Idaho.

****** These FBI agents doubtless sympathized with BATF agents bent on revenge against the "cultists" who had killed and wounded their comrades. FBI agents probably adopted a likely BATF agenda--destruction of a building which possessed physical evidence of BATF criminal actions which could lead to acquittals for the Davidians and prison terms for BATF agents.

****** FBI negotiators knew that the Davidians believed the BATF attack was the fulfillment of Koresh's prophecy that the "beast" would kill them and bring on the Apocalypse and God's Kingdom. HRT commander Richard Rogers may have pressed for escalation of the harassment knowing it would convince Davidians Koresh was right about the government's evil intentions, make them less likely to exit the building and make it easier to implement the gassing plan that would permit agents to destroy the building and its incriminating evidence.

19. Did the FBI hide from Congress Davidians' fear of FBI destruction of evidence?

****** The FBI never admitted that Davidians were convinced that once BATF and the FBI got inside Mount Carmel they would destroy evidence of the illegal BATF attack, especially the bullet holes coming down into the ceilings and walls from firing from helicopters.

****** The Davidians feared this because FBI vehicles almost immediately started moving and destroying evidence like vehicles and bullet casings which could have proved Davidians did little firing and that BATF did a great deal, including from helicopters.

****** As early as March 6th Davidians expressed fear that the government wanted to destroy evidence that would prove BATF's guilt. One told negotiators: "It wouldn't surprise me if they wouldn't want to get rid of the evidence. Because if this building is still standing, you will see the evidences of what took place."

****** Davidians demanded that a news crew be allowed to film inside of the building and record the damage before the government was allowed in, but the FBI refused. They refused to allow attorneys in for a whole month.

****** David Koresh was very self-assured in the March 8th home movie when he asserted the BATF killing of the

unarmed Perry Jones would be "taken care of in the investigations," reflecting his determination to see justice done.

** Only in April were attorneys allowed to enter Mount Carmel and assure Davidians that Texas Rangers, not federal agents, would be in charge of investigating inside the building.

20. Did BATF blackmail Bill Clinton into letting them have a free hand?

** According to the Wall Street Journal, immediately after the raid former Deputy Treasury Secretary Roger Altman flew to Waco and visited BATF Resident Agent in Charge of the Little Rock BATF, Bill Buford, a "friend" of Clinton. Buford was seriously wounded during the raid.

** Considering Clinton's sometimes perverse relationships with Arkansas law enforcement, it is possible that Buford, through Altman, somehow may have "black mailed" Clinton to acquiesce to whatever actions BATF and the FBI would take against the Davidians.

21. Was Clinton having "out of the loop" discussions with Webster Hubbell about Waco?

** Former Associate Attorney General Webster Hubbell (who was an "Assistant" to the Attorney General before being sworn in and has been called by some the "defacto attorney general") was a major decision-maker throughout the siege, though his role was obfuscated in the Justice Department's official report. As Bill Clinton's "best friend" he could have shared a great deal of information and opinion with Clinton about the operation.

** During the April 28, 1993 House Judiciary Committee hearing Representative Sensenbrenner expressed concern that Hubbell had been having "out-of-the-loop" discussions with Clinton about the standoff. He could not get a definitive answer from FBI Director William Sessions or Attorney General Reno. (Reno's initial claim that Hubbell had spoken directly to Clinton on April 19th, was later denied in the Justice Department report.)

** During Hubbell's May 19, 1993 confirmation hearing, Senator Arlen Specter specifically asked Hubbell if, besides his purely personal contacts with Bill Clinton, he had had any direct contact with Clinton regarding any issues before the Department of Justice. Hubbell answered he only had spoken to President Clinton directly about appointment of a Supreme Court justice.

** In December, 1994 Webster Hubbell pled guilty to mail fraud--including against two government banking agencies-- and tax evasion connected to work in his former law firm. It would not be surprising if he was similarly dishonest in his statement to the Senate Judiciary Committee. This issue should be re-opened now that Hubbell is facing sentencing.

** FBI background checks on Hubbell before his confirmation, which were ongoing during the siege at Waco, supposedly turned up nothing about the law firm's allegations against Hubbell--even though these were several months old. The FBI is investigating the reason for this. Some wonder if the FBI was holding back this information to bully Hubbell and Clinton into covering up for the FBI massacre of the Davidians.

** It is well known that after Assistant White House Counsel Vince Foster's suicide, White House employees removed "Whitewater" files. Certainly if Foster left any incriminating evidence regarding Clinton or Hubbell's involvement in the massacre of the Branch Davidians, that evidence also would have been removed. Among those investigating Foster's death, there are credible rumors that before his suicide Vince Foster was particularly depressed about Clinton and Hubbell's handling of the deadly FBI assault.

22. Can Congress allow federal law enforcement to demonize "suspects," the way BATF/FBI did the Branch Davidians?

** From the first BATF news conferences, to the Treasury and Justice Department reports, to the closing arguments of the Branch Davidian trial, federal law enforcement have used incomplete, exaggerated or false information about David Koresh and the Branch Davidians to dehumanize them as criminals and fanatics. They harped on the most outrageous claims of former members and anti-cult groups and stifled dissenting voices who pointed out that any crimes allegedly committed by one Davidian did not give the government the right to trample the constitutional rights

of all Davidians to freedom of speech and religion, the right to bear arms and freedom from excessive police force.

** FBI lies included asserting Davidians had created tunnels and booby traps on the property, were using illegal drugs, had several years of food stored, and had built an impenetrable "fortress." The FBI claimed the operation was costing more two million dollars a day, when costs averaged closer to \$150,000 a day.

** The FBI asserted most of those inside were white, although half were of African, Asian or Hispanic descent. (In "home videos" Davidians sent out to the FBI, more than a dozen people of color explained why they considered the word of Koresh to be more compelling than that of the FBI and the U.S. government. Doubtless, this raised the hackles of the more racist agents.)

** Immediately after the February 28th raid, BATF had the magistrate seal the contents of the affidavit and warrants to "ensure the integrity of the criminal investigation." However, these remained sealed even after Koresh saw them in March, preventing the public from discovering the questionable legal grounds for the raid or investigating the truth of the affidavits' many dubious allegations.

** Especially troubling are the continual FBI allegations during press conferences that Davidians wanted a violent end to the siege and/or might commit mass suicide. The FBI seemed to be preparing America for that kind of ending, the one it probably came to desire.

23. Did the FBI illegally and unconstitutionally intimidate the press?

** The FBI prohibited reporters from getting closer than two to three miles to Mount Carmel Center, claiming the Branch Davidians' .50 caliber "machineguns" could hit anyone closer than 3000 yards, almost two miles. (The legal .50 caliber weapon was not found to be a machinegun.) The day before the fire the FBI moved television cameras back another mile from Mount Carmel and away from the northern sides of the building where the tanks did the most damage.

** Federal agents assaulted and arrested a reporter who had merely asked law enforcement about a Davidian apprehended right after the BATF raid, and illegally confiscated his film.

** When a journalist with valid press credentials asked if the country was "witnessing a fascist takeover," he was whisked out of the press room and arrested days later when he tried to return.

** State troopers arrested two news photographers and confiscated their film near the ruins of Mount Carmel on April 22, 1993, causing the managing editor of the Houston Chronicle, to wonder "if the Bill of Rights has been suspended in McLennan County."

24. Did the FBI break the posse comitatus law?

** The FBI initially used Bradley fighting vehicles without barrels, to avoid posse comitatus prohibitions. However, when David Koresh (falsely) claimed he had weapons that could blow these vehicles into the air, the FBI obtained two Abrams tanks and five Combat Engineering Vehicles. The report does not state if these had barrels, which it admits would be illegal, but many claim that the tanks do.

** Acting Attorney General Stuart Gerson assured President Clinton that no assault was planned and that it was legal for the FBI to use the military vehicles for safety purposes. Was it legal to use them for the fatal April 19th assault?

25. Why did the Justice Department deny the FBI's reliance on "cult busters"?

** The Justice report asserts the FBI "did not solicit advice from any `cult experts' or `cult deprogrammers.'" However, Rick Ross' contention that he was in close contact with BATF and the FBI is backed up by Nancy Ammerman's assertion that interview transcripts document this.

** The Justice report claims that the FBI had little contact with former Davidian turned "cult buster" Marc Breault, but he claims they continued to consult him throughout the siege.

**** FBI consultant Dr. Murray S. Miron is an outspoken cult critic who published an anti-cult article the week of the fire, even while he was consulting with the FBI. In typical cult buster fashion, he managed to get more publicity in the days following the fire than all other FBI experts combined.**

**** During the April 28, 1983 hearing siege commander Jeff Jamar admitted the FBI found a "white paper" on cults "very, very useful," but did not reveal to Congress who gave the very hostile, anti-cult white paper to the FBI.**

**** The Justice Department may have chosen to deny the involvement of "cult busters" because of three events in the months following the fire: the New Alliance Party sued the FBI for classifying the party as a "cult," BATF/FBI advisor Rick Ross was indicted for "unlawful imprisonment" and Justice Department outside expert Nancy Ammerman sharply criticized the FBI's association with Ross.**

26. Did the FBI purposely ignore or sabotage all peaceful means of resolving the standoff?

**** FBI behavioral scientists Peter Smerick and Mark Young recommended that the FBI "establish some trust with Koresh" and even suggested moving back from the compound somewhat to undermine the Davidians' conviction the government was set upon destroying them. This advice was ignored.**

**** FBI commanders rejected two important negotiation tactics: allowing direct communication between families and Davidians and allowing a trusted third party to negotiate a surrender. Several trusted negotiators were suggested by the Davidians, including the McLennan County sheriff and a local talk show host, but rejected by the FBI. Former presidential candidate Bo Gritz, who successfully negotiated an end to the Randy Weaver standoff, gained wide publicity when he offered his services. He never received a reply from the FBI.**

**** Only after the Davidians were in Mount Carmel for a full month did the FBI allow David Koresh and Steve Schneider to meet with their attorneys.**

**** FBI negotiators could not maintain the respect of the Davidians who quickly realized negotiators had little power to protect Davidians against the aggressive tactical agents.**

27. Did the FBI purposely sabotage the March 2nd and March 21st surrenders?

**** David Koresh had been releasing children steadily as radio stations played a religious tape. He promised that Davidians all would exit on March 2nd if the FBI played a 58 minute audio tape on prime time radio all over the country. The FBI agreed to this demand. However, they played the tape only on local stations in the mid-afternoon. Why did the FBI lie, effectively sabotaging the exit?**

**** Koresh explained that God had told him to wait, but Davidian survivors admit a part of the decision was related to the FBI's lie. (Because they thought Koresh was dying, and that the government still intended to kill them all, some Davidians did discuss committing suicide as they exited, but it has not been established these discussions were known of by Koresh or shared by all Davidians.)**

**** On March 19th, after the FBI sent in attorneys' letters and an audio tape from theologian Phil Arnold, Koresh told the FBI that "he was ready to come out and face whatever might happen to him." He even joked, "When they give me the lethal injection, give me the cheap stuff." Between just March 19th and 21st ten people left Mount Carmel.**

**** Despite this, (and perhaps because of it), FBI siege commander Jeff Jamar, influenced by HRT commander Richard Rogers, decided it was time to increase tactical pressure and the FBI began insulting Koresh during press conferences. On March 21st seven people left Mount Carmel. That very night the FBI started blaring music over its loudspeaker system, despite Davidian complaints. At 11:45 p.m. Koresh sent out the message, "Because of the loud music, nobody is coming out." The next day his aide Steve Schneider asserted that the "music had been counterproductive." The FBI then told the world that Koresh had "lied" about exiting and that those who left had been kicked out for disobedience.**

28. Why did the FBI use violent harassment and how far up the chain of command was it authorized?

** The FBI harassed the Davidians by blaring loud music and negotiation tapes and by shining bright lights all night long. Much of the harassment was quite violent. Loudspeakers blaring sounds of screeching rabbits being slaughtered, dentist drills, airplanes taking off. (This is reminiscent of Richard Rogers' Hostage Rescue Team broadcasting to the Weavers, after Vicki Weaver's death, "Good morning, Mrs. Weaver. We had pancakes for breakfast. What did you have?")

** Tanks were run up and down in front of the compound in a show of force and helicopters brazenly buzzed the building, reminding Davidians of the fatal attacks of February 28th. If any individuals walked outside the building without permission, agents would hurl dangerous flash-bangs at them.

** The FBI declared deadlines by which Davidians were to exit on March 23rd, 24th, 27th and 28th. When these were not met, the FBI removed and often crushed and destroyed automobiles, vans, go-carts and motorcycles.

** When Representative William Hughes asked SAC Jamar which experts had recommended they use pressure tactics, Jamar did not answer the question, but merely repeated his claim the purpose of the noise was sleep deprivation.

** Outside expert Nancy Ammerman also could not get a straight answer about who had recommended pressure tactics from the National Center for the Analysis of Violent Crimes.

** The Justice report infers it was HRT commander Rogers who decided to use these tactics, with the consent of Deputy Assistant Director of the Criminal Investigative Division Danny Coulson. More questions should be asked about this. (Rogers appeared at the April 28, 1993 House Judiciary Committee hearing but was never questioned.)

29. Why did the FBI widely distribute Koresh's angry letters but downplay and later suppress his April 14, 1993 promise-to-surrender letter?

** On April 9, 10 and 11 Koresh delivered to the FBI the first of several letters warning of God's coming wrath. The FBI released information about these to the press and used them to excuse their assault to Attorney General Janet Reno.

** On April 14th Koresh sent out a letter very different from his previous ones. In it he declared in writing that God finally had spoken to him and that all the Davidians would come out as soon as he had completed a short book on the Seven Seals. On April 16th Koresh told the FBI he had finished the First Seal, the longest one. Ruth Riddle escaped the fire with the manuscript on a computer disk.

** Twenty-four hours later FBI siege commander Jeff Jamar asserted that he had "hard evidence" the book was a stalling technique, but none has been released to the public.

** After the fire the surrender letter was systematically withheld from the press, Congress, and from the Justice Department outside experts.

30. Why did the FBI lie to the Davidian attorneys about waiting for Koresh to finish the book?

** After receiving Koresh's April 14th promise to surrender letter, Koresh attorney Dick DeGuerin had a face-to-face meeting with Jeff Jamar who promised DeGuerin the FBI had "all the time it takes" to finish the book--and certainly the two weeks DeGuerin estimated. Attorney Jack Zimmermann testified to the same thing during the trial.

31. Did the FBI misinform Attorney General Reno about the progress of negotiations?

** On April 15th FBI chief negotiator Byron Sage told Webster Hubbell and others that "further negotiations with the subjects in the compound would be fruitless." It is unknown if Sage read Koresh's April 14th letter to Hubbell. There is evidence that the FBI never gave Reno a copy of this letter in her briefing report, though it admits showing her his defiant April 9th letter. Neither Reno nor former FBI Director William Sessions seemed to be aware of its existence even under direct questioning by the press and Congress.

**** HRT commander Richard Rogers met with Reno and argued negotiations were deadlocked. Rogers, who had pushed SAC Jamar to use the tactical harassment that had so disrupted negotiations, now informed Attorney General Janet Reno that negotiations were not working!**

**** Was Rogers' impatience to end the standoff in part related to his fear the upcoming Randy Weaver trial would bring out facts about Rogers' criminal misconduct in that case--something the Waco spotlight would only exaggerate?**

32. Why did the FBI lie to Attorney General Reno regarding the safety of CS gas?

**** Did the FBI lie when it said it did not know that the United States is one of 100 countries that signed an agreement banning the use of CS gas in war during the Chemical Weapons Convention in Paris in January of 1993?**

**** Did the FBI not know about the June 1, 1988 report Amnesty International claimed that CS gas had contributed to or caused the deaths of more than 40 Palestinians--including 18 babies under 6 months of age--who had been exposed to tear-gas in enclosed spaces. American manufacturers of CS gas halted the export of the gas to Israel because of its misuse.**

**** Why did the FBI not tell Reno that a mixture of CS gas and air could be ignited within a certain temperature range and that manufacturers clearly warn that when burned CS gas emits deadly toxic fumes, including hydrogen cyanide and hydrogen chloride--the ingredients of Zyklon B gas used by the Nazis. Manufacturers also warn that when water is poured on a CS gas fire it can create and release a lethal cloud of hydrogen cyanide gas.**

**** The FBI probably did not reveal to Reno the dangers of both means of delivering the gas, gassing and ferret rounds. The Mark V injection system sprayed a mixture of gas and solvent propelled by carbon dioxide from the end of long booms on the tanks. What the FBI probably did not mention to Reno--it was not mentioned in the Justice Department report or the Fire Report--was that a solvent was used to dissolve the gas before it was mixed with carbon dioxide. The FBI asserts it used methylene chloride, which is flammable under certain conditions. Others suspect rogue agents could have replaced that chemical with even more flammable ones like acetone or benzene.**

**** Did the FBI tell Janet Reno that the "40mm ferret liquid tear gas rounds" would be delivered by M79 grenade launchers? When fired from 20 yards or less, these are capable of penetrating a hollow core door--or killing a human being. Did they tell her they would use more than 400 of these 40mm rounds?**

33. Did the FBI lull Attorney General Reno into a "false sense of security" regarding FBI "rules of engagement."

**** The standard FBI rules of engagement are: "Agents are not to use deadly force against any person except as necessary in self-defense or the defense of another, when they have reason to believe they or another are in danger of death or grievous bodily harm. Whenever feasible, verbal warnings should be given before deadly force is applied." Janet Reno approved the same rules for April 19th.**

**** Reno told the House Judiciary Committee she thought the possibility of the Davidians firing on the tanks was the most important "contingency" and that if the Davidians fired at tanks or agents, the FBI would be permitted "to return fire." (She may not have adequately informed President Clinton of this since at his April 20th press conference he twice asserted that the FBI was instructed to withhold fire even if the Davidians fired.)**

**** Reno told the House Judiciary Committee that once the operation began, she would leave decisions up to the FBI because she was not "an expert in tactical law enforcement." However, she retained the authority to stop the action and tell the FBI to leave.**

**** The question is, what other contingencies might the FBI have known about that they did not tell Reno either before or after she approved the gassing plan on April 17th? At least one of those is mentioned below.**

34. Why doesn't the FBI consider the firing of 40mm gas rounds from grenade launchers to be gunfire?

**** The FBI fired more than 400 ferret tear gas rounds from grenade launchers shot into Mount Carmel on April 19th. These are capable of penetrating a hollow core door and killing human beings. Yet the FBI claims "no shots were fired" on April 19th and does not seem to apply the same "rules of engagement" to these grenades as to other "guns." Shouldn't FBI regulations classify the use of such gas grenades as "deadly fire" subject to some sort of rules of engagement?**

35. Did the FBI withhold evidence Davidians discussed "fire bombing" tanks on April 18th?

**** On April 18th FBI surveillance devices picked up a conversation in which one Davidian discussed the idea of lighting a tank on fire if it entered the building. Another Davidian admitted hearing such a conversation to an attorney. This is evidence that the FBI went ahead with the attack despite their knowledge the night before that it might well end in the fiery deaths of dozens of Davidians-- as well as the deaths of any FBI agent caught in a fire bombed tank. Even if these conversations were purely speculative, they should have been reported to FBI Director Sessions and Attorney General Janet Reno.**

**** On April 19th Reno appeared on "Larry King Live" and revealed that the FBI withheld from her these last minute facts when she said: "We heard nothing that would indicate that he would do something like this, so we stepped up the pressure." Similarly, FBI Director William sessions told interviewers right after the fire that he had received no indication the siege would have a violent ending.**

**** Right after the fire FBI spokesperson Bob Ricks told a reporter "we felt that if we got any of them out safely, that would be a great bonus." Within two days of the fire both Ricks and defacto cult buster Murray Miron stated on television that they believed Davidians would fight back against tank attacks using fire or explosives. These things evidently were never told to Janet Reno before the fire.**

36. Did FBI agents consider Davidians to be an enemy to be destroyed?

**** FBI "SWAT" team video taken near Mount Carmel shows agents jokingly comparing their mission to Vietnam; one claims he is "honed to a fine edge, honed to kill."**

**** "Trophy" photographs were shown at trial of agents standing proudly as Mount Carmel burns in the background. One photo was of the FBI's chief negotiator, Byron Sage. It was taken only two or three minutes after he finished urging Davidians to exit the burning building!**

37. Why were there so few safety and fire precautions on April 19th?

**** FBI agents revealed at trial that the "highly professional" FBI prepared no written plans or instructions for the day; nor was there a post-assault written report of the day or a log of moment by moment battlefield decisions.**

**** Fire trucks were not on "standby" as they had been during most of the siege. Was this because FBI agents knew pouring water on the fire could lead to a deadly hydrogen cyanide cloud that could kill agents and firemen?**

**** FBI agents have admitted they did not warn Davidians each time they rammed the building and they had no contingency plan if Davidians were injured by these ramming tanks.**

**** Why weren't Texas Social Services workers called in on April 19th to help women and children at the showers after they surrendered, as was originally discussed with the social workers?**

38. Why were agents seen walking outside their tanks before the fire?

**** The FBI alleges that Davidians fired hundreds of rounds at tanks on April 19th. (Survivors' statements suggest Davidians fired only a few shots at the beginning of the attack until ordered to desist by David Koresh.)**

**** The FBI and Justice Department claimed that before the fire agents stayed inside their tanks because they were in constant danger of being shot at by Davidians and exit only after the fire started. However, news footage clearly shows**

agents jumping in and out of the swung open back hatch of a tank on their way to pumping CS gas into the tornado shelter at 6:00 a.m. And one agent is seen walking by the front door right after it is rammed by a tank. How many agents were outside their tanks before the fire, when and for what purpose?

39. Why did the FBI refuse to negotiate, despite Attorney General Reno's request they do so?

** Davidians signaled they wanted to negotiate by hanging out a blanket, showing their phone was disconnected and hanging a banner asking to have the phones fixed. However, during the morning FBI press conference FBI spokesperson Ricks stated the FBI would not negotiate.

** The FBI later claimed it was not "safe" to reconnect the phone, despite their probable ability to run a phone line without an agent leaving his tank and despite evidence other agents were seen outside their tanks before the fire.

** Since Reno was in the FBI Operations Center while the Davidians were calling for negotiations, why didn't she insist the FBI negotiate? Did she give anyone any instructions on negotiating before she left the Operations Center at 10:00 a.m. central time?

40. Did the FBI Operations Center have a "live audio feed" of surveillance inside Mount Carmel Center and how much could they hear?

** According to the Justice report FBI agents in Waco and officials in the FBI Operations Center in Washington had a "live audio feed" from the FBI forward command post in Waco. According to a news story, this included everything audio taped by surveillance devices inside Mount Carmel Center the morning of the fire as it happened.

** Officials in the Washington Operations Center included Attorney General Reno, then Assistant to the Attorney General Webster Hubbell, Assistant Deputy Attorney General Mark Richard, FBI Director William Sessions, Deputy Director Floyd Clark, Assistant Director of the Criminal Investigative Division Larry Potts.

** How much could these officials hear and how did it affect their decisions? Could they hear Davidians calling for negotiations, wondering if the federal agents intended to kill them and any of the alleged conversations about a possible fiery defense against tanks, even as these occurred?

** Did the FBI make audio tapes of conversations between decision-makers inside the Washington FBI Operations Center on April 19th?

41. Who was in control after Attorney General Reno left the FBI Operations Center?

** Who was in charge after Janet Reno left the FBI Operations Center--Webster Hubbell, Mark Richard, William Sessions, Floyd Clarke? During the April 28, 1993 House Judiciary Committee hearing Reno sidestepped answering that question, as does the Justice Department's official report. Congress must discover who was in charge and what, if any, critical decisions they made after Janet Reno left.

42. Who ordered the "apparent deviation" from the gas plan- -i.e., demolition of Mount Carmel?

** Justice Department chief reviewer Edward Dennis noted that around 11:20 a.m. began "an apparent deviation from the approved plan" which had been that the "building would only be dismantled if after 48 hours not all the people had come out." However, at this time tanks began smashing down the walls and roof of the gymnasium and smashing deeper into the sides of the building.

** Was there some "precipitating event," such as FBI snipers shooting at or tanks injuring Davidians, as some investigators allege?

** After the fire FBI agents and FBI and Justice officials claimed that the tanks were not trying to dismantle the building, only to make larger holes to insert gas (which also would be larger holes for gas to escape) and to allow

Davidians more exit routes to escape (though smashing the staircases and hallways made it more difficult to escape).

** Was this final and fatal round of attacks ordered by confessed fraud Webster Hubbell or by FBI officials and agents currently under threat of prosecution for murder in the death of Vicki Weaver in Idaho?

43. Did the FBI know that tank action collapsed the ceiling of the concrete room before the fire, killing women and children?

** During the noon time tank attack when a tank smashed into the front of the building for almost two minutes, part of the roof of the concrete room collapsed. Autopsy reports indicate falling concrete and debris struck, smothered and killed at least six women and children before the fire started. Did the FBI know about this at the time?

** The FBI claims its surveillance devices failed right before this incident. Could it be lying in part to coverup the screams from this room?

44. Were the FBI's gassing and breaching operations a conscious effort to burn down the building and trap Davidians inside?

** The FBI knew Davidians were totally dependent on flammable fuel for light, heating and cooking and that the house was filled with coleman and kerosene lanterns, butane gas heaters, and propane gas tanks. Because dark curtains were over the windows, many lamps were lit. Surviving Davidians claim that tanks and rocketing ferret rounds knocked over lamps and fuel containers, spilling their contents. How could the "professional" FBI overlook the inherent dangers of their plan?

** Davidian survivors have described in detail how smashed and blocked stairwells, doorways and hallways, as well as doors stuck shut and ceilings collapsing, prevented Davidians from escaping.

** After the fire FBI agents and officials claimed that Koresh could have sent children into the buried bus for safety--ignoring the fact that FBI tanks had collapsed debris over the entrance to the bus in the early morning.

** Did FBI agents knowingly use flammable CS gas mixed with flammable solvents? What solvents did they use? How many gallons of gas and solvents were pumped into the building?

** Did the FBI know the buildings' long hallways and crawl spaces would act like flues or wind tunnels and quickly spread any fire? FBI breaching operations--including the opening of the whole back of the gymnasium--came at critical points along these hallways that would ensure the 30 mile an hour winds would whip through these "flues."

** FBI spokesperson Ricks admitted that just before the fire began the tank that smashed through the front door "put massive gas" inside the central area of the building where many fuel containers were stored and lanterns lighted. That area exploded into flames 2-3 minutes later.

** At trial a defense attorney asked a fire investigator whether the FBI brought its aerial infrared camera (which shows heat as light) because it anticipated a fire and wanted to "prove" how it started. Why did the FBI have an infrared camera there?

45. Did FBI agents use pyrotechnic devices to start any fires?

** The gas grenades thrown into the underground tornado shelter in the morning seem to be long burning, smoky pyrotechnic devices, not non-pyrotechnic ferret gas grenades which release a small dusting of gas. Were flash-bangs used at all on April 19th? If so, where and why?

** Some investigators believe the heat plumes or flashes seen in infrared photographs near the collapsed gymnasium before the major fires began indicate FBI flash-bangs or other pyrotechnic devices going off.

** At trial an agent admitted FBI agents used the same grenade launchers to fire the tear gas rounds as they did to fire

the pyrotechnic "flash-bangs." A careless or homicidal agent easily could have substituted a flash-bang for a ferret round and shot it into the building, starting one or more fires.

46. Is the FBI and Justice Department covering up where the first fire started?

** The FBI, "independent" fire investigator and Justice Department report all claim that the first fire started at the second floor front. However, FBI agents at the back of Mount Carmel revealed at trial they first saw smoke by the four story tower (which caught fire right after tank rammed the front door near that area) and the fire in the gymnasium (which caught fire right after a tank had completely collapsed its roof). Only then did they see evidence of the second floor front fire (which caught fire right after a tank rammed its boom into the second floor).

** Infrared photographs, which are not perfect indicators since they cannot always pick up fires deep within the building, show fire flashes in the gym before fire is seen on the second floor.

** What are the FBI and Justice Department trying to coverup? That the tank that collapsed the gym started a fire, that pyrotechnic devices did so, or some other crime?

47. Why did the FBI falsely claim after April 19th fire it had hard evidence Davidians started the fire?

** Within two hours of the time the fire started, the Justice Department announced two Davidians had confessed to starting the fires. This statement later quietly was withdrawn.

** FBI agents who interviewed Davidian survivors claimed three heard someone say Davidians had lit the fire. Two Davidians deny making such a statement.

** On April 20th FBI siege commander Jeff Jamar alleged that "at least three" FBI agents observed a Davidian start a fire. Later the FBI and Justice report claimed only one agent saw this. Under cross examination at trial this agent admitted, "I don't know what he was doing." Photographs of the area where the man allegedly started the fire showed no evidence of flames several minutes into the fire.

48. Did the FBI and prosecutors misinterpret or tamper with audio tape of the April 19, 1993 fire?

** The most incriminating audio tape presented at trial includes what government transcripts claim are discussions of "pouring" fuel, "spreading" fuel, lighting tanks on fire if they enter the building, and two uses of the word "fire." The tape ends at 11:56 a.m., about 9 minutes before any fire is actually seen, supposedly when a tank destroyed the device.

** However, few others who heard the tape heard what the government's paid audio expert claimed to hear. Davidian survivors claim they only talked about moving fuel tanks away from rampaging tanks and discussed that no one should be "firing" on tanks.

** With modern technology, it is very easy to splice together incriminating statements from fragments of innocent conversations, especially with tape quality as poor as that offered by the government.

** All agents and officials who may have heard the "live audio feed" of these events as they happened should be questioned to discover what they heard and at what point the transmissions actually stopped.

** Many believe that the FBI made audio tapes of conversations between the tanks drivers and HRT commander Richard Rogers and that these are being withheld or have been destroyed.

49. Why did tanks continue ramming the building while people were trying to escape the fire?

** News video shows tanks continuing to smash into the building early in the fire when people would still have had a chance to escape. Tanks stand watch just a few feet from exits throughout the fire.

**** One Davidian survivor states several Davidians did not exit immediately because they feared being shot by FBI snipers and therefore were trapped and died in the fire. Tanks must have been equally intimidating to those wanting to escape.**

50. Did FBI snipers shoot any Davidians escaping the fire?

**** The fear of snipers lead to several Davidians deaths. And rumors persist that FBI snipers shot several Davidians as they escaped the back of the building away from television cameras (and even that agents entered the building and shot them). The rumors are based on several factors.**

**** Initial news reports stated as many as 20 Davidians were seen fleeing Mount Carmel, but only nine survived.**

**** The FBI did not consider agents shooting grenade canisters to be "shooting," although these grenades can kill a person.**

**** Suspicions that FBI snipers might have "broadly interpreted" the rules of engagement that agents could use deadly force if Davidians opened fire to mean they could fire at any Davidian seen exiting the building, whether or not they were armed or posed a threat!**

**** Systematic gunfire was heard early in the fire and snipers at the back of Mount Carmel claimed Davidians shot out at them. Some believe they are covering up the fact that they shot at Davidians.**

**** Since the bodies of Davidians who committed suicide were found in a number of locations and most bodies had only one wound, it is unlikely that Davidian suicides could have produce "systematic" gunfire in any "distinct pattern."**

**** Two days after the fire the Justice Department announced that two bodies bore bullet wounds to the head. The medical examiner denounced these early conclusions, as did Texas Governor Ann Richards. The announcement may have been made in knowledge, or fear, that FBI snipers had shot Davidians and thus were an attempt to pre-empt any such accusations by charging Davidians had shot each other.**

**** Davidians claim fire survivor Derek Lovelock admitted seeing FBI agents shoot Davidians escaping from the back of the burning building. Prosecutors allowed Lovelock to go to England to attend his father's funeral, if he promised he would return to testify. However, prosecutors, possibly fearful of what he might say on the stand, never asked him to return.**

**** Several bodies had more than one wound and relatively little carbon monoxide in the blood, suggesting the possibility the Davidians were shot while trying to escape the fire.**

**** If any agents shot Davidians, the law enforcement "code of silence" probably would prevent other agents from "snitching" on them.**

51. Why did the FBI carry out a disinformation campaign after the fire?

**** The morning of the fire FBI spokesperson Bob Ricks stated the FBI did not fear a "suicide pact." In his press conference right after the fire Ricks said the FBI's first reaction was, "My God they're killing themselves." And he revealed for the first time that some Davidians discussed mass suicide on March 2nd.**

**** While Bob Ricks claimed that Koresh had "lied" when he supposedly told the FBI that the children were safe in "bunkers," several minutes later Ricks admitted, "They bunkered down the kids the best they could."**

**** The FBI false claimed "two" Davidians confessed to setting the fire and "three" FBI agents saw them do it.**

**** Ricks repeatedly speculated that "the children had been injected with some kind of poison to ease their pain."**

**** During the House Judiciary Committee hearing Ricks added the new charge that when a released child heard his**

father and Koresh were dead, he said, "I don't care. No more beatings." However, social workers have not revealed that any child made such a statement.

** Several months later Ricks alleged that Steve Schneider angrily had shot Koresh before killing himself. No proof of this statement has been offered, though it does raise questions of whether FBI surveillance devices in fact still were working right before the fire.

52. Did fire investigators or medical examiners lie about where Davidians died?

** After the fire FBI agents and FBI and Justice Department officials denied that any Davidians were trapped and said they must have been forced or chosen to stay inside the burning building. (This was including in direct response to a question by Representative Sensenbrenner who himself barely had escaped a house fire.)

** The government claims that all bodies (except those found on top of the concrete room) were found on the first floor, from which one would assume easy exit. However, it is possible many Davidians—including David Koresh and his top aide Steve Schneider—were actually trapped on the second floor. (One Davidian survivor saw Koresh there only minutes before the fire began.) Fire investigators and medical examiners might have overlooked such evidence so they could back up FBI and Justice Department claims that Davidians could have escaped if they wanted to.

53. Did BATF and FBI engage in systematic destruction of evidence of BATF/FBI crimes?

** The FBI's gas and tank attack itself looks like a successful effort to destroy evidence of BATF illegal firing from helicopters and at the front door and walls of the building.

** FBI tanks systematically plowed burning walls, including those which fell away from the building, into the fire (as shown on news video) so they would be completely destroyed.

** While Texas Rangers were technically in control of the "crime scene" after the fire, it is clear BATF and FBI agents really were in control. FBI agents were all over the scene right after the fire, before Texas Rangers took over.

** The day after the fire BATF hoisted its blue flag over the ruins of Mount Carmel and the 76 burned victims.

** The FBI "helped" Texas Rangers decide what evidence was "significant" enough to be collected, as opposed to being thrown in the trash, and helped them load "trash" into the dumpster. BATF firearms and explosives experts collected evidence after the fire.

** At trial a Texas Ranger revealed they turned over to the FBI a church safe containing more than \$50,000 in cash, gold coins, spools of platinum and personal valuables. However, the safe never showed up on the FBI evidence list!

** While Texas Rangers' laboratories originally were going to analyze evidence, evidence ended up being shipped to federal laboratories.

** On May 12, 1993, two weeks after the release of the "independent" fire report, but before Branch Davidian attorneys could send in their own fire investigators, bulldozers rolled across the burned rubble of Mount Carmel Center, moving and destroying evidence. Bulldozers smashed the concrete room, destroying evidence that a roof cave-in killed several women and children before the fire began.

** In July, 1994, soon after Davidian investigators revealed that they believed the CS gas had released deadly hydrogen cyanide and intended to test the soil for it, the Texas Natural Resource Conservation Commission announced it was about to remove several inches of topsoil allegedly contaminated with lead from bullets. Investigators had to obtain an injunction so that they could get the soil samples.

54. Why did the Justice Department allow a prejudiced investigator to lead the fire investigation team?

** The Justice report asserts that Texas Rangers assembled a team of "independent" fire investigators to determine the

cause of the fire. However, at trial the head of the Texas Rangers investigation testified that the U.S. Attorneys office appointed Paul Gray head of fire investigation team.

** Paul Gray, Assistant Chief of the Houston Fire Department, had served as a member of BATF's National Arson Response Team, taught classes for BATF agents and his wife was a secretary in BATF's Houston office. BATF officials recommended him for the job!

55. Why did the Justice Department sanction an obviously flawed fire investigation?

** Investigators never interviewed fire survivors, even those not likely to be indicted, something done routinely in other fire investigations.

** Gray withheld from other investigators that FBI log entries revealed that FBI observers reported seeing fire at the back of Mount Carmel Center right after tanks collapsed the gymnasium. Gray also told investigators not to process fire samples from the gymnasium.

** Fire investigators admitted signing the official Fire Report without reviewing all evidence or allegations made by Paul Gray.

** The Fire Report asserts Davidians were not trapped in the building, despite survivors' statements to their attorneys about people being trapped by falling debris, blocked stairways, jammed doors, caved-in walls, rapidly spreading smoke and fire.

** The Fire Report asserts a tank knocking over a lantern or hitting a propane tank could not have started a fire because "if this had happened, an immediate vapor air explosion or flash fire would have occurred involving the vehicle itself." The report ignores the possibility that tanks smashing down walls and pushing around debris could knock over a lantern without coming into contact with any fire caused by the accident.

** The Fire Report states the widely separated points of origin mean arson. This ignores the fact the building was rammed by tanks minutes before tanks started in those three areas. And it ignores the combustibility of the CS gas and the fact that the long hallways could spread the fire in a matter of seconds.

56. Who tried to shut down the Justice Department investigation?

** In May, 1993 the not-yet-confirmed Deputy Attorney General Philip Heymann told an interviewer that investigators would not look at the FBI/Justice Department decision to assault Mount Carmel or interview Attorney General Reno.

** The day after the story appeared the Justice Department contended that Heymann "had erred" and admitted Heymann's "remarks reflected a division within the Justice Department about how closely it should look at the events, with some high officials arguing forcefully that the inquiry should be more limited, to focus only on what should be done in future cases." Which Justice officials wanted to stifle the investigation and why?

57. Was there a conflict of interest in making Edward Dennis chief reviewer of the investigation?

** Heymann appointed former head of the Justice Department's Criminal Division, Edward S.G. Dennis, Jr., to be the chief reviewer of the government's procedures, decisions and actions against the Davidians. Dennis had been in charge of the botched investigation of Banca Lavoro and its relation to "Iraq-gate." Janet Reno had shut down the case with a plea bargain, avoiding a public trial that, according to columnist William Safire, "would have exposed the machinations of the Bush-Thornburgh-Dennis crowd." Many believe Dennis "owed" Janet Reno one and was not likely to find fault with her actions.

58. Why did the Justice Department review team withhold information from outside experts?

** The Justice Department review team withheld damaging information from the Justice Department's panel of ten

outside experts and even from its chief reviewer, Edward Dennis. This included, of course, all and any previously mentioned missing physical evidence and withheld audio and video tapes.

** The review team also withheld the early March memoranda prepared by FBI behavioral scientists Smerick and Young advising the FBI not to harass the Branch Davidians and David Koresh's April 14, 1993 promise-to-surrender letter.

59. Did the Justice Department promote or condone prosecutorial and judicial misconduct in the trial of 11 Branch Davidians?

** Federal prosecutors Bill Johnston, John Phinizy, LeRoy Jahn and Ray Jahn were appointed by and under the ultimate control of Attorney General Janet Reno and Associate Attorney General Webster Hubbell. (Hubbell resigned during the trial.)

** Trial judge Walter Smith was already under investigation by the Justice Department on charges of lying under oath in a civil suit related to alleged drug dealing out of Mount Carmel under George Roden. Prosecutors themselves had been deeply involved in the BATF and FBI assaults and massacres.

** During the trial the judge illegally manipulated the choice of jurors and prohibited defense attorneys from asking crucial questions, introducing vital evidence, or calling critical witnesses to prove Davidians acted in self-defense, including against helicopters. Davidian attorneys were not allowed to call the middle level BATF and FBI agents and officials most responsible for crimes against the Davidians.

** Prosecutors repeatedly withheld evidence that might have exonerated defendants, including regarding illegal BATF shooting on February 28th, identification of a defendant, sabotage of negotiations, and the April 19th fire. And prosecutors intimidated or unduly influenced witnesses. They may have been involved in fabrication of testimony by BATF and FBI agents. They forbid defense attorneys from adequately inspecting allegedly illegal weapons.

** Despite the judge and prosecutors' best efforts, however, the carefully screened jury accepted the self-defense argument and found the 11 Davidians innocent of the most serious charges of conspiracy to murder and aiding and abetting murder of federal agents. However, because the judge's instructions to the jurors included no defense for "aiding and abetting voluntary manslaughter," jurors felt compelled to find five guilty of what they thought was a "minor charge" that would earn Davidians little jail time.

** Misunderstanding the judge's instructions and using a vague verdict form, jurors also found seven guilty of another "minor charge"--using a firearm while committing the crime of conspiracy to murder federal agents--despite their finding defendants innocent of the crime of conspiracy. Because of this error, the judge initially set aside the weapons verdict, telling defense attorneys there was no need to send the verdict back to the jury which only could change it to innocent. However, a week later the judge reinstated the guilty verdict and said it would stand. Defense attorneys are charging "double jeopardy."

** At sentencing Smith, who by now had been cleared in the Justice Department investigation, "threw the book" at the convicted Davidians. Despite their being found innocent of conspiracy charges, he sentenced them as if they were guilty of those charges. Although there was no credible evidence Davidian defendants manufactured, knew about, carried or used automatic weapons, the judge ruled that because the government alleged such weapons were found at the scene, Davidians had "constructive possession" of them. This opinion allowed him to sentence five Davidians to thirty years for weapons charges, as well as the maximum ten years for aiding and abetting manslaughter. (Four others received 3, 5, 15 and 20 year sentences.) Six Davidians are appealing for new, fair trials.

60. Was Justice Department's failure to recommend prosecution of FBI HRT commander Richard Rogers in the Weaver case connected to his ability to implicate Justice officials in crimes against the Davidians?

** A 23-member Justice Department task force recommended criminal charges against agents responsible for the death of Vicki Weaver in Idaho. However, the Justice Department's Office of Professional Responsibility reviewed the

report and concluded that the agents had not committed crimes and should face only disciplinary action. The department's civil rights division similarly concluded criminal prosecutions were not warranted. Rogers is fully aware of the extent to which the FBI deceived Attorney General Janet Reno and may have information about what actions she approved against the Davidians on April 19, 1993. If he was indicted he might share that information with prosecutors and the press. (Rogers and 11 other agents and officials did receive disciplinary "slaps on the wrist" from FBI Director Louis Freeh.)

61. Will Congress thoroughly investigate these questions, tell the American people the truth, see that responsible agents and officials are disciplined and punished, and work to ensure that the Davidian prisoners receive true justice from the system?

World-Wide-Web *html* format by

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ice in government): as (1) : logically affirmative
being constructively applied (~ proposals for
of society) (2) : subject to scientific verification
— distinguished from *speculative* (3) : having
light and shade similar in tone to the tones of the
object — used esp. in photography (a ~ image)
ing properties required to produce a positive image
numerically greater than zero : not negative
real quantities (~ integers) (a ~ correla-
ned, proceeding, or acting in a direction
or customarily taken as that of increase, progressive
superiority : opposed in character or effect to
onstrued as negative (the rotation of the earth is
as ~) (we are making some ~ progress): as (1)
o, composed of, or charged with positive electricity
g electrons : ELECTROPOSITIVE 2a : BASIC 3a (3)
ng an ordinary ray with greater speed than an extra-
— used esp. of a uniaxial doubly refracting crystal
r quartz (4) : DEXTROROTATORY (5) : seeking the
ed of a magnetic pole (6) : oriented, directed, or
ward a source of stimulation or characterized by
caution, direction, or movement (~ phototaxis) (a
e to light) (7) : of, relating to, or constituting a
steering or turning a vehicle in which the steering
e so that they describe concentric arcs in making a
asure freedom from sideslip or harmful resistance
acterized by or relating to upward movement or
an average density or magnetic properties of the
st (~ gravity anomaly) d : falling on a given side
plane — used esp. in mathematics 5 a : marked by
or approval : indicating agreement or affirmation
~ response from the audience) b : affirming the
e that sought or suspected to be present (a ~ test
a ~ case history) 6 : being or relating to a device
and-fro motion (a ~ doobby) (a ~ tappet) **syn** see

“\n -s : something that is positive: as a *obs* : POSI-
b : the positive degree of comparison in a language
: form of an adjective or adverb c : something of
affirmation can be made : a real thing : REALITY
ITIVE ORGAN (2) : POSITIVE PLATE (3) : POSITIVE
a positive photograph or a print from a negative
ing paper or film)
cr ~tion n : headward acceleration
f ~ge n : a visual afterimage that retains the
and color relationships as those appearing
inal image — opposed to *negative afterimage*
refringence n : birefringence of a medium (as
at transmits the ordinary rays with greater speed
traordinary
ock n : a block in which only one railroad train is
be at one time — compare BLOCK SYSTEM
oyancy n : a condition of weight and mass rela-
of a ship (as a submarine) in which it will float unless
l devices (as diving planes) are employed or unless
weight is taken on
utch n : CLAW CLUTCH
lumn n : the region in an electric discharge that
om the anode to the Faraday dark space
asement or positive servitude n : an easement
s holder to do something affecting the land of an-
ch a way that the holder would be guilty of trespass
e were it not for the easement — compare NEGATIVE

ectricity n : electricity of which the elementary unit
on
ectron n : POSITRON
edback n : a feedback of such polarity and phase as
: the net gain of an amplifier
orm n : either of a pair of congruent crystal forms
ner correspond to a single form in a class of higher
aud n : FRAUD 1a(1)
z n : the G force exerted on the human body in a
direction during acceleration
aw n 1 : the aggregate of legal precepts established
ized by the authority of the state as contrasted with
w or a body of ideal precepts 2 : religious laws
y God (as the early Jewish law)
ay n : a lens that is thickest at its center and thinner
s ~portions thus causing light which passes
to ~verge : CONVERGING LENS
ight modulation or positive transmission n : a
television in which an increase in the brightness of
e corresponds to an increase in the signal strength
-ly \p'zəd-əvīē, -z(ə)tā-, in sense 2 often ,-(ə)-

in purely objective mechanistic terms and that social values
and normative standards are mere epiphenomena 4 :
a theory that law is restricted to the man-made statute law
without ethical or ideological content as distinguished from
natural law or moral law
1 **pos-i-tiv-ist** \-vəst\ n -s [F *positiviste*, fr. *positif* + *-iste* -ist]
: a subscriber to or adherent of positivism
2 **positivist** \-adj\ *adj* : being a positivist : exhibiting, relating to,
or characteristic of any form of positivism (the spiritual barren-
ness of a ~ conception of reality — *Times Lit. Supp.*)
pos-i-tiv-is-tic \-vɪstɪk, -tɪk\ *adj* : of or relating to concep-
tivism or positivists : like or tending to positivism (~ knowl-
edge was concerned with merely physical utilities — John
Dewey) — **pos-i-tiv-is-ti-cal-ly** *adv* \-tək(ə)lē, -tɪk-, -li\
pos-i-tiv-i-ty \-tɪvəd-ē, -ətē, -i\ n -ES [‘positive + -ity]
: something that is positive : the quality or state of being posi-
tive : POSITIVENESS
pos-i-ton \p'zə,tən\ n -s [positive + -on] : POSITRON
pos-i-tor \p'zəd-ə(r)\ n -s : one that posits; *esp* : the person
making a statement or providing a segment of information —
compare PROBAND
pos-i-tri-no \p'zə-'trɛ(,n)ō\ n -s [positron + -ino (as in
neutrino)] : a hypothetical atomic particle similar to the
neutrino and having an immeasurably small mass and a posi-
tive charge
pos-i-tron \p'zə, træn\ n -s [blend fr. *positive electron*] : a
positively charged particle having the same mass and magni-
tude of charge as the electron — called also *positive electron*
pos-i-tro-ni-um \p'zə-'trɒnēəm\ n -s [NL, fr. ISV *positron*
+ NL -ium] : a short-lived system suggestive of an atom and
analogous to the hydrogen atom consisting of a positron and
an electron bound together
posits *pres 3d sing of POSIT, pl of POSIT*
pos-i-tum \p'zəd-əm\ n -s [L, neut. of *positus*, past part. of
ponere to place, put, lay down — more at POSITION] : some-
thing that is posited or laid down
pos-i-ture \p'zəchə(r)\ n -s [L *positura* — more at POSTURE]
1 *obs* : PLACING, SITUATION, LOCALITY 2 a : POSTURE b : CON-
FIGURATION
posn *abbr* position
pos-na-nian \(')pəz'nānēən, -nyən\ *adj, usu cap* [Poznań,
province and city in Poland + E -ian] : of or relating to the
Polish province of Poznan or the city of Posen
2 **posnanian** \-n\ n -s *cap* 1 : a native or resident of Poznan
or Posen 2 : the dialect of Poznan upon which standard
Polish is based
po-sol \pō'sōl\ *also* **po-so-le** or **po-zo-le** \-ō(,)lā\ n -s
[AmerSp *posol, pozol, posole, pozole*, fr. Nahuatl *pozolli*, lit.,
foamy, fr. *pozol* foam] 1 : a thick chiefly Spanish-American
soup made of pork, corn, garlic, and chili 2 : a Spanish-
American drink made of cornmeal, water, and sugar (began
arriving with food, . . . *posole* and fruit — Oliver LaFarge)
poso-logic \p'pāsə,lɔjɪk\ *also* **poso-log-i-cal** \-jəkəl\ *adj* : of
or relating to posology
po-sol-o-gy \pə'sɔləjē\ n -ES [F *posologie*, fr. Gk *posos* how
much + F -logie -logy; akin to L *quotus* how many — more at
QUOTE] : a branch of medical science concerned with dosage
pos-po-li-te \pō'spɔlyē-tə\ n -s [Pol, *pospolite* (*ruszenie*) gen-
eral levy, fr. *pospolite* (neut. of *pospólity* general) + *ruszenie*
movement, levy] : a former Polish militia in Poland consisting
of the gentry called out in case of invasion
poss \pās\ *vb* [ME *possen*, prob. fr. MF *pousser* — more at
PUSH] *dial* : THRUST, PUSH, POUND
poss *abbr* 1 possession 2 possessive 3 possible; possibly
pos-se \pāsē\ n -s [ML *posse* (*comitatus*), fr. *posse* power (fr.
L, to be able, have power) + *comitatūs*, gen. of *comitatus*
county — more at POTENT] 1 : POSSE COMITATUS 2 a : a force
with legal authority : a detachment or body (as of police)
often assigned to or brought together because of a particular
emergency b : a crowd or throng usu. sharing some common
interest 3 : POSSIBILITY, POTENTIALITY — see IN POSSE
posse comitatus n [ML] : the power of a county : a : the entire
body of the inhabitants who may be summoned by the sheriff
to assist in preserving the public peace (as in a riot) or in exe-
cuting a legal precept that is forcibly opposed including under
the common law every male inhabitant who is above 15 years
of age and not infirm b : a body of persons so summoned
pos-se-man \p'āsēmən\ n, pl **possemen** : a member of a
posse (are without authority to . . . contract for the services
of *possemen* — U. S. Daily)
pos-sen-trie \p'ās'n-trē\ n -s [D, modif. of E *poison tree*]
: SANDBOX TREE
pos-sess \pə'zɛs, pōl, 'sɛs\ *vt* -ED/-ING/-ES [ME *possessen*,
fr. MF *possesser*, fr. L *possessus*, past part. of *possidēre* to own,
possess (fr. *potis* able, possible + *-sidēre*, fr. *sedēre* to sit) &
possidēre to take possession of, fr. *potis* + *sidere* to sit down,

—Antonio Fe
possessed by
a : the condi
extraneous po
(there were ta
state in which
by another C
(his ~ in the
category havin
pos-ses-sion :
session : havi
li\ *adv*
pos-ses-sion :
practice of pri
pos-ses-sion :
: arising from
pos-ses-sion :
fr. L *possessio*
possessions or
pos-ses-sione
pos-ses-sion :
possessio n pc
property hold
holding endow
as offensive
in the souther
pos-ses-sion :
spirits
pos-ses-sion :
pos-ses-sion :
pos-ses-sive
fr. L *possessio*
possess) + -iv
or constituting
a relation felt
the word *Joh*
relating to, or
ownership or
c : of or rel:
2 : of or tend
desire to pos
instinct) (a
to the bahuv
adv — **pos-s**
2 **possessive** \-
word or wor
possessive a
possession (a
possessive pr
pronoun and
(as *his* in ‘*hi*
pos-ses-sor \-
MF *possessee*
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The Aftermath of Mount Carmel

by Mike Cumpston

[as printed in U.S. Gun October/93]

On April 19, 1993, 51 days after the ATF raid on the Branch Davidian enclave near Elk, Texas, the combined federal task force led by the Federal Bureau of Investigation sharply escalated attempts to bring the standoff to a close.

Negotiations had failed to secure the surrender of more than a handful of Koresh followers, and Task Force spokespersons reported to the media that Koresh was doing nothing to advance a voluntary surrender. Although attorneys were reporting progress in negotiating a peaceful surrender, Koresh was again delaying action, promising to come out after he finished writing a book on the "Seven Seals." The Bureau later reported that listening devices planted in video tapes taken to the compound revealed that Koresh was willfully misleading his attorneys, and had no intentions of coming out.

Nightly bombardments of loud music, Tibetan chants and animal sounds apparently had no effect on the Davidians, and the task force perimeter failed to prevent two outsiders from sneaking into the compound.

Accordingly, tanks equipped with tear gas dispensers began knocking holes in the walls of the compound and inserting tear gas in an effort to force the occupants out. The occupants, all equipped with gas masks, responded by opening windows to allow the high winds to carry the gas away. The substantial small arms fire they directed at the armored vehicles had no effect.

At mid morning, task force vehicles continued to breach the compound walls and continued this activity until the beginning of the conflagration that consumed the structure and killed most of the occupants.

The few Davidians who escaped the fire reported that tanks had run over containers of lantern fuel and upset a lamp, with the resulting fire sweeping through the structure driven by the high winds and fed by flammable building materials. This version was repeated by each of the cultists who escaped. It does not appear that they had opportunity to rehearse this story, as they were captured separately. They steadfastly denied any suicide pact.

Official word from the task force was that the Davidians had committed suicide by starting fires in at least three separate locations. Post mortem reports from Dallas/Ft. Worth revealed that many of the men, women and children died from gunshot wounds of self-inflicted or obscure origin. Koresh and his key followers have all been positively identified. At this time (June 04, 1993) survivors are variously housed in jail, charged with Conspiracy to Murder Federal Officers, or as material witnesses, in "halfway houses" as material witnesses, or have been released. The reasons that some witnesses are being held an inordinately long time and others released are occult. One woman who had announced intentions of leaving the area was scheduled for release. When she changed her mind and decided to visit friends in the Central Texas area, her release was canceled. Other freed Davidians have left the state.

THE INVESTIGATION

The intensity of the fire destroyed all structures except the metal stand pipe and the concrete bunker at the base of the watchtower. It seems certain that the value of any recovered evidence is greatly compromised. To maintain the appearance of impartiality, an independent forensic medical team was called in for post mortem examinations of

bodies, and the responsibility for collection of physical evidence has been turned over to the Texas Rangers. News reporters were early allowed on the scene to record their observations.

THE ORIGINAL SEARCH WARRANT

I have in hand the first page of "Search Warrant W93-15m, Western District of Texas," issued February 28, 1993, by United States Judge Dennis G. Green. I also have Attachment Sheet D, detailing concealed property believed to be on the premises covered. (Attachments A, B, and C are descriptions and photographs of the Mt. Carmel property.)

The warrant orders the search of: "... residence of Vernon Wayne Howell and others, Rt 7, Box 471 B, AKA: Mount Carmel Center, Waco, McLennan County Texas, its appurtenances, vehicles, underground structures located on entire premises of the 77-acre compound."

ATTACHMENT "D": The Following Property is Concealed:

A quantity of firearms, including but not limited to: An assortment of AR-15 rifles and AK-47 rifles, and parts thereof, along with a quantity of assorted machinegun conversion parts, machinery and implements used or suitable for use in converting semi-automatic weapons to fully automatic and for constructing destructive devices such as pipe bombs and homemade grenades, this machinery would include, but not be limited to, metal lathes and milling machines, .50-caliber anti-tank rifle, Sten guns, grenade launchers, practice rifle grenades, practice hand grenades, various chemicals, including but not limited to, black powder and potassium nitrate, magnesium metal powder, metals in various forms, inert "pineapple" type hand grenades, pipe bombs and parts thereof, and other suitable casings of unknown descriptions which, when assembled, would be classified as destructive devices as those terms are defined in Section 5845 (b), and Section 5845 (f), Chapter 53, Title 26, United States Code, which are not registered with the National Firearms Registration and Transfer Record, Washington, D.C., as required by law, and documentary and computerized evidence of receipt, ownership and instructions for converting semi-automatic firearms into machineguns, and the construction of improvised explosive weapons, including computer hardware, peripheral equipment and software containing files and directories and the information thereon. This is to include any disks, manuals, printouts and other assorted computer equipment."

So, ATF was looking for: (1) semi-autos converted to machineguns, (2) homemade bombs, a .50 caliber "anti-tank" rifle, destructive devices and/or the artifacts associated with the construction of any of the above -- legal unless assembled.

This list corresponds closely with the description of the arsenal I was given by local residents shortly after the raid. It appears that the ATF knew or suspected that the high order explosives, 50 caliber machineguns and military ordnance widely posited by the press and trumpeted by Koresh, were not present. One post standoff news report referred to a description given to the ATF which resembled a "British .52 Caliber Boys Anti-Tank Rifle," an item which would have been a destructive device because of the bore size. The description no doubt also fit the various legal Barrett .50 rifles which were later found in the rubble.

RECOVERED ITEMS

Texas Rangers reportedly found "...a large quantity of machineguns," indicating that some were automatic and some were semi-automatic. They also recovered a quantity of grenade cases, some of which had been re-armed. The concrete bunker contained a quantity and variety of ammunition which the media reported at "one million rounds." Two Barrett Rifles were found. There have been no reports of high velocity explosives or military ordnance and the huge fireball which occurred shortly after the beginning of the fire was actually a propane cylinder exploding.

A statement by a former Davidian alleged that Koresh had consulted with a California member about obtaining templates for making "grease gun" receivers out of metal tubing and setting up an operation to manufacture these simple submachineguns at Mount Carmel. The manufacture of these weapons is quite feasible, but I have seen no reports of grease gun or Sten type weapons being found.

A reporter on the media tour described "hand grenades lying everywhere" and rockets with "wicked looking fins." The

rockets were purchased from a hobby company in Oregon and were modelers' toys, incapable of carrying significant explosives.

MEDIA DEVELOPMENTS

Although gun control advocates have largely turned to more current events to promote their cause, the events at Mount Carmel are sure to be recalled when the Administration presses for its gun control agenda. The push for gun control has been side-tracked by the fight over the budget, gays in the military, and other concerns.

The Waco Tribune Herald remains staunchly anti-gun, but there has been an interesting side development. Roland Nethaway, the editorial writer who branded gun owners as "nuts and cultists," apparently moderated (however slightly) his original stance upon learning the breadth and depth of commitment which exists throughout the nation for the Bill of Rights, particularly the portion of Amendment I dealing with religious liberty, and Amendment II. He was particularly impressed when he learned of the size and success of the pro freedom Libertarian Party.

An ATF agent injured in the initial raid has filed suit against the Waco Tribune Herald and an individual employee, alleging that a tip-off from the employee resulted in the violent response to attempts to serve the Federal Warrant.

A British reporter who came to Waco during the Stand-off registered amazement at the existence of a Constitutional Bill of Rights, and criticized the United States for having such a thing. He reported to his home newspaper that Wacoans collect guns because there is nothing else there to buy, and called the community "... a one horse town where the horse has died."

Cults in general have attracted the attention of the television news magazines, and they have learned that there are some two thousand of them in the United States. Some of them are heavily armed, and all of them espouse beliefs which (1) are shared by the larger community; (2) are rejected by the community, and; (3) are protected by the Bill of Rights unless and until accompanied by overt acts which constitute an immediate threat.

Efforts by elements of the media and federal law enforcement to dismiss the individual members of these movements as mental defectives do not hold up under objective scrutiny. I have encountered several Davidians who, in the wake of the fire, displayed remarkable ingenuity and fortitude in putting their lives back together. Their apocalyptic beliefs and continued veneration of David Koresh are incomprehensible to me, but given their responses to personal tragedy, I cannot fault their mental processes or moral fortitude.

The NBC In The Line of Duty movie about the standoff, completed well before the real life drama was over, aired late in May. This was a highly fictionized account of the events leading up to and immediately following the February 28 raid. The leading actor closely resembled Vernon Howell/David Koresh, and the outside of the compound was realistic. Other details were essentially fiction. These included the sequence of events, the general topography, the character and actions of the composite Child Welfare worker, the character and actions of the McLennan County Sheriff and his department, and the gun purchase related activity. This episode briefly elevated NBC to the top of the weekly ratings, a position that network almost never attains.

CIVIL LIBERTIES

In my first article about the Mount Carmel Stand Off, I referred to two pieces of legislation in the current session of the Texas Legislature. There was a bill banning a broad variety of semi-auto rifles. This was summarily killed in committee.

For the past six years, Texas has attempted to reform state gun laws to conform to the prevailing practice of a significant number of otherwise law-abiding Texans, who have chosen to carry handguns for protection. Present law allows for lawful carry only by law enforcement officers, security guards, persons on their own property, traveling or engaging in lawful sporting activities. Even those in compliance with the letter of the law are subject to arrest, and may have to prove their innocence in court.

Conversely, many individual police officers and district attorneys recognize the need for self-protection, and endorse

the law selectively.

Passage of a concealed carry law would protect good citizens from arrest, and provide for a base line of training in safe gun handling and prevailing laws pertaining to deadly force. This training alone would make the State of Texas a safer place for all of its citizens.

The drive for a law which would allow the concealed carry of handguns by trained and licensed citizens stayed alive through the last day of the legislative session. It was overwhelmingly approved by both the Senate and the House of Representatives, reconciled and presented to Governor Anne Richards.

After the Mount Carmel events, she had hardened her opposition to the Bill (HR 1776), promising a veto. The bill was modified and passed first as a Binding Referendum, then as a Non-Binding Referendum which would allow the voters to express approval or disapproval of the legislation upon the November election. The Governor contrived a delaying action which prevented passage before the last day of the session, leaving no time for an over ride. Two days after the legislative session ended, she held a Veto Party, much like the ceremony which accompanies the signing of a bill into law. She called the bill a "poll for the handgun interests," and said that it would cost Texans \$60,000.

This is the same Governor who openly supported a referendum in favor of state supported gambling with its accompanying crime and social problems. She has deprived Texans of the right to vote on other important issues, and clearly considers her own judgement to be superior to that of the electorate which placed her in office.

Look for the Concealed Handgun Bill to gain new life in 1995, when Texas elects a new Governor.

THE ATF

The ATF is under close scrutiny with Justice Department attention focused upon questions about the propriety of the February 28 raid. The agency has had image problems for some time, and radical restructuring is expected. Points currently under investigation include:

(1) Inconsistencies about whether the media was informed in advance of the raid. Obviously, area news agencies were aware of the impending raid, and influenced the course of events. Dallas television stations report being informed of the impending action and being advised to stand ready.

There have been several allegations of sexual harassment and retaliation by female agents of ATF. Some of the putative victims report physical attacks and death threats. All say that the Mount Carmel raid was designed as a media event to restore the public image of the agency.

(2) Questions about why Koresh was not arrested away from the Compound, avoiding the raid all together.

Early official reports indicated that Koresh had stopped leaving the Mount Carmel property about a month before. These claims are refuted by local residents, who report meeting him in a Waco beer joint the night of February 27, 1993.

Agency claims of plans for mass suicide or an attack on Waco citizens have been consistently denied by survivors and other local Davidians.

Justice Department inquiries are not examining the activities of the Joint Task Force after the initial raid. Federal activities under the FBI had full oversight by the Attorney General.

Since the passage of the Gun Control Act of 1968, the Bureau of Alcohol, Tobacco and Firearms has been an agency with an identity crisis. Technically a police agency, the ATF must frequently resort to military tactics to reach its objectives. The goals and tactics of police and military are quite different. Technically, ATF is a police agency with the duty to enforce laws, preserve evidence, and abide by due process, but the agents have also received considerable training from military specialists with the emphasis on winning battles.

The agency is subject to the changing and sometimes ambiguous expectation of the political power structure.

There is talk of placing the ATF directly under the Attorney General or a Federal Gun Control Czar, bringing all federal police agencies under one directive. This is an eventuality which would pose grave threats to personal liberty.

GUN OWNER REACTION

There is an awakened and often expressed realization that our anti-gun public officials live in a different world than we do, regard our opinions with contempt, and consider our safety to be secondary to their conceptions of an orderly society,

In recent months, membership in the National Rifle Association has grown at an unprecedented rate. This is largely in response to the election of an administration that is openly hostile to private ownership of arms. While attending the NRA Annual Meeting in Nashville, Tennessee, I learned that Central Texas is the largest single source of new members.

Area NRA members are taking a more active role in the fight to preserve the Second Amendment intact. A "Friends of NRA" banquet is scheduled for June of 1993. Area sportsmen who have been historically indifferent to legislative affairs are now openly supporting the Handgun Permit Bill, and expressing their views in public and to elected officials. Voting in run-off elections has increased, with citizens turning out to repudiate the anti-gun governor, her political agenda and her political appointments.

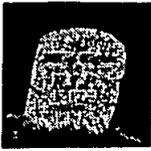
The tragic outcome of the Mount Carmel incident assures the Stand Off a place in the public consciousness for many decades to come. Central Texans can now go about their business without encountering massed troops and road blocks. The media have folded their tents and gone home. On Friday, June 4, 1993, Vernon Wayne Howells, AKA David Koresh, was buried in a private ceremony somewhere near Tyler, Texas. The grave is unmarked, and will remain so.

Officers of the Bureau of Alcohol, Tobacco and Firearms have said farewell to their fallen comrades and returned to Mount Carmel, each to find some personal resolution of the events that took place there and that continue to unfold in the highest corridors of government.

Hopefully, time and reason will give us all the perspective to deal with the issues raised by this tragic episode in our history.

World-Wide-Web *html* format by

Scott Ostrander: scotto@cica.indiana.edu



Waco

Questions for Congress About "Waco". The Committee for Waco Justice has distributed this list of questions to congress concerning the massacre at Waco, Texas.

The Waco Affidavit. This is a transcript of the affidavit used by the BATF in order to obtain a search warrant of the Branch Davidian compound in Waco, TX.

Waco Jury Instructions. This is a transcript of the instructions issued to the jury by the Judge during the Waco trial. It is a 67 page instruction!

"The Aftermath of Mount Carmel," by Mike Cumpston, as printed in *U.S. Gun magazine*, October 1993. This paper describes the ATF raid and the reactions from all sides to the raid.

"Assault on Waco," by Kevin S. Van Horn, as printed in *The American*, February 1994. A referenced study of the events of the Waco raid.

"The Massacre of the Branch Davidians," by Carol Moore of the Committee for Waco Justice. This article may be the most complete summary of the Waco raid, as well as the history of the Davidians.

"Is a Search Warrant Your Death Warrant?," by Larry Pratt, as printed in *Guns & Ammo*, in November, 1993. This article talks about the raid and the ramifications it has on the future of the American public.

"The Branch Davidian Trial," by Egon Richard Tausch. This article describes parts of the court trial of the Branch Davidians. A rather frightening read at that.

(source unknown)

Chris Cery

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WACU

Waco: A Massacre and Its Aftermath

Dean M. Kelley

I

Back in the late 1920s the finger of God touched Victor Houteff, and he left the Orthodox Church of Bulgaria to join the Seventh-day Adventists. In 1929 he moved to California, where, though not approved by the main body of Seventh-day Adventism, he gained a following with his preaching. He and his followers moved to Texas in 1935 to found a community called Mt. Carmel in order to follow Houteff's teachings without distraction from their neighbors and the mainstream of society.

Houteff died in 1955 without seeing the coming of the millennium that he had preached. His wife, Florence—succeeding him as leader of the group, which called itself the "Davidian Seventh-day Adventists"—announced that the new era would begin on April 22, 1959. About nine hundred people across the country sold their homes and moved to Mt. Carmel near Waco to await the end (throwing a considerable burden on the public welfare program of McClennan County). When the date came and went and nothing happened, most of the disappointed adherents drifted away. About fifty remained, however, and moved to a New Mt. Carmel about ten miles from Waco.

The next year leadership devolved on Ben Roden, who called his following "Branch Davidians" to distinguish it from another group that continued the plain "Davidian" strand. After his death, his wife Lois led the group, traveling and meeting with foreign heads of state in the effort to spread the message. After her death a struggle took place between her son, George, and a relative newcomer to the group, Vernon Howell. She actually had favored Vernon as

her successor, but George remained in control of the colony, so Vernon moved to Palestine (Texas), taking with him those among the faithful who accepted him rather than George as their prophet.

George challenged Vernon to a duel in 1987 to prove which was the True Prophet. The form of the duel was to see who could bring back to life a long-dead Davidian whose casket was exhumed by Roden. Howell declined the challenge and complained to authorities about the exhumation. When they demanded proof, Howell and seven armed followers stole into the Mt. Carmel premises to photograph the coffin. Roden caught them, and a gunfight broke out. All eight of the Branch Davidians were tried for attempted murder. Seven were acquitted, and Howell's trial ended in a hung jury. He was never retried.

George Roden did not prosper at Mt. Carmel. He lost most of his followers, went into debt, and rented out some of the ramshackle buildings to non-Davidian tenants, including two drug traffickers. Roden was jailed for six months for writing threatening letters to a judge, and during that time Howell gained title to Mt. Carmel by paying off sixteen years of delinquent taxes. In 1989 Roden murdered a man with an axe and was committed to a mental institution, where he remains—though he did escape briefly in 1993—and Howell's followers, in apprehension that Roden would return to attack them, maintained an armed vigilance against that threat (and others).

II

Early in 1990, Vernon Howell legally changed his name to "David Koresh," after the Hebrew King David (prototype of the messiah) and the Persian King Cyrus (who freed the Jews from Babylonian captivity). He was not the first to choose the latter name. In 1869, Cyrus R. Teed changed his name to

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"Koresh," taught that he was the messiah, and wrote commentaries on the Seven Seals of the Book of Revelation. He drew a following of "Koreshians," but was killed in Florida in 1906 during a violent encounter with a marshal.

When Howell joined the Branch Davidians in 1981, he was not a prepossessing figure. Illegitimate, dyslexic, a stutterer, a high school drop-out, obsessed with cars, guns, and rock music, he was described by one commentator as "a tearful, insecure, pesky young man." He was also intelligent, articulate, mechanically adept, a capable guitarist, and the possessor of an immense store of memorized passages of Scripture. Sometime in the mid-1980s, the finger of God touched him, and within a few years he had matured, lost his speech defect, and shown an amazing ability to enlist followers attracted to his Bible-based vision and his ability to articulate it. He was adept at stringing together phrases from Psalms, Revelation, and some of the more obscure passages of the Prophets to form an intricate new prophecy of imminent Armageddon—with himself in the leading role of the "Lamb of God." His followers came to accept him as a voice of authority.

So persuasive was his message that he drew converts (mostly Seventh-day Adventists) from many states and foreign countries. He also showed himself an able organizer, rebuilding New Mt. Carmel from a scattering of shacks into a rambling frame structure of several floors combining chapel, residence, gymnasium, water and watch towers, tornado shelter, swimming pool, and utility space. He led in developing several commercial ventures for the financing of the community, including repairing and retooling automobiles and selling guns, ammunition vests, hunting camouflage, and ornamental (empty) hand grenades at gun shows around the state.

David Koresh inherited a millennial view from Houteff and the Rodens, along with their authoritarian style of leadership. His message focused on the decoding of cryptic apocalyptic passages (such as the Seven Seals of the Book of Revelation) that he understood to refer to the present: the inbreaking of God's will into human history was about to occur, with a cosmic struggle between good and evil; the forces of evil would be concentrated in the present center of earthly power, the government of the United States, whose Babylonian might would be brought to bear against the Lamb and his Elect.

But the Lamb was not going to submit meekly to the Babylonians. The Battle of Armageddon must be waged with maximum effort by the faithful to draw down the heavenly host and bring in the City of God. To that end Howell accumulated arms for his followers, possibly even beyond the generous norms of gun ownership in Texas or the needs of the gun trade. He was stimulated in that endeavor by a curious and seemingly unrelated event, described in the chronology of a postmortem report by the U.S. Treasury

Department as follows:

March 5-9, 1992 — Local law enforcement conduct SWAT training near [Mt. Carmel]. David Koresh . . . reacts by: 1) bringing back members from California and England; 2) making large purchases of weapon parts; 3) acquiring chemicals which can be used to make explosives; 4) purchasing night vision scopes and sensors; and 5) accumulating large supplies of ammunition.

In other words, Koresh saw this three-day episode of noisy police maneuvers within ear-range of Mt. Carmel as brazen intimidation by the Babylonians, and he responded with strong defensive measures. These very measures, in turn, brought him to the attention of federal authorities, who might otherwise not have been much interested in an obscure little sect out on the plains of Texas.

One other feature of the teaching of Koresh was pertinent to the unfolding of events. He discerned in several scriptural passages, especially the Forty-fifth Psalm, the implication that the Lamb should be united with the "king's daughters," "honourable women," "virgins," to beget "children, whom thou mayest make princes in all the earth." His understanding (which came to be shared by his followers) was that only the seed of the Lamb was pure and that the Lamb alone should beget the children who would rule the world in the coming age. To that end, Koresh was accorded exclusive marital rights to all of the women in the community, and their husbands (if they were married) relinquished such rights to Koresh because of their belief that he correctly understood the divine will. As a result, by 1993 Koresh was the father of more than a dozen young children by several women in addition to his legal wife, Rachel Jones (daughter of a long-time Davidian, Perry Jones).

Perhaps understandably, this led to some criticism from outsiders, inspired by disaffected ex-members who complained to the authorities about "child abuse." A nine-week investigation in 1992 by the Texas Bureau of Child Protective Services, however, found no evidence of such abuse. Discipline of children does appear to have been strict at Mt. Carmel, and Koresh sometimes paddled young children severely for infractions. But the children who were examined by Texas authorities were found to be healthy, well-adjusted, and non-traumatized. Those pictured on a videotape with Koresh made during the siege seemed fond of him and unapprehensive.

New religious movements often have unconventional marital arrangements—as, for instance, the "complex marriage" of the nineteenth-century Oneida Community, in which all the women were married to all the men, but had to have the approval

of John Humphrey Noyes to consummate conjugal relations. (If any couple became too attached, he would send one or the other off to an outpost in Wallingford, Connecticut, to get over it.) Whatever the arrangements were at Mt. Carmel, they were part of a project of "soteriological procreation" (the term used by Lawrence Sullivan of Harvard, one of the government's chosen commentators on the federal reports about Waco), and it was a collective project—one joined in by the religious community as an undertaking to treasure, husband, and disseminate the pure seed of the prophet as a precious resource for raising up the heirs of the new Kingdom. It did not necessarily seem to be "abuse" to those who experienced it. One account appearing in *Newsweek* put it this way:

To many girls being chosen by Koresh was an honor they eagerly sought. Koresh "wouldn't do it unless you wanted it," says Jeanine Bunds, 51. . . . "It wasn't about sex, but he was a very appealing, sexual person. . . ." He just loved the idea of womanhood . . . and he made you feel special. . . . A union with Koresh was spiritual, says Robyn Bunds, who met with Koresh when she was fourteen and slept with him when she was seventeen. . . . "He's perfect, and he's going to father your children. What more can you ask for?"

III

As the government told the story in retrospect, its attention was drawn to the Branch Davidians near Waco in May 1992, when a driver for United Parcel Service reported that a carton for delivery to Mt. Carmel had broken open to reveal a shipment of (inert) hand grenades. The incident was reported to the Waco sheriff's office, which notified the office of the federal Bureau of Alcohol, Tobacco, and Firearms in Austin. An agent named Davey Aguilera was assigned to investigate, and by tracing UPS invoices he compiled a list of \$45,000 worth of guns, gun parts, gun kits, grenade hulls, black powder, chemicals, fuses, and ammunition. He contacted former members of the religious group for information about its activities and wrote a report in which allegations of child sexual abuse figured prominently (though that was not a matter within the jurisdiction of the federal agency).

The agency's interest lagged in mid-1992 until a television program on sexual harassment within ATF threatened to impair the agency's prospects at Congressional budget hearings in March 1993. Perhaps in search of good press, the agency began in December to plan a major raid on the Branch Davidians. A warrant for the arrest of Vernon Howell and a warrant for the search of his property at Mt. Carmel for illegal firearms were obtained (both based on an

affidavit hastily put together by Aguilera). After assembling a large number of agents and rehearsing for several days, the ATF launched its raid on a Sunday morning, February 28, 1993, in what it described as a "dynamic entry."

The "dynamic" part of the entry was impaired, however, by the loss of the element of surprise. On the morning of the raid, several converging lines moved toward closure. A mile-long convoy of eighty government vehicles with their headlights on, including two covered cattle trailers containing over seventy ATF agents in full SWAT gear, reached the staging area at Bellmead on the edge of Waco at 7:30 A.M. Two helicopters supplied by the Texas National Guard warmed up at the command center at The Texas State Technical College airport twelve miles away. Robert Rodriguez, an undercover ATF agent who had "infiltrated" the Davidians (but was suspected by them of being a plant), entered the residence to join the morning Bible study.

The media also began to circle around. The day before, a cameraman for a Waco television station had been told by an ambulance dispatcher that the ATF had asked them to have three ambulances on standby for Sunday morning. A paramedic had also told him that "something big" was going to happen over the weekend. Editors from the *Waco Tribune Herald* drove by the TSTC airport and saw military aircraft clustered there. By Sunday morning nine reporters had been assigned to scout the scene around Mt. Carmel. One of them got lost and asked directions from a local mailman, to whom he confided that some kind of law enforcement action was about to take place at Mt. Carmel. After they parted, the mailman—David Jones, who happened to be David Koresh's brother-in-law—headed for the residence to give the alarm. His father, Perry Jones, called Koresh out of the Bible study to tell him what David Jones had learned.

When he returned to the Bible study group, David Koresh was visibly upset. He exclaimed to Rodriguez, "Neither the ATF nor the National Guard will ever get me. They got me once, and they'll never get me again." He walked to the window and looked out, saying, "They're coming, Robert. The time has come." Rodriguez, afraid that the raid was about to begin while he was still on the premises, made the excuse that he had to leave for a breakfast appointment. Koresh shook hands with him and said, "Good luck, Robert." Rodriguez hurried to notify the raid commanders that Koresh knew they were coming. They asked if he had seen any signs of alarm or guns being distributed, and he said no. They decided that if they rushed to Mt. Carmel, they could still make the attack before the residents were mobilized.

That was about 9:00 A.M. The convoy got under way and arrived about a half hour later. Meanwhile, the helicopters that were scheduled to create a diver-

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sion in the rear of the residence so the approach of the cattle trailers filled with agents would not be noticed were late in arriving. They did not come by, the Treasury report asserted, until the cattle trucks were pulling into the yard, too late to create a diversion or for the raid to be aborted. In any event, the raid commanders were out of radio contact at the time and not available to change the plans.

So events unfolded. The two unmarked cattle trailers drew up in front of the buildings at Mt. Carmel and disgorged more than seventy agents dressed in dark commando costumes (complete with ski masks) and carrying guns, who raced toward the buildings in several groups, shouting and—at some point—shooting. David Koresh, unarmed, opened the front door before they reached it and called, "What do you want? There's women and children in here!" The lead agent claimed to have yelled, "Police! Get down!" or some such cry, and Koresh closed the door. Shortly thereafter heavy firing broke out from both sides. (Who fired first, and at what, remains a matter of sharp dispute.) Two teams of ATF agents with ladders mounted to the roof of the first floor and broke into windows of the second floor where they believed the weapons were stored. They met with heavy fire, which resulted in several casualties. One team did not make an entry, but the other did. Its members were not able to advance, however, and the effort failed. Firing continued from both sides for some time, with the agents pinned down behind their vehicles and other cover until a cease-fire was negotiated.

A few minutes after the raid began, one of the Davidians, Wayne Martin, a Harvard-trained lawyer well-regarded in Waco, called the emergency number 911 and reached the sheriff's office in Waco, where he was heard (and recorded) to cry out, "There are seventy-five men around our building and they're shooting at us! Tell 'em there are children and women in here and to call it off!" This message and variants thereof were repeated off and on for an hour as the sheriff's office tried to reach the ATF and put them in touch with Martin. Eventually a cease-fire was arranged, and the ATF recovered the bodies of four killed and a number of wounded agents and withdrew to a safe distance to regroup. They milled around in confusion because they had no fall-back plan for such contingencies as failure.

The Branch Davidians had suffered casualties as well. Perry Jones, David Koresh's father-in-law, who was standing behind him in the foyer when he opened the door, was shot. Koresh was hit in the hand and side. Winston Blake was killed at one end of the building while Jaydean Wendel was killed at the other, just as she finished nursing her baby. Peter Gent was shot and killed on the water tower. Peter Hipsman was hit inside the house. (It may be that one of the Branch Davidians—presumably with Koresh's permission—killed Perry Jones and Peter Hipsman to put them out of their pain.) Several Davidians hur-

rying to Mt. Carmel from a warehouse called the Mag Bag several miles away were intercepted by ATF agents. One was killed—Michael Schroeder—and one was captured, while one got away.

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The next day the FBI replaced the ATF as the agency in charge, ostensibly because of mutual recognition that its Hostage-Rescue Team was more experienced in handling extended siege operations. The FBI established a containment perimeter around the Mt. Carmel buildings, cut off all telephone or other communications except with its own negotiators, and settled down to a patient process of trying to talk the Davidians out of their home (termed a "compound" or even a "fortress" in federalese). This consisted of hours of listening to David Koresh expound his doctrines to sleepy negotiators struggling to follow his shifting scriptural references in their Gideon bibles. His exposition relied heavily on an Adventist and millennialist vocabulary of obscure biblical allusions, each followed by a verbal nudge—"Right?" or "Correct?"—that only deepened the agents' bewilderment. Occasionally a negotiator would try to get a word in about the possibility of "coming out," but they were more heavily outgunned in the verbal than in the artillery exchange.

After a week or so of this exercise in what the federal participants began to refer to as "Bible babble," the FBI leadership on the scene grew impatient and began to use pressure tactics that tended to undercut the negotiators' efforts. During the first week of the siege twenty-one children and two elderly women did come out. (The two women were immediately handcuffed, shackled, and charged with murder. Negotiators persuaded the prosecutors to back off a bit, and the charges were withdrawn, but the women were held as "material witnesses" anyway.) In the ensuing two weeks twelve additional adults came out ("exited the compound," as the federal jargon put it), but each such departure seemed to be punished by an increase in pressure tactics. First the electricity was turned off overnight by the FBI for several days and then turned off permanently. After several adults had come out on March 21, the FBI announced that it would clear the ground around the buildings, bulldozing automobiles, go-carts, propane tanks, and other "obstacles" that stood in the way. That evening the FBI began playing very loud music over the public address system. Several times the Davidians asked over the phone that it be turned off. About midnight Koresh announced angrily that because of the loud music no one else would come out.

A few nights later huge floodlights were turned on the buildings and recordings of Tibetan chants, Christmas music, the cries of rabbits being slaughtered, and other engaging sounds were dinned into the residence, designed to make sleep impossible for

those within. Beginning March 29, two attorneys retained by relatives of Koresh and his lieutenant, Steve Schneider, were permitted to meet with them at the door of Mt. Carmel. Later they were allowed to consult with them indoors for several hours and to talk with them by phone without federal monitoring. During the first week of April the Branch Davidians were observing Passover, and negotiations were at a standstill. Starting on April 10, the FBI began laying large coils of razor-sharp concertina wire around the buildings to close the perimeter more securely (two men—"adult males" in federalese—had "snuck"—also federalese—into the buildings during the preceding period). They also fired "flash-bangs" (distractor grenades) at anyone who came out of the buildings for any purpose other than surrender.

Throughout the siege, the FBI approached the buildings only in armored vehicles—nine Bradley fighting vehicles, five combat engineering vehicles, one tank retrieval vehicle, and two Abrams tanks. During the fifty-one days of the siege, the Branch Davidians made forty-one requests of the FBI (for milk, typewriter ribbon, batteries, etc.), of which twenty-five were granted. With the milk cartons and other deliveries, the FBI slipped in electronic listening devices that gave them a partial understanding of what was going on inside. Toward the end of March the FBI began to consider the possibility of "inserting tear gas" into the buildings to force the residents to come out if other methods did not succeed. This expedient was eventually presented to the Attorney General, Janet Reno, and after consideration and consultation with the President, she approved it.

Ironically, just as the federal government was abandoning hope of a peaceful solution, there opened up the possibility of such an outcome. Early in the siege, Koresh had promised to come out if his message could be aired on national media; he prepared an hour-long audiotape that was broadcast locally, but not (he claimed) nationally. Two scholars of apocalyptic religion, Phil Arnold, of the Reunion Institute in Houston, and James Tabor, of the University of North Carolina, studied the broadcast and believed Koresh could be reasoned with if approached within his own frame of reference. After several futile efforts to persuade the FBI to let them try, they arranged with Ron Engleman, host of a radio talk show on KGBS (to which the Davidians regularly listened), for a half-hour's uninterrupted plea to David Koresh to rethink his understanding of the Fifth Seal (Revelation 6:9-11), which he believed to be unfolding at Mt. Carmel.

In the text, the souls of the faithful who have been slain for the word of God cry out to God, "How long before thou wilt . . . avenge our blood?" They are given white robes and told to "rest for a little season" until the number of their fellow servants who have been killed as they have been should be complete.

The Sixth Seal that follows brings about the destruction of humankind. Arnold and Tabor in their radio colloquy sought to persuade Koresh that the term translated "a little season" meant in the original Greek (*chronos*) a period of as much as a year, leaving time for Koresh to complete his work before the Sixth Seal supervened. Koresh apparently accepted this idea, for on the day after Passover he sent out a letter via his lawyer saying that God had permitted him to explain "in structured form the decoded messages of the Seven Seals," and that upon completion of that task he would surrender.

The FBI saw this as just another in a long series of delaying tactics and went ahead with their plans to use tear gas. They did send in writing materials, however, on Sunday, April 18, and Koresh worked most of that night dictating to Ruth Riddle, who typed his words on a battery-powered word processor. He completed a five-page introduction to the Seven Seals, a poem of thirteen quatrains, and a seven-page exposition of the First Seal. At that rate, Arnold and Tabor have estimated, he should have completed the task in two or three weeks.

But he did not get the chance. The next morning the FBI gas assault began, and David Koresh must have concluded that his original scenario of imminent destruction was correct. Ruth Riddle barely escaped the ensuing fire with her life—and a small computer disk in her pocket. Late in 1993 her attorney was able to recover that disk from the FBI and turned it over to Arnold and Tabor, who with her help carefully transcribed it. It is a systematic explanation of Koresh's apocalyptic vision, ending with an intimation of a readiness to "come out" of seclusion adapted from words of the prophet Joel (2:16).

"Let the bridegroom go forth from his chamber, and the bride out of her closet." Yes, the bride is definitely to be revealed for we know that Christ is in the Heavenly Sanctuary anticipating His Marriage of which God has spoken. Should we not eagerly ourselves be ready to accept this truth and come out of our closet and be revealed to the world as those who love Christ in truth and righteousness?

Arnold and Tabor point out that this writing—tragically truncated as it is—made clear that Koresh did not consider himself to be Jesus Christ or God as some have supposed. The term "Christ" is the Greek rendering of the Hebrew word for "messiah," meaning "anointed," as high priests and kings were anointed for their office. Later the prophets spoke of a specific and ideal messiah—one who would be a "Branch of David"—who would bring peace to the nations. Koresh believed that Jesus of Nazareth was that Christ, but that another "Christ" would appear at the end of time and open the Seven Seals, and that he was that latter Christ.

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On April 19, 1994, the FBI began at 6:00 A.M. to spray a riot-control agent, CS, into the buildings of Mt. Carmel by means of two heavy Combat Engineering Vehicles (CEVs) equipped with long booms ending in spray nozzles. In order to inject this substance into the living quarters, the tanks broke into the frame walls at several points. The original plan was to continue slow spraying over forty-eight hours unless the residents "compromised" the process by resisting. As the tanks approached, the FBI insisted, "This is not an assault! No one will enter the Compound. Do not fire weapons!" Nevertheless, the residents did not meekly submit to this treatment, but fired back at the tanks (without effect on their heavy armor). This temerity caused the FBI to shift to Plan B, which involved the immediate spray of all the gas as fast as possible. No one came out, however.

Around noon, fire broke out at several points and—in the brisk thirty-mile-an-hour wind—quickly enveloped the frame "fortress." At 12:13 the FBI called the fire department. Fire trucks arrived at 12:34 P.M., but were held at the FBI checkpoint "because of the danger of gunfire." By the time they reached the fire at 12:41 P.M., there was little to be salvaged. Nine residents left the buildings during the fire, some suffering serious burns. They were arrested, manacled, and held for trial.

After the ruins had cooled, the forces of law enforcement combed the site for evidence and subsequently bulldozed the grounds "for health reasons." Remains of some seventy-five bodies were recovered and examined by the Tarrant County Medical Examiner's Office in Fort Worth. The magnitude of the disaster and the obscurity of its causes and its handling by the federal agencies led to demands for investigation and explanation. Congressional hearings were held, and President Clinton took the unusual step of directing the two Cabinet officers responsible to investigate and report what had happened.

For seven weeks the public had been absorbed by daily accounts of what was going on in Texas. Several hundred reporters from across the country and around the world gathered in Waco and were kept by law enforcement officers at a "safe" distance of about two miles from the scene of action. The main source of information was a daily briefing by official spokesmen of the federal agencies at the convention center near the Hilton Hotel in town. Most of the mainstream media contented themselves with uncritically relaying these government handouts to their readers and viewers. A few representatives of the "alternate" press tried to do a little independent investigating, but their voices were not widely heard, and several were excluded from the daily FBI briefings after asking impertinent questions about the official version of events.

The definition-of-the-situation for government agencies and the media alike was strongly colored by negative stereotypes about "cults" that had become

endemic over the past decades because of news features and talk shows focusing on Jones' own, the followers of Rev. Moon, "Krishnas," and Scientologists. An organized and articulate corps of cult critics had grown up during this period, purporting to know what "cults" are all about (though actually knowing very little about the history or dynamics of religion). At Waco the anti-cult movement was much in evidence, uttering sharp cries about "mind control" and "child abuse" to all who would listen (who were many because of the lack of other sources of information). One of the most active, a deprogrammer named Rick Ross, claimed to have been advising the government about the Branch Davidians because he had deprogrammed one of them. He had put the investigating ATF agent in contact with ex-members in 1992, who contributed some of the questionable information on which the original affidavit was based.

The gist of this definition-of-the-situation was that the cult leader (Koresh) was a manipulator who had tricked or entranced a bunch of vulnerable people into mental captivity where they fed his lust for money, women, and power, and that these victims should be rescued from their captivity—which fit well with the FBI belief that they faced a typical hostage-rescue situation in which a clever con-man was holding innocent victims as shields. These characterizations matched poorly the reality of a band of adults voluntarily and devotedly following a visionary they thought touched by the finger of God.

V

Some five months after the fire two voluminous reports totaling nearly 1,300 pages issued by the Departments of Treasury and Justice documented the actions of their subordinate elements (the ATF and the FBI, respectively). Such an outpouring of postmortem analysis has seldom been seen from the Executive branch, and it helped to diminish criticism of the federal role. The Treasury report was notable for associating ATF tactical leaders for having proceeded with the raid once they knew that the element of surprise had been lost and then for having tried to cover up their mistakes. Eventually the three top executives of the ATF "exited" the Bureau, and the two tactical leaders who made the mistakes were suspended without pay until December 24, 1994, when they were reinstated with full back pay and benefits, though in desk jobs at a lower grade than formerly.

But the Treasury report insisted that, though mistakes had been made, the ATF was correct in its effort to apprehend violators of federal firearms laws and in its choice of a "dynamic entry" as the best way to do so. Three other options were considered, the report stated. The first was to avoid the use of violence and serve the warrants in a simple visit to Mt. Carmel.

This was rejected, the report said, because of Koresh's (supposed) history of hatred for law enforcement and propensity to violence. Another possibility was to seize Koresh while he was away from Mt. Carmel. The ATF planners were under the (mistaken) impression that he seldom left the center, and the report faulted them for not obtaining fuller intelligence, but concluded that even with better data that plan might not have worked. The third option was a siege of Mt. Carmel, but this was rejected because of the possibility that evidence of illegal weapons could be destroyed and that the siege might end in mass suicide.

The Treasury report explained that the ATF was aware that Mt. Carmel was a religious community, but that that fact neither attracted federal interest nor immunized the group from enforcement of the law. This commendable stance of neutrality was belied a few pages later by the explanation that Koresh and his followers were deemed especially dangerous because of their religious beliefs.

The extraordinary discipline that Koresh imposed on his followers . . . made him far more threatening than a lone individual who had a liking for illegal weapons. The Compound became a rural fortress, often patrolled by armed guards, in which Koresh's word—or the word that [he] purported to extrapolate from the Scripture—was the only law. . . . Were [he] to decide to turn his weapons on society, he would have devotees to follow him, and they would be equipped with weapons that could inflict serious damage.

The tone of the Treasury report, despite its criticism of tactical errors, was conveyed by its first page, a black-bordered dedicatory panel bearing the words "In Memory of" and listing the names of the four agents killed in the assault. (There was no black-bordered page bearing the names of the six members of the religious group killed on the same occasion.) The report repeatedly asserted that David Koresh and his followers "ambushed" the federal agents. "On February 28, [they] knew that ATF agents were coming and decided to kill them." A more accurate statement, however, might be that they decided to fend them off.

The main burden of the Treasury report was to justify the raid that started it all. The reason for the raid was to serve arrest and search warrants directed against illegal weaponry. The Fourth Amendment of the Constitution states that searches and seizures shall be based upon warrants, and that warrants shall not issue except upon "probable cause" (to believe that a crime has been, or is about to be, committed). It was important to nail down the validity of those warrants (which were sealed by court order throughout the siege and unsealed only

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in June 1993, so they were unavailable for public scrutiny until well after the event). The Treasury report included analyses from two firearms experts both employed by Tioga Engineering Co., who reviewed the evidence available to the ATF and submitted by it to obtain the warrants. After checking the UPS inventories of weapons and parts delivered to Mt. Carmel, both engineers came to the conclusion that there were no illegal weapons on the list.

But they labored manfully onward to reach the desired and necessary conclusion by way of a concatenation of conjectures: if the Branch Davidians had the necessary milling machine and metal lathe, and if they had "appropriate tooling" for them, and if there was someone able and willing to use them, and if they had a sample "drop-in automatic sear" to clone, then it was "highly probable" that they could convert the legal semi-automatic weapons they were known to have had into illegal automatic weapons, and it was "possible" that they had done so. Therefore, concluded the experts, the warrants were valid and sufficient.

This unsurprising conclusion has since been highly controverted. Suffice it here to note the comment of a retired FBI agent:

There was not even one fact in the probable cause affidavit . . . stating that a violation had or was taking place at Mt. Carmel. The rationale by the ATF was that if two or more legitimate objects exist in a location, then at some unknown time they might be used to produce an illegal object, and that would be reason to obtain a search warrant. For example, probably half the homes in America contain a long-barreled gun and hacksaw. The hacksaw, at some time or other, might be used to saw off enough of the barrel to make it illegal. Based on this rationale, the ATF could search half the homes in the United States.

Others have pointed out that there was no fact in the affidavit less than eight months old, meaning the information was quite stale for purposes of a warrant. Still others contend that the ATF agent who wrote the affidavit to obtain the warrant was ignorant both of the National Firearms Act and of the items he contended were illegal. But there also are those who, while unsympathetic to the ATF, insist that under current standards of case law the information was neither stale nor insufficient (which, if true, merely indicates how the courts have watered down the standards of the Fourth Amendment).

The Treasury Department's report was a model of soul-searching compared to the Justice Department's, which entertained little or no grounds for self-doubt and indeed portrayed the FBI's actions in the resolutely laudatory tones of a regimental history. It showcased the magnitude of the event, stating that

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"there were a minimum of 719 law enforcement personnel committed on-site at Waco on any given day during the stand-off" and that "never before have so many heavily armed and totally committed individuals barricaded themselves in a fortified compound in direct challenge to lawful federal warrants and to duly authorized law enforcement officials."

A chronology of the siege, covering eighty-six pages, suggested the perplexity and frustration that built up in the besiegers as one negotiating ploy after another failed to work. A point of pride to the FBI was the assertion that "after February 25, no weapons of any type were fired by any law enforcement officer, whether state, local, or federal." Apparently not counted as "weapons of any type" were dozens of "flash-bangs" (termed "distraction devices" in federalese—grenades that cause a loud report and bright burst of light) or 300-400 "ferret rounds"—tear-gas cannisters—"deployed" through windows of the residence. The report did not add that the Branch Davidians also did not fire any weapons during the siege (until their home was invaded on April 19), nor did they even shoot out the annoying floodlights or loudspeakers.

The main burdens of the report were to justify the use of gas and to place the onus for the final conflagration on the victims. The first was accomplished by reciting the steps leading up to the Attorney General's approval of the plan to use gas and introducing a statement by the President giving four reasons for that action:

First, there was a limit to the length of time the federal authorities could maintain the quality and intensity of the coverage of the scene. Resources were limited, and the experts might be needed in other parts of the country. Second, the people who had reviewed that situation had concluded that no progress had been made recently and that, in their opinion, no progress would be made using normal means of getting Koresh and other cult members to come out. Third, it was felt that the danger of their doing something to themselves or to others was likely to increase with the passage of time. Fourth, there were reasons to believe that the children who were still at the compound were being abused and were being forced to live in unsanitary and unsafe conditions.

The second burden was discharged by assertions that "the Davidians started fires at three separate locations within the compound" and by an appended report of an "independent" arson team that concluded "the FBI's actions did not cause the fire" and "the Davidians could have escaped the fire if they had wanted." (These contentions have been vigorously contested.) The report was bolstered with a supportive sixty-three-page commentary by an attorney in

private practice, Edward S. G. Dennis, Jr., who had been Assistant Attorney General (Criminal Division) under the Bush Administration. He concluded: "Under the circumstances, the FBI exhibited extraordinary restraint and handled this crisis with great professionalism."

VI

Ten outside experts were invited to comment on the Treasury and Justice Department reports. Six focused on law enforcement methods, organization, tactics, communications, and control. Most of them were careful to confine their criticisms to matters of inadvertence, exigency, and small moment. But four behavioral experts were asked to address problems of "dealing with persons whose motivations and thought processes are unconventional," and their comments provided a refreshing relief from the heavy bureaucratise of the rest of the material. These commentaries are worth reading in their entirety, but can only be sketched here.

The only scholar of religion to be included was Professor Nancy T. Ammerman, Sociology of Religion, Candler School of Theology, Emory University. She was concerned about the lack of understanding by the federal agencies of what they were dealing with at Waco and their failure to consult experts who could help them. Though she is not herself a specialist in new religious movements, she recommended ten American and two British scholars who are. She noted that religious experimentation and innovation have been common in American life and are protected by the free exercise clause of the First Amendment. She also suggested several respects in which such movements are very different from what the federal agencies (and the media) were expecting:

- New or dissident religious groups are often "millennialist" or "apocalyptic"—they foresee the imminent end of the world and the emergence of a new world with themselves in leadership roles. Therefore, they have a different view of reality and place different values on danger and death than others do.

- Such new groups almost always provoke their neighbors because they think old ways of doing things are obsolete or evil. The resistance of outsiders to the new revelation often causes the new group to see itself as beleaguered by a hostile outside world. It may develop rituals and rhetoric of self-defense that sound and look quite aggressive, but are aimed more at reinforcing their own sense of solidarity and righteousness than at posing any real threat to outsiders.

- Many new religious groups ask for commitments from their members that seem abnormal by common standards, and those demands may mean the disruption of "normal" family and work lives. Throughout most of history, in fact, most people have lived in such tightly-knit communities where work, family, religion, politics, and leisure are all

bound together under one domain. In the long view, not belonging to such a community is more abnormal than belonging to one, and such close bonds are widely sought by millions of people.

• ~~The vast majority of those who make such commitments do so voluntarily. The notion of "cult brainwashing" has been thoroughly discredited in the academic community.~~ Although strong psychological needs may lead persons to seek such groups, and their judgment may indeed be altered by their participation, that does not constitute coercion, and many adherents will drift away of their own accord in time after their needs have been satisfied without need for outside interference.

• "Charisma" is not just an individual trait, but a property of the constantly evolving relationship between leader and followers. New meaning emerges daily in the interaction of sacred texts, unfolding events, and the imagination of leaders and followers. The leader remains a prophet only so long as his or her interpretations "make sense" of the group's experience. Outside pressure may tend less to fragment the group than to confirm the view that outsiders are the enemy and to strengthen the group's solidarity.

Dr. Robert Cancro, Chairman of the Department of Psychiatry, New York University Medical Center, pointed out that a ~~"major characteristic of these groups, so frequently mislabeled as cults, is that they have a shared, very strongly held belief system." Such a belief system is not necessarily a cover or front for criminal activity, but simply a rejection of the norms and ideas accepted by the rest of society.~~

The Branch Davidians had an apocalyptic worldview in which they expected attack from the outside world. The reason for arming themselves was to protect themselves from an expected attack. They had been training themselves for a long time to defend . . . against such an effort.

When the decision was made to use gas to drive the Davidians out of their residence, it was assumed that parents would leave the premises in order to protect their children from the noxious effects of the gas. But if people are willing to die for their beliefs, "the death of their children may not have the same meaning as it would for other people. . . . To some individuals, death has a very different meaning. It can be seen in terms of birth into a new and better life." The gas attack is more likely to be interpreted as part of an escalation of wrongful force on the part of the Babylonians. "In this context . . . the concept of suicide . . . may well be quite different from that of the ordinary individual. Not to be blasphemous, but it is highly doubtful that Christ considered himself a suicide."

Dr. Cancro also redefined the effect on the Davidians of the gas attack.

Law enforcement might argue that a gas attack is not an assault because the gas is nonlethal. To the people inside the compound, armored vehicles firing gas grenades into their home could only be perceived as an assault. It certainly would be reasonable for the occupants . . . to assume at this point that whatever follows the gas attack will be even worse and that they are now faced with the choice of being killed by enemy weapons or by their own hand and by a method of their own choosing.

Professor Lawrence E. Sullivan, Director of the Center for the Study of World Religions at Harvard, ~~castigated the federal agencies for their almost total disregard of the religious dimension at Waco, resulting in a complete tone-deafness to the things most important to the people they were trying to reach.~~ For instance, when David Koresh sent out several letters early in the siege (which are photographically reproduced in *extenso* as an appendix to the Justice Department report), it was not discerned that he quoted biblical passages that emphasized the power of the hand and the side of the messiah, suggesting that his wounds in hand and side were seen by him not as evidences of weakness but of strength, and that he was therefore unlikely to surrender to escalating force by the federal agencies.

The FBI's view of the situation as a "hostage rescue" came in part from its focus on the individual psychology of the leader rather than the collective dynamics of the group as a whole, which can be much more powerful in their effects than individual motivations. Likewise, the FBI was unaware of the way in which "religion galvanizes groups into communities of coordinated actions, whether those actions be liturgical spectacles or mass movements." He suggested that not only the FBI but public policy planners in general were increasingly proceeding in immense ignorance of religious elements in the views and motivations of the populace they supposedly serve.

The fourth behavioral science commentator, Dr. Alan Stone, Professor of Psychiatry and of Law at Harvard, sent his commentary in on November 8, 1993, a month after the Justice Department report was issued, because he was not satisfied with the information available at the deadline date. His paper was issued separately (without the blue cover that had bound the five earlier issuances) and the Justice Department soon ran out of copies, but it was a significant contribution. Dr. Stone pointed to an extensive literature in criminology and psychiatry on the "gamble with death" psychology of persons disconnected from the rest of society. "Inner-city youths often provoke a shoot-out, 'gambling' with death (suicide) by provoking police into killing them. . . . Koresh and his followers were in a desperate kill-or-be-killed mode."

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The FBI's critical assumption was that David Koresh and the Branch Davidians, like ordinary persons, would respond to pressure in the form of a closing circle of armed vehicles and conclude that survival was in their self-interest, and surrender. This ill-fated assumption runs contrary to all of the relevant behavioral science and psychiatric literature and the understanding it offered.

Dr. Stone also criticized the concept of an "ambush." Given the heavy firepower of the Davidians, it seemed to him that if they had wanted to they could have slain every ATF agent in sight. "The ATF agents brought to the compound in cattle cars could have been cattle going to slaughter if the Branch Davidians had taken full advantage of their tactical superiority. They apparently did not maximize the kill of ATF agents. This . . . suggests that the Branch Davidians were not cold-blooded killers; rather, they were desperate religious fanatics expecting an apocalyptic ending, in which they were destined to die defending their sacred ground and destined to achieve salvation."

He was especially critical of the decision to saturate the residence with CS gas, considering that gas masks are not made for infants and toddlers and that the chemical can cause choking, vomiting, temporary blindness, skin burns, disorientation, chemical pneumonia, and cyanosis. He cited medical literature to this effect and commented that the information given the Attorney General about the effects of CS gas was very understated in this respect. He concluded with an understatement of his own: "I find it hard to accept a deliberate plan to insert CS gas for forty-eight hours in a building with so many children. It certainly makes it difficult to believe that the health and safety of the children was our primary concern."

The proper postscript to the imposing post-mortem production of 1,800 pages was provided by one of the government attorneys in the course of the criminal trial. When defense attorneys noted discrepancies between the prosecutor's case and the federal reports, an assistant U.S. attorney explained "that the Treasury review is a book written for release to the public," implying that it was an effort at public relations and not to be considered binding on the government.

VII

Early in 1994 the federal government brought to trial ten men and one woman from among the twenty-five adult Branch Davidian survivors. The principal charges against all eleven were conspiring to kill "with malice aforethought" federal agents in the discharge of their duties, and aiding and abetting such killing. (Another woman, Kathryn Schroeder,

pled guilty to a lesser charge and agreed to testify for the government.) Several other counts were brought against various of the eleven defendants, such as using or carrying firearms in the commission of a violent crime. The trial was moved to San Antonio, and an anonymous jury was selected. Ten attorneys represented the eleven defendants, and the trial—like the siege—went on for seven weeks.

The evidence adduced did not settle who fired the first shot on February 28, 1993, or who started the fire on April 19, but some new light was shed on claims set forth in the government's version of events. And some light was lacking that should have been shed because of evidence strangely missing. One defense witness was Jack Zimmerman, an attorney who had entered the residence at Mt. Carmel with the FBI's consent to represent Steve Schneider, Koresh's chief lieutenant. Zimmerman, a former colonel of Marines, was given a tour of the premises and shown indications of the results of incoming gunfire. He testified that he had seen a "spray pattern" of bullet holes entering the right half of the double front door from outside and no bullet holes going outward. That metal door had somehow disappeared, and Texas Ranger Fred Cummings, who reported on the search for evidence by the Rangers after the fire, could not explain what had become of it. It was steel and could not have melted in the fire any more than other steel doors in the place did. He admitted that the ATF and FBI had had access to the area following the fire and before the Rangers took over on April 20.

Zimmerman also testified to having seen eight or nine bullet holes in the roof that "caused the building material to be pooched in or down" showing that "the rounds came from above the ceiling down into the room." Of course, this evidence, like much else, was consumed in the fire. When the Texas Rangers did take charge of the systematic search of the ruins after the fire, said Captain David Byrnes, who was in command of the Rangers, all agents of the ATF were by mutual consent excluded from the site (after they finished checking for unexploded explosives) to forestall charges that the ATF had had a chance to "salt the scene." The FBI was not thus excluded, however, and continued to assist the Rangers in their search.

The first ATF agent to testify was Roland Bales-terus, who was assigned to lead the way through the front door. He said he had come out of the cattle trailer in full SWAT gear and raced toward the front door carrying his shotgun across his chest. When he was still on the way, David Koresh, unarmed, opened the door and asked, "What's going on?" The agent claimed that he called out, "Police! Lay down! Search Warrant!" (though he admitted he had had not mentioned those cries in earlier interviews with the Texas Rangers). He said that Koresh "smirked" at him and closed the door. A moment later, he testified, bullets came out through the door; one hit his thumb, and he tumbled into the dog pen beside the porch and

lay beneath a window during the remainder of the fight. He said he knew the bullets were coming outward because of holes in the door and splinters of wood pointing outward. (Cross-examination brought out that the door was steel, and there was no wood in it to splinter.)

When asked who was assigned to announce their identity and the purpose of the raid, Balesteros replied that no one was so assigned. "We basically all announced." He admitted that in their rehearsals during the previous week they had not practiced what the ATF manual prescribed: "Officers are required to wait a reasonable period of time to permit the occupants to respond before forcing entry." He was not assigned to knock and wait but to gain entry, and he was followed by other agents with a battering ram to break the door open if necessary. He said they were expecting resistance, but not gunfire. Fire from within thus upset their plans.

Later AFT agent Kenneth King testified that he had been on one of two teams that were assigned to put ladders up and gain entry to the second-floor "gun room" at the same time as the front-door entry. On cross-examination he admitted that they had not announced their intention when they got on the roof, but had proceeded to try to break in through the windows. "Even if the people at the front door had been welcomed in by David Koresh, none of that would have made any difference. . . the window would have been broken and the flash-bangs would have been thrown and you would have entered the window?" he was asked. "Yes, sir, that was our job." Here again, it was the gunfire that stopped them. It became clear that the AFT had not planned a peaceful entry but expected to cow the residents with an overwhelming show of force. When that did not work, the agents had no Plan B.

Furthermore, it seemed likely that some of the damage done to the federal force was done by "friendly fire." Some bullet holes in the ATF vehicles may have come from directions other than the Mt. Carmel building. And ATF agent Constantino admitted that in the "gun room" he and two others entered on the second floor he may have hit agent Jordan in the arm. An FBI firearms specialist attested that the bullet recovered from agent Jordan was a 9mm. hydroshock bullet that only the ATF was using on February 28, and it may well have come from agent Constantino's gun, but that gun had been damaged in the fire and would not mark test bullets consistently. Some of the shots may also have hit agent King of the other team out on the roof preparing to enter the adjacent room.

The government called numerous gun dealers from across the country as witnesses to the many orders for guns they had filled for Mt. Carmel. None of the purchases was illegal, and Mike DeGuerin, representing Paul Fata (who had been absent from Mt. Carmel throughout the entire fifty-one days),

demonstrated that the Davidians were buying firearms wholesale as a business enterprise for resale at gun shows. The prosecution introduced dozens of exhibits of plastic-wrapped firearms described as weapons found in the ashes of Mt. Carmel that had been converted from semi-automatic (legal) to full automatic (illegal), and some of them were linked by serial numbers to sales made to Mt. Carmel by the testifying gun dealers. A few bullets were recovered from the dead ATF agents, and these were identified as emanating from weapons of the general type being fired from within Mt. Carmel, but no one-to-one identifications were made. None of the defendants was linked directly to any of the firearms or bullets that killed the four ATF agents.

Photographs were introduced by the prosecution of an engine lathe, a hydraulic press, and a milling machine on the premises that could have been used to modify legal firearms to make them illegal, as well as silencers or "sound suppressors" (which are illegal) in various stages of manufacture. Some twenty firearms in evidence were described as having been converted from semi-automatic to full automatic. Cross-examination brought out that it was impossible to determine where or when such conversion occurred or whether the automatic weapons in evidence had actually been fired. Two heavy .50 caliber guns were introduced, as well as .50 ammunition. Cross-examination made clear that there was nothing illegal about owning such weapons or ammunition for them and no evidence that they had been fired.

The Tarrant County Medical Examiner, Dr. Nizam Peerwani, offered lengthy and depressing testimony about the bodies found and autopsies conducted. Many adult decedents had been identified by dental records. Some adults, including David Koresh and Steve Schneider, had died of close-range gunshot wounds to the head. Several women's bodies were found in the hallway leading to the trapdoor access to the underground school bus at the north end of the building that had been constructed as a tornado shelter, but they could not reach it because the trapdoor had been buried by debris from the collapsing of the wall pushed in by a tank prior to the fire.

In the center of the buildings under the four-story tower was a cinder-block room that had been used for cold storage of food. It was the strongest, safest place in the complex, furthest from the gas and the tanks. To it had fled many of the women and all of the children. It had one door, which faced toward the front of the building. Some thirty or more bodies were recovered from that small room. Many were covered with blankets, sleeping bags, extra clothing, especially the small children, as their mothers apparently tried to protect them from the gas and the fire. And at some point this cinder-block room collapsed, the tower fell upon it, and those within died of suffocation, blunt trauma from the impact of debris, close-range

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gunshot wounds, or the effects of fire.

Agent Craig, who drove the Combat Engineering Vehicle that began the process of spraying the CS gas on April 19, testified that two CEVs had been "jerry-rigged" at Fort Hood with a boom that carried several cylinders of CS gas. When the boom penetrated the wall, a cylinder (which was about two feet long and eight inches in diameter) would empty in three seconds with a cone-shaped spray of mist reaching forty-five feet ahead. The mist was propelled by carbon dioxide under pressure and was composed of CS agent—a white crystalline powder dissolved in a liquid solution. The solution came ready-mixed in a canister that was placed in the bottle, and then pressurized. Sixteen of these large canisters were sprayed into the building by the first CEV and a few by the second (which "threw a track" and was disabled before it could do more; its crew started up a third CEV, which could not inject gas).

~~Smaller canisters of CS were fired into the windows from grenade launchers in Bradley tracked vehicles, one on each side of the buildings. One agent testified that he fired seventy to seventy-five such canisters and supposed that the other three agents similarly occupied had done the same, making a total of some three hundred fired during the morning. Most such projectiles—called "ferret rounds"—went in through the windows. Some were fired at the frame walls in the hope they would penetrate, but most of those just bounced off.~~

Agent Craig testified that after he had "inserted" the first bottle of CS gas, he heard over his radio that the residents had begun to fire back. (He was not aware that his vehicle had been hit by gunfire because of its heavy armor, the loud noise of the motor, and the radio earphones he was wearing). He switched to Plan B, injecting as much gas as fast as possible. He emptied his other three bottles and then returned to get four more. Each trip took some forty-five minutes, and he made three more trips.

On the fourth trip, he received new instructions. He was told to push into the front of the building, to open it up so the observers could see inside and to press on in toward the base of the tower. The other CEV was directed to do the same from the back, resulting in the collapse of the gymnasium. Agent Craig inched into the front door with his eleven-foot-wide bulldozer blade, pushing in the doors, door frame, and a window on each side. He went in about fifteen feet and released a bottle of gas. He did not go further because the turret had caught on the floor of the second story, and he was afraid of knocking the building down around his vehicle. So he withdrew and moved down to the corner of the building, pushed in the wall there, and released his fourth bottle. Although he did not call this "Plan C," the directive to "make a deep penetration" into the structure and to press toward the center (where the women

and children had taken refuge) was a distinct departure from the plans that had been discussed in the meetings prior to April 19. It represented a third strategy, apparently decided upon about 10:30 A.M. and communicated by oral orders. Who gave these orders was not determined, but they probably brought on the final act of the tragedy.

At around noon the buildings at Mt. Carmel caught fire and in a high wind quickly burned to the ground. The government devoted much effort at trial to making the case that the residents of Mt. Carmel had started the fire. The defense countered with the contention that the tanks had knocked over Coleman lanterns that were used for illumination because the FBI had cut off the electricity, and that the fuel in them had spilled onto bales of hay stacked around the walls to stop incoming bullets, setting them afire. The prosecution introduced tapes and transcripts of recordings made from electronic listening devices. The quality of sound was poor, even after having been enhanced by a private sound-recording specialist. There seemed to be voices saying that "The fuel has to go all around to get started," and "Got to put enough fuel in there." Then a voice says, "So, we only light 'em as they come in," or (a later version by the same specialist), "So, we only light 'em as soon as they tell me." (The prosecution distributed copies of the tape transcripts to the press to show that the Branch Davidians set the fire.) The defense contended that—at worst—preparations may have been made to ignite lantern fuel as a countermeasure against invading tanks. (Graeme Craddock, one of the defendants, had told a Texas Ranger that he was directed by Wayne Martin to pour lantern fuel on any tank that came in through the wall and to light it—a last-ditch tactic that might result in the defenders' death as well as the attackers'.)

There were claims that the FBI notified the Burn Unit at Parkland Memorial Hospital early on the morning of the nineteenth to be prepared to receive burn victims and asked for directions for landing helicopters at the hospital. FBI agents wore fireproof suits that day. A helicopter with a Forward-Looking Infra-Red (FLIR) camera was circling over the complex ready to photograph any outbreak of fire. All of this suggests that the FBI was expecting fire on the nineteenth, but not necessarily that the FBI intended to cause the fire. The defense attorneys seem to have concluded that the FBI had intelligence from some source that there was a likelihood of fire, whether from the two interlopers, Louis Alaniz and Je' Amen or Alman, who "snuck" in during the fire and left before it ended (and were viewed by the news as FBI "plants"), or from the bugs in the cartons. It is possible that the anti-tank platoon later described was being talked about the nineteenth, and the FBI got wind of the FBI did not arrange for fire-fighting equipment.

at hand, nor did it deviate from its showdown plans, but in fact went on to Plan C when A and B didn't work.

The government called a member of the "independent" arson team named William Cass, who stated that films taken at the time of the fire, including the FLIR photos, showed the fire starting almost simultaneously in three different locations at Mt. Carmel at 12:11 P.M. Because of the strong wind and the holes punched by the CEVs, the fire engulfed the entire structure in about five minutes. Defense counsel displayed an earlier portion of the FLIR video showing a flash or flare of heat in the gymnasium area at 12:08. Cass said he had never seen that portion of the video. He was asked if he had seen the observers' logs that contained two reports of fire starting in the gymnasium area at 12:11, and he said those logs had been handled by Paul Gray, the chief of the arson investigating team, and he himself had never seen them.

Paul Gray was identified as a person who often testified regarding arson incidents for the AFT and whose wife worked in the Houston office of the AFT. More significantly, Paul Gray devoted a page of his report to the flammability potential of tear gas and concluded that neither the ferret rounds of CN tear gas nor the pressurized CN gas delivered by the CEVs would have augmented the fire, and indeed would have had a retardant effect.

This was a curious conclusion, since all other sources and all testimony at the trial referred to the gas in question as CS, a very different substance. As Jack Zimmerman stated on the witness stand, "It's not tear gas." (Tear gas, CN, is Alphachloroacetone; CS is Orthochlorobenzyladine Malononitrile.) An Army Field Manual states: "Exposure to CS may make [victims] incapable of evacuating the area. . . . The dispersers should not be used to introduce a riot control agent directly into a closed structure except in extreme circumstances. . . . Do not use around hospitals or other places where innocent persons may be affected. . . . Do not use where fires may start or asphyxiation may occur." Yet it was solely into "closed structures" that the FBI directed the CS gas at Mt. Carmel. One of the manufacturers of CS, the Aldrich Chemical Company of Milwaukee, warns purchasers about its use: "Emits toxic fumes under fire conditions: . . . carbon monoxide . . . hydrogen cyanide . . . hydrogen chloride gas." The United States is a party to the Chemical Weapons Convention of 1993 that outlaws the use of CS in warfare.

VIII

After impassioned closing statements by both sides and a lengthy instruction from Judge Walter Smith, the jury retired to deliberate. They asked to hear again the tape recording of Wayne Martin's 911

call to the sheriff's office and for a few clarifications of the law. On February 26, 1994, the jury found that all defendants were not guilty of the two most serious accusations, conspiracy to murder federal agents and aiding and abetting such conspiracy. In so doing, the jury rejected the government's oft-repeated charge of "ambush." The jury did convict five of the defendants of a lesser offense—voluntary manslaughter—that the judge had defined as acting "in the sudden heat of passion caused by adequate provocation." The jury also convicted two defendants on firearms charges, but acquitted four of all charges.

Seven defendants were convicted on Count Three—that they "did knowingly use and carry a firearm during and in relation to a crime of violence." The judge had instructed the jury that to find a defendant guilty of that crime, it must be convinced that the government had proved each of the following elements beyond a reasonable doubt: (1) "That the Defendant . . . committed the crime alleged in Count One" (conspiring to murder federal agents), and (2) "That the Defendant . . . knowingly used or carried a firearm during and in relation to the Defendant's commission of the crime alleged in Count One." Since the jury had determined that the defendants were not guilty of Count One, the judge set aside the convictions on Count Three because, he said, the jury had decided there was no conspiracy.

Almost four months later, on June 16-17, 1994, the judge convened a hearing for sentencing. In the interim, presentencing reports had been prepared on each convicted defendant by the probation officers. But an odd thing had happened. The judge had reinstated the convictions on Count Three. Ruth Riddle, who had been acquitted of all other charges and was being deported to Canada for overstaying her visa, was retrieved from the immigration service and brought back for sentencing on that charge. The other six convicted on that charge faced additional years in prison.

Before sentencing, each of the nine convicted defendants had the opportunity to address an "allocution" to the court. One or two sought to retry the case, insisting among other things that the court did not have jurisdiction and that Janet Reno and Bill Clinton should be called as witnesses. Others maintained that they had not been responsible for the deaths of the ATF agents. None expressed contrition or remorse. Perhaps the best articulation of their view was that of Livingston Fagan, the Jamaican who was probably the only Branch Davidian with any formal theological training.

First of all, there is no doubt in our minds—that we are innocent. . . . Never, at any point, have I sought to distance myself from David Koresh, his teachings, or from the actions of the residents of Mount Carmel. . . . The actions that

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we were forced to take were justified, given the circumstances that we were placed in by the actions of the agents of the government. . . .

We were pursuing realities pertaining to the spirit that this Court did not—does not recognize, as they did not recognize 2,000 years ago. Right from the beginning, the spiritual aspect of this was totally and absolutely rejected. But it was the very core of why we were at Mt. Carmel, and essentially, why we acted the way that we acted. . . .

We don't particularly care what you want to do. You're going to do it anyway. But we also serve a God who sits on a throne like you, a judge. He's got a book in his hand, sealed with seven seals. Men don't know his judgment. Consequently, Mount Carmel happened the way that it did. As you have judged, so, too, you will be judged. . . . And we do not accept this notion, this facade, that is being presented in this court, that somehow we have agreed with this judgment, with this sentencing, with anything that has taken place. We have not. . . . We are innocent. Absolutely, without any doubts whatsoever, we know we are innocent.

(Livingston Fagan has declined to appeal his sentence, saying that the Lord will look after him.)

Each of the defense counsel argued in mitigation of sentence for their clients. Some lamented the reinstatement of the convictions on Count Three. Mike DeGuerin, counsel for Paul Fatta, disagreed with the contentions of the probation officer, Ms. Suniga, (which were largely adopted by the judge) that Mr. Fatta conspired to kill federal agents. "I think the jury rejected those ideas." Joseph Turner, on behalf of Ruth Riddle, said, "It's difficult for me . . . to get up and argue for a five-year sentence when I don't even think the five-year sentence should apply to Ruth Riddle." Several counsel pointed out that these defendants were not leaders of the Branch Davidians and that the living were being made to answer for the actions of those beyond the reach of vengeance.

The government, for its part, again insisted that religion had nothing to do with the case and then recited a litany of theological allegations to show the evil intent of the Branch Davidians.

[The] whole purpose of the message was, "We're going to have a confrontation with law enforcement officers." . . . Obviously, it was not a peaceful group if the message is, "You can't die for God if you can't kill for God."

The government reiterated its call for maximum sentences for all defendants.

The jury had found all defendants innocent of conspiracy to kill federal agents on the highest

standard of proof—"beyond a reasonable doubt." Judge Smith stated that sentencing was based on a lesser standard—"preponderance of the evidence." So he felt free to assert a view of the case that the jury had rejected. He acknowledged that mistakes may have been made by the federal agencies, but they were not before the court in this case and were not deemed relevant to the issues that were before it

The mistakes made by the Defendants now before this Court . . . were serious violations of federal criminal law, and resulted in the homicide of four young agents, the injury of numerous other agents, and the death of numerous residents of the building referred to during the trial as the "Compound."

These Defendants, and other adult Branch Davidians, engaged in a conspiracy to cause the deaths of federal agents. It was part of the beliefs of the Branch Davidians, expressed and taught by their leader, that they must bring about a violent conflict with federal agents, thereby forcing the agents to use deadly force against them, and by dying in the ensuing battle to be "translated" immediately to Heaven.

To this end, immense preparations were made. Huge sums were fraudulently charged to many credit cards in order to acquire an armory that would rival that of a National Guard unit; ammunition in an unbelievable quantity was acquired; paramilitary uniforms and gear were purchased and created by Davidian seamstresses; firearms training and fortification of the Compound took place; the leader preached sermons to motivate his "army"; and finally preparations for the ambush of February 28 were completed.

The judge entirely adopted the government's scenario despite the jury's findings to the contrary. His characterization of the Davidians' beliefs is typical of the government's projection of what they wanted to find. Koresh did not preach that his followers must "bring about" a violent conflict with federal agents, but that the government would proceed against them and they must be prepared to defend themselves. The arms, camouflage suits, and shooting vests were primarily the Davidians' commercial stock in trade, which they sold at gun shows for profit. Of course, when they found themselves embattled, those came in handy for guard duty, but they were not a sacred uniform for Holy War.

In sentencing, the judge turned the import of his jury instructions upside down. He had told the jury that they could not convict on Count Three (use of firearms) unless they had found a defendant guilty under Count One (conspiracy to murder). The jury made a mistake and convicted seven defendants on Count Three, but not on Count One. The judge then

concluded that the jury had found a conspiracy after all, and "bootstrapped" Count One onto the lesser Count Three, holding that by convicting the defendants of the latter it had really convicted them of the former. Then he threw the book at them.

By reinstating convictions on the third count, the court brought on draconian sentencing requirements. To "use or carry" a firearm in the commission of a violent crime invokes a mandatory sentence in addition to the sentence imposed for the crime itself. "Use" and "carry," it turns out, do not mean in current law what they might mean in common usage. The courts have held that a defendant can "use" a firearm without firing, brandishing, or displaying it. In one case a person was found guilty of this offense when the firearm was located "in a zippered bag in a second-floor closet." Beyond that, courts have applied a "fortress" theory when firearms are found "readily available in strategic locations" on the premises, and any defendants also on the premises at the time can be convicted of using and carrying. The judge found that Mt. Carmel was "not only a figurative but a literal fortress, manned by each of the Defendants convicted on this count."

If the firearm is legal, the additional sentence is five years. If it is an illegally "enhanced" weapon, the sentence is enhanced to thirty years. In response to defense attorneys' contentions that the determination of whether the weapons involved were enhanced was a matter of fact to be determined by the jury, the court disagreed, announcing that "the type of weapon is not an element of the offense." What the jury was to determine was the *mens rea* or "guilty mind" of the defendant, not the means used to carry out the intended offense. On the basis of this reasoning, the judge felt free to conclude that all convicted of Count Three had access to enhanced weapons. But he expressed exasperation with the recently adopted mandatory sentencing guidelines (which, though overruled on appeal, he had found unconstitutional in an earlier case).

In an earlier era, before the surge of crime in this country caused Congress to attempt to micro-manage sentences handed down by federal courts, judges could actually weigh relative culpability and exercise discretion in formulating appropriate sentences. Such is not now the case. Based on this Court's review and analysis of all available authorities, it is determined that thirty-year sentences as to all Defendants convicted of Count Three is mandatory.

That conclusion added thirty years to the ten years for voluntary manslaughter for five of the defendants:

Renos Avraam: 40 years, plus fine of \$10,000;
Brad Branch: 40 years, plus fine of \$2,000;
Jaime Castille: 40 years, plus fine of \$2,000;

Livingston Fagan: 40 years, plus fine of \$5,000;

Kevin Whitecliff: 40 years, plus fine of \$2,000.

Paul Fatta, found guilty of two firearms offenses, was sentenced to five years on one and ten years on the other, to run consecutively, plus a fine of \$25,000 on each. The judge said he would recommend incarceration in Nevada near where Mr. Fatta's son, Kalani, was living, as requested by his attorney.

Somewhat surprisingly, despite his protestations about lack of discretion, the judge "departed downward" from the sentencing guidelines with respect to two defendants convicted on Count Three. Because of Graeme Craddock's forthcoming responses to the Rangers and the Grand Jury, he was given a sentence of ten years for voluntary manslaughter and ten years for Count Three, a total of twenty years, plus a fine of \$2,000. Ruth Riddle was also given a reduced sentence. The judge commented, "One would have to have been as closely involved with this tragedy from its first day until today, as I have been, and to have observed Ms. Riddle's demeanor and reactions throughout all of these proceedings, compared to all of the other Defendants, to fully understand all of the reasons I believe her culpability is so much less than most of theirs. Therefore . . . the Court will depart downward in this case and sentence Ms. Riddle to a period of thirty—excuse me—five years incarceration . . . [and] a \$2,500 fine." The sentencing guidelines were apparently not so rigid that they could not be reduced by twenty-five years for a defendant whose "demeanor" seemed acceptable to the judge. (Katherine Schroeder, who testified for the government, received a sentence of three years.) Appeals are being taken to the Fifth Circuit Court of Appeals in New Orleans by most of the convicted defendants.

IX

The person chosen by the jury as its presiding member was Sara L. Bain, a San Antonio schoolteacher. On May 11, 1994, after hearing of the reinstatement of Count Three, she wrote the judge that the jury had not intended to convict the defendants on serious gun charges. "Even five years is too severe a penalty for what we believed to be a minor charge," she wrote. (The judge said he had never received her letter, that the jury is not to concern itself with sentences, and that jurors cannot impeach their own verdict.) She attended the sentencing hearing as a silent reminder to the judge of the jury's concerns, but without apparently affecting the draconian thirty-year sentences.

In an interview on June 24, 1994, she said about the sentences: "They certainly didn't reflect the jury's intention at all. We had thought that the weapons charges would be a slap on the wrist. . . . I wish every-

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one had just been acquitted on all charges. . . . The federal government was absolutely out of control there. We spoke in the jury room about the fact that the wrong people were on trial, that it should have been the ones that planned the raid and orchestrated it and insisted on carrying out this plan who should have been on trial."

The prosecutors and the judge repeatedly insisted that "the government is not on trial here." Sara Bain and other jurors evidently thought it should have been. That may yet occur. A number of civil suits have been brought against the federal agencies and officers involved. The leading lawsuit is probably that entered in August 1994 by former Attorney General Ramsey Clark on behalf of "the surviving members of the General Association of the Branch Davidian Seventh-day Adventists" for \$900,000,000 for wrongful death, property damage, and other harms. If the case goes forward, a prolonged period of discovery will follow, which could produce some very interesting evidence, including the videotapes and still photos taken by the ATF photographers during the raid, the plans for the raid, the FBI's plans for use of CS gas, the logs of observers during the gassing and the fire, and other information that was not admitted at the criminal trial.

The Speaker of the House of Representatives, Newt Gingrich, stated on January 14, 1995 that Con-

gress will hold hearings this year into the deaths at Waco. Whether such hearings will contribute to truth and justice may be a different question. They may just muddy the waters and impair the civil suits. But they should at least keep the pot boiling. There is much about the disaster at Mt. Carmel that has not yet come out, and the public still thinks about it in terms of "cult" stereotypes that ill prepare us for future encounters with those who believe they are touched by the finger of God.

X

There is a \$60,000 cyclone fence around the premises in Waco, erected by the State of Texas, to which the surviving Branch Davidians have the key. They own the property, but a woman claiming to be the wife of George Roden has built a shack outside the entrance and lives there, trying to collect donations "for the Branch Davidians" from the dozens of tourists who come by every week (which the Branch Davidians never receive).

The survivors are indigent, having lost everything in the fire. But Sheila Martin, the widow of Wayne Martin, told me that they are sustained by their reliance on the Bible, not on David Koresh. He taught them, she said, to rely on the Word, not on him. But one elderly lady said she was just waiting for him to come and take her home. ☐