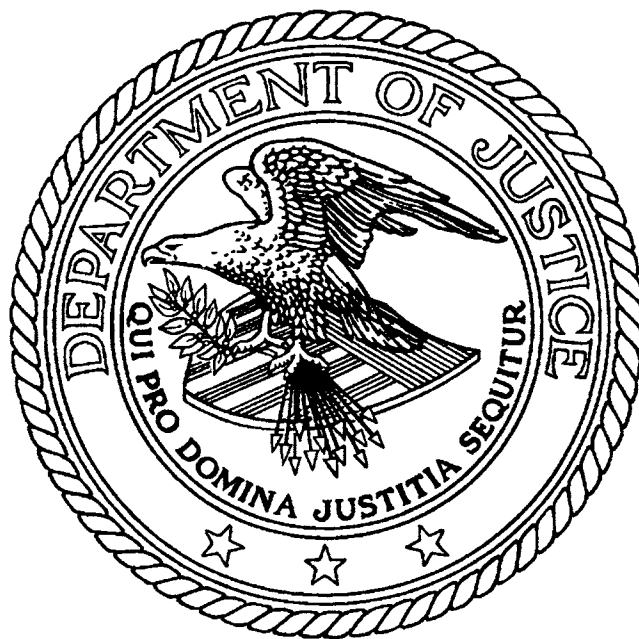

Report to the Deputy Attorney General on the Events at Waco, Texas February 28 to April 19, 1993



October 8, 1993

Redacted Version

UNITED STATES DEPARTMENT OF JUSTICE

REPORT ON THE EVENTS AT

WACO, TEXAS

FEBRUARY 28 TO APRIL 19, 1993

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Executive Summary

On February 28, 1993, at approximately 9:30 a.m. Central Time, agents of the Bureau of Alcohol, Tobacco, and Firearms (ATF) came under heavy gunfire while attempting to execute an arrest warrant for Vernon Howell, otherwise known as David Koresh. The warrant authorized Koresh's arrest for federal firearms and explosives violations. An accompanying search warrant authorized the ATF agents to search the compound where Koresh and his followers, known as the Branch Davidians, lived near Waco, Texas. Four ATF agents were killed and sixteen were wounded during the shootout with the Branch Davidians on February 28. Additionally, a number of individuals inside the compound were killed and injured; however, the number killed by ATF gunfire cannot be precisely determined.

Within a few hours of the incident, and at the request of ATF officials, the FBI dispatched trained negotiators to the scene in Waco. By that afternoon, the FBI, in cooperation with the ATF and Department of Treasury officials, had also sent in advance units of its elite Hostage Rescue Team. The next day (March 1, 1993), also at the request of Treasury Department officials, the FBI became the lead agency responsible for resolving the standoff with the Branch Davidians.

The Branch Davidians, an offshoot of the Seventh Day Adventists, strongly believed that the Second Coming of Christ was imminent, and that the end of the world was approaching rapidly. The Davidians had armed themselves heavily in anticipation of an apocalyptic showdown with government agents, who they likened to the Babylonians and Assyrians of Biblical times. David Koresh had been the "prophet" or leader of the Davidians since 1987.

When the FBI assumed responsibility for resolving the standoff, it faced an unknown number of men, women, and children who had barricaded themselves in a large compound, and who refused to surrender. They were heavily armed with hundreds of weapons, including fully automatic machine guns and .50 caliber rifles, and with hundreds of thousands of rounds of ammunition. They had already demonstrated their willingness to use those weapons on February 28.

During the next 51 days, over 700 law enforcement personnel participated in the effort to end the standoff. Between 250 to 300 FBI personnel were present in Waco at any given time, along with hundreds of officers and agents from other federal, state, and local agencies.

Negotiations, perhaps more accurately characterized as discussions, began with Koresh, Steve Schneider (Koresh's chief

lieutenant), and others during the gunfight on the 28th. These discussions continued over the telephone, as well as face-to-face, until April 19, 1993. Overall, the FBI spoke to approximately 54 individuals inside the compound for approximately 215 hours.

Between February 28 and March 23, 1993, 35 Davidians (14 adults and 21 children) departed the compound. In addition, another 9 Davidians (all adults) survived the fire that destroyed the compound on April 19. Evidence developed by the FBI strongly suggests that most or all of the individuals who left before the fire were "expelled" because Koresh considered them weak or troublemakers.

The FBI's paramount objective throughout the standoff was to convince Koresh and the others inside the compound to surrender peacefully, without any further loss of life. Accordingly, the FBI operated under rules of engagement prohibiting any FBI agent from firing a weapon, unless the agent or another person was in imminent danger of death or serious bodily harm. The FBI did not fire a single shot during the entire standoff, including during the tear gas operation on April 19, when the Davidians repeatedly fired on the FBI.

The FBI's strategy for obtaining a peaceful surrender was to attempt to negotiate with Koresh and his followers, while also

employing tactics to gradually increase the pressure on those inside the compound. Those tactics included periodically tightening the perimeter around the compound, denying certain comforts such as electricity, and broadcasting loud music and irritating sounds over loudspeakers. According to many agents involved in the standoff, the negotiations and tactical components of the FBI's overall approach were not always coordinated and, on occasion, were in conflict with each other.

In their conversations with the Branch Davidians, the FBI's negotiators urged the compound's residents to come out and surrender, either individually or as a group. The negotiators were respectful, but firm, and engaged in hours of religious dialogue with Koresh and his chief lieutenant, Steve Schneider. Koresh, in addition to preaching, was alternately threatening, conciliatory, and full of unkept promises. The conversations can be fairly summarized as the Branch Davidians promising to come out eventually, but refusing to give any firm timetable when this might occur, other than when God gave the instruction to Koresh.

During the standoff, the FBI sought the advice of numerous experts. One issue of particular concern to the FBI was the possibility of mass suicide. On this subject, the experts provided conflicting advice and information. Interviews of former Branch Davidians and those who had departed the compound during the standoff also produced inconsistent information about

the possibility of suicide. In the course of the negotiations, the FBI repeatedly asked Koresh and others inside the compound about suicide. Koresh and the others consistently denied that suicide was an option.

Seven weeks after the standoff began, the Attorney General approved an FBI request to introduce nonlethal tear gas into the compound. The Attorney General based her decision on a number of factors, including the impasse in the negotiations, the extreme difficulty in maintaining a safe and secure perimeter around the compound, the risk of disease caused by deteriorating sanitary conditions in the compound, the remaining Davidians' refusal to leave any time in the foreseeable future, and the Davidians' ability to hold out for many more months, given their large stockpiles of food and water.

The Attorney General and her senior advisers, with input from the FBI and the U.S. military, reviewed several options before concluding that inserting tear gas was the only viable, non-lethal option. The plan was to insert gas periodically over a 48-hour period, to then withdraw, and then to wait as large numbers of people left the compound. The Attorney General approved the operation on Saturday, April 17, ordering that it be implemented beginning Monday, April 19.

[Material redacted as required by statute.] On April 19, the FBI telephoned the compound at 5:59¹ a.m. to inform the Davidians that tear gas would be released into the compound, and to assure them that the FBI was not launching an assault. At 6:02 a.m., an FBI tank with an attached boom began inserting gas into the compound. The Davidians opened fire on the FBI's vehicle within two minutes.

[Material redacted as required by statute.]

At 12:07 p.m., the Davidians started simultaneous fires at three or more different locations within the compound. This was established by a team of independent arson experts; by video shot from an aircraft utilizing Forward Looking Infrared Radar (FLIR) technology; by observations of FBI agents who saw an individual appearing to light one of the fires; by statements from survivors admitting that the Davidians set the fires; and by [material redacted as required by statute]. The fires rapidly engulfed the compound in flames and smoke.

At approximately 12:25 p.m., the FBI agents closest to the compound heard what they described as "systematic" gunfire. Many agents believed at the time that those inside were killing themselves, killing each other, or both.

The remains of 75 individuals (50 adults and 25 children under age 15) were recovered in the ruins of the compound. At least 17 of those individuals died of gunshot wounds, including several children. Another child was stabbed to death. In addition to the 75 persons who died during the April 19 fire, five other bodies, all with gunshot wounds, also were recovered. Those five bodies were of the Davidians presumably killed during the February 28 shootout with the ATF. Some of those five bodies showed evidence of having been shot from inside the compound. At least one of those five bodies showed evidence of suicide.

Nine individuals survived the fire. On August 6, 1993, a superseding indictment was returned by a federal grand jury in Waco, Texas charging five of these individuals, along with seven others, with conspiracy to murder federal agents, as well as numerous other charges. The trial of this case is scheduled for early 1994.

I. Introduction

On the morning of Sunday, February 28, 1993, agents of the Bureau of Alcohol, Tobacco, and Firearms (ATF) attempted to serve an arrest warrant for Vernon Howell, a/k/a David Koresh, and a search warrant at the Branch Davidian compound near Waco, Texas. The arrest warrant charged Koresh with unlawful possession of a destructive device, in violation of 26 United States Code, section 5845(f). Both the search warrant and the arrest warrant were signed by a United States Magistrate Judge. The search warrant authorized a search of the premises of the 77 acre compound located at Route 7, Box 47-B (a/k/a The Mount Carmel Center), Waco, Texas for evidence relating to the unlawful possession of fully automatic machine guns and destructive devices. While attempting to serve these warrants, ATF agents came under heavy gunfire from individuals in the compound. As a result, four ATF agents were killed and fifteen wounded.

Between 10:00 a.m. and 11:00 a.m. Central Time,^{1/} Dan Hartnett, Deputy Director of ATF, contacted Douglas Gow, Associate Deputy Director of the Federal Bureau of Investigation (FBI), in Washington, D.C. requesting the assistance of FBI negotiators on the scene in Waco. It was agreed that the FBI would immediately send agents to Waco who were experienced in

^{1/} All times listed will be Central Time unless otherwise indicated.

negotiations and in crisis management. In a meeting later that afternoon at ATF Headquarters, it was agreed that the FBI would send advance units of the Hostage Rescue Team (HRT) to Waco as well as several Special Weapons and Tactics (SWAT) teams from field offices in closest proximity to Waco. Special Agent-in-Charge (SAC) Jeffrey Jamar of San Antonio was notified between 10:00 a.m. and 11:00 a.m. that he would be on-site commander for the FBI. He arrived in Waco at approximately 5:30 p.m. on February 28, and began assessing what would be needed to resolve the situation. The FBI was requested by the Treasury Department to take over the scene on the morning of March 1. By 5:00 p.m. that day, the FBI had a fully functioning command post, had consolidated all negotiations, and had tactical control of the area surrounding the Branch Davidian compound.

The stated objective of the FBI was to get everyone in the compound, especially the children, to come out without any further injuries or loss of life to either side. The HRT and the numerous SWAT teams were specifically ordered not to fire their weapons unless there was an immediate threat of serious bodily injury or death either to themselves or someone else. In this regard, it should be noted that after February 28, no weapons of any type were fired by any law enforcement officer, whether state, local, or federal.

During the next 51 days, between February 28 and April 19, the FBI committed approximately 668 personnel to the standoff at Waco, with an average of approximately 217 agents and 41 support personnel present on any given day. Additionally, other law enforcement agencies committed the following resources:

| <u>Agency</u> | <u>Personnel</u> |
|--|------------------|
| ATF | 136 |
| U.S. Customs | 6 |
| Waco Police Department | 18 |
| McLennan County Sheriff's Office | 17 |
| Texas Rangers (Texas Department of Public Safety) | 31 |
| DPS Patrol (Texas Department of Public Safety) | 131 |
| U.S. Army | 15 |
| Texas National Guard | 13 |

Not counting the hundreds of individuals involved in helping to resolve the standoff, who were located in other cities such as San Antonio, Dallas, Los Angeles, and Washington, D.C., there were a minimum of 719 law enforcement personnel committed on-site at Waco on any given day during the standoff.

Over the 51 day period, 25 trained FBI negotiators maintained daily contact with individuals in the compound, urging them to come out peacefully, and stressing that they would not be harmed. The negotiators spoke by telephone to approximately 54 individuals in the compound for a total of approximately 215 hours. Of the individuals spoken to, Steve Schneider, the compound's second-in-command, was the most frequent with 459

conversations lasting approximately 96 hours. Vernon Howell, a/k/a David Koresh ^{2/} engaged in 117 conversations with negotiators lasting approximately 60 hours.

Although, as will be discussed later in this report, there is some question whether or not there were ever any true negotiations with actual "give and take" on each side, a significant number of individuals did exit the compound.^{3/} These can be summarized as follows:

| <u>Date</u> | <u>Departed</u> |
|-------------|--------------------------|
| February 28 | 4 children |
| March 1 | 10 children |
| March 2 | 4 children 2 adults |
| March 3 | 1 child |
| March 4 | 1 child |
| March 5 | 1 child |
| March 12 | 2 adults |
| March 19 | 2 adults |
| March 21 | 7 adults |
| March 23 | 1 adult |
| TOTALS: | 21 Children 14 Adults |

^{2/} Although his name at birth was Vernon Wayne Howell, he had his name legally changed to David Koresh. He will be referred to throughout this report as David Koresh.

^{3/} As will be discussed below, the children and adults who left the compound prior to April 19 either left or were sent out by Koresh to thin his ranks and strengthen the group that remained. The children were children other than those either fathered by or adopted by Koresh, while the adults were either old, weak, or had "discipline" problems.

Additionally, 9 adults left the compound during the fire on April 19. Therefore, 44 people (21 children and 23 adults) left the compound at one time or another during the standoff.

Estimates vary as to the total number of people who perished in the compound during the April 19 fire. The latest count according to FBI records is 75, 41 of whom have been identified.

The 51 day standoff at the Branch Davidian compound was unprecedented in the annals of American law enforcement. Never before have so many heavily armed and totally committed individuals barricaded themselves in a fortified compound in a direct challenge to lawful federal warrants, and to duly authorized law enforcement officials.

What follows is an attempt to explain what actually happened at the Branch Davidian compound between the arrival of the FBI on February 28, and the aftermath of the fire that occurred on April 19. As of the date of this report, the federal trial of the 12 individuals charged with the responsibility for the incidents in Waco has not yet occurred. Therefore, it can be anticipated that many additional facts will come out at trial which are not contained in this report. Nevertheless, we believe this report to be accurate and based upon solid evidentiary grounds; we expect additional details to be revealed at trial.

This report has been prepared with the cooperation of literally hundreds of individuals. Approximately 950 interviews were conducted, and tens of thousands of pages of documents and transcripts were read and analyzed. This underlying documentation will be made available to the public, subject to the protection of information relating to sensitive law enforcement sources and methods, and personal privacy concerns, upon the completion of the pending prosecutions in the Western District of Texas.

The report begins with a brief history of the Branch Davidian sect and the teachings of David Koresh. There follows a day-by-day chronology of the relevant events during the 51-day standoff. After this chronology, the report will address in more detail numerous areas of particular interest, such as negotiation strategies, the attitudes of individuals in the compound, the decision-making process within law enforcement, the planning for the April 19 insertion of gas, and the aftermath of the fire.

An additional report has been prepared by Edward S.G. Dennis, Jr., a former Assistant Attorney General of the Criminal Division and former United States Attorney for the Eastern District of Pennsylvania, containing his analysis of the law enforcement efforts in Waco. Mr. Dennis had full access to all documents and evidence developed during the course of the investigation of the Branch Davidians, as well as all information

and materials developed during the present inquiry. He also participated in the interviews of several key officials.

Finally, nine noted and highly respected experts have prepared reports with their recommendations concerning what we as law enforcement, and we as citizens, can learn from this tragedy.

A. The Branch Davidians

The Branch Davidians are generally considered to be a splinter group of the Seventh Day Adventists. In 1934, Victor Houteff founded a sect known as the Davidian Seventh Day Adventists. In 1935, Houteff moved to the outskirts of Waco, Texas where he started a commune. The group established itself at that original location to await the Second Coming of Christ. Houteff died in 1955. His wife Florence became the leader of the sect, and predicted that the Second Coming would occur on April 22, 1959. When this failed to occur, a majority of the sect, under the leadership of Ben Roden, split and formed a new sect known as the Branch Davidians.

Roden and the new sect acquired the property which eventually became the Mt. Carmel Center. Ben Roden died in 1978, passing leadership of the sect to his wife Lois. Lois died in 1986. A clash for control of the Branch Davidians between Lois' son George and Vernon Howell ensued. When George was committed

to a Texas state mental hospital in 1987, Vernon Howell became the leader of the Branch Davidians.

The Branch Davidians believed strongly in the imminence of both the Second Coming of Christ, and the battle of Armageddon. They segregated themselves from the world of non-believers and became obsessed with their earthly deaths and the end of the world. Additionally, the Branch Davidians have always looked to a "prophet" to lead them and to teach them his or her view of the scriptures.

Between 1987 and 1993, Vernon Howell changed his name to David Koresh (David for King David and Koresh for "Cyrus"), and he established absolute control over the sect. He and his chief lieutenant Steve Schneider traveled throughout the United States, Israel, Australia, and Great Britain, seeking converts to come to their compound outside Waco, Texas. They were successful in obtaining followers from all of these countries.

As the sect grew, so did Koresh's control over its members' lives. He would preach for hours, while depriving his listeners of food, sleep, and bathroom breaks. He established rules of behavior for those living at the compound, and publicly berated those who broke these rules. Whenever possible, he urged members of the sect to turn over their worldly possessions and funds to

his control. He also controlled what they ate and read, what they viewed as entertainment, and where they traveled.

Finally, in 1989, Koresh announced that he was the "Lamb of God" and was the chosen one to interpret the Seven Seals. The Seven Seals were most important to the sect, since they explained the Book of Revelations and predicted the end of the world. As the "Lamb," Koresh ordered that the women and men be separated with no sexual relations, even between husbands and wives. Only Koresh could have sexual relations with the women, who were considered his "carnal" wives. All the women in the group were considered "spiritual" wives of Koresh; however, Koresh had sexual relations only with a smaller number of "carnal" wives. Koresh selected his "carnal" wives as early as age 10, and he had sexual relations with these girls at some point between the ages of 10 and 14. By February 1993, Koresh had approximately ten "carnal" wives, with an unknown number in waiting.

Koresh had an extensive knowledge of the Bible, and he had substantial portions of it memorized. His ability to quote from numerous chapters and verses of the Bible in his attempt to "explain" the Seven Seals and predict the end of the world mesmerized his followers. They were so convinced of his superior knowledge and understanding, that their genuine belief in his divine status should in no way be discounted. They believed he could "unlock the future," and "guarantee" his follower's

immortality. For them, the "coming" of law enforcement signaled the beginning of the end. Koresh viewed the standoff as the prelude to the end of the world.

FBI negotiators spent the entire 51 days of the standoff attempting to talk Koresh into leading his followers out of the compound. The negotiations were frustrating and futile. The FBI has questioned whether its negotiations with Koresh could even be characterized as "negotiations" at all, but rather as Koresh's attempt to convert the agents before it was too late and God destroyed them.

This is, unavoidably, an overly simplified analysis of a group about which volumes could be written. We hope, however, that it will provide a basic background for the events leading to the tragedy which occurred between February 28 and April 19, 1993. By the time the FBI arrived on the scene during the afternoon of February 28, the Branch Davidians believed that the ATF had fulfilled Koresh's prophecies, and had signalled the imminent end of the world.

B. The FBI's Response to Crisis Situations

The FBI has a detailed crisis management program that is specifically designed to identify, acquire, and plan for the use of all available resources to resolve a crisis situation. The

necessary resources are then formed into a crisis management team which may include numerous specialized components such as negotiators, investigators, tactical personnel such as the HRT and SWAT teams, managerial personnel, media representatives, and technical support personnel. There are also many other components available to provide a variety of specialized skills when needed. The FBI's crisis management program is discussed in greater detail at pages 114-117 of this report; however, a general introduction may help clarify the chronology which follows.

In Waco, the FBI had two command posts. The main command post was located in a hangar at a former air force base, while the forward command post was located in a recreational vehicle near the Branch Davidian compound. The main command post was used by the commanders, negotiators, behavioral scientists, investigators and administrative personnel. The forward command post was used mainly by tactical personnel.

At FBI Headquarters in Washington, D.C., the crisis was managed at the Strategic Information Operations Center (SIOC). Representatives of the Critical Incident Negotiation Team (CINT) in Waco handled or supervised the negotiations. The members of this team have extensive training and experience in negotiations and negotiation techniques. Initially, there were two shifts, or cells, of negotiations at Waco with approximately five

individuals assigned to each cell. One of these five would be the primary negotiator, and would have the responsibility of direct communications with those inside the compound. After a few weeks, it was decided to increase the number of negotiation cells to three. Twenty-five different individuals, both male and female, served as primary negotiators.

The tactical components included the HRT and several SWAT teams. The HRT is FBI's dedicated, full-time counterterrorist unit which has the responsibility for high-threat tactical missions. Each FBI field office has a SWAT team which is composed of specially-trained individuals who can be detailed from their usual investigative responsibilities to act as a team to handle dangerous operations. SWAT teams from several FBI field offices were utilized in Waco.

The overall, on-site commander was Special Agent-in-Charge (SAC) Jeffrey Jamar from the San Antonio Office of the FBI. His jurisdiction normally included the areas in and around San Antonio, Austin, and Waco. SACs from three other offices also assisted SAC Jamar. These were SAC Robert Ricks, Oklahoma City, Richard Schwein, El Paso Division, and Richard Swensen, New Orleans Division.

There were numerous other units, offices, and individuals involved in the situation at Waco. Their various roles will be discussed in detail later in this report.

II. Chronology: February 28 to April 19, 1993

The following chronology highlights the important events occurring each day of the 51-day standoff.

February 28, 1993

The ATF began to execute the arrest warrant for David Koresh and the search warrant for the compound at approximately 9:30 a.m., and came under immediate gunfire. Negotiations began almost immediately with those inside the compound to effect a cease-fire. Sometime between 10:00 a.m. and 11:00 a.m., ATF Deputy Director Dan Hartnett called FBI Associate Deputy Director Gow and requested the assistance of FBI negotiators in Waco. Gow agreed and called SAC Jamar in San Antonio. Gow directed SAC Jamar to send experienced negotiators to Waco. SAC Jamar decided to send Supervisory Special Resident Agent (SSRA) Byron Sage, who is a trained negotiator with considerable experience. At FBI Headquarters, the SIOC was immediately activated and was manned continuously for the next 51 days.

During and immediately following the shootout two separate, yet coordinated, channels of negotiations occurred with those in the compound. One channel consisted of telephone communications between ATF Special Agent (SA) James Cavanaugh and mainly David Koresh. SA Cavanaugh negotiated the cease fire with Koresh. The

second channel consisted of telephone communications between Lt. Larry Lynch of the Waco Police Department and mainly Steve Schneider and Wayne Martin inside the compound. Schneider was generally considered to be Koresh's second-in-command; while Martin was an attorney. Martin reached the Waco Police Department during the shootout by dialing 911. Koresh also would periodically speak to Lt. Lynch over this line.

The principal goal of the negotiations, after establishing the cease fire and removing the dead and wounded ATF agents, was securing the release of the children inside the compound. SSRA Sage joined the negotiations over the "911" line at approximately 2:00 p.m. Prior to that, all four FBI agents assigned to the Waco office had already reported to the scene and were assisting wherever possible.

In an afternoon meeting at ATF Headquarters in Washington, D.C., Larry Potts, the FBI's Assistant Director for the Criminal Investigative Division, and Associate Deputy Director Gow were briefed on the situation in Waco by ATF Deputy Director Dan Hartnett. They discussed the deployment of the FBI's HRT and they agreed that FBI negotiators and SACs would be assigned immediately to Waco. However, at that point the FBI could send only advance HRT units to Waco, because FBI policy prohibits deploying the full HRT unless an FBI SAC has full on-site control. In anticipation of this possibility, Jamar was

instructed to leave immediately for Waco. At that point, ATF officials had only agreed to consider turning over full control to the FBI.

The Texas Rangers were also immediately deployed to Waco. Within a few days, 32 Rangers were assigned to Waco, first to assist the ATF, then later to be the lead agency for the ongoing criminal investigation. The Rangers assumed the responsibility for the ongoing investigations, because SAC Jamar, in deference to the ATF who had lost four agents, wanted to limit the role of the FBI to the resolution of the standoff. Additionally, a memorandum of understanding between the FBI and ATF gave the ATF jurisdiction in cases involving the injury or death of their own agents. The contingent of Texas Rangers was headed by Captain David Byrnes.

The United States Attorney's Office for the Western District of Texas was also involved in several aspects of the situation in Waco. Assistant United States Attorney (AUSA) Bill Johnston assisted the ATF in the preparation of the initial warrants, and, during the evening of February 28, began working with the Texas Rangers to determine if there had been a "leak" of the ATF's plan. AUSA John Phinizy also assisted the ATF with the warrants and became the liaison between the FBI and the prosecutors. United States Attorney Ronald Ederer and his First Assistant, James DeAtley, also travelled to Waco to assist. Finally, AUSA

Kelly Loving was assigned to handle matters relating to electronic surveillance, and AUSAs LeRoy Jahn, John Convery, and Joe Marshall were assigned to handle legal research.

The prosecutors had the responsibility to preserve and develop evidence for the eventual prosecution of the Branch Davidians on the original weapons charges, as well as on homicide and assault charges resulting from the shoot-out on the 28th. Also, the prosecutors had to develop a legal strategy to separate those individuals who would be criminally charged from those individuals who were merely witnesses, and to ensure that all were either held in jail or released with sufficient guarantees to ensure their appearances at trial.

During the early conversations, Koresh informed the negotiators that he had been wounded. He had been shot in the hip area with the bullet exiting the area of his upper buttocks. He had also been shot in the left wrist. On several occasions, the negotiators offered medical assistance, but Koresh refused all such offers. The negotiators knew that others had been wounded and were perhaps dead; however, Koresh refused to provide any detailed information. Koresh also refused to give the number of people in the compound, or their ages or identities. He also insisted in these early conversations on being called David Koresh, rather than Vernon Howell.

At 2:29 p.m., Koresh demanded that he be able to broadcast his religious teachings over the radio before he, or anyone, would come out of the compound. The negotiators agreed to the broadcast, and Koresh agreed to send the children out and to resolve the situation peacefully. The broadcast occurred at approximately 4:00 p.m. over Dallas radio station KRLD. The message was re-broadcast two additional times before 5:00 p.m.

At approximately 4:55 p.m., several ATF agents were ambushed by three individuals as the agents crossed a field near the compound. The ATF agents returned the gunfire, killing one individual and capturing another. The third individual escaped. The person who died was later identified (following the recovery of his body on March 3) as Michael Schroeder. The person arrested was Norman Washington Allison (a/k/a Delroy Nash), and the person who escaped was Robert Kendrick. Kendrick was arrested several days later. All three individuals were Branch Davidians who had been at another location called the "Mag Bag"^{4/} and were attempting to shoot their way into the compound.

^{4/} The "Mag Bag" was a building located several miles from the main compound where Koresh and others repaired automobiles. Koresh also used it as a mailing and shipping address for his purchases of weapons and weapons-related items.

Negotiations continued all afternoon. At 6:14 p.m., Koresh broke off contact, demanding that his message be re-broadcast. This occurred a short while later, at approximately 7:38 p.m.

At 7:55 p.m., the negotiators became very concerned that CNN was conducting a telephone interview with Koresh. The interview was broadcast on the 8:00 p.m. news. All the law enforcement officials believed strongly that allowing Koresh uncontrolled access to the news media was extremely detrimental to the negotiation process. The FBI contacted CNN and requested that it conduct no further interviews of persons inside the compound. CNN agreed at 8:25 p.m.^{5/}

At 8:55 p.m. the first two children came out of the compound. They were Angelica Sonobe, age 6, and Crystal Sonobe, age 3.

At 9:42 p.m., two more children came out. They were Renae Fagan, age 6, and Neharah Fagan, age 4. Negotiations continued with no additional progress that night.

^{5/} At another point during the first days of the standoff, a telephone operator broke into a conversation between the FBI and Koresh with an emergency call to Koresh from the television program "A Current Affair." The negotiator angrily ordered the operator to get off the line.

March 1

During the early morning hours of March 1, FBI personnel continued to arrive in Waco to prepare for their eventual control of the situation. Although FBI personnel in Waco and in Washington, D.C. were making preparations to be the lead agency, no formal decision had yet been made at the Treasury Department. In a meeting held at Treasury at 9:30 a.m. EST, Ronald K. Noble, the Assistant Secretary of Treasury for Law Enforcement (designee), and Steve Higgins, the Director of the ATF, made the official decision to turn over the scene to the FBI. This decision was immediately relayed to the FBI in Waco, so that by 10:00 a.m. -- or 1 1/2 hours later -- operational control had been effectively passed from the ATF SAC to the FBI SAC.

Acting Attorney General Stuart Gerson was given an update on the situation by an FBI supervisor at 7:30 a.m. eastern time. The Acting Attorney General then contacted President Clinton to give him an update, since the White House had expressed an interest in staying informed. The President told the Acting Attorney General that he understood the FBI's policy in such situations was to negotiate until the situation was resolved. The President also asked to be advised should there be any change in the strategy from a negotiated resolution to a tactical resolution. The Acting Attorney General relayed the President's

instructions to Director Sessions shortly after 8:30 a.m. Eastern Time.

In a telephone conversation at 10:50 a.m., Assistant FBI Director Potts and SAC Jamar discussed the instructions from the President, and decided upon the rules of engagement that would govern the FBI's actions. It was decided that the FBI should avoid any exchange of gunfire with those in the compound, if at all possible. Only if there was a threat of imminent bodily harm or death would the FBI return fire.

The FBI's first priority was to take over the dangerous job of controlling the inner perimeter around the compound. This was to be handled by the HRT, which began arriving in Waco at approximately 11:25 a.m. The second priority was to centralize all negotiations. Since the previous day, there had been two separate channels of negotiations on two separate telephone lines. By 1:30 p.m., all telephone lines in the compound except for two were cut off. Those two lines could only dial out to the negotiators. By 4:45 p.m., the FBI command post was fully operational, negotiations were being handled by a highly trained team of agents, and FBI agents with armored vehicles were deploying to take over control of the compound's perimeter.

Meanwhile, negotiations with individuals in the compound continued. Three different negotiators maintained contact with

numerous individuals in the compound from 2:11 a.m. to 11:30 p.m. Overall, two FBI agents and one ATF agent, had sixty-three different conversations with approximately 15 individuals lasting a total of approximately seven hours. These negotiations, (or perhaps more accurately, conversations), were mainly with Steve Schneider and David Koresh, and focused mainly on the release of several children. During the course of the day, ten children were sent out of the compound. The names of these children and their ages are as follows:

| <u>Child</u> | <u>Age</u> |
|-----------------|------------|
| Tamara Wendel | 5 |
| Landon Wendel | 4 |
| Jaunessa Wendel | 8 |
| Patteon Wendel | 5 months |
| Scott Mabb | 11 |
| Christyn Mabb | 7 |
| Jacob Mabb | 9 |
| Bryan Schroeder | 3 |
| Jamie Martin | 10 |
| Joshua Silvia | 7 |

Negotiations took an ominous turn at approximately 5:50 p.m. when Koresh and Schneider realized that their telephone access to everyone except the negotiators had been cut off. The situation was further complicated by the fact that, at approximately 6:00 p.m., the FBI began to move in armored vehicles to help secure the inner perimeter.

Koresh complained bitterly when he realized that his telephone lines had been restricted, permitting him to dial out only to the negotiators. At 5:52 p.m., Koresh warned that if the

telephone lines were not immediately reopened, the government would be responsible for the deaths of the children. Koresh also threatened a fight if this was not done. The negotiators attempted to calm Koresh. At approximately 6:10 p.m., when the armored vehicles began moving closer, Koresh became even more agitated. He threatened to fight the agents if the vehicles came on the compound's property, and he threatened to retaliate if they came any closer. After many angry threats, and after repeated efforts of the negotiators to calm him down, Koresh finally calmed down and agreed to resume sending children out.

At 8:27 p.m., Brian Schroeder and Jacob Mabb came out of the compound. At 11:05 p.m., Jaime Martin and Joshua Silvia came out. During the latter part of the evening, conversations between the FBI negotiators and those in the compound remained calm.

During the conversations on March 1, Koresh stated on at least two occasions that suicide was not being contemplated by those inside the compound, and that he and the sect members needed to stay alive to deliver his (Koresh's) message to the world. As part of delivering his message, Koresh agreed that if a taped message of his was played nationwide, everyone, including Koresh himself, would come out.

Buoyed by the low-key nature of the negotiations and Koresh's promise that everyone would come out peacefully as soon as the tape was played, the FBI began preparations for the tape to be played the next day on the Christian Broadcasting Network (CBN), and also began preparations to handle the large number of people expected to leave the compound.

March 2

March 2 was the day that many law enforcement officials believed the standoff would end. The United States Attorney's Office established procedures for processing the large number of individuals who were expected to exit the compound. Federal criminal charges were to be filed against some individuals, while the others would be held as material witnesses. The United States Magistrate Judge in Waco was notified, and was prepared to expedite the initial court appearances. The United States Marshals were also prepared to handle the large number of individuals who would be going into custody. At the scene, the FBI arranged for the initial processing of the individuals for identification, personal information, and other relevant information. The FBI also arranged for immediate on-site medical care for those in need. In short, everyone on the law enforcement side was prepared for a peaceful and orderly solution to a tense situation.

The agreed-upon plan was that David Koresh would prepare an audiotape lasting approximately one hour. In this tape, Koresh preached about his special knowledge of the Bible, and his interpretation of the passages relating to the Seven Seals and the end of the world according to the Book of Revelations. This audiotape was to be broadcast nationwide over CBN sometime around noon or 1:00 p.m. Once the tape was broadcast, Koresh agreed to come out peacefully with all of his followers.

FBI negotiators remained in contact with Koresh and others inside the compound all night. At 1:12 a.m., Koresh re-confirmed the agreement and offered to send out two more children as a show of good faith. At 1:20 a.m. Natalie Nobrega, age 11, and Joan Vaega, age 7, came out of the compound. The total number of children released at this point was sixteen. All the children were allowed to call back into the compound to assure their parents that they were safe and being treated kindly.

At 1:40 a.m., both radio station KRLD and CBN agreed to broadcast the tape. CBN agreed to broadcast the tape on the "America Talks" show, hosted by Craig Smith, which aired between 1:00 p.m. and 3:00 p.m.

As the night wore on, the negotiators continued to talk to Koresh mainly about the state of his health and the fact that he would have to face criminal charges when he left the compound.

Koresh wanted to discuss potential criminal charges. Koresh clearly stated several times that he was willing to be judged by the law. Koresh also reiterated that suicide was not an option.

Between approximately 5:00 a.m. and 6:00 a.m., Koresh made the audiotape. At 7:58 a.m., Steve Schneider called the negotiators to inform them that the tape was ready, and said that two adults and two children would come out with the tape. At 8:10 a.m. Margaret Lawson, age 75, Catherine Matteson, age 77, Daniel Martin, age 6, and Kimberly Martin, age 7, all came out. Catherine Matteson was carrying the audiotape and turned it over to the FBI. Between 8:15 a.m. and 8:23 a.m., Koresh again discussed surrender plans. He told the negotiators that he was going to take a short nap and rest. Contact with Koresh ceased at 8:23 a.m.

The audiotape Koresh made was approximately one hour long. CBN reiterated its agreement to broadcast the tape unedited; however, Craig Smith, the host of the show, made it clear to the FBI that the broadcast was contingent on Koresh's agreeing in advance to surrender immediately after the tape was played. At approximately 10:30 a.m., after listening to the tape, the FBI determined the tape was not satisfactory, because Koresh had failed to state clearly his intentions to surrender. At 11:24 a.m., the negotiators contacted Koresh to discuss the omission of any surrender language on the tape. Koresh agreed to read the

following preamble on the telephone so that it could be recorded by the FBI on the audiotape to be broadcast: "I agree that upon the broadcasting of this tape, I will immediately come out peacefully with all my people."

While the audiotape was being delivered to KRLD and CBN, the negotiators continued to talk to Koresh. At 11:39 a.m., Koresh gave the first indication of the approximate number of people in the compound. He stated that there were approximately 20 children, 40 to 50 women, and 45 to 50 men. Koresh agreed to perform a specific head-count and call back with the actual numbers. Contact with Koresh terminated at 11:49 a.m.

At 12:39 p.m., the negotiators called back into the compound and spoke to Koresh's legal wife, Rachel Howell. Howell gave the first confirmed head-count as 43 men, 47 women, and 20 children. At 1:20 p.m., Koresh and the negotiators agreed that a stretcher would be dropped off by the FBI near the front door of the compound so that Koresh could be carried out. The stretcher was dropped off and carried inside by Steve Schneider and another man at 1:53 p.m.

Meanwhile, at 1:30 p.m., the tape began to be broadcast over the radio. Between 1:30 p.m. and 2:47 p.m., the negotiators worked out the logistics for the pending surrender with both Schneider and Koresh. It was agreed that Koresh would come out

first on the stretcher carried by four males. Koresh was to be accompanied by an unknown number of women and children. Steve Schneider was to remain in the compound to coordinate the exit of the remaining individuals once the first group had been removed from the scene. The plan was that Schneider would send out one person approximately every two to three minutes.

By 3:00 p.m., vehicles were in place to handle the movement of the people coming out, laboratory personnel were standing by to process the crime scene, and no additional problems were anticipated. Between 3:00 p.m. and 4:45 p.m., several individuals, including Koresh and Schneider, spoke to the negotiators advising them that surrender was imminent and that people were in the process of saying goodbye to Koresh and to each other. At 4:47 p.m., the FBI was advised by an individual in the compound that Koresh was preaching to the group and leading them in prayer. Steve Schneider came on the line at 5:45 p.m. and, in an obvious attempt to delay, began to preach and read the Bible. At 5:52 p.m., the negotiators interrupted Schneider's preaching and demanded that they go forward with the plan to surrender. Schneider relayed this demand to Koresh, and at 5:58 p.m., he informed the negotiators that Koresh had said to tell them that God had spoken to him and had told him to wait. Schneider also claimed that Koresh was deep in thought and could not come to the telephone.

Between 6:00 p.m. and midnight, the frustrated and disappointed negotiators continued to talk to Schneider, Koresh and others urging them to come out. However, all they received in return were rambling Biblical teachings, apologies for the delay, and Koresh's continued statements that God had instructed him to wait. Koresh claimed that he could do nothing further until receiving additional orders from God. Midnight found the FBI and everyone else in law enforcement waiting while Koresh and Schneider slept.

According to one individual who left the compound during the standoff, there was never any plan to surrender on March 2. Instead, a number of individuals were to come outside with Koresh, who would be on the stretcher. After exiting, they would blow themselves up with some type of explosive device. Afterwards, all the remaining people inside would either be killed or would kill themselves. On the afternoon of March 1, everyone said goodbye to Koresh, then were sent to the chapel to pray. A short while later, according to the individual, Koresh cancelled the plan, claiming that they were not praying correctly and that God had told him to wait.

March 3

The early morning hours of March 3 began with both Koresh and Steve Schneider sleeping. At 3:00 a.m., the negotiators established contact with Schneider, and he informed them that

there was no change in Koresh's plans to await further instructions from God. Nevertheless, the negotiators still attempted to work out the details of a surrender plan with Schneider. Also, during this conversation, the negotiators asked about the status of a number of individuals believed to be in the compound. Numerous inquiries had been made to the FBI and ATF from friends and relatives of those inside. Beginning in this conversation in the early morning hours of March 3, and continuing throughout the standoff, the negotiators relayed the inquiries from friends and relatives. Schneider agreed to check on the status of the named individuals and did, in fact, report back to the negotiators in a conversation at 6:00 a.m. that all were "OK." Schneider, and others, continued to respond favorably to the negotiators' requests for information for family and friends throughout the duration of the standoff.

At 7:30 a.m., pursuant to a federal search warrant, authorities searched the "Mag Bag."

In an early morning news broadcast, CNN reported that the two elderly women released the day before were to be charged with attempted murder. This news broadcast was seen by those in the compound and caused a great deal of mistrust and apprehension. The negotiators were concerned about the potentially adverse effect that this would have on those planning to come out. Therefore, in a conversation with Schneider beginning at 9:45

a.m., the negotiators promised to determine what was actually happening with the two women.

The story was true. A decision had been made by the U.S. Attorney's office, after consultation with at least one FBI supervisor, that the two women would be charged with attempted murder, and that the district court would be requested to hold the women in jail without bail. The FBI contacted the U.S. Attorney and convinced him that such a move would be detrimental to negotiations. Thereafter, the two women were held only as material witnesses. Schneider was advised of this change in the women's status in a conversation with negotiators occurring at noon. Attempting to lessen the mistrust, the negotiators told Schneider that they (the FBI) had been able to get the murder charges dropped. This seemed to allay the concerns of Schneider and others inside the compound.

At 12:41 p.m., pursuant to a request from the negotiators transmitted through Schneider, Koresh came on the line. Koresh immediately began a long and rambling "sermon" which lasted until 1:34 p.m. During this "sermon," Koresh refused to accept any responsibility for his failure to abide by the surrender agreement. He stated that he was "dealing now with his father" and not with "your bureaucratic system of government." Comparing himself to Martin Luther, who he stated also had heretical ideas,

Koresh made it very clear that he fully intended to keep his word and surrender as soon as God told him that it was time.

Additionally, Koresh repeatedly asked to speak to an ATF undercover agent, Robert Rodriguez. Rodriguez had gone into the compound numerous times prior to the warrants to gain information. Rodriguez had claimed to have had an interest in Koresh's teachings. Koresh and others often repeated this request to speak to Rodriguez throughout the standoff; however, it was always denied. Finally, at the end of the conversation, Koresh agreed to release one more child and nine puppies.

At 1:50 p.m., the body of Michael Schroeder was recovered by agents in a wooded area near the compound. Schroeder had been shot by ATF agents on February 28 when he and two other individuals ambushed the agents. A handgun was also discovered with the body.

In a conversation with negotiators beginning at 2:45 p.m., Koresh agreed to send Mark Anthony Jones, age 12, out of the compound as soon as Koresh completed his "Bible study" with the negotiators. Koresh launched into his monologue at 2:48 p.m., and continued without interruption until 3:51 p.m. This "Bible study," as with Koresh's other preaching and sermonizing, rambled and made little sense, except perhaps to his followers. As always, the focus was on "unlocking" the Seven Seals and

interpreting God's intentions about the end of the world. At the end of the "Bible study," at 4:26 p.m., the child came out of the compound with a bag containing the puppies.

From the beginning of the negotiations with Koresh, the FBI had always expressed concern about his injuries and his state of health. On March 3, the negotiators had several conversations with a nurse in the compound, who reported that Koresh's condition was satisfactory. She confirmed that he had been shot in the lower left abdomen and in the wrist. She reported that his temperature was normal, color good, and that he was taking no medications. The nurse also described Judy Schneider's wounds to her right shoulder and right finger, and Scott Sonobe's "slight" wound to his leg. According to the nurse, the condition of both of these individuals was satisfactory. Judy Schneider was the legal wife of Steve Schneider, in addition to being one of Koresh's wives.

During the conversations with Steve Schneider, which occurred off and on throughout the day and night, the negotiators attempted to convince him to take a leadership role and to bring the people out himself. Schneider appeared to be conciliatory and even stated that he was personally embarrassed that the agreement to surrender had not been followed. Nevertheless, Schneider steadfastly refused to assume leadership and stated

repeatedly that nothing would happen until Koresh received further instructions from God.

In the final conversation of the evening Koresh "preached" from 9:40 p.m. until 1:40 a.m. During this monologue, Koresh expressed his great anger at the movement of the armored vehicles around the compound, and told the negotiator that the FBI would have to "bear the responsibility for the loss of innocent lives" and would have to "look at some of the pictures of the little ones that ended up perishing" because of its actions.

March 4

When Koresh finished preaching at 1:40 a.m., he told the negotiator to call back between 6:00 a.m. and 7:00 a.m. Koresh said he would send Kevin Jones, age 11, out of the compound. Meanwhile, at 1:25 a.m., Wayne Martin, an attorney inside the compound, called the negotiators on the second telephone line. Martin was very angry and militant. He stated that America's political system was in decay and in conflict with God's law, and that Koresh had been chosen by God as "the Lamb" to rule over his kingdom on earth. Martin claimed that America and the world were witnessing the birth of a new nation founded on the Seven Seals. Despite repeated questioning from the negotiators, Martin refused to comment on whether the people in the compound would remain alive, or whether additional children would be released. This

conversation ended at 3:12 a.m. Martin called back at 5:55 a.m., warning that the authorities were the enemies of the Seven Seals, and threatening that they would go to hell if they caused "aggression."

At 7:25 a.m., Kevin Jones was released from the compound.

[Material redacted as required by statute.] At 11:45 a.m., SAC Jamar complained to FBI headquarters in Washington, D.C. that CNN's use of night vision equipment during its news broadcasts had revealed the movements and locations of HRT members. This placed the HRT at greater risk, because the Branch Davidians watched these broadcasts. FBI Director Sessions called the President of CNN, who agreed to stop broadcasting pictures made with night vision equipment.

Because of the FBI's concern that the movement of Branch Davidians in and around the compound might trigger a gunfight, a "statement regarding safety" was drafted and read to Koresh at 2:53 p.m. This statement read as follows:

Rules For Your Safety: No one will be allowed to exit the building with a weapon. We tell you this for your own protection -- for if our agents perceive that their lives or the life of someone else is at risk they will take appropriate action to ensure their own safety. No

one will be allowed to aim a weapon from a window as this may also be perceived by our agents as a threat to their lives to the life of others and compel them to act accordingly. Any time you exit the building, and are approaching our agents, you must fully comply with any verbal instruction to avoid exposing yourself to potential risk.

The negotiators were in contact with numerous individuals in the compound throughout the day and night. There were approximately eleven hours of conversations, and Koresh participated in 7 hours and 38 minutes. During these mostly one-sided conversations, Koresh threatened the FBI, discussed the events of February 28, preached for hours, discussed his eventual punishment and the death penalty, and explained his "miraculous meeting" with God in 1985. Koresh also agreed to send out another child, Heather Jones, age 9, in the morning. Excerpts from these conversations serve to highlight the difficulty faced by the negotiators when dealing with Koresh. All of the quotes below are from Koresh:

2:48 p.m.

"Some guys think they're sneaking up and stuff like that, and they end up getting a bullet in their butt . . . and it's unnecessary."

2:55 p.m.

"What happens when . . . this all gets heated and you get somebody and these cars go flying, you know, 40, 50 feet in the air out towards the lake?"

9:15 p.m.

"The Bible says David was a man after God's own heart. But, now, wait a minute. God doesn't commit adultery, does he? No. And if he ever did, he doesn't anymore. But remember, man knows good and evil. Well, wait a minute. Then why would the scriptures say David was a man after God's own heart? Well, this is the position that I'm in right now, to help you understand where I'm coming from, you see. You know, I may act -- okay. I'm, I'm -- well, I'm going -- when we come out, we're going to be punished. See, I know that. Because, you know, as it appears by all means, we've done wrong."

10:40 p.m.

"[W]e have to keep our eyes single to the glory of God, because, you know, y'all more or less have a harder time to realize that I am taking orders, you see, and that, and that my boss is making decisions on whether to pounce you or not. You know, I mean, you know, and I don't want my boss to pounce you because you don't understand me and I don't think -- and this is honestly between myself and God -- I don't think that by myself

being human I don't think that I have done a good enough job or that I have done everything that I can possibly do at the present to try to, to, to inform you clearly what the issues are from our side."

11:30 p.m.

After being informed by the negotiator that the armored vehicles would be moving for a shift change, Koresh engaged in the following conversation:

KORESH: 'Cause if something messes up on this side or on your side, then World War III again.

FBI: No, we don't need that.

KORESH: You know what I mean?

FBI: We do not need that.

KORESH: I know. It's crazy. Let's, let's let, let's let's, let's look at these passages of scripture I've been sharing with you --

FBI: Yes.

KORESH: -- and I wish your other agents, they would look at them and, and, you know, take a look at them, and, uh, you know, it would be so awesome if

everyone could just sit down and
have --

FBI: I know.

KORESH: -- one honest Bible study in this great nation of
America.

FBI: Well --

KORESH: You know, America does not have to be humiliated
or destroyed.

As an example of Koresh's rambling style of preaching, the
following excerpt from 10:00 p.m. is typical:

KORESH: Zachariah said he saw a candle, a lamp with
seven, with seven lamps. And there's two
witnesses by two olive trees, right?

FBI: Um-hum.

KORESH: . . . Now, we know that Christ is the light of
the world according to the New Testament. That's
already been made plain for us. And we know in
the mount of transfiguration the kingdom of God
deals with Christ standing on the mount, Moses and
Elijah standing by him, and they all three are
one.

FBI: Um-hum.

KORESH: They've got one work to do, and that's to save
souls with the word of God.

FBI: Um-hum.

KORESH: Okay. So, so, when it comes down to this final revelation when, when, when God sends his Son into the world to reveal the Seven Seals, then all the sons of God are going to want to learn the Seven Seals, aren't they?

FBI: Yes.

KORESH: Okay. So, the thing of it is -- but man, whose carnal in -- remember, wisdom says she hates pride and arrogancy and carnality? She says now, I've built my house, I've hewn my seven pillars? You know, we know that wisdom built Christ. Let me explain. And wisdom builds everybody. Now, here is, here is the clincher to it. It says here: for the kingdoms of this world becomes the kingdoms of our Lord and of his Christ and he shall reign forever and ever. And the four-and-twenty elders which sit before God on their seats fell down upon their faces and worshipped God, saying we give Thee thanks, oh, Lord, God Almighty, which art and was and are to come, because Thou has taken a great power in his reign -- which this is where God has to intervene. For the nations were angry -- which is like Psalms 2, the heathen raged -- and Thy wrath has come -- which the Sixth Seal went -- what's going to happen is that the sum of the stars are going to

be dark and all the natural elements of light and the heaven is going to part and everyone in this world is going to get to look up and see something they never seen before, something I was already shown. But, of course, what happens is that I'm supposed to show it through a book. And then what happens is they're going to realize that, that, uh -- see, all I've ever wanted out of my life is peace. So, God uses the weak and he uses the, the ones who try to seek peace, the ones who do not want violence and all that, he, he, he strengthens them like in Psalms 18 to overthrow the proud and the arrogant. It's a sad thing. We don't want it to happen, and that's what's a lot of things happening right now. And Thy wrath has come and the time of the dead that they should be judged, that Thou shouldest give reward to Thy servants, the prophets, and to Thy sayings, those that were sanctified by the prophets, knowing their truth, to them that fear Thy name, small and great, and shall destroy them which destroy the earth. God doesn't like the way our economic system is doing to our world today. And the temple of God -- now, watch this. This is, this is awesome -- remember wisdom said those who find me find life?

FBI: Um-hum.

KORESH: Remember?

FBI: Um-hum.

KORESH: They shall obtain the favor of the Lord? Now, watch this. And the temple of God was opened in heaven. See, this is the -- this is, this is the, the thing that causes the sin against the Holy Ghost. Now, watch. Now, the temple of God was opened where? In heaven. And there was seen in this temple the ark of his testament -- which is what Moses made a model of, right?

During all of these conversations, the negotiators remained calm and conciliatory, and kept pressing for the release of more children. They also constantly complimented Koresh on his understanding of the Bible, and urged him to come out so that he could preach his message to the world. Koresh, for the most part, kept up his efforts to convert the negotiators to his religion.

March 5

This day began on an upbeat note when Heather Jones, age 9, was released at 8:39 a.m. However, this event had to be balanced against the notification from the Methodist Children's Home that Joan Vaega, who had been released on March 2, had a note pinned

to her jacket. The note was from Joan's mother to Joan's older sister Ursula in Hawaii. It stated that by the time Ursula read the note, she (the mother) would be dead, and that once the children were out, the adults were going to die.

The FBI had been concerned from the outset about the possibility that those inside the compound might commit suicide. For this reason, the negotiators asked Koresh and Schneider on numerous occasions whether they were contemplating suicide, and whether everyone was going to come out of the compound alive. Both Koresh and Schneider always assured the negotiators that suicide was not an option, and that everyone was going to come out. During the entire course of the standoff, the FBI sought the advice of experts on the issue of suicide. They also sought the advice of former and present Branch Davidians. Unfortunately, the FBI received inconsistent information about the likelihood of suicide, the effect of which was to leave the FBI with no choice but to speak directly to Koresh, to determine whether suicide would occur.

At 9:45 a.m., the FBI learned from local water supply officials that the compound had its own separate water supply that could not be shut off. The water came from a well with an electric pump. Therefore, unless the pump could be shut down, their water supply was limitless. The Davidians also, according to information obtained by the FBI, had extensive supplies of

food, including canned goods and military-style MREs (Meals Ready to Eat). It was believed that these supplies could last for up to one year. Witnesses told the FBI and Texas Rangers that the Branch Davidians had purchased literally thousands of surplus MREs.

In a conversation at 11:59 a.m., Koresh admitted that he and his followers had been preparing for battle with the authorities since 1985, and he threatened to "blow the tanks to pieces." In the same conversation the FBI offered, and Koresh accepted, a suture kit to treat his wounds, a videotape of the children who had been released, and photographs of the children for the parents who had remained in the compound. These items were delivered to the front door of the compound at 12:50 p.m. Part of the FBI's negotiation strategy was to play on parental feelings for the children, and hopefully hasten the exit of the parents.

Koresh continued to alternate between preaching to the negotiators and threatening violence for most of the afternoon. Koresh firmly maintained that he could not come out until ordered to do so by God. At 5:22 p.m., when questioned about additional children coming out, Koresh stated for the first time that "We're dealing with some of my children" and that "my children that I have are different than the other children." This was the first

indication that Koresh might not allow children he considered to be his to leave.

At 5:53 p.m. Schneider informed the negotiators that Peter Gent's body had been found at the edge of the building within the compound. Gent had been shot and killed, presumably by the ATF, during the initial shootout on February 28. Schneider wanted to remove the body and give it to the FBI; however, the negotiators refused this request unless two persons, who would remain outside, accompanied the body. Koresh refused to allow this; therefore, Peter Gent's body remained on the grounds.

The evening ended with Koresh criticizing the negotiators about their lack of knowledge of the Seven Seals, and Schneider's continuing declarations of full support for Koresh.

March 6

In a conversation that began before midnight, the negotiators spoke to Steve Schneider until approximately 2:00 a.m. The conversation ranged from a discussion of the scriptures, to the burial of Peter Gent's body, to Schneider's claims that those inside the compound were not afraid of the FBI. During this conversation, Schneider made a somewhat cryptic remark about the likelihood that the FBI (or ATF) would burn down

the compound in order to destroy evidence. Schneider (SS) stated to the FBI negotiator:

SS: [W]hen this is all said and done,
if, if you people don't burn the building down or
whatever you would plan on doing . . .
. . .

FBI: We just plan on waiting for people to come out.

SS: I really -- I'll tell you the truth. I -- it
wouldn't surprise me that they wouldn't want to
get rid of the evidence. Because if this building
is left standing, you will see the evidences of
what took place.

Schneider also stated that the two main concerns of those inside the compound were the lack of communication with the media, and the presence of the armed vehicles on their property. He repeated these concerns in a further conversation between 7:55 a.m. and 8:49 a.m. As to Schneider's first concern, the negotiators informed him and Koresh on numerous occasions that they would have access to the media only when they came out of the compound. As to the second concern, the FBI offered, in a conversation occurring at 4:12 p.m., to pull back the armored vehicles if four people came out immediately, and if Koresh agreed to surrender. Koresh refused this offer and reiterated that no one would come out until God told them to.

At 4:35 p.m., Koresh agreed to send out Melissa Morrison, age 6, if the negotiators would put the ATF undercover agent, Robert Rodriguez, on the phone with Koresh. The negotiators told Koresh that Rodriguez was not in Waco; however, they agreed to deliver a message to him. Koresh did not respond and turned the phone over to Schneider who put Rose Morrison, the child's mother, on the line. Ms. Morrison initially agreed to send Melissa out, but reneged and said that Koresh would have to speak to Rodriguez first. An impasse was reached between the parties at this point. Later, at 8:07 p.m., the negotiators offered to deliver a videotape to Rodriguez if Koresh wanted to record a message. This offer was also refused. After this effort, neither Koresh, Schneider, nor Rose Morrison ever mentioned sending Melissa out. Although she was probably one of the children who died in the April 19 fire, her body has not yet been identified.

Koresh and Schneider were both highly agitated and upset for most of March 6. The FBI became increasingly concerned as the day wore on that an overall impasse had been reached. In an attempt to break this impasse, the negotiators called Koresh at 8:25 p.m. Koresh immediately began preaching and refused to discuss any matters of substance. His preaching lasted until 10:43 p.m. It was during these preachings that Koresh claimed for the first time that he was "Christ." At 9:37 p.m. the

following exchange took place between Koresh and the FBI negotiator:

FBI: Who did you tell me you were?

KORESH: If God sits on the throne, if he gave the book to the Lamb --

FBI: Yes.

KORESH: You know who I am. And you know who I claim that I am.

FBI: And you claim that you're the Lord.

KORESH: I am Christ.

FBI: Well, you didn't say that. You said you claimed to be the Lord.

KORESH: Christ is the same as the Lord. King of Kings and Lord of Lords. The Prince of the Kings of the earth. Yep. What can I say? Shall I lie? No, I will not lie. And, as I said before, my father sits on a throne and he said to wait. And you're being judged. . .

The following exchange from March 6 demonstrates the FBI's frustration in attempting to negotiate with Koresh:

KORESH: They shall make haste to the wall thereof and the defense shall be prepared, and the gates of the rivers shall be opened and the palace shall be

dissolved. Now, we're getting to the real weird aspect. And Hazab shall be led away captive. She shall be brought up and her maids shall lead her as with the voice of doves. Hooo, hooo, hooo, hoh. Tabern (phonetic) upon their breasts. But Nineveh is of old, like a pool of water stagnant. And they shall flee away. Stand, stand shall they cry, but none shall look back. Someone at that point is told to take ye the spoil of silver. Take the spoil of gold for there's none end of the store and the glory out of all the pleasant furniture. She's empty, void and waste, the heart melted, the, the knees smite together, and much pain is in all loins and all faces of them shall get a blackness. Where is the dwelling of the lions -- these tough guys, huh? The feeding place of the young lions -- they thought their sons were going to rule, huh? Where is the lion? Even the old lion walked, and the lion's weapon, none made them afraid. Man, they thought they were so powerful, didn't they? The lion did tear in pieces enough for his whelps and strangled for his lioness and filled his holes with prey and his dens with raven. I understand. It's just a job to keep yourself going, right? All these guys out here are just making a living, aren't they?

Behold I'm against thee, said the Lord of hosts.
And I will burn her chariots in the smoke and the
sword shall devour her young lions. And I will
cut off thy prey from the earth and the voice of
they messengers shall be no more heard. That's
what you're doing. You're giving me a message,
right? We've had --

FBI: I think you --

KORESH: -- several of them.

FBI: I think you're trying to give me a message,
aren't you, David?

KORESH: Well, I'm saying y'all keep negotiating with
us and stuff. But woe to the bloody city.

March 7

The early morning hours began with Koresh on the telephone at 12:11 a.m. During this entire conversation, which lasted until 3:15 a.m., the negotiators urged Koresh and his followers to leave peacefully. Koresh, in turn preached, claimed on numerous occasions that he was "Christ" and the "Lord," and stressed that everyone in the compound was remaining inside pursuant to their own free will. The negotiators noted at 12:45 a.m. that Koresh's delivery of religious rhetoric was so strong that they could hardly interrupt him to discuss possible surrender.

For the remainder of March 7, virtually everyone in the compound who spoke to FBI negotiators expressed their anger and frustration. There were 42 separate conversations which lasted approximately twelve hours. The two main concerns of the Branch Davidians on that day were the FBI's delay in delivering milk for the children, and the denial of direct access to the media.

Concerning the milk, the FBI had offered milk in return for the release of some children. This offer was rejected by Schneider and Koresh at 9:12 a.m. Afterwards, four different individuals came on the line and complained bitterly about the milk. These individuals also confirmed that they did not want to come out.

Conversations were held with Schneider and Koresh between 12:23 p.m. and 12:51 p.m., and again between 2:48 p.m. and 4:30 p.m. To the entreaties of the negotiators, Schneider, Koresh, and Wayne Martin threatened, preached, and refused to agree to anything. Koresh stressed several times during these conversations that only he knew the secret of the Seven Seals, and that he would refuse to listen to anyone who did not know as much as he. Koresh asserted that, if negotiators or some preachers could prove to him that he was wrong about the Seven Seals, he would surrender. However, on the other hand, Koresh declared that, if he were right about the Seven Seals, "you're mine!"

At 6:11 p.m., after speaking to several other individuals, the negotiators spoke once again with Koresh. In this conversation Koresh refused to consider sending more children out:

KORESH: "You're dealing with my biological children now.
FBI: Why do you say that?
KORESH: Because that's what we've come down to."

Later in the conversation, after additional threats by Koresh, the FBI negotiator said:

FBI: Do you, do you really think we're going to start firing indiscriminately up at that place? [i.e., the compound]
KORESH: I sure hope so.

The evening ended with continuing conversations but no progress.

March 8

On March 8, there were only 38 conversations for a total of approximately four hours. The few notable events and conversations are as follows.

11:04 a.m. to Three men left the compound

- 12:45 p.m. - and buried the body of Peter Gent.
- 12:48 p.m. - The nurse advised FBI that Koresh's wounds were healing nicely.
- 1:37 p.m. David Koresh reconfirmed: "I am not going to commit suicide."
- 3:50 p.m. - FBI delivered six gallons of milk to the compound.
- 6:07 p.m. - Koresh and Schneider sent out a videotape showing Koresh's wounds and several children.
- 10:25 p.m. - Tapes from family members were played over the telephone to several individuals in the compound.

March 9

Shortly after midnight on March 9, the negotiators tried to drive a wedge between Schneider and Koresh. They prodded and challenged Schneider about Koresh's claim that Schneider's wife, Judy, was also one of Koresh's wives, and that Koresh claimed to have had a child with Judy. This effort failed with Schneider professing total loyalty to Koresh.

In an effort to increase the pressure on the individuals by attempting to make their living conditions a little less bearable, the electricity to the compound was cut at 2:15 a.m. At 9:20 a.m., Koresh stated through Schneider that he would not talk further until the power was restored.

At 9:54 a.m., Schneider expressed outrage over the movement of the armored vehicles around the compound, and the degree of property damage that they were causing. Schneider threatened that "we can take you out!"

At 10:28 a.m., the power to the compound was restored in order to allow those inside the compound to watch the televised news conference 10:30 a.m. and to encourage some progress in the discussions.

At various times throughout the day, HRT members observed weapons in the windows, and firing ports being cut in the plywood which had been placed over most of the windows in the compound.

At 2:04 p.m., the FBI delivered a videotape to the compound showing that the children who had been released were healthy, happy, and being well cared for.

At 3:40 p.m., the Branch Davidians placed a sign on the outside of the tower stating "God help us, we want the press." A short while later, one law enforcement official observed a sign in the press area, known as "satellite city," which stated "God help us, we are the press."

At 3:48 p.m., Schneider informed the negotiators that they were unhappy about the videotape of the released children since the children appeared to be behaving badly.

At 5:22, p.m., negotiators talked to Judy Schneider about the bullet wound to her finger. She was feeling ill because her finger had swollen to twice its size. She was urged to come out and obtain medical help; she refused.

At 8:54 p.m., another videotape was sent out from the compound. This tape depicted approximately 29 individuals who all stated they were voluntarily remaining inside the compound, and that they did not want to come out.

March 10

Due to the stalemate, the electricity was cut once again at 2:28 a.m.

During the course of the day, numerous individuals came out of the compound, walked around, then went back inside. It appeared from these actions that they were attempting to test the resolve of the agents, since the FBI had warned people not to come outside without first obtaining advance permission.

The electrical power was restored to the compound at 10:15 a.m. for the same reason as the day before.

The FBI sent in a second videotape at 1:06 p.m. This videotape contained a number of the negotiators personally pleading for a peaceful resolution.

At 9:40 p.m., the FBI learned from the U.S. Attorney's Office that local reporters had made statements to others admitting that they had illegally intercepted the cellular telephone communications of law enforcement officials.

The day ended with only 4 1/2 hours of attempted negotiations and no progress.

March 11

March 11 began on a hopeful note when Steve Schneider advised negotiators at 12:54 a.m. that three or more individuals might come out on the next day.

At 4:01 a.m., Kathy Schroeder called the negotiators to inform them that she was one of the individuals who would exit the next morning. Schroeder had previously sent her children out, and had lost her husband, Michael, in the second gunfight on the afternoon of February 28.

At 6:05 a.m., the negotiators noted that there had been no direct contact with Koresh for the past 24 hours. However, contact with Steve Schneider was continuing.

At 10:16 a.m., the negotiators determined that they had spoken to a total of 50 people inside the compound.

Beginning at 11:00 a.m., and lasting throughout the day, the FBI sought to determine from Schneider and others if Koresh's failure to come to the telephone was due to failing health. No definitive information was obtained.

At 4:14 p.m., Schneider told the negotiators that the next day, March 12, Kathy Schroeder, Kevin Whitecliff, Brad Branch, and Oliver Gyarfas would exit the compound.

In the same conversation at 4:21 p.m., Schneider mentioned that Koresh was listening to Paul Harvey on the radio and that Harvey described a "shooting star" called the "guitar nebula." Schneider said that "David takes it as a sign." The FBI became hopeful that this might be the sign from God that Koresh had been waiting for since March 2.

In a conversation with Koresh at 7:03 p.m., he denied that the "guitar nebula" was the sign that he was looking for.

However, Koresh would discuss the importance of the "guitar nebula" in subsequent conversations.

Conversations with Koresh, Schneider, and Kathy Schroeder continued until approximately 11:15 p.m. with the only progress being Schroeder's promise to come out the next day.

March 12

Janet Reno was sworn in as Attorney General of the United States in a ceremony at the White House.

Nothing of significance occurred at the compound until Kathy Schroeder left the compound at 10:41 a.m. At 11:50 a.m., Schroeder was interviewed and stated that there was no plan inside the compound for suicide. She assured the FBI that suicide would not occur.

In a conversation with Steve Schneider at 11:30 a.m., he indicated that, if lawyers or the press were allowed to enter the compound and speak to the individuals inside, matters might be expedited.

Between 12:00 p.m. and 12:30 p.m., there were attempts to call into the compound to allow Kathy Schroeder to assure those inside that she was being fairly treated. There was no answer to

these calls. Schroeder also told the FBI that there were people inside who wanted to come out; however, Koresh had a "hold" on them. She stated that many people would leave if Koresh told them to; however, he refused to do so.

The negotiators made over two dozen attempts to call into the compound between noon and 5:00 p.m., but there was no answer. Schneider called at 5:04 p.m. and suggested that there was a technical problem with the telephones. The negotiators agreed to work on any problems with the telephones; however, they discovered no technical problems whatsoever.

At 6:00 p.m., Oliver Gyarfas exited the compound.

At 7:25 p.m., the negotiators called into the compound with Dr. John Hagman standing by. Dr. Hagman was brought in to give advice to the wounded individuals inside the compound. First, he spoke to Scott Sonobe about the wounds to his wrist and thigh. Dr. Hagman strongly suggested that Sonobe come out for medical treatment; however, he refused. At 7:40 p.m., the doctor spoke to Judy Schneider about her wounds. He gave her the same advice, and she also refused.

At 8:44 p.m., Schneider advised the negotiators that no one else would come out that day; however, he promised that Brad

Branch, Kevin Whitecliff, and Rita Riddle would come out the next day.

At 9:20 p.m., a videotape was sent into the compound showing Kathy Schroeder's emotional reunion with her three-year old son, Bryan. The FBI hoped that the video might induce others to reunite with their children.

[Material redacted as required by statute]. At 11:07 p.m., SAC Jamar ordered that the electrical power be shut off once again in an attempt to demonstrate that the FBI controlled their "earthly" lives rather than Koresh. The power was never turned back on for the duration of the standoff. Schneider and Koresh immediately became outraged and complained that the termination of electrical power was an act of bad faith. They threatened to terminate all contact with the negotiators if power were not restored.

Some members of the FBI negotiation team disagreed with SAC Jamar's actions. They believed that certain tactical decisions, such as cutting the electricity, were counter-productive and undercut their credibility with those in the compound. However, in interviews with all the negotiators subsequent to the events of April 19, none believed, in hindsight, that this action had any effect on the ultimate outcome.

The evening ended with Koresh and Schneider still angry and complaining.

March 13

Between midnight and 8:30 a.m., the negotiators had two conversations with Steve Schneider. Schneider, still very angry about the electricity having been turned off, stated that three people had been prepared to come out; however, he did not think that would happen now. Schneider also complained that the people were cold and freezing inside the compound. The negotiators placed the blame on "their bosses" and urged Schneider to continue to work with them. In a conversation at 8:55 a.m., Schneider once again claimed that the government wanted to kill all of them and burn down the building.

At 11:35 a.m., the FBI negotiation team discussed the fact that letters had been sent from two attorneys claiming to represent Koresh and Schneider. These attorneys were Richard DeGuerin and Jack Zimmerman. It was decided not to allow the attorneys to speak to Koresh and Schneider at that time, since neither of them had requested an attorney. Nevertheless at 12:44 p.m., the negotiators advised Schneider that his sister had retained an attorney for him.

At 1:24 p.m., the negotiators offered to allow Judy Schneider to come out, receive medical care for her wounds, then return to the compound. In return, the FBI asked for the exit of three individuals. This offer was rejected at 2:30 p.m.

[Material redacted as required by statute.]

March 14

Since the previous evening, the FBI had decided not to call into the compound. Instead, the negotiators decided to await a call from the inside. Nevertheless, at 12:34 p.m., Oliver Gyarfas was allowed to call into the compound to tell Koresh and others that he was being treated fairly by authorities. At 1:03 p.m., Kathy Schroeder called into the compound with a similar message. Both Koresh and Schneider expressed anger at her for not being a "spokesperson" for them.

The last conversation with Schneider ended at 4:19 p.m. The negotiators, according to plan, did not call the compound for the remainder of the evening, nor did anyone inside call out.

At nightfall, the FBI began to illuminate the compound with bright lights to disrupt sleep, to put additional pressure on those inside, and to increase the safety of the HRT.

March 15

There was no contact with the compound during the pre-dawn hours of March 15. Bright lights remained focused on the compound; however, no other actions were taken by the FBI.

The FBI established a modified negotiation strategy, in which the negotiators would be firm, would continue to insist on a peaceful resolution, but would refuse to listen to any more of what they called "Bible babble".

[Material redacted as required by statute.] Meanwhile, at 2:05 p.m., the negotiators called into the compound and suggested that Schneider come out of the compound and meet them face-to-face.

Between 4:23 p.m. and 5:28 p.m., Schneider and Wayne Martin came out of the compound and met with SSRA Byron Sage and McLennan County Sheriff Jack Harwell. In what the negotiators termed a "cordial and positive" meeting, the two sides agreed that negotiations would continue. Schneider also told negotiators that God had told Koresh to stay but that the others could leave any time they wanted. SSRA Sage and Sheriff Harwell were also able to defuse many issues of concern, such as the Davidians' right to counsel, the availability of medical attention, and the preservation of the crime scene.

[Material redacted as required by statute.]

March 16

On March 16, there were only 46 minutes of conversations between the FBI and those in the compound. In what were basically general conversations, the negotiators requested a second face-to-face meeting with Schneider, but -- apparently under the negative influence of Koresh -- he refused.

At 4:41 p.m., the FBI dropped off five audiotapes from relatives of those inside the compound. These audiotapes were prepared in coordination with the negotiators, were positive and upbeat in tone, and urged the family members inside to surrender peacefully.

Nothing further of substance happened that evening.

March 17

The negotiators contacted Steve Schneider at 10:15 a.m., and once again urged a face-to-face meeting. Schneider refused and only wanted to discuss the Bible and his anger with ATF.

The negotiators decided at 1:20 p.m. to broadcast audiotapes over the public address system, which the FBI had set up outside

the compound. The audiotapes were of those who had exited the compound, and contained positive comments about their treatment by law enforcement.

At 1:37 p.m., SSRA Sage, one of the FBI's principal negotiators, called Koresh and firmly urged him to surrender. In a conversation lasting until 2:39 p.m., Sage urged some type of positive action on Koresh's part and challenged his sincerity. Koresh refused totally to take any action and generally avoided discussing any specifics of a peaceful resolution.

In a conversation with Schneider at 4:16 p.m., SSRA Sage took the same approach that he had previously taken with Koresh. Sage told Schneider that his (Sage's) statements to Koresh had "fallen on deaf ears" and that progress had to be made. Schneider was repeatedly urged to take responsibility for getting some people to leave. Schneider claimed, however, that no one wanted to come out. All preferred to wait. The conversation ended at 4:49 p.m. with no progress.

The audiotapes from relatives were broadcast once again over the loudspeakers at the end of this conversation with Schneider.

Between 9:10 p.m. and 11:10 p.m., negotiators spoke with seven individuals inside urging them to take some positive action; however, there were no agreements and no progress.

March 18

Numerous conversations occurred between the negotiators and Schneider between 6:30 a.m. and 12:55 p.m. During these conversations, Schneider made it very clear that no individuals would be coming out and that there was nothing that the FBI could offer in exchange which would have any effect.

At 1:34 p.m., SSRA Sage began to speak to those inside the compound over the loudspeaker system in an attempt to communicate directly with everyone, and to urge everyone to come out. Sage told them that they would be treated fairly, that they were free to come out, and that transportation and medical care were available. SSRA Sage broadcasted again at 5:00 p.m. Sage also played a tape over the loudspeaker of his March 17 confrontational conversation with Koresh.

At 6:21 p.m., after Schneider was warned in advance by negotiators, the HRT used the armored vehicles to remove the compound's diesel and gasoline storage tanks.

No progress was made during the remainder of the evening.

March 19

In a conversation with negotiators at 8:30 a.m., Koresh once again stressed that they were not going to commit suicide and that more time was needed for them to come out.

At 9:45 a.m., the FBI delivered a package of documents to the compound which contained letters from attorneys for Koresh, Schneider, and two others, copies of legal documents concerning the ATF warrants, a statement from the U.S. Attorney's Office guaranteeing it would not seek forfeiture of the compound, an audio tape prepared by a theologian, a letter from the Christian Broadcasting Network, and several magazine articles. This delivery was the culmination of numerous hours of discussions between Schneider and the negotiators, and it was an attempt to address some of their concerns.

At 11:10 a.m., SSRA Sage broadcasted over the loudspeakers that the package of documents had been dropped off. He also replayed the March 17 tape of his conversation with Koresh.

At 11:18 a.m., Schneider called the negotiators and stated that the package of documents would have a positive effect. In a conversation with SSRA Sage at 1:55 p.m., Schneider stated that some people would come out as early as the next day.

In a conversation lasting from 1:59 p.m. to 2:44 p.m., Koresh told negotiators that some people were going to come out, and that eventually everyone would. Koresh also discussed the "guitar nebula" and how he had predicted its presence in the universe. Koresh professed to be astounded by the "guitar nebula" and attempted to relate it to his preachings. Koresh also stated that he was ready to come out and face whatever might happen to him. In referring to the possibility that he might face the death penalty, Koresh even joked: "when they give me the lethal injection, give me the cheap stuff, huh?"

At 7:15 p.m., Brad Branch and Kevin Whitecliff exited the compound. These two men were the only individuals to exit, along with Rita Riddle who exited on the next day [material redacted as required by statute].

At 8:03 p.m., Schneider called the negotiators to discuss the two men who had just come out. In this conversation, Schneider relayed a message from Koresh that his sign, the "guitar nebula," was coming faster through space now.

Conversations continued with Schneider and Koresh until after midnight. There was much preaching by Koresh; however, he did state that he and the others were not going to stay inside much longer.

March 20

In interviews with FBI negotiators during the early morning hours, Brad Branch and Kevin Whitecliff stated that Koresh had a case of scotch whisky in the compound. The negotiators suspected that Branch and Whitecliff were expelled from the compound for drinking Koresh's scotch.

In conversations occurring all morning and lasting into the early afternoon, Schneider confirmed that everyone, or at least a large group, would be coming out soon.

Branch and Whitecliff were held in jail as material witnesses. The FBI permitted them to speak by telephone to Koresh from 6:33 p.m. to 7:27 p.m.

Schneider indicated in conversations between 9:30 p.m. and 11:30 p.m., that two women, Victorine Hollingsworth, age 59, and Annetta Richards, age 63, might come out shortly.

March 21

At 12:15 a.m., Victorine Hollingsworth and Annetta Richards exited the compound.

A conversation began with David Koresh at 12:15 a.m. and continued until 3:12 a.m. For most of this time, Koresh simply engaged in rambling religious discussions; however, at 2:13 a.m., he told negotiators that: " I told you that my God says wait. Actually I asked for it."

A short while later, at 2:19 a.m., the negotiator asked Koresh to clarify what he meant:

FBI: Well, what made you ask God whether
or not you should wait?

KORESH: Because I didn't want Him to
destroy you.

Between 9:37 a.m. and 11:00 a.m., the negotiators worked out the details with Schneider for the exit of two more adults. At 11:00 a.m., Rita Riddle and Gladys Ottman came out. Afterward, Schneider said that more could be coming out shortly. He said that he would have to speak to Koresh.

At 2:15 p.m., Sheila Martin, age 46, James Lawton, age 70, and Ofelia Santoya, age 62, left the compound. A short time after their surrender, SAC Jamar advised the negotiators that the tactical personnel were going to bulldoze obstructions away from one side of the compound. The Davidians were advised of this decision and the reasons why.

At 3:40 p.m., the FBI permitted Sheila Martin to call back into the compound and speak with her husband, Wayne. After informing him that she and their kids, who had been previously released, were doing well, Wayne responded that "[T]ime is short, and God is angry." He then began to preach before hanging up. The negotiators immediately called Wayne back and put his wife and kids back on the line. Shelia, apparently attempting to calm Wayne, stated that upon her coming out "everything went well ... the ride was bumpy." Wayne again cryptically responded by saying "It could be bumpy later too."

For the remainder of the day, the negotiators urged Schneider to send out more people. Schneider claimed that he was unable until he and others conferred with Koresh. However, according to Schneider, Koresh was asleep and could not be disturbed. Additionally, the negotiators passed on several messages to those inside from relatives and friends. The negotiators also received messages from several people in the compound and passed them on to relatives. The general tone of the messages from inside was that "everything is fine and we will see you soon." In the evening hours, the FBI began playing very loud music over the loudspeaker system. Several times during the night, those in the compound asked that it be turned off. Finally, at 11:35 p.m. an angry Schneider relayed a message from an angry Koresh: "Because of the loud music, nobody is coming out."

A short while later, the loudspeaker system malfunctioned. The night ended quietly.

March 22

The negotiators called Schneider at 9:03 a.m. Schneider was still angry about the loud music which had included Tibetan chants. The negotiators attempted to calm him by blaming the FBI tactical agents; however, Schneider remained angry, claiming that the loud music had been counterproductive. Contact was terminated at 9:30 a.m.

SAC Jamar called a meeting of the crisis management team to discuss strategy. The negotiators advised him that there was no clear indication that large numbers of those remaining inside would surrender any time soon. The hostage negotiation team observed that Schneider and Koresh had continued to resist all efforts by the negotiators to provide specific names, numbers, or time frames for action. Accordingly, several "stress escalation" measures were discussed. Failing a positive response from the Davidians to these actions, the negotiators recommended the introduction of tear gas as a non-lethal alternative to clear the compound. This was the first time the FBI formally considered tear gas as an option for resolving the standoff. The FBI waited almost another month before actually using tear gas.

Because of technical problems with the telephones and with the loudspeaker system, SSRA Sage went in an armored vehicle to the compound at approximately 5:15 p.m. and spoke to the individuals inside through a bullhorn. Schneider came a few paces outside of the compound to speak to SSRA Sage, and informed him that Koresh appeared to be getting weaker. The FBI decided to lay groundlines for a field telephone system to facilitate communications.

The field telephone was delivered to the compound at 7:45 p.m., and conversations began again at 8:00 p.m.

At 8:27 p.m., the FBI read a new offer to Schneider and agreed to deliver it in writing. The offer was (1) Koresh could communicate with followers while in jail and could hold religious services, and (2) Koresh could make a worldwide broadcast on CBN. In return, Koresh and all individuals must begin departure by 10:00 a.m. on March 23, with everyone out by noon. Additionally, there would be live media coverage of their exit. A letter confirming this offer by SAC Jeff Jamar was delivered to the compound at 10:00 p.m.

Contact was terminated at 11:46 p.m., with no answer from the compound.

March 23

At 2:55 a.m., Koresh spoke to the negotiators, rejected the offer, and claimed that he had thrown away SAC Jamar's letter.

The next morning at 8:20 a.m., the letter was read to those inside the compound over the loudspeaker system.

Livingstone Fagan, age 34, came out of the compound at 10:05 a.m., after discussions between the negotiators and Schneider.

Conversations with Schneider continued throughout the day with the focus on attempting to get additional people to leave the compound. However, the negotiators noted at 1:30 p.m. that the conversations with Schneider had become very combative and argumentative.

AUSA William Johnston in Waco wrote a letter directly to Attorney General Janet Reno. In the letter, Johnston complained about the FBI's handling of the crime scene, and about U.S. Attorney Ederer's handling of the situation. The Attorney General directed Mark Richard, a Deputy Assistant Attorney General in the Justice Department's Criminal Division, to look into the matter and make recommendations for a solution.

At 4:45 p.m., the FBI was notified that the news media might be bringing in a special parabolic microphone to attempt to hear what was being said over the P.A. system at the compound. In response, the FBI gave orders to all agents to say nothing through the bullhorn or loudspeakers that they didn't want to hear on television or read in the newspaper.

Conversations with Schneider and others continued until 7:56 p.m. with no results.

At 10:00 p.m., the FBI decided to direct exterior floodlights at the compound all night and, instead of music, play tapes of previous negotiations, and messages from those who had exited the compound.

The negotiators called into the compound at 11:34 p.m. asking for Koresh; however, Schneider claimed he was asleep and refused to wake him.

March 24

During the pre-dawn hours of March 24, the floodlights were directed at the compound, and Tibetan chants, Christmas music, and tapes of previously recorded negotiations were played over the loudspeakers.

After several attempts, the negotiators reached Steve Schneider at 9:52 a.m. Still angry over the loud music, Schneider refused to talk any further that day.

At the 10:30 a.m. daily press briefing, the FBI increased its "verbal assault" against Koresh, calling him a liar and coward, and accusing him of hiding behind his children. The FBI had been using the daily press briefings as an additional method of communicating with Koresh and the others in the compound, knowing that they listened to the briefings carefully.

The negotiators made repeated unsuccessful attempts to contact the compound between 12:30 p.m. and 6:30 p.m.

Throughout the standoff the FBI was concerned about its ability to maintain the security of the perimeter around the compound, to prevent people from entering or leaving. This concern became a reality when, at approximately 6:30 p.m., the FBI observed a shirtless male, later identified as Louis Alaniz, knocking at the compound door. The Davidians allowed him to enter. Alaniz had slipped through the perimeter and eluded the HRT. The negotiators immediately attempted to find out who he was and suggested to Schneider that he be sent back outside.

In a conversation with Schneider and Koresh at 7:14 p.m., Alaniz was heard to be screaming a sermon in the background.

Nevertheless, Koresh refused to send him out, preferring instead to teach him the Seven Seals.

Once again, the FBI called the compound numerous times between 7:15 p.m. and 10:30 p.m. No one answered until 10:35 p.m. when the negotiators spoke to both Schneider and Koresh suggesting that they send out the new "intruder" in the interest of everyone's safety. Koresh refused, and the negotiators broke contact.

At 11:37 p.m., the negotiators called the compound and spoke to the "intruder" who identified himself as Louis Anthony Alaniz.

The evening ended with no progress and with one more person now inside the compound.

March 25

There were sixteen conversations spanning 5.5 hours on March 25. The negotiators spoke to eight different people.

The parties argued about religion, the criminal justice system, access to the news media, and whether or not anyone was going to come out of the compound.

At 1:13 p.m., the negotiators demanded that ten to twenty people at a minimum come out by 4:00 p.m. Schneider was advised that if this failed to occur, certain actions would be taken by the FBI.

At 4:00 p.m., there was no activity from inside the compound. The armored vehicles moved into the compound and removed a number of motorcycles and go-carts. Those inside the compound simply watched by holding mirrors in the windows so that they could see outside.

At 6:12 p.m., Schneider claimed that if he could see one or two ATF agents locked up, they all would come out. The negotiators refused to discuss this suggestion.

Conversations continued between Schneider and the negotiators from 5:50 p.m. to 11:00 p.m. Schneider suggested that ten additional people might come out the next day. Schneider even suggested that he might be one of them. The negotiators also spoke to two women, beseeching them to come out with their children. No agreements were reached. Little, if any, progress was made, and the conversations ended at 10:57 p.m.

March 26

The ~~FBI~~ attempted all night to get Koresh on the telephone. Schneider and others claimed first that Koresh was asleep, and later that he had a headache and was unable to talk.

At 9:40 a.m., Schneider was given a deadline of noon to send out ten or more individuals. The FBI threatened further action if no one were released.

Once again, the noon deadline passed with no activity. At 12:10 p.m., the armored vehicles moved back into the compound and removed eight vehicles.

Conversations continued with Schneider throughout the day to no avail. Schneider simply complained as usual and began his own preaching about the Seven Seals. Contact was terminated at 4:58 p.m., after the FBI told him that no one could come outside the compound unless it was to surrender.

Between 9:00 p.m. and midnight, the negotiators attempted to call the compound approximately six times, letting it ring at least twenty times on each call. No one answered.

The perimeter was compromised again on March 26. Sometime between 11:00 p.m. and midnight, an unknown male, who had apparently snuck past the HRT, entered the compound.

March 27

The negotiators called into the compound several times during the early morning hours, but no one answered. Lights, music, and helicopter activity occurred throughout the night.

At 8:50 a.m., a banner was hung outside that read "Tank Broke Phone Lines". A new telephone was delivered, and contact was re-established with Schneider at 12:32 p.m.

The negotiator gave Schneider until 1:45 p.m. to send out at least ten people, or else the FBI would take some additional action. Schneider responded that they were not concerned with FBI actions, and that "you can burn us down, kill us, whatever."

Schneider was contacted at 1:30 p.m. He informed negotiators that no one wanted to come out. The 1:45 p.m. deadline passed. Immediately thereafter, the FBI, with the armored vehicles, began clearing the front side of the compound.

The negotiator contacted Schneider at 6:48 p.m. and spoke to him until 7:59 p.m. Schneider stated that Koresh refused to

speak to the negotiator and that no one else was coming out that night. During this time period, the negotiators also spoke to the male who had entered the compound the previous night. He gave his name as "Jesse Amen."

The negotiators called Schneider again at 9:34 p.m. During this conversation, as well as overnight, the loudspeakers were broadcasting various sounds such as sirens, squawking birds, and laughter. Schneider proclaimed that he was looking forward to God putting an end to the earth; however, he also stated that there would be no suicide. Schneider also said that no one could be convinced to come out. This call ended at 10:27 p.m.

Schneider called back at 10:29 p.m., saying that two people were guarding Jesse Amen and Louis Alaniz. This conversation, with one short interruption, lasted until after midnight. During this conversation, Schneider denied that Koresh was Christ, confirmed that some individuals had been sent out for drinking, and recommended that the building be set on fire to force everyone out.

The evening ended with no progress. There had been no contact with Koresh for four days.

March 28

The conversation with Schneider, which began the previous evening, lasted until 1:48 a.m. with no progress, except that Schneider promised to send out an additional videotape showing individuals in the compound.

At 7:44 a.m., the negotiators spoke with David Thibodeau and played a taped message from his mother. Thibodeau suggested that he might record an audio or videotaped message for his mother.

In a conversation at 11:24 a.m., the negotiators suggested a face-to-face meeting with Koresh and Schneider. Schneider agreed to discuss the idea with Koresh.

At 11:58 a.m., the negotiators demanded that at least ten people come out by 12:50 p.m.

At 12:30 p.m., another individual attempted to enter the compound but was arrested.

The 12:50 p.m. deadline passed. Contact was established with Koresh at 2:26 p.m. Koresh claimed that he had no intentions to die in the compound, and that he was still waiting for word from God. Koresh continued his rambling discussions and

preachings until 4:13 p.m., with no progress. However, Koresh did ask to speak with DeGuerin, the attorney hired by his mother.

In response to the missed deadline, the FBI continued using armored vehicles to clear away cars, fences, trees, and other obstructions from the exterior of the compound during the afternoon. During these operations, adults inside the compound were observed holding up children in the windows.

At 6:10 p.m., a call from DeGuerin was patched into the compound by the FBI. In observance of the attorney-client privilege, all recording and monitoring devices were disconnected.

At 7:00 p.m., local police warned the FBI that approximately 60 people were travelling to Waco to assist the Branch Davidians.

Contact was re-established with Koresh after the call with his attorney. Koresh was upbeat, stating that the lawyer talked straight with him. Koresh discussed surrender and promised to "[d]o something solid, that is no bull."

The evening ended with plans for Koresh to meet face-to-face the next day with his attorney. Also, a new videotape from the compound was sent out at 10:55 p.m. The videotape showed

nineteen children being "interviewed" by Koresh. The children appeared to be tired, but healthy. This video was analyzed by experts. Their opinion is included at pages 187-88 of this report.

March 29

The proposed face-to-face meeting between Koresh and DeGuerin caused significant controversy within law enforcement. SAC Jamar made the decision to permit the meeting, clearing it with U.S. Attorney Ederer. The AUSAs and the Texas Rangers, who would be responsible for the eventual prosecutions, strongly opposed the meeting. Jamar was focused on resolving the standoff safely, while the prosecutors and the Texas Rangers were focused on the integrity of future court proceedings. The prosecutors and Texas Rangers were afraid that the defense attorney would give advice to Koresh which could result in the destruction of evidence and cause a more difficult prosecution.

The negotiators attempted unsuccessfully to contact Koresh between 3:00 a.m. and 11:00 a.m. to establish a procedure for the meeting with his attorney. On each call, the negotiators were informed by various individuals that Koresh was unable to come to the telephone. Finally, at 11:28 a.m., Koresh came to the telephone and was told that his attorney was ready for the proposed face-to-face meeting. A dispute arose between Koresh

and the FBI over whether the meeting would occur in the compound or in a neutral site, such as the front of the compound. In an attempt to break this impasse, Koresh spoke to his attorney at 12:05 p.m. in an unmonitored telephone call. It was agreed that the attorney would come to the front door of the compound, while Koresh remained just inside the door.

The meeting between Koresh and DeGuerin took place at the front door of the compound between 4:12 p.m. and 6:00 p.m. The FBI debriefed DeGuerin about the meeting; however, no attorney-client information was discussed. DeGuerin described it as a positive meeting. Schneider confirmed this impression in a subsequent telephone conversation with negotiators. Schneider also complained, however, that DeGuerin's fees were too high.

In a conversation with Koresh at 8:54 p.m., another meeting with DeGuerin was scheduled for 10:00 a.m. the next morning.

March 30

The meeting between Koresh and DeGuerin occurred as scheduled at 10:00 a.m. This meeting lasted until noon. A second meeting took place between 2:00 p.m. and 6:00 p.m.

Additionally, at 3:18 p.m., Steve Schneider was allowed to speak to his attorney, Jack Zimmerman, in an unmonitored call. This conversation ended at 3:53 p.m.

There were no contacts with individuals inside the compound on March 30, except to arrange for the meetings and telephone conversations with the attorneys.

March 31

Pursuant to the instructions of the Attorney General, Mark Richard of the Criminal Division, accompanied by departmental and FBI supervisors, held several meetings in Waco and San Antonio. The meetings were held with SAC Jamar, AUSA Johnston, Texas Rangers supervisors, and U.S. Attorney Ederer in an attempt to determine the reasons for the coordination problems and to make recommendations to the Attorney General.

A fourth meeting between Koresh and DeGuerin took place from 9:35 a.m. until 12:10 p.m. A fifth meeting took place between 3:07 and 6:05 p.m.

After this last meeting, DeGuerin spoke with SAC Jamar. DeGuerin appeared to be frustrated with the negotiation efforts. He told Jamar that for every issue he resolved, Koresh would bring up a new one. DeGuerin also said that at one point, when

it appeared that Koresh was about to make a serious commitment to surrender, he (Koresh) appeared to "pass out." A few moments later, he regained his composure and diverted the conversation away from surrender. DeGuerin stated that he was unable to get any commitments from Koresh.

It was agreed that DeGuerin would try again the next day.

April 1

On April 1, Mark Richard returned to Washington, D.C. and reported his findings to the Attorney General. The Attorney General approved a plan wherein a senior prosecutor, Ray Jahn, would be assigned as lead counsel in the Branch Davidian case. AUSA Jahn would report directly to the Acting Assistant Attorney General for the Criminal Division in Washington, D.C. AUSA Jahn was charged not only with the responsibility for prosecution, but also with ensuring better overall cooperation between the numerous agencies involved.

At 9:53 a.m., both DeGuerin and Zimmerman entered the compound to speak to their clients, Koresh and Schneider. At 12:55 p.m., DeGuerin called the FBI command post and asked for additional time. DeGuerin believed that he was making "terrific progress" and wanted to continue talking to Koresh. The FBI

granted more time, since it appeared progress was being made.
The meeting continued until 6:02 p.m.

DeGuerin and Zimmerman met with SAC Jamar and told him that Koresh and his followers would leave the compound on either April 2 or April 10. The disparity in dates was due to confusion over the dates for observing the "Passover" holiday in the compound. The attorneys also informed Jamar that they had instructed their clients not to speak to law enforcement except to arrange the final surrender of those inside the compound. Jamar, after consultation with the United States Attorney's Office, declined to recognize the attorneys' instructions. The FBI continued to maintain contact with Koresh and Schneider, and Koresh and Schneider continued to maintain contact with the FBI.

April 2

At 10:21 a.m., the negotiators called the compound to ask Koresh if he and his followers would surrender. Schneider answered the phone and said Koresh was too weak to come to the telephone. According to Schneider, Koresh was "asking God" to tell him when they should come out. The negotiators reminded Schneider in this conversation that his attorney instructed him not to speak to law enforcement. Schneider acknowledged the instructions. He indicated, however, that he would call negotiators when he had additional information.

Between 4:00 p.m. and 5:00 p.m., the negotiators spoke to several women in the compound who requested that the FBI send in milk. ---

At 7:52 p.m. Schneider and Koresh called negotiators and told them that they would not come out until after Passover. They were not specific as to exactly when this would be; they only stated that they followed the Jewish Passover (which was to begin April 6). Koresh told the negotiators concerning the date to "figure it out themselves."

The conversation ended at 8:48 p.m.

April 3

The attorneys wanted to meet with Schneider and Koresh again on April 3. The negotiators called the compound at 9:01 a.m. to make the arrangements; however, they were told by Schneider that it was the Sabbath and that only the Bible or "spiritual things" would be discussed. The attorneys declined this invitation.

The negotiators attempted three telephone calls at 6:00 p.m. No one answered. There were no further contacts that evening.

April 4

At 10:35 a.m., the two attorneys entered the compound and met with Koresh and Schneider. This meeting lasted until 4:09 p.m.

After the meeting, DeGuerin and Zimmerman spoke to the FBI and stated that the meeting had been "very productive." However, they had been unable to determine with any precision exactly when the "Passover" would occur. According to the attorneys, Koresh reiterated that everyone would come out after "Passover." The attorneys also informed the FBI that Jesse Amen would be coming out at approximately 6:00 p.m.

Jesse Amen left the compound at 5:38 p.m.

April 5

There was no relevant activity during the 24 hour period. Those inside the compound were observing Passover.

April 6

There was no activity on April 6, except that at 8:00 p.m., Schneider called the negotiators to complain about the music and noise being broadcast over the loudspeakers. He said that if it

were not turned off in honor of Passover, he might never speak to them again. The FBI continued broadcasting music throughout the night.

April 7

There was no activity until 10:00 a.m. when an individual exited the compound and walked into the courtyard. The FBI activated two "flash bangs" (a "flash bang" is a stunning device emitting bright light, sound and smoke to divert the activity and attention of the subject) into the courtyard, causing the person to go back inside.

At 10:59 a.m., Schneider called about the "flash bang" incident, claiming that no one had been outside. Koresh came on the line and said that "Passover" would be observed for seven more days. When asked if he was going to come out then, Koresh began a long, rambling religious statement, and refused to confirm his surrender.

At 8:00 p.m., Schneider called the negotiators. He refused to give even an estimated date for the Davidians' exit from the compound.

April 8

The negotiators attempted several times to call into the compound between midnight and 10:00 a.m. No one answered.

At 12:02 p.m., the negotiators established contact with Schneider, who confirmed that everyone would eventually come out. Schneider also predicted an unspecified chain of events which would surprise everyone. He would not be more specific.

Between 4:00 p.m. and midnight, the negotiators called the compound approximately 6 times with no answers.

April 9

After several unsuccessful attempts to call the compound, and several occasions when the connection was lost because of technical problems, the negotiators spoke to Schneider at 11:28 a.m. Schneider repeated that Koresh would not come out until told to do so by God. Schneider offered no information as to a possible timetable. This call lasted until 12:35 p.m.

At 3:35 p.m., Schneider called the negotiators, then left the compound to drop off a letter from Koresh to the FBI. According to Schneider, Koresh dictated the letter to Judy Schneider. Schneider directed the negotiators' attention to the

last page of the letter stating that it was "very important."
The entire letter appears in the appendix to this report. The
last page is as follows:

Learn from David My seals or, as you
have said, bear the consequences. I forewarn
you the Lake Waco area of Old Mount Carmel
will be terribly shaken. The waters of the
lake will be emptied through the broken damn.
[sic] The heavens are calling you to
judgment.

Please consider these tokens of great
concern.

Yahweh Koresh

At the FBI's request, two experts analyzed the letter. The
experts noted that Koresh was possibly a functioning, paranoid-
type psychotic and that he had no intention of surrendering.^{6/}
(Koresh sent out four additional letters -- two on April 10, one
on April 11, and the last on April 14. The experts analyzed
those letters and concluded that Koresh had no intention of
leaving voluntarily).

At 7:03 p.m., Schneider exited the compound without any
prior notice to negotiators and walked toward one of the armored

^{6/} See pages 174-79 for details of those experts' reports.

vehicles. The agents released a "flash bang" near him, and he returned to the compound.

At 7:30 p.m., Schneider spoke with the negotiators. He was extremely angry about the "flash bang." Schneider screamed at the negotiators and said that he would come out anytime he wanted.

Also, at 7:30 p.m., another male exited the compound into the courtyard and was "flash banged."

The negotiators made numerous attempts to call into the compound between 8:00 p.m. and midnight, but the telephone was off the hook.

On this date, the FBI began to finish plans for inserting nonlethal Orthochlorobenzalmalononitrile (CS) tear gas into the compound. Discussions began at FBI Headquarters and with the Attorney General to determine if the plan would be approved and, if so, to decide when it would occur.

April 10

Telephone contact between the negotiators and the compound was hampered all morning by technical problems. A clear line was finally established at 1:53 p.m.

In a conversation beginning at 1:53 p.m. and lasting until 2:56 p.m., Schneider informed the negotiators that he had a second letter from Koresh to the FBI.

Beginning at approximately 2:30 p.m., members of the HRT, covered by the armored vehicles, began to install concertina wire around the compound. The negotiators explained to Schneider that the purpose of the wire was to limit entry into the compound as well as to control exit from the compound for safety and security reasons. Although the installation was started, it was never finished because of the extreme danger posed by the necessity of agents having to work in the open, directly in the line of fire of the weapons in the compound.

Schneider dropped Koresh's second letter outside the compound at 3:30 p.m. The letter was analyzed by the experts, who determined that it contained only Biblical passages and teachings with no clear significance to the situation at hand.^{1/} In any case, microphones inside the compound had recorded Schneider, not Koresh, dictating the letter at approximately 8:00 p.m. on April 9. Koresh's role, if any, in preparing the second letter is unknown. Schneider also delivered a third letter, that was identical to the first letter sent out on April 9.

^{1/} See pages 174-79 for a discussion of the experts' opinions.

Contacts continued with Schneider intermittently during the evening, but no progress was made.

[Material redacted as required by statute.]

April 11

During the early morning hours, the lights remained on while the noise and music continued over the loudspeakers.

At 6:55 a.m., the FBI activated a "flash bang" device when a person left the courtyard area.

At 10:00 a.m., Schneider indicated to negotiators that three additional people might be interested in coming out. He provided no names or other details.

At 7:38 p.m., the negotiators called Schneider to check on the status of the three people supposedly coming out. Schneider said that they would not be coming out that night.

At 11:12 p.m., Schneider called the negotiators and informed them that the three individuals had changed their minds and were not coming out at all.

April 12

At 5:00 a.m., an individual was arrested at one of the roadblocks while trying to get into the compound.

During the afternoon, Attorney General Reno, Acting Associate Attorney General Webster Hubbell, FBI Director Sessions, and other high ranking officials within the Department of Justice and FBI met. At this meeting, the Attorney General was briefed on the FBI's proposed plan to insert CS gas into the compound.

There were several conversations with Schneider during the day and evening; however, nothing of substance was discussed, and no progress was made.

April 13

The negotiators began a conversation with Greg Somers at 12:12 a.m. discussing the possibility of his coming out. At 12:29 a.m., Koresh unexpectedly came on the line and began a rambling, disjointed religious discourse. Each time the negotiators would attempt to steer the conversation to substantive matters, Koresh would simply keep preaching what the negotiators called "Bible babble." Koresh continued virtually non-stop until 5:49 a.m. The only matter discussed of any

substance was his oft-repeated position that God said to wait, and that he was not coming out until God told him.

At 10:10 a.m., DeGuerin attempted to contact Koresh through the FBI; however, Koresh would not speak to him since it was the Sabbath. Schneider told DeGuerin to call back at 8:30 p.m.

At 8:30 p.m., DeGuerin called back as instructed; however, Koresh still refused to speak to him.

April 14

From 10:21 a.m. to 11:32 a.m., DeGuerin and Zimmerman spoke over the telephone to Koresh and Schneider. The attorneys advised the FBI at the end of this conversation that Koresh had established a new precondition for his coming out. Koresh would only come out after he finished writing a manuscript which explained the Seven Seals.

In the afternoon, there was a meeting in FBI Director Sessions' office to brief the Attorney General on the military and medical perspectives of the proposed plan to insert CS gas into the compound. Two military experts provided their assessments of the plan, while a medical doctor summarized the

results of studies of the effects of CS gas, particularly on children, pregnant women, and the elderly.^{8/}

Pursuant to an inquiry from the Attorney General, the FBI began to gather information about the compound's water supply. The Attorney General wanted to know how long the Davidians could hold out if the status quo continued.

There were ongoing conversations with individuals in the compound throughout the day and evening, but no progress was made.

April 15

At 7:30 a.m., FBI Air Operations reported that the water storage tank in the rear of the compound appeared to be full. This information was immediately made part of the report to the Attorney General. The report concluded that the compound had a sufficient water supply to last a significant period of time.

[Material redacted as required by statute.] At 5:15 p.m., the FBI activated a "flash bang" device when a male exited the compound unannounced. He returned inside for a few moments, then came back outside. The FBI activated another "flash bang."

^{8/} See pages 266-70 for a discussion of these assessments.

Observers from inside the compound watched through every available window as this occurred.

No further relevant activity occurred on April 15.

April 16

There were eight conversations with four individuals for a total of 3.35 hours on April 16. The only conversation of relevance was Koresh's telling the negotiators that he had just completed the manuscript on the First Seal.

Meanwhile, in Washington, D.C. the Attorney General and the Director of the FBI met with other officials to consider the tear gas plan. The Attorney General directed the preparation of a statement describing the situation inside the compound, the progress of negotiations, and the merits of the proposed plan to insert CS gas. She directed that supporting documentation be provided for all factual assertions and that the statement be delivered to her the following day.

April 17

At 3:50 p.m., Louis Alaniz, the first person to sneak into the compound, departed. Prior to his departure, the court-

ordered electronic surveillance intercepted a conversation in which Schneider attempted to talk Alaniz out of leaving.

In the afternoon, the Attorney General approved the FBI's plan and directed that it be put into effect beginning Monday, April 19. The FBI commanders in Waco were notified of the Attorney General's decision at 7:00 p.m. The FBI began preparations for inserting the gas.

April 18

On the morning of April 18, the Attorney General notified the President that she had approved a plan to use CS gas at the compound the next day. The President indicated that he concurred with the decision of the Attorney General.

During the afternoon, the United States Attorney's office in Waco obtained arrest warrants from a U.S. Magistrate Judge for everyone known to be inside the compound. The warrants charged some of the individuals with crimes, and others as material witnesses. The United States Attorney's office had previously obtained search warrants for the compound on April 13 and April 16.

At 1:53 p.m., in preparation for the insertion of the CS gas into the compound, the armored vehicles began to remove the remaining vehicles from in front of the compound.

At 2:00 p.m., Koresh called the negotiators, angrily complaining that the cars were "irreplaceable," and that the people in the compound were going "to get mad." Koresh threatened that the safety of the women and children were in jeopardy. In particular, Koresh was angered by the removal of his personal automobile, a Chevrolet Camaro. Schneider told the negotiators later that day that he was not as upset as Koresh about the removal of the vehicles; however, there was still no progress in the negotiations.

The FBI warned the Branch Davidians to stay out of the tower during the operation to clear the automobiles. The tower provided the occupants with an ideal sniper post. Nevertheless, while the armored vehicles were removing the vehicles, adults held up children in the other windows of the compound. In addition, an HRT sniper saw a cardboard sign placed in one of the windows of the compound that read "Flames Await." The sign had flames drawn on it as well. The sniper reported what he had seen to the command post.

[Material redacted as required by statute].

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At 5:59 a.m., SSRA Sage called into the compound and told the person answering the telephone that it was very important that he speak with Schneider or Koresh. Another individual came to the telephone and Sage informed him that gas was about to be introduced; that it was not an assault; that no FBI agents would enter the compound; and that no one should fire weapons. The individual hung up the phone. Two CEVs, or Combat Engineering Vehicles, approached the compound to begin methodically injecting tear gas through spray nozzles attached to their booms.

At this point, SSRA Sage began reading a message over the loudspeaker system to those inside the compound, advising them to come out immediately and that they were now under arrest.

The plan to insert the gas was initiated at 6:02 a.m. At 6:04 a.m., the Davidians began shooting at, and hitting, the CEVs. Once the Davidians opened fire, the FBI was authorized to insert gas into the entire compound. The FBI began deploying "ferret" rounds (canisters containing gas) through the windows.

SSRA Sage continued broadcasting his announcement over the loudspeaker system while the armored vehicles continued to insert CS gas at intervals. The intervals occurred during the approximate one hour period that it took to reload the gas

canisters in the vehicles. During these intervals Sage urged the people to come out before more gas was inserted. The Davidians continuing firing at the FBI vehicles.

At 6:41 a.m., someone threw the telephone outside the front door of the compound.

[Material redacted as required by statute.] At 9:47 a.m., an individual exited the compound and retrieved the telephone. However, the telephone lines had been cut, and contact was never re-established, despite the efforts of FBI technical personnel.

[Material redacted as required by statute.] At approximately 12:07 p.m., the Davidians started fires at three separate locations within the compound. At approximately the same time, an HRT observer saw a male starting a fire in the front side of the building. By 12:12 p.m., the compound was on fire in several locations.

At 12:12 p.m., SSRA Sage broadcasted an urgent message to Koresh not to put the people through this (the fire), and to lead them out to safety.

At 12:13 p.m., the FBI requested assistance from the fire department. At 12:16 p.m., a male left the compound from the second floor roof. At first, he refused assistance from the FBI.

Two minutes later he jumped off the roof and surrendered.

Between 12:20 and 12:30, seven additional individuals came out of the compound and were arrested. At approximately 3:10 p.m., the last survivor emerged from the compound. A total of nine Davidians survived the fire.

One woman left the compound, saw the FBI vehicles, then ran back into the blazing compound. An HRT agent risked his life by leaving his armored vehicle, running into the flames, and saving the reluctant woman. She fought the agent the entire time he was rescuing her.

At approximately 12:25 p.m., numerous agents heard what they described as "systematic" gunfire in the compound. The gunfire was described as "systematic," as opposed to rounds "cooking off" from the intense heat of the fire. Several agents believed at the time that the Davidians were either killing themselves or each other.

At 12:34 p.m., the fire trucks arrived; however, because of the danger of gunfire, firefighting efforts did not begin until 12:41 p.m.

While the fire was still burning and ammunition was exploding, another group of HRT agents risked their lives by entering the tunnels in the compound to search for survivors,

especially children. Although the agents discovered the tunnels, and a buried school bus connected to the tunnels, to be cool and undamaged by the fire, no survivors were located.

Following the fire, the FBI and Texas Rangers searched the remains of the compound. The search uncovered the remains of most of the Davidians who perished. The search also uncovered over 100 firearms, including .50 caliber weapons and fully automatic assault rifles, and approximately 400,000 rounds of ammunition. In addition, the ATF assembled an arson team consisting of experts from around the country. The arson team concluded that the Davidians had started the fire at three separate places inside the compound, and that the FBI's actions did not cause the fire. The arson team also concluded that the Davidians could have escaped the fire if they had wanted.

III. THE FBI'S MANAGEMENT OF THE STANDOFF AT MT. CARMEL

A. Introduction

The FBI's investigative and operating procedures include a Crisis Management Program (CMP), which involves a process of identifying, acquiring and planning the use of resources needed to anticipate, prevent or resolve a crisis. The stated objectives of the FBI's CMP are to preserve life, and to enforce the laws over which the FBI has jurisdiction. In keeping with those objectives, the guiding principle in negotiation and tactical employment is to minimize the risks to all persons involved: hostages, bystanders, subjects, and law enforcement officers.

Once marshaled, the applicable resources are formed into a Crisis Management Team. The components of a Crisis Management Team may include managers, negotiators, tacticians (SWAT, HRT), investigators, the Special Operations Group (SOG), technical and support services, legal assistance, and media representatives. The crisis management, negotiation, and SWAT programs are coordinated at the FBI Headquarters level by a program manager

working in the Special Operations and Research Unit (SOARU) of the Training Division.^{2/}

The crisis management team established in Waco was headed by an on-site commander, Special Agent-in-Charge (SAC) Jeffrey Jamar from the FBI's San Antonio Division. It is FBI policy that the SAC in the Division where the incident occurs will be the on-site commander, absent exceptional circumstances requiring FBI Headquarters to assign a commander from outside the local Division. As the commander, SAC Jamar was responsible for the overall resolution of the standoff, and for preventing any further loss of life, if at all possible.

All the components of the Crisis Management Team reported directly to SAC Jamar. However, because of the necessarily ad hoc arrangement of the team for that particular crisis, each component had its own supervisory personnel who, in addition to reporting to SAC Jamar, also coordinated their activities with FBI supervisory personnel at FBI Headquarters in Washington,

^{2/} The SOARU provides training and research for all of the various components of crisis management and major case management within the FBI. It provides training in crisis management, crisis negotiations, major case management, special events management, special weapons and tactics (SWAT), observer/sniper operations, and tactical air operations.

SOARU also provides logistical and advisory support to FBI field offices, assistance to FBI Headquarters and field offices in designing and implementing command-post and field-training exercises, monitoring and assessment of FBI field crisis management capability, liaison with other members of the crisis management "community," and administrative support to the FBI Academy.

D.C., and at Quantico, Virginia. The two major components of the team at Waco were the negotiators and the tactical personnel, including the HRT and various SWAT teams. SAC Jamar was responsible for developing the overall strategy in coordination with the negotiators and tactical personnel, while ensuring that the activities of the other components advanced and supported the overall strategy.

SAC Jamar, as on-site commander, reported directly to Larry Potts, Assistant FBI Director (AD) for Criminal Investigations at FBI Headquarters in Washington, D.C. Assisting AD Potts were his deputy and several other supervisory personnel. During the standoff, Assistant Director Potts reported to Associate Deputy Director Douglas Gow, Deputy Director Floyd I. Clarke, and Director William S. Sessions.

FBI Headquarters assigned additional SACs to the scene to assist SAC Jamar. They were Robert Ricks of the Oklahoma City Division, Richard Schwein of the El Paso Division, and Richard Swensen of the New Orleans Division.^{10/} All SACs worked in

^{10/} According to AD Potts, the SACs assigned to Jamar were selected on the basis of location, talent, experience and general abilities. Potts considered them to be a good blend of managers who would counterbalance each other and provide FBI Headquarters with the type of input necessary to critical decision-making.

Several Assistant Special Agents-in-Charge (ASACs) were also detailed to Waco: Richard T. Lind of the Minneapolis Division, Manuel Marquez, Jr. of the San Antonio Division, and Thomas J. Murphy of the Denver Division.

the FBI's command post.^{11/} Jamar and his cadre of SACs worked closely throughout the standoff to manage and coordinate the activities of all FBI components deployed at Waco.

The duties and responsibilities of SAC Ricks, who arrived in Waco on February 28, were to support SAC Jamar. Ricks' main responsibility was to handle the press briefings and to work with the negotiation teams. Before each press briefing, Ricks would meet with the team to determine what it was trying to accomplish with the Branch Davidians inside the compound. The press briefings were then used to inform the public of developments in Waco and to attempt to influence the negotiations to the extent possible.

SAC Swensen, who arrived in Waco the evening of February 28, worked the 10:00 p.m. to 10:00 a.m. shift until SAC Schwein arrived, at which point Swensen assumed the 4:00 p.m. to midnight shift. Swensen performed different tasks during the Waco standoff, including collecting information about the capabilities

^{11/} Bureau policy states that some type of command post is necessary to coordinate the actions of multiple units, especially when the units are engaged in several activities or when the number of individuals involved in a crisis situation exceeds the span of control of the on-site commander. Two command posts were established at Waco: a forward command post used by the tactical units, and the main command post used by the commanders, behavioral scientists, and negotiators. The forward command post was located in a recreational vehicle near the Mt. Carmel compound. The rear command post was located at a former air base near Waco.

of military vehicles^{12/} and preparing information for the plan to insert CS gas. SAC Schwein arrived in Waco on approximately March 15 to assist the other three SACs currently there. He manned the midnight to 8:00 a.m. shift.

B. The FBI's Strategy for Handling the Standoff

SAC Jamar's duty was to determine the overall strategy for responding to and resolving the standoff. Former Deputy Assistant Director (now Baltimore SAC) Danny Coulson has noted that SAC Jamar's task was fraught with difficulties from the outset, because the FBI had been brought to Waco to "salvage a failed tactical effort." According to Coulson, the FBI had entered the operation "backwards," after a violent encounter had already occurred resulting in death and serious injury to both law enforcement agents and Branch Davidians. There was no opportunity to develop beforehand intelligence and sources of information that might have brought a quick, peaceful resolution of the matter. Moreover, emotions were running high on both ends because of the casualties suffered by each side. The FBI thus found itself in the difficult position of having to mobilize tremendous amounts of resources at the same time it was

^{12/} After it was decided that the best protection for agents against the possible high-power weapons believed to be in the compound was the Abrams tank, Swensen contacted approximately eight generals one night in a prolonged effort to determine how to get the tanks to Waco. Swensen reported that he was ultimately told to invoke either Secretary of Defense Les Aspin's or General Colin Powell's name to "cut through the red tape."

attempting to stabilize a very volatile situation without the benefit of prior planning.^{13/}

The FBI's initial strategy focused on stabilizing the crisis situation, establishing a dialogue with Koresh and his followers, and gathering intelligence that might offer some insight into the motivations and intentions of Koresh and his sect. The immediate tactical responsibilities of the FBI were to establish both an interior perimeter to prevent the escape of those inside the compound as well as exterior perimeters to maintain the safety of the media and others present at the site and to prevent Koresh's supporters or other individuals from entering the proximity of the compound. In addition, efforts were undertaken both at FBI Headquarters and by SAC Jamar to establish an ongoing dialogue and coordination with ATF leadership both in Washington, D.C., and in Waco, Texas.

Beyond that, there were long-term concerns for the safety of the children within the compound, and for some of the adults who,

^{13/} Mr. Coulson noted that while Koresh's group was not the first heavily armed cult that the FBI had encountered, the Waco situation was unique in that an assault by law enforcement had preceded negotiations with heavily armed cult members who had planned for a confrontation. Coulson contrasted the Waco situation with a previous investigation by the FBI and ATF of a cult known as the Covenant, Sword and Arm of the Lord in Mountain Home, Arkansas. The overall strategy in that case was to isolate, contain, and negotiate, with a great deal of effort going into the intelligence-gathering process. The subjects were armed with assault rifles, LAWS rockets, hand grenades, machine guns, and other sophisticated military equipment. Ultimately, all individuals surrendered peacefully.

it was suspected, were being held against their will. Accordingly, the FBI's overall strategy was to seek a negotiated settlement, to shrink the perimeter gradually, to deny the Branch Davidians creature comforts in an effort to secure their surrender and departure from the compound, and to resort to deadly force or conduct an assault only as a last resort.^{14/}

C. The Role of FBI Headquarters in the Standoff

The following Headquarters' officials played significant roles in the FBI's decision-making in the Waco matter: former Director William S. Sessions; Deputy Director (DD) Floyd I. Clarke; and Associate Deputy Director for Investigations (ADD-I) Douglas Gow. Assistant Director (AD) Larry A. Potts of the Criminal Investigative Division (CID) was responsible for the day-to-day oversight at headquarters and for communicating regularly with SAC Jamar. AD Potts' principal assistants were Danny O. Coulson, the then Deputy Assistant Director (DAD) of CID, and E. Michael Kahoe, Section Chief of CID's Violent Crimes and Major Offenders Section (VCMOS).^{15/}

^{14/} Prior to final deployment of FBI resources, AD Potts, SAC Jamar and HRT Commander Richard Rogers agreed on rules of engagement for the crisis. These rules consisted of the FBI deadly force policy, which states that agents were not to use deadly force against any person except in self-defense or defense of another, or when they had reason to believe that they or another were in danger of death or grievous bodily harm.

^{15/} Three CID unit chiefs, Gale R. Evans, Violent Crimes Unit, Anthony A. Betz, Domestic Terrorism Unit, and Patrick J. Foran, Safe Streets and Planning Unit, also assisted.

Although Director Sessions was in overall charge of the operation, he shared decisions on the major issues -- tactics, resources, and command and control -- with DD Clarke and ADD-I Gow. Sessions, Clarke, and Gow were briefed on these issues by AD Potts, DAD Coulson and Section Chief Kahoe.^{16/}

One of the first decisions these officials made concerned the FBI's assuming command and control of the crisis situation from ATF. ATF headquarters officials notified FBI headquarters of the shooting at Waco on February 28, the day the shoot-out occurred. Following a series of briefings and meetings, Ronald K. Noble, Assistant Secretary for Enforcement, Department of the Treasury (designee), contacted DD Clarke to discuss the possibility of assistance from the FBI's Hostage Rescue Team (HRT). After discussing with Clarke the proposed command structure should the FBI assume control of the crisis with HRT involvement, Noble said he would confer with Treasury officials on the arrangement and would then speak with AD Potts.

^{16/} These briefings frequently took place in the FBI's Strategic Information Operations Center (SIOC). The SIOC was established to provide emergency response and operational support to any FBI entity requiring assistance during both crisis and non-crisis situations through an analytic and support staff with access to an abundance of commercial, governmental and FBI databases.

AD Potts and Mr. Kahoe were the principal CID representatives in the SIOC from 6:00 a.m. until 6:00 p.m. daily. DAD Coulson was present from 4:00 p.m. to midnight each day.

ATF Deputy Director Dan Hartnett also expressed concerns to AD Potts about placing the FBI in command of the Waco situation. Potts informed Hartnett that HRT would not be fully deployed unless an FBI SAC assumed on-site control, which would in turn mean placing FBI negotiators and other support personnel on the scene under FBI control. Potts agreed, however, to send an advance unit of the HRT to Waco to survey the situation. Later, Acting Attorney General Stuart Gerson (a Bush Administration holdover who filled in until Janet Reno's swearing in on March 12, 1993) contacted Mr. Potts, who explained to Gerson the make-up of HRT and the need for total FBI command if the HRT were fully deployed. Gerson fully supported the FBI's position. On March 1, Treasury and ATF officials formally requested that the FBI become the lead agency in Waco.

FBI headquarters officials also played a role in the formulation, during the first week of the standoff, of an emergency assault plan for use by the FBI in the case of homicide (or combined homicide-suicide) in the compound. It was generally agreed that if an emergency response was warranted, the FBI would use armored vehicles to punch holes and insert gas into the building. This action, it was hoped, would create a diversion and provide additional avenues of escape for those inside the compound who wanted to leave. It was also part of the plan that no HRT member would approach the building on foot due to the extraordinary firepower believed to be in the possession of

Koresh and his followers. Director Sessions believed it was essential for the FBI to be "in control of its own fate" and to ensure the safety of its own agents' lives. A major concern in everyone's opinion was the need to avoid being drawn into a situation, or taking any action, which would escalate unnecessarily. To DD Clarke, it was important at the same time to convey to the Davidians the FBI's commitment to a peaceful resolution and intent to remain in Waco until that objective was achieved.

Another major role for FBI Headquarters' personnel included contacting various U.S. military components regarding the transportation of agent and support personnel, and obtaining data about the effective range of assorted weapons. The FBI also sought technical information about certain military vehicles. According to DD Clarke, there was concern and uncertainty as to the types of weapons inside the compound, particularly in view of the reported presence of .50 caliber rifles capable of penetrating any tactical vehicle in the FBI's inventory. As a result of these concerns, the FBI requested Bradley fighting vehicles from the U.S. Army. Nine of these -- without barrels, pursuant to an agreement between the FBI and the Army to avoid posse comitatus prohibitions -- were ultimately provided.

When the Bradleys arrived and were positioned around the compound, Koresh advised that he had weapons that could "blow

them 40 to 50 feet in the air." The FBI then sought and obtained from the Army two Abrams (M1A1) tanks and five M728 Combat Engineer Vehicles (CEVs), to give FBI personnel adequate protection from the .50 caliber rifles and other, more powerful weapons the Davidians might have.^{17/}

Finally, FBI Headquarters' officials served as advisors to the Justice Department, particularly in the latter stages of the standoff as the plan for the insertion of gas was developed. The FBI ensured the flow of information from the Bureau and the SIOC to Acting Attorney General Gerson and later Attorney General Reno, and to other departmental officials, including members of the Criminal Division's Violent Crimes and Terrorism Section.

D. The Negotiations

1. Organization of the Negotiation Teams

In all, 25 negotiators were assigned to the negotiation team during the Waco standoff. The overall negotiation effort was coordinated by FBI Quantico SSAs Gary Noesner (from February 28 to March 25) and Clinton R. Van Zandt (from March 23 to April

^{17/} The FBI also used a 17th tracked vehicle -- a M88 Tank Retrieval Vehicle. (For a complete list of military personnel and equipment present at the compound as of April 13, 1993, see appendix B)

20).^{18/} SSRA James M. Botting, a member of the FBI's Critical Incident Negotiation Team (CINT),^{19/} acted as the night negotiation team coordinator from March 1 to March 15.

There were two negotiation "cells" on the team, one for the 6:00 a.m. to 6:00 p.m. shift, and one for the 6:00 p.m. to 6:00 a.m. shift. Later in the standoff, the number of cells was increased to three, with eight-hour shifts. The negotiation cell for each shift consisted of the following positions: a team leader, a primary negotiator, a secondary negotiator, a scribe-historian, and a situation report (SITREP) preparer. The team leader -- an FBI agent serving as the primary point-of-contact between the negotiators and SAC Jamar and other decision-makers in the command post -- was responsible for advising the command module of all items of significance gleaned from the negotiation process. Additionally, the team leader was charged with working in concert with the overall negotiation commander. The primary

^{18/} Pursuant to FBI policy, the on-site commander appoints a negotiation coordinator responsible for devising negotiation tactics and procedures in support of the overall strategy drawn up by the on-site commander. Tactics and procedures formulated by the coordinator are subject to the approval of the on-site commander. The negotiation commander acts as the commander of the negotiation team, and should also act as the team's representative and adviser to the command post.

^{19/} The SOARU manages the CINT. The CINT is comprised of the FBI's most experienced negotiators who have a specialized investigative or foreign language capability. CINT members are afforded advanced training in negotiation and terrorism. The FBI considers the team to be a national resource; it is deployed at the direction of the FBIHQ through contact with SOARU.

negotiator -- a position variously assumed by members of the FBI, ATF, and Austin Police Department (APD) -- conducted the live telephonic negotiations and discussions with individuals inside the compound. The secondary negotiator and coach, an FBI agent, was responsible for assisting the primary negotiator in developing and executing a negotiation strategy. The scribe-historian, from the FBI and the APD, maintained the hostage negotiation log and the chain of custody for the audiotapes of the negotiations. Finally, the SITREP preparer -- a post filled by representatives of the FBI, ATF and APD -- maintained a record of all significant issues and developments during the process. All negotiations were conducted in a separate negotiations room in the main command post. At any given time there could also be present two observers from the FBI's Behavioral Science Unit, and two to three observers from ATF and the McLennan County, Texas Police Department.

2. Negotiation Strategy

According to Director Sessions, on March 1, he and President Clinton discussed the Bureau's proposed strategy for handling the crisis. Sessions described it as a "waiting" strategy, whereby the FBI would negotiate, watch and contain.^{20/} Not long after

^{20/} According to Director Sessions, it was clear from the Bureau's past dealings with inmate uprisings at Bureau of Prisons facilities at Atlanta, Georgia and Oakdale, Louisiana, that the FBI's local commander should have a great deal of discretion in handling a
(continued...)

this discussion, Acting Attorney General Gerson advised Sessions that the President had approved the proposed strategy and had asked to be advised of any change to it.

The negotiators' goal was to prevent further loss of life. They used their communication line to advise various people inside the compound of the "Rules of Safety," to caution them about unauthorized activity, or both.

3. Significant Negotiation Events During the Standoff

a) Early Negotiations: February 28 - March 5

The McLennan County Sheriff's Department was the first agency to establish contact with the Branch Davidians during the shootout, when it spoke with Wayne Martin, who had called from inside the compound on the department's "911" line. SSRA Byron Sage of the FBI's Austin Resident Agency arrived at the sheriff's office shortly after the shootings and was asked by Cavanaugh to maintain the conversation with Martin. Meanwhile, ATF ASAC James Cavanaugh, who was inside a residence adjacent to the sect's compound during the ATF raid, also established contact with those inside the compound. Shortly after the firefight began on

^{20/} (...continued)

particular situation. He said that he agreed with this approach as long as the "waiting" strategy was adhered to.

February 28, Cavanaugh used a cellular telephone to contact Koresh and negotiate a cease-fire so that ATF could evacuate its dead and wounded. After the evacuation, negotiations were put on hold until Cavanaugh could withdraw to the ATF command post and ATF agents could assess the situation.

For the remainder of the day, ASAC Cavanaugh, FBI Special Agent James Fossum, and members of the Austin Police Department negotiation team communicated with the compound via telephone from the ATF command post. Ultimately, four children were released on the 28th.

On Monday, March 1, FBI hostage negotiator SSA Gary Noesner arrived in Waco and began to work with ASAC Cavanaugh. Early that afternoon, Noesner took over direct negotiations, and the negotiation site was relocated to the recently established FBI command post. Ten more children were released that day. On March 2, Cavanaugh returned and functioned as the primary day negotiator through March 5; FBI Special Agent Henry Garcia functioned as the primary night negotiator. Seven more children and two elderly women were released between March 2 and March 6.

b) Negotiation Team Themes

On March 5, the Hostage Negotiation Team listed several "themes" for its negotiation efforts, which are summarized below.

The first theme was to appeal to the parents inside to join their released children by sending photographs and videotapes of the children into the compound, passing messages from the children to their parents and vice versa, and demonstrating that the children needed the parents, missed them and awaited their reunion. The second theme involved continued reassurance to all those inside the compound that they would not be harmed and would be treated fairly if they came out. The next theme was to use twice daily FBI press conferences to accentuate the positive reasons for the individuals to come out, to demonstrate concern for their safety, to clarify press distortions or inaccurate speculation about persons inside the compound, and to use psychology to get the Davidians to doubt Koresh's leadership. In this regard, the negotiators also attempted to "drive a wedge" between Koresh and Steve Schneider, his second-in-command. The negotiators constantly urged Schneider to take charge and to bring the people out. Finally, the last theme was to pursue discussions aimed at providing Koresh with an incentive to come out, including discussing and implying weaknesses in a prosecution of Koresh, and pointing out to Koresh the opportunity to expand his following and promote his views through book and movie deals.

c) Negotiations From March 6 to 13

In a memorandum to negotiations coordinator Botting dated March 6-7, 1993, FBI agents Stephen Mardigian and James Duffy

outlined a multi-prong negotiation strategy discussed with the on-site negotiators and with DAD Coulson and SAC Jamar. First, the negotiators proposed continuing efforts to drive a wedge between Koresh and his followers by playing on the emotional bond between parents still inside the compound and their released children. One idea along this line was to videotape the children at play and send the tape into the compound. Another suggestion was to allow the children to communicate with their parents through short notes or drawings with written messages about how much they missed their parents.

A second part of the strategy involved efforts to gain direct intelligence of ongoing activities inside the compound. One suggestion was to offer Koresh a video camcorder. The videotape camera could be used to: (1) give Koresh a means to communicate his religious messages or other statements in return for which negotiators could request the release of children or others inside the compound; (2) give Koresh a way to display his injuries from the February 28 conflict to prove that he was injured; and, (3) to show the released children that their parents inside were doing well.

Additionally, Mardigian and Duffy recommended contacting Branch Davidian Wayne Martin's parents to request their assistance in making a "media plea" to their son and grandchildren inside the compound. Finally, Mardigian and Duffy

recommended that the negotiators raise with those inside the compound the possibility of allowing them an opportunity to 'break and run' via a recommended escape route.

On or about March 6, Director Sessions called Gary Coker, Esq., a private practitioner in Waco, to discuss the possibility of Coker acting as a negotiator with Koresh. Sessions explained he decided on his own to contact Coker because, as he said, no one seemed to have the "key to Koresh." Sessions said that in his discussions with Coker, Coker said that he had represented Koresh previously (as Vernon Howell), that he was currently representing one of the first women to leave the compound, and that he would walk into the compound to "pave the way."

Director Sessions recalled that Coker was confident that Koresh was remorseful. Coker told Sessions that Koresh had come from a broken home, and described Koresh as egotistical, messianic, and craving attention. He said that Koresh needed to exert "strong control," and that the Branch Davidians did whatever Koresh told them to do. Sessions further recalled Coker saying that Koresh feared going to prison. Sessions noted that Koresh had been acquitted in the earlier shooting case involving George Roden. He and Coker agreed it would be helpful if someone -- perhaps Branch Davidian Wayne Martin, a lawyer -- discussed the fairness issue with Koresh. The conversation ended with

Coker offering to speak by telephone with Koresh and to introduce Koresh to the Director.

Sessions conveyed Coker's offer of assistance to Assistant Director Potts, who in turn discussed the offer with SAC Jamar. Jamar had already met with Coker to discuss his possible assistance; however, Jamar believed that Coker was only interested in obtaining Koresh as a client. Therefore, Potts and Jamar were opposed to the idea of using Coker to negotiate with Koresh, as was Deputy Director Clarke. Potts and Clarke advised Sessions against the idea. Clarke thought that Coker's participation in the negotiations would inject the FBI Director into the operational process and possibly impair needed objectivity. He also thought Koresh might use Coker as a platform to disseminate his interpretation of the "Seven Seals."

On March 12, the first young adults -- Kathy Schroeder and Oliver Gyarfas -- exited the compound. When they called back into the compound, the FBI recorded and later broadcast those conversations over the P.A. system to those inside.

d) Negotiations From March 14 to 22

Despite the FBI's attempt to emphasize (with the concurrence of ATF) that it was different from ATF, Koresh, Schneider, and Martin seemed reluctant to believe anything told to them by any

agents of the federal government. However, since they had stated that they respected Sheriff Jack Harwell of the McLennan County Sheriff's Office, the negotiators decided on March 13 to inject Harwell into the negotiations. In a departure from conventional negotiation doctrine, SAC Jamar approved a face-to-face meeting on March 15 between SSRA Sage and Sheriff Harwell, and Schneider and Martin.

The meeting was held on a driveway about 50 yards from the building and lasted about an hour. Sage described it as "very tense" and -- because it was raining -- "very uncomfortable." Nonetheless, Sage believed that they made significant inroads. After defusing some of the issues Martin had raised about the legality of the search warrant, Harwell was able to pry Martin away from the other two, leaving Sage an opportunity to concentrate on Schneider.

A rapport was established, particularly with Schneider, and a second face-to-face meeting was scheduled for March 17. On the 17th, Sage and Harwell went to the forward command post and telephoned the compound to confirm with Schneider the time of the second meeting. Schneider said that he was reluctant to come out. When it became evident that Koresh was in the background telling Schneider what to say, Sage asked to talk to Koresh. Koresh got on the phone and informed Sage that he had decided against the second face-to-face meeting. Sage concluded from

this incident that Schneider had been thrust into a position he was not capable of filling -- being Koresh's lieutenant, and that Koresh probably lacked confidence in Schneider.

SSRA Sage described a subsequent conversation he had with David Koresh that day -- termed the "dutch uncle conversation" by SAC Jamar -- as reflecting a distinct change in the negotiation strategy. The conversation began with Koresh telling Sage that he (Koresh) did not hold Sage accountable for his ignorance of the Bible and the Seven Seals. Sage replied that although Koresh had told the FBI from the outset that Koresh would come out if the Bureau could unlock the Seven Seals, this was "garbage." Sage said that he had read from the same book as Koresh and he knew that the only one who could unlock the seals was the Lamb of God. Finally, Sage told Koresh that he was confident of his salvation and that Koresh was in no position to judge him.^{21/}

SAC Jamar suggested, and SSRA Sage agreed, that this conversation should be broadcast to those inside the compound. This was one of many times the loudspeaker system was used to communicate with those inside the complex. In addition to the "dutch uncle conversation," two of Sheriff Harwell's conversations with Koresh and Schneider were aired. For the most

^{21/} Sage said that after he had 'nailed Koresh to the wall' in this conversation, Koresh handed the phone to Steve Schneider, who was flabbergasted because he had never heard anyone talk to Koresh that way and get away with it. From then on, Koresh referred to Sage as "Mr. Byron."

part, the loudspeakers were used to communicate information directly to the compound's residents, rather than indirectly through Koresh or Schneider. Sage did most of the announcing. Those broadcasts were intended to keep everyone in the compound well-informed, as the FBI suspected that Koresh was restricting information to a small core of insiders.

According to Sage, the negotiators had requested a library of recordings of different sounds to be broadcast for purposes of sleep deprivation. However, the tapes of the Tibetan monk chants, which Sage had found personally offensive, had come directly from SAC Schwein. These chants were played because they were annoying, and not because of any religious significance.

When Koresh announced his cancellation of the second face-to-face meeting on March 17, SAC Jamar decided that it was time to increase the pressure. Sage thought that Jamar was correct in this conclusion because Koresh's sole objective was to delay; Koresh obviously did not want to come out and lose all he had gained up to that point. The agents regarded him as an obstructionist bent on avoiding a resolution. Their ideas were to: 1) demonstrate the authority of law enforcement, and 2) fine-tune the assessment of who they were dealing with -- a delusional religious zealot with a messianic complex, or a con man.

On March 22, 1993, SAC Jamar provided Koresh with a letter offering certain reassurances regarding contacts with his followers while incarcerated and the opportunity to appear on a television talk show. In return for these assurances, Koresh and his followers had to leave the compound during a specified period of time the following morning. Although Schneider seemed receptive to the offer, Koresh rejected it. Following this rejection, the FBI assessed how it "could be used against Koresh" and came up with the following suggestions. First, the contents of the letter should be broadcast several times to the occupants of the compound through loudspeakers so that they would be aware of the offer. Next, the letter should be made available to the press to demonstrate how the FBI was making every attempt to resolve the crisis. Finally, in discussions with Koresh or Schneider, the negotiators could emphasize that Koresh had rejected what he had specifically requested earlier, that the rejection was counterproductive, and that Koresh was not negotiating in the same honest, straightforward manner as the FBI.

4. The Negotiators' Conclusions

In a communication dated March 22, 1993, the negotiators set out a proposal "designed to incrementally escalate stress within the compound to bring [the] standoff to an orderly and positive resolution." Although 34 individuals had departed from the

compound after 23 days of discussions, the negotiators had no clear indication that large numbers of those remaining inside would depart any time soon. Notwithstanding what it described as "encouraging comments" about forthcoming departures, the negotiating team observed that Schneider and Koresh had continued to resist all efforts by the negotiators to obtain specific names, numbers or time frames for any departure. (See appendix C for a list of various demands made by the Davidians through April 9, 1993, and the FBI's responses to them.)

The negotiation team was careful to point out its belief that while a fairly quick resolution of the standoff seemed unlikely, the prospect of an eventual peaceful resolution remained good. This opinion was based on three factors: the low suicide potential of individuals within the compound; the lack of direct threats, substantive demands or deadlines; and the absence of any additional violence. The negotiators described the attitudes of Schneider, Koresh and others in the compound during the negotiations as having changed from generally unrepentant and defiant to verbally acquiescent and hesitantly compliant. In their view, the standoff left the Branch Davidians with an increased sense of hopelessness and isolation. Although Koresh and Schneider had stated in recent conversations a willingness on everyone's part to come out, the problem was the pace of the surrender.

The negotiators thought that Koresh, while somewhat compliant, remained manipulative and continued to try to control the situation. It was the team's opinion that, absent any medical deterioration, Koresh would continue to stall as long as possible, conceding only what he absolutely had to. Moreover, Koresh's followers remained loyal to him despite the feelings of loneliness, isolation, and insecurity present among those in the compound.

The particulars of the negotiation team's "stress escalation" proposal included the use of public broadcasts to communicate to those in the compound that the FBI's patience was not endless, that the time had come for all individuals to leave the compound, that repeated efforts by the FBI to resolve the incident had fallen on deaf ears, and that the FBI hoped to resolve the matter without violence. Next, the negotiation team proposed broadcasting a warning that all vehicles parked in front of the compound would be removed if the Branch Davidians did not vacate the premises by a stated deadline. Failing a positive response from the Branch Davidians to these actions, the negotiators recommended that an announcement be made advising that tear gas would be introduced as a non-lethal means of clearing the compound.

5. Differences in Opinions Within The Crisis Management Team

As noted above, it was the FBI's overall strategy to negotiate a peaceful exit from the compound, while also conducting certain tactical operations designed to tighten the perimeter around the compound, to demonstrate to those inside that Koresh was not in full control, to make the lives of those inside increasingly uncomfortable, and to provide greater safety for everyone involved. Ideally, when carefully coordinated by the on-site commander, these two approaches work in tandem to bring a successful resolution to a situation. The tactical operations advance the goals of the negotiators, while the negotiators both justify and facilitate the goals of the tactical personnel.

In the case of Waco, the negotiators felt that the negotiating and tactical components of the FBI's strategy were more often contradictory than complementary. The negotiators' goal was to establish a rapport with the Branch Davidians in order to win their trust. As part of this effort, negotiators emphasized to Branch Davidians the "dignity" and fair treatment the group would receive upon its exit from the compound. By contrast, the negotiators felt that the efforts of the tactical personnel were directed toward intimidation and harassment. In the negotiators' judgment, those aggressive tactics undermined

their own attempts to gain Koresh's trust as a prelude to a peaceful surrender.

In particular, some of the negotiators objected to: (1) the loud music, noise, and chants used as "psychological warfare;" (2) the shut-off of electricity to the compound on March 12 shortly after two people exited the compound; and (3) the removal of automobiles from the compound on March 21 after seven people exited the compound. All of these actions were viewed by the negotiators as counter-productive to their efforts. The electricity shut-off and the removal of cars were seen as particularly unwarranted since these actions in effect "punished" Koresh for permitting the departure of compound members.

Finally, some of the negotiators lamented the absence of joint strategy sessions with the on-site commander and the tactical commander. According to these negotiators, the on-site commander and the tactical personnel were often impatient with their progress and failed to provide them with adequate information so that negotiators could coordinate their efforts with the efforts of the tactical team.

For their part, the tactical personnel reported that they were often unaware of the status of the negotiations or the details of conversations between the negotiators and those inside the compound. At one point, a false rumor had it that the

negotiators had agreed to send steaks into the compound, and that hostage rescue personnel would have to risk their lives to deliver the steaks to the front door.

A more serious incident involved a .50 caliber weapon that tactical personnel had spotted in a window of the compound's main building. Although HRT personnel considered this a hostile act, they were comforted by the fact that they knew the precise location of this powerful weapon and could tailor their movements accordingly. However, the negotiators, believing that they were decreasing the danger, informed the Branch Davidians that the weapon had been spotted, and instructed them to move it immediately. When the weapon was moved shortly thereafter, the HRT personnel were distressed since they no longer knew where the weapon was aimed.

SAC Jamar was responsible for coordinating the activities of the tactical and negotiation teams. SAC Jamar said that he listened to all sides before making any final decisions, and that strategy sessions were held, albeit sometimes not with everyone present at the same time. SAC Jamar believes that all supervisors were given the necessary information, and is unaware of any failure in communication.

As to the specific concerns of the negotiators, SAC Jamar said that the electricity power was turned off on March 12

because he wanted those inside the compound to experience the same wet and cold night as the tactical personnel outside, and to prove to Koresh and the others inside that Koresh was not in total control. He does not think that this action had any long-lasting effects.

As to the irritating noises broadcast to the compound and the removal of vehicles, SAC Jamar thought that these actions were intended to increase the pressure on the Branch Davidians and to undermine Koresh's control. SAC Jamar thought an increase in pressure was appropriate because of the deteriorating sanitary conditions inside the compound, the danger posed by individuals exiting the compound unannounced, and the overall continual danger to FBI personnel.

In the end, neither the negotiators nor the tacticians suggested that the April 19 fire could have been avoided had their approach been followed to the exclusion of others. However, some of the negotiating personnel did believe that more Branch Davidians might have departed the compound had the pressure tactics been withheld.^{22/}

^{22/} Regarding the relationships between the various FBI components involved in the Waco standoff, Director Sessions said that there is always a dynamic tension between the FBI Director and the Bureau's executive management, between executive management and the field, and between the field and the Director. He characterized the tension in Waco as healthy.

6. Meetings Between the Branch Davidians and Private Counsel

On March 29, after two private telephone conversations, Koresh met briefly with Richard DeGuerin, an attorney his mother had retained for him. The following day, DeGuerin again met with Koresh, from approximately 10:00 a.m. until noon, and from 2:00 until 6:00 p.m. Also on March 30, at 3:18 p.m., Steve Schneider spoke with his attorney, Jack Zimmerman, by telephone. DeGuerin returned to the compound on March 31st for approximately five hours. On April 1, both DeGuerin and Zimmerman were inside the compound for eight hours. Three days later, on April 4, they were back in for just over five hours.

SAC Jamar said there had been extensive conversations and some disagreement regarding Mr. DeGuerin's access to the compound. Because he thought that any effort to remove the Branch Davidians from the compound peaceably should be attempted, Jamar decided to let him in. Due to the attorney-client privilege, there was no court-authorized Title III monitoring of the conversations that occurred within. DeGuerin did not report anything of value to the FBI after his visits with Koresh and the Davidians. Likewise, Mr. Zimmerman, Schneider's attorney, did not produce any useful information. In SAC Jamar's view, subsequent monitoring of conversations inside the compound

revealed that Koresh had used the attorneys to buy time and make it appear that he was interested in resolving the standoff.

In the opinion of SSA Noesner, who had already left Waco and returned to Quantico at the time the attorney meetings occurred, "the negotiators lost control" when the decision was made to let the lawyers into the compound. Noesner, however, would not have objected to a face-to-face meeting outside the compound between the attorneys and Koresh.

F. Hostage Rescue Team (HRT) and SWAT Teams

1. HRT

The FBI's Hostage Rescue Team is a dedicated 50-man counterterrorist unit with responsibility for high-threat tactical missions. It has been in existence for over ten years. The HRT's capabilities exceeds those of the FBI's SWAT teams. It possesses sophisticated armament including infra-red aiming devices, daytime and nighttime sniper capabilities, explosive and mechanical breaching abilities, and certain non-lethal weapons. Additionally, the unit is equipped with a sophisticated communications system that prevents monitoring by unauthorized persons.

The HRT has deployed in a number of high-threat tactical operations, both domestically and overseas. In addition to their training in tactical skills, HRT members receive training in maritime operations from the U.S. Navy Seals. HRT deploys with its own medical capabilities and other logistical support with assistance provided by military authorities. It is in a continuous standby mode, ready to respond to any crisis as directed by FBI Headquarters.

During the Waco crisis, the HRT was commanded by Assistant Special Agent-in-Charge Richard M. Rogers of the FBI's Washington Metropolitan Field Office. Rogers' responsibilities included tactical operations for the HRT and SWAT teams. On his arrival at the compound on February 28, and continuing over the next few days, a perimeter was established and snipers were positioned.^{23/} The tactical elements of the CMT maintained a 24-hour a day watch at the compound.

A concertina (razor wire) protective barrier was deployed around part of the compound to protect the FBI and other law enforcement personnel; prevent outsiders from gaining entrance to the site; and facilitate the surrenders through channeling of individuals leaving the compound to a controlled area. The HRT also viewed the wire barrier as an important means of restricting

^{23/} The snipers were positioned at two sites, "Sierra One" and "Sierra Two." A third sniper position, "Sierra Three," was later established and manned on an intermittent basis.

the movement of the Branch Davidians and providing a measure of control to law enforcement in the event that the Branch Davidians emerged en masse and attempted to engage law enforcement in a firefight. Finally, the wire barrier helped preserve the integrity of the crime scene.

During the standoff, the HRT observed a number of activities in the compound. These activities included "guard duty" by various individuals inside the building, establishment of shooting positions, the cutting of fire ports, and the emergence of Branch Davidians on numerous occasions to retrieve articles, dump waste, obtain water and other such activities.^{24/} The HRT also observed individuals pointing weapons through windows in the building. Rogers believed that Koresh and his followers posed a continuing danger to law enforcement and that they made no sincere effort to de-escalate a tense situation. He saw no indication that the Branch Davidians had any intention of surrendering.

2. HRT Tactics

HRT Commander Rogers and Deputy Assistant Director Coulson discussed a variety of traditional hostage rescue assault options and rejected each one. The Waco crisis posed numerous

^{24/} Rogers recalled that on one occasion an article was removed from one of the trucks in front of the compound which had been used by ATF to tow a trailer carrying ATF agents on February 28.

complications that together defied traditional assault methods. These included the loss of the element of surprise, the number and armament of the subjects, the tremendous size of the compound, the excellent visibility afforded the Branch Davidians by the building's construction, and the ability of persons inside the building to shoot bullets through the building's flimsy walls -- a factor preventing agents from taking up positions alongside the compound. Coulson and Rogers concluded that a direct assault on the compound would result in tremendous loss of life on both sides; Koresh had already demonstrated to deadly effect his willingness to direct firepower at federal officers. Neither a "Trojan Horse" approach nor an open-air assault was considered feasible. Although the HRT considered the children hostages, it did not discount the possibility that some of them could and would take up arms against the agents.

Coulson did not object to the use of noise to irritate the Branch Davidians and cause sleep deprivation. He explained that in standoff situations agents typically try to induce group dynamics that lead to decisions to surrender. As an example, the FBI used loudspeakers to broadcast to the residents tape recordings of its negotiations with Koresh in the hope that some in the group would decide on their own or with others to leave the compound collectively or persuade Koresh to give up.

3. Special Weapons and Tactics (SWAT) Program

The SWAT Program is premised on the theory that a select group of highly motivated and well-conditioned volunteers, specially equipped and trained to function as a team, can greatly reduce the risks associated with unusually dangerous raids, arrests and rescues, and serve to increase the range of options available to the Special Agent-In-Charge.

Each FBI field office has a primary SWAT unit, the size of which varies from office to office depending on geographical area covered, population density, and the potential for violent crime within the FBI's jurisdiction. Additionally, eight technically advanced district teams are configured to provide technical and operational support to field offices within their geographic districts. Because the small teams in most offices are not sufficient to handle major or protracted crises, the field is divided into eight districts and 16 regions. Each district contains one to three regions, and each region contains from two to five offices. Any office facing a situation that requires a response exceeding its capability can call upon its region for reinforcement, not only from SWAT personnel but also from other crisis management assets.

Many of the SWAT team members assigned to Waco were firmly convinced that communication problems plagued the operation.

Specifically, they complained about the poor flow of information from the decision-makers down to the tactical personnel. Another complaint concerned the lack of a clear and concise mission statement that could be understood by all HRT/SWAT personnel, especially as it related to a possible large-scale break-out from the compound by the Branch Davidians. One SWAT team member characterized as "not clear" the division of responsibility between the units if such a break-out occurred. Others thought that coordination between the HRT and SWAT was poor with respect to coverage of the forward positions, and that perimeter security was not sufficiently tight.

G. Technical Assistance

The Engineering Section of the FBI's Technical Service Division (TSD) includes a Crisis Response Team (CRT). The CRT consists of supervisory special agents and specialists in electronics and logistics. Representatives of CRT were assigned to Waco as part of its "major case" jurisdiction.^{25/} The following investigative support was provided by the CRT, other personnel from the TSD Engineering Section, and technically trained agents (TTAs) from the field: installation of telephone communications; [material redacted as required by statute]; set-

^{25/} Ordinarily, a CRT representative deploys with the FBI Headquarters survey party to a crisis site. A technical survey is conducted to determine operational manpower and equipment requirements. During the operation CRT manages the technical organization and reports to the on-site commander.

up and maintenance of a video surveillance (CCTV) system on the compound; [material redacted as required by statute]; set-up and maintenance of the loudspeaker system; and [material redacted as required by statute]. Other support included testing of body and other concealed transmitters, and liaison with local telephone companies, representatives of the Federal Communications Commission and the complement of electronics technicians assigned to support the operation.

[Material redacted as required by statute.]

H. Security of the Perimeter Surrounding the Branch Davidian Compound

One of the FBI's major concerns during the standoff was to maintain the security of the perimeter around the compound. The HRT maintained the inner perimeter, the SWAT teams maintained an outer perimeter, and various agencies, mainly the Texas Highway Patrol, manned various checkpoints on the roads leading to the compound. The perimeters were established for the safety of law enforcement, as well as for the safety of those inside the compound. Individuals from the outside could possibly harm the agents, could get inside the compound and harm the individuals inside, or, through their unexpected presence, spark a gunfight between the agents and those inside. The longer the standoff

lasted, the greater the possibility that one of these dangerous events might occur.

Indeed, on numerous occasions during the standoff, law enforcement agents had to contend with several threats to the security of the perimeter, including the following:

March 2 - The FBI received information that a radical organization was planning possible retaliation against the FBI because of the standoff at Waco.

March 8 - A doctor from Arizona traveled to Waco and threatened to enter the compound regardless of any efforts by law enforcement to stop him. The doctor claimed that he was the "messenger" that Koresh was awaiting.

March 13 - The FBI learned that approximately twenty-seven individuals with extremist background had arrived in Waco at various times since March 1. The FBI became concerned that because of these individuals' support of Koresh, they might pose a threat, either individually or as a group, to law enforcement.

- March 18 - An attorney, Linda Thompson, threatened to enter the compound against the direct orders of the FBI. Thompson suggested that the news media would have a "field day" if the FBI shot an attorney attempting to enter the compound.
- March 19 - Two individuals were observed photographing all law enforcement officials entering into, and exiting from, one of the checkpoints at the compound's perimeter. When approached by agents, they fled.
- March 24 - Louis Alaniz sneaked through the perimeter and entered the compound.
- March 25 - An individual attempted to enter the compound to "debate the Seven Seals" with Koresh.
- March 26 - Jesse Amen breached the perimeter and entered the compound.
- March 28 - An individual was arrested well inside perimeter lines, while attempting to get near the compound.

April 4 - Linda Thompson, the attorney who threatened to enter the compound on March 18, called for the "Unorganized Militia of the United States" to come to Waco with their (legal) weapons to demonstrate and show support for Koresh. Thompson, the self-styled adjutant General of the Militia, called for hundreds of people to attend.

April 4 - An individual was arrested attempting to break through a checkpoint.

Additionally, throughout the standoff, families and friends of those inside the compound appeared unannounced at checkpoints requesting to go inside. While those individuals turned out not to be security risks, the danger that a friend or relative might try to slip into the compound was always present.

Finally, as previously discussed, individuals inside the compound were exiting unannounced with ever-increasing frequency. These individuals, who were apparently testing the resolve and tactics of the FBI, only returned to the inside after being "flash-banged."

In the opinion of the FBI, both the inner and the outer perimeters were becoming more difficult to secure as the standoff continued.

IV. The Role of Experts During the Standoff

A. Introduction

The FBI has always recognized the value of consulting with behavioral experts in crisis situations. The FBI Academy in Quantico, Virginia, maintains a Behavioral Sciences Unit and the National Center for the Analysis of Violent Crime, both staffed with experienced forensic psychologists. The Behavioral Sciences Unit's work in profiling serial murderers has earned it a worldwide reputation.

During the Waco standoff the FBI utilized the Behavioral Sciences Unit for advice in dealing with Koresh and his followers. In addition to utilizing its in-house resources, the FBI also solicited and received input from various outside experts in many fields, including:

- o Psychology
- o Psychiatry
- o Psycholinguistics
- o Religion/Theology
- o Cults
- o Threat Assessment
- o Negotiation Techniques
- o Medicine

The FBI received this input both orally and in writing, and in each case ensured that the appropriate officials at FBI headquarters and on scene at Waco were made aware of the input. The FBI and the Attorney General also received input from various military and medical experts in connection with the planning for the April 19 tear gas plan.

The FBI also received unsolicited advice and offers of assistance from many individuals; not surprisingly, this input was rarely useful. For example, on March 16, 1993 a well-known rock band contacted the FBI and offered to perform outside the Mt. Carmel Compound, and to play a song that U.S. helicopters broadcast at enemy troops to demoralize them during the Vietnam War. On the other hand, the FBI received an unsolicited letter from the Harvard Negotiation Project containing thoughtful and specific suggestions to assist the negotiators in formulating a framework for further negotiations with Koresh.

A smaller number of offers came from individuals lacking a firm grip on reality, such as people claiming to be God or Jesus offering to "order" Koresh to leave the compound. One person was arrested on his way to the compound brandishing a samurai sword, which he said God had told him to deliver to Koresh.

Throughout the Waco standoff, the FBI meticulously kept track of all unsolicited offers of assistance, and followed up on

those that seemed to promise any reasonable chance of producing helpful information. There were certain areas of activity in which the FBI did not seek outside help. For example, the FBI did not request assistance from any outside law enforcement agencies in performing any of its tactical operations; it did not request assistance with negotiations, since the FBI's best negotiators were assigned to Waco throughout the 51-day standoff; and it did not consult with outside experts regarding the decision to play loud music and Tibetan Monk chants over the loudspeakers to irritate those inside the compound.

Ultimately, the most useful information came from those experts (both inside and outside the FBI) from whom the FBI solicited information. These experts supplied a wide range of information about Koresh's state of mind and behavior, and provided input on some of the most important issues the FBI faced. For example, many of the experts agreed that the possibility of mass suicide existed, but no consensus emerged about the likelihood of suicide.^{26/} Significantly, all the experts agreed that Koresh would not leave the compound voluntarily. On other issues, however, the expert opinions were

^{26/} During the siege SAC Jamar requested that a memorandum be prepared listing all references to suicide that had emerged during the FBI's contacts with the Davidians, to see whether some pattern had emerged that would enable a prediction of Koresh's intention to be formulated. The memorandum was prepared on March 28, 1993, and it demonstrated that there was no consistent pattern of behavior that had developed that would enable anyone to make an accurate prediction of suicide. The evidence described in that memorandum is discussed further below at pages 210-12.

not consistent. For example, some of the experts believed that Koresh was psychotic, while others believed he was not. The FBI considered all the information it received and made the best judgment it could considering how such information could best be used to further the FBI's goals of achieving a peaceful end to the standoff with no loss of life.

Following is a summary of the input the FBI received from those experts.

B. Forensic Psychologists/Psychiatrists/Psycholinguists

The FBI solicited advice from psychologists, psychiatrists, and psycholinguists to assist it in a number of ways, including:

1. Formulating negotiation strategies;
2. Formulating tactical strategies;
3. Understanding the personalities of Koresh and his followers;
4. Determining the key elements of the relationship between Koresh and his followers;
5. Determining whether Koresh would leave the Mt. Carmel compound under any circumstances;
6. Determining whether Koresh suffered from any psychiatric or behavioral disorders;

7. Determining the risk of suicide by Koresh and his followers.

8. Determining the threat Koresh and his followers posed to themselves and to law enforcement.

The substance of the expert advice provided to the FBI is summarized below.

1. Dr. Roger Bell
Department of Psychiatry and Behavioral Sciences
University of Louisville

On March 3, an FBI negotiator spoke with Dr. Bell about Koresh's failure to carry out his promise to surrender the previous day, following the broadcast of his radio message. Dr. Bell suggested certain negotiation strategies designed to elicit Koresh's reasons for reneging on the agreement, and to determine whether Koresh might still be persuaded to surrender.

On March 15, the FBI asked Dr. Bell to determine whether Koresh may have suffered from a seizure disorder, and the extent to which such a disorder might affect the negotiation process. The FBI made this request because it had received information suggesting that Koresh occasionally stared into space, experienced hallucinations, or launched into sudden and unpredictable fits of rage.

Dr. Bell sent a memorandum the following day to SSA Gary Noesner. In the memorandum, Dr. Bell indicated that based on "very, very fragmentary information," it was possible that Koresh could have been suffering from a seizure disorder. Dr. Bell explained that a number of physical and psychological symptoms may accompany seizure disorders. The psychological symptoms would include cognitive disturbances, such as time distortion, dreamy states and depersonalization, and affective disturbances such as fear and rage. Dr. Bell noted that these symptoms would make it difficult to achieve continuity and stability in the negotiation process. Dr. Bell also cautioned that it would be very dangerous for a person suffering from seizure disorders to have access to weapons.

2. Dr. Park Dietz
Clinical Professor of Psychiatry and Biobehavioral
Sciences, UCLA School of Medicine

Dr. Dietz is a medical doctor who also has a Ph.D. in sociology and a masters degree in public health. He has served as a consultant to the FBI for several years as a forensic psychiatrist. The FBI contacted Dr. Dietz on March 1, 1993 (the day after the ATF shootout) and asked for his assistance in dealing with Koresh. Dietz arrived in Waco the next day.

When Dr. Dietz arrived in Waco he reviewed approximately 1,000 pages of background material about Koresh and the Branch

Davidians. The FBI commanders asked him to develop a personality assessment of Koresh and to determine any possible mental disorders exhibited by Koresh. Dr. Dietz cautioned that absent a personal examination he would be unable to make a formal diagnosis, but he did agree to attempt an assessment of Koresh's personality and mental condition.

Dr. Dietz spent the next two days monitoring the ongoing negotiations, including the critical events on March 2, when Koresh reneged on his promise to leave the compound with his followers. Dr. Dietz met twice with SAC Ricks during the evening of March 2. At the first meeting, Dietz reported that, based on the course of negotiations and on what he had learned about Koresh so far, he thought it unlikely that Koresh would leave the compound voluntarily. Dr. Dietz also expressed some concern that Koresh might be suicidal, and that Koresh might have made a suicide pact with his followers inside the compound. Dr. Dietz based his view of Koresh's possible suicidal mentality on the manipulative nature of Koresh's leadership style, and on Koresh's constant "gloom and doom" Biblical references. According to Dr. Dietz, SAC Ricks acknowledged that suicide was a possibility, but he rejected any thought of a dynamic entry into the compound because of the certainty that law enforcement agents would be killed.

Dr. Dietz also expressed concern at this meeting with SAC Ricks about the continuing presence of ATF at Waco. In particular, Dr. Dietz thought that ATF agent Cavanaugh (who had helped in supervising the ATF raid, and then switched to negotiator during and immediately following the February 28 shootout) should not participate in negotiations with Koresh. While Dietz acknowledged that Cavanaugh seemed to have established a good rapport with Koresh, Dietz believed that Koresh was a "pro-gun" extremist who despised the ATF and would never negotiate in good faith with or surrender to that agency, especially after the events of February 28th. Consequently, Dietz recommended that Cavanaugh be removed from the scene, and that the FBI incorporate as an element of its negotiating strategy the theme that it was an entirely separate entity from the ATF.

The FBI decided not to remove Cavanaugh as a negotiator, but it did follow Dietz' suggestion that the FBI distance itself from ATF during its subsequent conversations with Koresh and Schneider. At times Koresh and Schneider seemed receptive to this tactic, acknowledging that the FBI could not be held responsible for ATF's actions, and complimenting the FBI for its superior skill. At other times, however, Koresh and Schneider treated the FBI and the ATF both as part of the "monolithic government" that was "persecuting" them.

Following this meeting with SAC Ricks, Dietz debriefed Roberto Rodriguez (the undercover ATF agent) and studied other information that had been compiled about Koresh. At the second meeting with SAC Ricks on March 2, Dietz reported that the additional information he received had led him to conclude that Koresh would not leave the compound, nor would he permit anyone he cared about to leave. Dietz based this opinion on a number of factors: (1) Koresh's manipulative personality; (2) Koresh's fatalistic view of death (for example, his Biblically-inspired comments that all prophets are killed; (3) Koresh's belief, based on the Book of Revelations, that ATF was the "devil" who was disarming the "angel;" (4) Koresh's profound fear of prison; and (5) Koresh's strong inclination to choose death over losing power. Dietz concluded that the only two things the government could offer Koresh were more wives and more followers if he surrendered.

On the following morning, March 3, Dietz met with FBI SSA Pete Smerick to discuss various negotiation strategies. Dietz and Smerick prepared a memorandum recommending the adoption of two overall negotiation themes: First, the negotiators should acknowledge part of Koresh's world view; namely, the existence of a "conspiracy" against the Branch Davidians, and the Davidians' right to defend themselves against what they perceived to have been an illegitimate ATF attack. Second, the negotiators should create the illusion that Koresh could win in court and in the

press, that he would not go to prison, and that he would attract many more followers if he came out. Smerick and Dietz gave their memorandum to the FBI commanders.

The commanders subsequently adopted many of the suggestions contained in the memorandum. For example, the FBI negotiators repeatedly stressed to Koresh and Schneider that if they left the compound they would have every opportunity to spread their message to a worldwide audience; that they would be presumed innocent of any wrongdoing with respect to the ATF raid; and that the judicial process would provide them an opportunity to tell their side of their conflict with the ATF. However, the FBI always told Koresh that he would probably go to jail.

Dietz left Waco on March 4, after predicting (accurately) that the standoff would not end anytime soon. The next day (March 5, 1993), Dietz wrote a memorandum to AD Potts and SAC Ricks. In that memorandum Dietz endorsed the overall approach the negotiators were taking, which Dietz described as an appeal to the "rational aspects" of Koresh's personality. However, Dietz explained that such an approach ultimately would not succeed due to the extent of Koresh's psychopathology. Dietz focused on two aspects of Koresh's psychopathology that he described as "central" to Koresh's functioning: First, Koresh had antisocial and narcissistic personality traits that enabled him to become a "master of manipulation." Koresh fully

understood this aspect of his personality, because he had boasted openly to the negotiators about his manipulative skills, including his manipulation of ATF undercover agent Rodriguez. Dietz emphasized that Koresh would use "any ruse, pretext, trick, deception or force necessary to achieve his personal goals." The most notable example of this manipulation was when Koresh did not leave the compound on March 2. As Dietz stated: "[T]he experience of hearing the voice of God tell him to wait should be seen as a self-serving excuse for not keeping his promise."

The second fundamental aspect of Koresh's psychopathology that Dietz identified was an elaborate system of grandiose delusions, in which Koresh saw himself as a prophet of God, uniquely equipped to interpret the Bible. Dietz noted that Koresh seemed to have assumed the identity of the Biblical Cyrus ("Koresh" in Hebrew), who was to have 140 wives deliver the message of the Seven Seals of Revelations. Koresh's delusions of grandeur were accompanied by feelings of persecution by the ATF and the government in general. Dietz believed that while Koresh's grandiosity and persecutory ideas fed each other, his grandiosity was stronger, as evidenced by Koresh's generally friendly tone with the negotiators. Dietz emphasized, however, that if the balance were to shift in favor of persecution, Koresh would become "less communicative, more accusatory, and even more dangerous."

Dietz then analyzed the implications of these two aspects of Koresh's psychopathology for the ongoing negotiations. First, Dietz predicted that Koresh would not come and would not surrender anyone of value to him unless and until he could be assured that his personal goals would be better fulfilled by surrender than by the alternatives. Dietz described Koresh's known goals as (1) power, control, and domination of as many other people as possible, especially people who offer him sex, money, and skills to exploit; (2) promoting himself as a prophet by spreading the message of the Seven Seals as widely as possible; and (3) avoiding imprisonment by justifying the February 28 shooting as a righteous defense of faith, family and self. Second, Dietz suggested that one possible key to successful negotiations would be to allow Koresh to "discover" that the time for his death was not yet at hand because he had not yet had all 140 of his prophesied wives. Dietz argued that this approach was the only one that would validate rather than undermine Koresh's self-image as a great prophet. Third, Dietz again suggested removing the ATF from the scene, to diminish any connection Koresh might make between the negotiators and the ATF. Fourth, Dietz thought that the FBI should try to undermine Koresh's leadership role within the compound; for example, by driving a wedge between Koresh and Schneider, impeding communication within the compound by creating high volume external noise, or by communicating information to Koresh's followers that would make them question Koresh's infallibility.

Dietz next contacted the FBI commanders on Wednesday, March 10, 1993, to advise that he had seen a television interview with self-described "cult expert" Rick Ross. Ross stated during the interview that he hoped Koresh would prove to be a coward who would prefer to write a book and sell the movie rights from prison rather than end up as a corpse. Dietz thought Ross' televised equation of surrender with cowardice could set back negotiations substantially if Koresh had seen the broadcast.

During the next few weeks the FBI's Behavioral Sciences Unit at Quantico contacted Dietz occasionally to seek his advice about the progress of the negotiations. On March 11, Behavioral Sciences told Dietz that Koresh had refused to speak to the negotiators for two days. Dietz could not provide any explanation for the impasse. On March 25 and 30 1993, Behavioral Sciences updated Dietz on continuing problems in the progress of negotiations. Dietz suggested that the negotiators' strategy may have been inconsistent with other FBI actions, and that more frequent strategy meetings were needed. Dietz also suggested organizing a fake fan mail campaign to persuade Koresh to surrender.

Finally, on Saturday, April 17, 1993, the FBI requested immediate input from Dietz regarding the prospects for continued negotiations. (This was done as part of the FBI's compilation of all relevant information at the request of the ~~Attorney General~~).

Dietz prepared a memorandum and faxed it to FBI headquarters. Dietz made the following points: (1) It was still a mistake to allow ATF to participate in the negotiations, since ATF's participation significantly impaired the chances of a peaceful resolution; (2) The FBI's negotiation strategies were "repeatedly undermined by ancillary actions," such as shutting off electricity; (3) Continuing to negotiate in good faith would not resolve the situation, because Koresh would not come out; Koresh would "continue to make sexual use of any children who remain inside" (for further discussion of child physical and sexual abuse inside the compound see pages 215-226 below); and (4) the continued deterioration of living conditions inside the compound would eventually force the FBI to take some action to save innocent life well before Koresh would ever voluntarily surrender. Dietz's April 17, 1993 memorandum was provided to the Attorney General as part of the binder of documents supporting the FBI's request for approval of the April 19 tear gas operation.

3. Dr. C. Di Giovanni
Psychiatrist

Dr. Di Giovanni went to Waco from March 27-29. The FBI asked him to render an opinion about Koresh's character and his potential for suicide. (Dr. Di Giovanni later recorded these events in a memorandum written on April 24, 1993). Dr. Di Giovanni reviewed the memoranda prepared earlier that month by

Dr. Dietz, transcripts of negotiations, and the videotape sent out from the compound on March 8 showing Koresh interacting with his children.

Dr. Di Giovanni opined that, based on Koresh's behavior on the videotape, Koresh showed no evidence of being actively psychotic. For example, Koresh's speech did not reflect any thought disorder. Koresh's speech, rhythm and tone were normal, and he was able to maintain a thought and express it in a direct, logical and goal-oriented manner. Koresh did not appear to be distracted by hallucinations. He responded directly to comments made to him, and did not appear to be distracted or responsive to imaginary stimuli. Although his movements were restricted due to the gunshot wounds he had sustained on February 28, he did not exhibit any movement disorders associated with psychosis.

With respect to the religious beliefs of Koresh and his followers, Dr. Di Giovanni found no basis to conclude that those beliefs were delusional. Instead, noting that "[t]he basis of any religion is faith, not fact," Dr. Di Giovanni concluded that Koresh's "beliefs about religion and his role in it seemed to have been embraced over the years by many followers and, thus, may have served as the foundation for a religious sect, cult or con game."

Finally, Dr. Di Giovanni offered a tentative opinion about the possibility of suicide. Dr. Di Giovanni cautioned that, absent a personal examination of Koresh, his opinions could only be regarded as speculative. Dr. Di Giovanni stated that Koresh's use of religion seemed designed more to legitimize his thoughts behavior and his desire to live apart from society than to form a basis for martyrdom. Because Koresh had established a community in which "he took the money, the children, the women, the comfort and the relative luxuries rather than sharing in the discomfort of his followers . . . he might be more willing to sacrifice others than himself."

4. Dr. Anthony J. Pinizotto
Forensic Psychologist, FBI Headquarters
Criminal Justice Information Division

Dr. Pinizotto was asked to review the videotapes that Koresh had sent out of the compound on March 8 and March 9, and to evaluate Koresh's personality. Dr. Pinizotto viewed the tapes and concluded that Koresh displayed psychopathic behavior, that he was a "con artist" type, and that he had narcissistic tendencies.

5. Dr. Mike Webster
Retired Psychologist
Formerly Worked With Royal Canadian Mounted Police

The FBI contacted Dr. Webster on March 8, 1993 to solicit his suggestions about how best to negotiate with Koresh. Webster agreed with the FBI assessment that Koresh appeared to be manifesting anti-social traits. According to Dr. Webster, these traits indicated that Koresh was self-directed, manipulative, and a hedonist.

6. Bruce D. Perry, M.D., Ph.D.
Associate Professor and Vice-Chairman for Research,
Psychiatry and Behavioral Sciences
Chief of Psychiatry, Texas Children's Hospital
Director, Post-Traumatic Stress Disorders Clinical
Research Team, Houston V.A. Medical Center, Baylor
College of Medicine

Working with FBI SA Nancy Houston, Dr. Perry, an expert in post-traumatic stress disorders, interviewed the children released from the compound during the first days of the standoff. Dr. Perry provided two memoranda (March 14, 1993 and March 26, 1993) to the FBI describing his observations of the children and the implications for the FBI's ongoing negotiations with Koresh.

In his memorandum of March 14, 1993, Dr. Perry first noted that, based on his interviews of some of the older children who had been released, there appeared to be a shared secret. The secret appeared to have two components, one involving unusual

sexual practices with the young girls, and the other involving the expectation that the children's families would be destroyed in an explosion. Dr. Perry noted that the children frequently referred to "explosives" and "wiring." Many of the children spoke of their parents as "dead," indicating to Dr. Perry that there may have been some group consensus within the compound about a final end to the standoff. Additionally, Dr. Perry noted that the children were apparently given inconsistent information, and disinformation, prior to leaving the compound.

In his memorandum of March 26, 1993, Dr. Perry provided additional details about the social and religious life inside the compound that he had gleaned from his interviews with the children. The children portrayed life inside the compound as completely revolving around Koresh. The children were instructed to refer to Koresh as their "father" and to their natural parents as "dogs." Children who were not fathered or "adopted" by Koresh were called bastards. When asked to draw family pictures many of the children appeared confused or drew "favorite" groups or clusters of people. The interviews also revealed a siege mentality within the compound; residents felt safe only inside the compound, perceiving a constant threat from "enemies" on the outside.

Dr. Perry also noted that the children lacked formal schooling, that they had been raised in primitive sanitary

conditions (many of the children were fascinated at having seen flushing toilets for the first time following their release), and that they had been subjected to strict physical discipline inside the compound.

With respect to the Branch Davidians' religious beliefs, Dr. Perry ascertained from his interviews with the children that the Davidians were obsessed with the notion that their lives would end in an apocalyptic event. The children related that they had been taught that the "bad guys" from outside would kill Koresh and his followers. Afterward Koresh would come back to earth and "chop off the heads of the bad guys, and then they would burn in hell." Then the children would be reunited in heaven with their parents. In addition, Dr. Perry noted the strong sexual undertones that permeated the religious teachings in the compound. According to Dr. Perry, "there is no doubt that the young girls in the first group of children released were exposed to inappropriate sexual ideations and possibly sexual behaviors."

Following the preparation of the above two memoranda, Dr. Perry and Joyce Sparks, of the Texas Department of Child Protective Services, viewed the videotape of March 28, 1993 showing Koresh and his children. This was the last videotape that Koresh sent out of the compound. Dr. Perry noted that the children appeared to be frightened of Koresh, in that the children were constantly "scanning" Koresh for verbal and

nonverbal cues. Dr. Perry described the children as "automatons" who displayed a slower emotional response than typical children of the same age. Dr. Perry also noted that Koresh's statement on the tape that the FBI should "give us time to serve our God" was significant. Dr. Perry believed that the word "time" was important, and Koresh's use of it indicated that Koresh had his own plan to cause an apocalyptic end to the standoff. Ms. Sparks recalled that Koresh had told her during one of her prior visits to the compound that there would be a "fiery" end or an "explosion" at the compound. Dr. Perry believed that Koresh was stalling for time, to prepare for his "final battle" with the authorities. Dr. Perry believed that Koresh might try to lure law enforcement officers inside the compound, so that he could kill himself, his followers, and as many law enforcement agents as possible in a final apocalyptic end. Dr. Perry and Ms. Sparks reported these conclusions to the FBI on April 1, 1993.

7. Dr. Murray S. Miron
Professor of Psycholinguistics
Syracuse University

The FBI asked Dr. Miron to analyze five letters that were sent out from the compound on April 9-14, 1993. The first letter (April 9) contained a message from Koresh to the FBI, which Koresh dictated to Judy Schneider, who Dr. Miron described as Koresh's "concubine scribe." (Koresh could not handwrite the letter himself, because he suffered from dyslexia, a point he

repeatedly discussed with the FBI negotiators). The second letter (April 10) consisted mostly of quotations from Psalms 45 and Revelations 19. The third letter (April 10) was nearly identical to the first letter. The fourth letter (April 11) was identical to the second letter. The fifth letter (April 14) contains Koresh's requests that the FBI give him time to finish his manuscript about the Seven Seals.

Dr. Miron concluded that the first and third letters bore "all of the hallmarks of rampant, morbidly virulent paranoia." The frequent Biblical references indicated to him that Koresh wished to confront and destroy the authorities (the "Babylonians" or "Assyrians"). Dr. Miron did not believe that Koresh intended to give up or that Koresh was suicidal. Indeed, Dr. Miron opined that Koresh's pathology left him functional enough to plan effectively and to vie against his adversaries. According to Dr. Miron, Koresh's delusions were narrowly focused and limited to the "self-aggrandizements of his chosen status as God's hand." Dr. Miron concluded his analysis of the first and third letters as follows:

In my judgment, we are facing a determined, hardened adversary who has no intention of delivering himself or his followers into the hands of his adversaries. It is my belief that he is waiting for an assault. . . .

Koresh's communication does not resemble the suicidal sermon made by Jim Jones in the last hours of Jonestown. His is not the language of those at Massada or Jonestown. He intends to fight.

With regard to the second and fourth letters, Dr. Miron found nothing significant, given that those letters consisted largely of Biblical quotations. With regard to the fifth letter, Dr. Miron noted that the letter appeared to be a ploy designed to buy more time for Koresh. Dr. Miron noted that Koresh's discussion in the letter of mundane issues such as book rights, and his ability to contact his lawyer after he "comes out," were future oriented and therefore inconsistent with typical suicide precursors such as self-blame, guilt or despair.

After analyzing all five letters, Dr. Miron concluded on April 15, 1993 that he did not believe "there is in these writings any better, or at least certain, hope for an early end to the standoff."

8. Dr. Joseph L. Krofcheck
Threat Assessment Expert

Dr. Krofcheck is a psychiatrist who has provided threat assessment and negotiations support to the FBI for many years. Currently he works as a consultant to various United States

government agencies. Dr. Krofcheck, along with FBI SSA Clinton R. Van Zandt, a psychological profiler with the FBI's National Center for the Analysis of Violent Crime, analyzed the April 9, 1993 letter (the first Koresh letter). Their analysis was provided to the Attorney General during the week of April 12.

Krofcheck and Van Zandt noted that, based on the content of the letter, Koresh appeared to be a functional, paranoid-type psychotic. They noted that Koresh was a "charismatic, manipulative person with a core delusional system that sees himself as his own form of the trinity consisting of God, Jesus Christ, and David Koresh, the prophet through whom God speaks." They also noted that Koresh seemed capable of moving into and out of his delusional core, to drift seemingly into and out of reality, as it suited his need to manipulate and use others. However, they noted that "Koresh is delusional at times but not stupid."

Krofcheck and Van Zandt assessed the threat Koresh posed to himself, his followers, and law enforcement based on the content of the April 9 letter. They noted that Koresh's frequent references to the "snare" that caught the Babylonians unaware (discussed in Jeremiah 50:24) indicated that Koresh may have been planning to set his own trap for the FBI, including "the destruction by fire and explosion" referred to in many of the scriptural references contained in the April 9 letter. Krofcheck

and Van Zandt believed (contrary to Dr. Miron's view) that Koresh was "willing to kill, to see his followers die, and to die himself." They reasoned that for Koresh to give up the power and omnipotence he enjoyed inside the compound for a life in prison would be like "a crack cocaine addict who gets a sexual-like high from crack, to give up his habit cold turkey and obtain a meaningful job and accept the responsibilities of society."

Krofcheck and Van Zandt explained that the threat posed by Koresh included a possible mass break-out, in which the FBI would be faced with women carrying a baby in one arm while firing a weapon from the other. Another possibility could include a massive explosion. In their judgment, Koresh was "fully capable of creating the circumstances to bring this matter to a 'magnificent' end, in his mind, a conclusion that could take the lives of all of his followers and as many of the authorities as possible."

While Krofcheck and Van Zandt concluded that the threat level was "clear," they were less certain about the timing or immediacy of the threat. Koresh would control the timing of any event, and he would not come out under any conditions other than his own.

Finally, Krofcheck and Van Zandt explained that the only way the FBI could influence Koresh's exit from the compound would be

some form of tactical intervention. However, they cautioned the FBI to take great care, because they believed that Koresh "may have the motivation and the intent to commit some major violent action."

9. FBI Behavioral Scientists

Throughout the 51-day standoff, agents at the Behavioral Science Unit and the National Center for the Analysis of Violent Crime provided advice to the on-scene commanders and negotiators. The advice was both oral and written, and included background information that the FBI has developed on cults, included profiles of cult leaders and followers.

Pete Smerick is a Criminal Investigative Analyst with the Investigative Support Unit of the National Center for the Analysis of Violent Crime at the FBI Academy in Quantico, Virginia. He served on scene in Waco from March 2 to March 17, 1993. In addition to the memorandum that Smerick co-authored with Park Dietz on March 3, 1993, Smerick also co-authored four other memoranda (dated March 5, 7, 8 and 9, 1993) with fellow psychological profiler SA Mark Young. Those memoranda were provided to the on-scene commanders for their use in formulating a negotiating strategy.

In the March 5 memorandum, Smerick and Young suggested that the FBI's overall strategy should be to insure the safety of the children inside the compound, and to facilitate Koresh's peaceful surrender. Smerick and Young indicated that an FBI profile of Koresh revealed that he possessed "significant characteristics associated with psychopaths; that is, he will generally act only in his self interest, rarely accepts blame for his actions, is manipulative, cunning, and has the ability of controlling the actions of others. He will display rapid flashes of anger, if provoked, and will act impulsively." Smerick and Young also noted that a generic profile of past and present Branch Davidian members indicated that they would not think for themselves, would not question Koresh's authority, and would do whatever he wanted during a crisis.

Smerick and Young noted this was not a typical hostage situation, in that the "hostages" in this situation wanted to be barricaded inside with their leader and had no intention of leaving. Given this dynamic, Smerick and Young suggested a different approach: "In traditional hostage situations, a strategy which has been successful has been negotiations coupled with ever increasing tactical presence. In this situation however, it is believed this strategy, if carried to excess, could eventually be counter productive and could result in loss of life." Based on this suggestion, Smerick and Young suggested temporarily easing the tactical pressure on the compound. It was

their belief that increasing the tactical pressure would simply increase the fear and paranoia of Koresh's followers, thereby reaffirming their desire to stay inside with Koresh. If the followers could be made to see that the government had no intention of engaging them in an apocalyptic final battle, then perhaps they would begin to question the validity of Koresh's predictions about the inevitability of such a battle. This would hopefully begin the process of undermining the bond between Koresh and his followers, which could lead to the release of children.

In their memorandum of March 7, 1993, Smerick and Young listed a number of tactical options that would increase the discomfort of those inside the compound, but they recommended instead that efforts be made to shore up the trust between Koresh and the negotiators. Smerick and Young explained that if the FBI could not establish some trust with Koresh, the FBI would face the possibility of "eventually taking physical action against the compound." They predicted that if such an attack took place, "Koresh and his followers will fight back to the death, to defend their property and their faith, as they believe they did on February 28, 1993." Smerick and Young warned that the FBI would be criticized if children were killed in such an attack, just as the Philadelphia Police were criticized after five children died in the assault on the MOVE sect in 1985.

In their memorandum of March 8, 1993, Smerick and Young analyzed the relationship between Koresh and his followers, and the relationship between Koresh and law enforcement. Smerick and Young explained that Koresh's followers were fanatically devoted to him, and that they would not hesitate to kill themselves if Koresh told them to. "Koresh realizes that in an environment outside of the compound, without his control over the followers, he would lose his status as the Messiah, thus a mass suicide ordered by Koresh cannot be discounted. His orders for a mass suicide would be his effort to maintain the ultimate control over his group, in the event of his death."

With respect to Koresh's relationship with law enforcement, Smerick and Young explained that while it would be natural for law enforcement to feel frustrated at the slow pace of negotiations (even as early as March 8), and to feel that Koresh was toying with the FBI, a strong law enforcement show of force would simply play into Koresh's hands and allow him to justify continuing the standoff to his followers. Thus, Smerick and Young suggested moving back from the compound, not to show law enforcement weakness, but to sap from Koresh the source of his powerful hold over his followers -- his prediction that the government was about to start a war against them. Smerick and Young concluded by stating that the FBI could "always resort to tactical pressure, but it should be the absolute last option we

should consider." (Emphasis in original). Indeed, the FBI waited six more weeks before using tear gas.

Smerick and Young wrote their last memorandum on March 9, 1993. In that memorandum they recommended, for the first time, that "other measures" be considered to wield control of the situation, because negotiations had met with only limited success. Those measures included sporadically terminating and reinstating of utilities; moving equipment and manpower suddenly; downplaying the importance of Koresh in the daily press conferences; controlling television and radio reception inside the compound; and cutting off negotiations with Koresh. Smerick and Young cautioned that FBI personnel exercise "extreme caution" in light of Koresh's threats of violence.

Smerick has explained that he and Young wrote those four memoranda based on the information he had been given regarding Koresh's past behavior patterns. Smerick also sat in and listened to the early negotiations with Koresh, and he discussed ideas with his colleagues at Quantico before putting them in writing. He wrote the memos because he was concerned that the FBI commanders were moving too rapidly toward a tactical solution, and were not allowing adequate time for negotiations to work. Smerick notes that the FBI commanders were action-oriented; they wanted to treat Koresh not as a negotiation

partner, but rather as a "psychotic criminal" who needed to be caught and punished.

Later in the standoff, the Behavioral Sciences Unit prepared a short memorandum commenting on Koresh's personality as observed through the negotiation process. The Behavioral Sciences Unit noted that Koresh had displayed a variety of personality traits throughout the negotiations, ranging from friendly to angry, cooperative to confrontational, compliant to defiant, upbeat to morose, and pragmatic to delusional. The negotiation team reported its "growing concern" that, despite his statements to the contrary, Koresh might be planning a mass suicide similar to Jonestown. Nevertheless, the BSU concluded that Koresh exhibited traits of an anti-social personality, including: (1) exhibits low levels of stress in situations and under conditions others would find extremely stressful; (2) generally acts only in self-interest; (3) rarely has close, meaningful relationships; (4) statistically shows a low suicide rate; (5) more likely to arrange a "suicide by cop" situation than to commit suicide; (6) rarely accepts blame for anything negative; and (7) displays rapid flashes of anger.

In hindsight, Smerick regards Koresh as a con man who manipulated people and used religion to obtain sex and power. He does not know whether Koresh actually believed that he was the Messiah or "the Lamb," but he does think that Koresh may have

started to believe the sermons that he had been preaching to his followers for the past several years. Finally, Smerick does not think the FBI should have consulted more or different theologians during the standoff. Smerick thinks such consultations would have been useless because in Koresh's theology only Koresh was capable of interpreting the Seven Seals and the Bible. Smerick noted that even if the Pope had come to Waco, Koresh would have said that God told Koresh that only Koresh was able to interpret the scriptures.

The other FBI "in-house" experts felt that the FBI on-scene commanders used tactical methods that undermined the negotiations, and the credibility of the FBI negotiators. Some of the experts felt that the aggressive tactical moves played into Koresh's hands and strengthened Koresh's credibility among his followers, given that Koresh had been prophesizing all along that the government was preparing for the final confrontation. The in-house experts also believe that it was a mistake for the commanders to have "punished" the Davidians by cutting off power (March 12) or clearing out the Davidians' vehicles (March 21) in response to positive acts that the Davidians had taken (allowing people inside to leave).

Finally, the Tibetan Monk chants and other irritating sounds broadcast into the compound were played against the recommendation of some of the FBI's "in-house" experts.

C. Religious/Theological Experts

Smerick's feelings notwithstanding, the FBI did use religious experts and theologians to a limited extent during the standoff with the Branch Davidians. The FBI received unsolicited contact from a number of persons claiming religious/Biblical expertise, but most of those contacts resulted in little useful information. The FBI also contacted several religious experts for background information about the Branch Davidians and the Seventh Day Adventists.

1. Dr. Philip Arnold
Reunion Institute, Houston

On March 17, Schneider told the FBI that he and some of the other compound members had heard of Dr. Arnold as someone with expertise about the Book of Revelations and the Seven Seals, and that they wanted to speak with him. The FBI refused to permit a live telephone conversation, but offered an exchange of audiotapes instead. On March 19, the FBI sent an audiotape that Dr. Arnold had made into the compound.

2. Dr. Bill Austin
Chaplin, Baylor University

During the first few weeks of the standoff, Koresh repeatedly asked the FBI to produce evidence from a Biblical

scholar refuting Koresh's religious views. The FBI contacted Dr. Austin, who prepared a letter to Koresh explaining Koresh's Biblical responsibility to resolve the standoff without violence, by coming out so that he could explain his message to the people of the world: "I implore you to take these scriptures and my letter as a message from God that it is time for you and all your followers to come out safely and claim these promises." Dr. Austin's letter was sent into the compound on March 27, 1993.

3. Jeriel Bingham
Vice President, Davidian Seventh Day Adventists
Association, Exeter, Missouri

On March 7, 1993, the FBI interviewed Mr. Bingham. He and his mother head an offshoot of the Seventh Day Adventists, headquartered in rural Missouri. Bingham was familiar with the Branch Davidians of Waco, who were not part of his organization, but held similar beliefs. He also knew Koresh. Bingham recalled that Koresh plotted to seize control of the Branch Davidians from former leader George Roden. He recalled that Koresh thought of the Branch Davidian movement as a "game for gain." Bingham mentioned that Koresh likened himself to the Biblical King Cyrus, and that those who did not follow him were "with Satan."

4. Reverend Trevor Delafield
Seventh Day Adventist Church
Tacoma Park, Maryland

The FBI asked Rev. Delafield to comment on certain aspects of Seventh Day Adventists Doctrine, particularly regarding the meaning of the "silence in heaven" that Koresh had mentioned during early negotiations. Rev. Delafield provided a memorandum to the FBI on March 5, 1993. In the memorandum, Rev. Delafield discussed the Book of Revelations, interpreting the meaning of various chronological references that could be useful in negotiating with Koresh.

5. Dr. Robert Wallace
Dr. John Fredericks
Lighthouse Mission, Bowling Green, Kentucky

The FBI contacted these two individuals, both of whom are doctors of theology, on March 30, 1993, seeking their explanation of certain Biblical references that Koresh had made. Both individuals advised that the FBI consult with an expert in eschatology (the study of prophecy).

6. Dr. Michael Haynes
Dallas, Texas

The FBI contacted Haynes, who has a Ph.D. in theology and psychology, and who had prior experience working with law enforcement, to determine whether he could recommend any

theologians who the FBI should contact. Dr. Haynes instead suggested that the FBI allow him to negotiate directly with Koresh, in an effort to talk Koresh out of the compound by promising to assist Koresh in conveying his message to the world. The FBI did not utilize Dr. Haynes' services.

7. Dr. Glenn Hilburn
Dean, Department of Religion
Baylor University

The FBI consulted more frequently with Dr. Hilburn throughout the standoff than any other theologian. Dr. Hilburn made his entire staff of 23 available to the FBI, and he and his staff had frequent contact with the negotiators and the commanders. Baylor University has one of the largest "cult" reference and research facilities in the country. It also had the advantage of being located nearby in Waco.

Dr. Hilburn provided information on the Book of Revelations, the Seven Seals, and other Biblical matters. The FBI relied heavily on Dr. Hilburn early on in the negotiations, when it engaged Koresh in long discussions about the Bible as a negotiating tactic.

D. Medical Experts

The FBI consulted with various medical experts to ascertain the seriousness of the wounds Koresh had suffered during the February 28 shootout with the ATF. On March 11, 1993, two doctors watched the videotape that Koresh had sent out from the compound, in which Koresh pulled up his shirt and displayed his abdominal wound. One doctor stated that Koresh's wound was infected, but not life-threatening. The other doctor agreed with that diagnosis, but warned that if the wound were left untreated septicemia could develop and spread to Koresh's major organs, guaranteeing that he would not survive.

E. "Cult Experts"

The FBI did not solicit advice from any "cult experts" or "cult deprogrammers." The FBI did receive a number of unsolicited offers of assistance from former Branch Davidian member Marc Breault (who has since published a paperback book about Koresh and the Branch Davidians). The FBI also received input from two self-described cult experts, Rick Ross (who moved to a hotel in Dallas, and later to Waco, during the standoff and appeared on local television programs, as well as the CNN broadcast of March 10 that upset Dr. Dietz) and Kelli Waxman. Following are brief summaries of the input received from these three individuals:

Waxman: Waxman has assisted local police agencies in Arizona in dealing with Satanist religious groups. On March 1, 1993, she called the FBI, and requested that she be interviewed regarding her knowledge of cults in general and the Branch Davidians in particular. Later that day an FBI agent interviewed Waxman. Waxman said the FBI should be cautious in dealing with Koresh, because the Branch Davidians probably had a suicide pact or procedure already in place. Waxman said that if Koresh were to permit all the children to leave, then mass suicide would be the next step. She predicted that the FBI would "have another Jonestown on its hands."

Ross: Ross contacted the FBI on March 4, 1993 and requested that he be interviewed regarding his knowledge of cults in general and the Branch Davidians in particular. Ross said that he had been familiar with the Branch Davidians for several years, and had known several former Davidians. Ross provided information about Koresh to the Waco Tribune Herald for its series about the Branch Davidians. Ross also had been in contact with Steve Schneider's sister, who had asked him to help devise a strategy to "deprogram" Schneider. The ATF also contacted Ross in January 1993 for information about Koresh. Ross also telephoned the FBI on March 27 and March 28, offering advice about negotiation strategies. Ross suggested that the FBI attempt to embarrass Koresh by informing other members of the compound about Koresh's faults and failures in life, in order to

convince them that Koresh was not the prophet they had been led to believe.

The FBI did not "rely" on Ross for advice whatsoever during the standoff. The FBI interviewed Ross only at Ross' request, and politely declined his unsolicited offers of assistance throughout the standoff. The FBI treated the information Ross supplied as it would any other unsolicited information received from the public: it evaluated the credibility of the information and treated it accordingly.

Breault: Breault was a member of the Branch Davidians for several years, until he broke with Koresh in 1989 and moved to Australia. Breault contacted U.S. officials in Australia on March 1, 1993 to offer his assistance to the FBI. The State Department relayed the information, including Breault's phone number, to the FBI. The FBI determined within the next day that Breault was talking to the media, and that he had no current reliable information. The FBI decided to compile whatever written information Breault had created but not to contact him.

The FBI obtained a copy of an affidavit Breault had prepared about Koresh in 1990, describing Koresh's manipulative practices, his theology, and the charismatic hold he exercised over his followers. During the standoff Breault sent electronic mail messages from his home in Australia to the FBI offering various

suggestions and advice, including that he be allowed to debate Koresh on a radio program to prove that Breault knew more about the Bible than Koresh.

V. Family and Other Outside Contacts

A. Introduction

During the standoff the FBI engaged in extensive contact with family members and associates of those inside the compound. The FBI received many inquiries from family members about the ongoing standoff and the status of their relatives inside. The FBI provided as much information as possible to the family members to keep them informed. The FBI also interviewed many of the family members, friends, and former compound members to gather as much relevant intelligence about the compound and its inhabitants as possible.

The FBI also acted as a conduit for messages to and from people inside the compound and relatives, friends, attorneys and others on the outside. Longstanding FBI policy counsels against direct contact between barricaded subjects and their family members. In prior experiences with hostage takers, law enforcement has learned that a direct contact between a family member and the subject can sometimes trigger a sudden, violent reaction by the subject.

However, the FBI did allow direct contact between those Davidians who had left the compound and those who remained inside, to give those inside confidence that they would be

treated well upon their departure. In addition, the FBI sent videos into the compound depicting the released children, to demonstrate the FBI's good faith to those remaining inside the compound, and to attempt to coax the parents of those children to leave the compound.

B. Contacts Between Persons Inside the Compound and Family Members

The FBI transmitted a number of messages back and forth from compound residents to their family and friends. The contacts took a variety of forms, including letters, phone calls, cassette tapes, and video tapes. A total of 97 such contacts were permitted. A partial chronology of those contacts is set out below.

March 1, 1993 -- Kathy Schroeder's children, Scott Mabb (age 11), Jacob Mabb (age 9), and Chrissy Mabb (age 10) were permitted to talk with their mother by telephone following their release from the compound. Schroeder subsequently left the compound on March 12, 1993.

March 2, 1993 -- Theresa Nobrega's daughter, Natalie Nobrega (age 11), was permitted to talk with her mother by telephone following Natalie's release from the compound. Theresa Nobrega remained inside the compound and died on April 19.

March 3, 1993 -- Mark Jones (age 12) was released from the compound and permitted to speak by telephone with Cyrus Howell (Koresh's son, age 8). Cyrus eventually died in the April 19 fire.

March 5, 1993 -- Heather Jones (age 9) was released from the compound and permitted to speak by telephone with her father, David Jones. David Jones eventually died on April 19.

March 5, 1993 -- The FBI sent photographs and a videotape of the children who had been released into the compound.

March 7, 1993 -- Kathryn Schroeder was permitted to pass a message from inside the compound out to her son Bryan Schroeder (age 3) at the Methodist Children's Home.

March 7, 1993 -- David Thibodeau was permitted to send a message from inside the compound to his mother stating that he was okay and was remaining inside the compound of his own free will. Thibodeau survived the April 19 fire.

March 7, 1993 -- The FBI received a call from Graeme Craddock's brother; the FBI advised Craddock that his brother had called. Craddock survived the April 19 fire.

March 8, 1993 -- Koresh sent a video out from the compound to the FBI, in which Koresh shows his children. FBI doctors and other experts viewed the videotape.

March 8, 1993 -- The FBI played tape recordings of Joe Santoya speaking to his sister, compound member Juliette Santoya Martinez, and to his mother, Ophelia Santoya. Ophelia left the compound on March 21; Juliette remained inside and died on April 19.

March 8, 1993 -- Juliette Santoya Martinez asked the FBI to tell her brother, Joe Santoya, "I love him and take care of grandmother."

March 9, 1993 -- The FBI sent a second videotape and a set of photographs of the released children into the compound.

March 9, 1993 -- Koresh sent out the second videotape from inside the compound to the FBI.

March 9, 1993 -- The FBI advised Steve Schneider that his sister had called. Schneider remained inside the compound and died on April 19.

March 9, 1993 -- The FBI relayed a message to Koresh from Koresh's aunt.

March 9, 1993 -- The FBI advised Kathryn Schroeder that her three Mabb children were in the custody of their biological father.

March 9, 1993 -- The FBI played a tape recording for Steve Schneider made by Schneider's sister.

March 10, 1993 -- The FBI passed a birthday greeting to Ruth Riddle from her mother.

March 10, 1993 -- The FBI played a tape recording for Koresh made by Koresh's ex-girlfriend.

March 10, 1993 -- The FBI sent a videotape into the compound depicting the negotiators, and reading notes from the released children to compound members.

March 11, 1993 -- The FBI advised Koresh that Koresh's mother has hired attorney Dick DeGuerin to represent him.

March 12, 1993 -- The FBI sent a videotape into the compound showing Kathryn Schroeder reuniting with her son Bryan.

March 12, 1993 -- The FBI arranged a conference call between Kathryn Schroeder, Steve Schneider and the FBI negotiators.

March 13, 1993 -- The FBI read a message to Steve Schneider from his sister.

March 14, 1993 -- Oliver Gyarfas, who departed the compound on March 12, was permitted to speak by telephone with Koresh and Schneider.

March 14, 1993 -- The FBI played a tape-recorded message to David Thibodeau from his mother. Thibodeau survived the fire on April 19.

March 15, 1993 -- The FBI relayed a message to compound member Sherri Jewel from her mother. Sherri Jewell remained inside the compound and died on April 19.

March 16, 1993 -- The FBI delivered five audio cassettes from family members and a tape player into the compound.

March 18 and 19, 1993 -- The FBI broadcast tape recordings from Kathryn Schroeder and Oliver Gyarfas over the loudspeakers into the compound.

March 20, 1993 -- Brad Branch, who left the compound on March 12, was permitted to place a telephone call to Koresh and Schneider.

March 20, 1993 -- The FBI relayed a message to Schneider from his sister.

March 21, 1993 -- The FBI broadcast tape recordings from Kathryn Schroeder and Oliver Gyarfas into the compound.

March 21, 1993 -- The FBI relayed messages to the following compound members from their family members: Mary Gene Borst, Jeff Little, Livingston Malcolm, Melissa Morrison, Judy Schneider, Steve Schneider, Scott Sonobe, David Thibodeau and Margarita Vaega. Thibodeau was the only one of this group who survived the April 19 fire.

March 25, 1993 -- The FBI relayed a message to Livingstone Malcolm from his family. He died in the April 19 fire.

March 25, 1993 -- The FBI relayed a message to Jeff Little from his father. Little died in the April 19 fire.

March 27, 1993 -- The FBI relayed a message to Greg Sommer from a friend. Sommer died in the April 19 fire.

March 28, 1993 -- The FBI played a tape to David Thibodeau from his mother.

March 28, 1993 -- The Davidians sent out another videotape depicting the children.

April 1, 1993 -- Schneider placed a cellular telephone call to his sister, without FBI assistance.

C. Miscellaneous Contacts

In addition to the above contacts with family members and attorneys, the FBI also:

a) Relayed a message from the Davidians to a local radio station on March 12, after the Davidians became upset with information disseminated about them during a call-in show on that station.

b) Permitted various Davidians to speak by phone with a doctor on March 12 regarding their injuries received on February 28.

c) Sent a letter to Koresh from Craig Smith of the Christian Broadcasting Network.

d) Sent messages on March 21 and March 27 to the British citizens inside the compound from the British Consulate in Houston.

e) Sent an audiotape into the compound from Dr. Philip Arnold of the Reunion Institute in Houston, a religious scholar whose views on the Seven Seals and the Book of Revelations had attracted the interest of Schneider and other Davidians.

f) Sent a letter to Koresh on March 27, 1993 from the Chaplin of Baylor University.

D. FBI Contacts With Family Members

As noted, the FBI received a number of inquiries from family members and associates of the compound residents. Some of the inquiries were from family members concerned about the status of their loved ones inside. Other contacts were from family members and friends volunteering information and insight into the Branch Davidians. The FBI frequently followed up by interviewing those persons. Following is a summary of some of those contacts:

March 1, 1993 -- Kathryn Schroeder's former husband and the father of Scott and Jacob Mabb, called to inquire about the status of his children. He was told that his children had already been released.

March 2, 1993 -- The Texas Rangers interviewed former cult member Donald Bunds, whose family members were still inside the compound. Bunds provided information regarding the layout of the

compound, including the locations of underground rooms. The Rangers passed on this information to the FBI.

March 3, 1993 -- Former cult member Katherine Jones, whose family members were still inside the compound, furnished information to the FBI regarding the layout of the compound and the Davidians' food supplies.

March 3, 1993 -- Julia Rosa, the sister of cult members Jim and Rita Riddle, reported to ATF that her mother Myrtle Riddle had just received a phone call from Koresh. Koresh said that he had a "secret" phone line that he was using to call Branch Davidians who were not inside the compound, and that he wanted all the cult members to come back to the compound before "everything happens."

March 3, 1993 -- A friend of Koresh's grandmother called the FBI and said Koresh's grandmother would be willing to talk to Koresh if the FBI thought it would help.

March 8, 1993 -- The daughter-in-law of compound resident Floyd Houtman called the FBI and volunteered to provide information about the Branch Davidians.

March 11, 1993 -- Koresh's grandmother contacted the authorities directly and offered her assistance.

March 18, 1993 -- Neil Vaega's brother submitted to an interview with the FBI and provided background information about Neil and the Branch Davidians.

April 3, 1993 -- The brother of deceased Davidian Perry Jones provided information to the FBI regarding food supplies inside the compound.

VI. Attitudes of Koresh and Others in the Compound

A. Introduction

Koresh and his followers inside the compound manifested strong attitudes on a variety of subjects relevant to the negotiation process. Their attitudes toward religion and Koresh's deified status, law enforcement and organized government, and death and suicide all posed obstacles to a successful, peaceful end to the standoff.

Perhaps the most important attitudinal attribute of those who perished in the April 19 fire was their determination to remain inside the compound. The March 9 videotape, containing a series of interviews with adults inside the compound, provides powerful evidence of that attitude. Each person on the video -- male and female, young and old -- spoke in a calm, assured tone of their desire to remain inside, even after the experience of the ATF raid only a few days earlier. Steve Schneider, who photographed the video and "interviewed" the subjects, also speaks in a thoughtful, articulate manner on the video. The abiding impression is not of a bunch of "lunatics," but rather of a group of people who, for whatever reason, believed so strongly in Koresh that the notion of leaving the squalid compound was unthinkable.

Below is a summary of the attitudinal traits displayed by the Branch Davidians that had important implications for the negotiation process:

B. Religion/Devotion to Koresh

The Branch Davidians' religion emphasized the apocalyptic nature of Koresh's preachings. They believed Koresh was the "Lamb" through whom God communicated to them. They also believed the end of the world was near, that the world would end in a cataclysmic confrontation between themselves and the government, and that they would thereafter be resurrected. The February 28 ATF raid only reinforced the truth of Koresh's prophetic pronouncements in the minds of his followers.

The key to Koresh's hold on his followers was his ability to recite lengthy portions of the bible from memory, and to "harmonize" disparate, seemingly unrelated scriptures by showing how they "tied together." This ability, combined with Koresh's charismatic/mercurial personality and the low self-esteem of his followers, created an environment in which Koresh was elevated to near God-like status.

Koresh exercised great control over the lives of his followers. He told them what to eat, where to work, where to

sleep, and what to think. [Material redacted as required by statute.]

Koresh's charismatic hold permitted him to take extraordinary liberties with his followers. Koresh preached that as the "Lamb of God" only his "seed" was pure, meaning that only he could have sex with the over-puberty aged girls^{27/} and women in the compound, and that none of the men could have sex. Koresh even convinced Schneider to give up his wife, Judy, to Koresh for sexual purposes. Koresh would humiliate Steve Schneider by talking about his sexual experiences with Judy in front of all the Davidians at their Bible study sessions. But Schneider believed in Koresh to the end.

C. Intention to Stay Inside the Compound

Probably the most important observation that can be made about the Waco standoff is that after all is said and done, after all the analysis, investigations, hearings, and so forth, nothing would have changed the outcome because the people who remained inside had no intention of leaving.

The March 9 videotape provides compelling evidence of the desire of Koresh's followers to stay inside with him. Other

^{27/} For further discussion of evidence that Koresh engaged in sexual and physical abuse of children, see pages 215-26.

evidence supporting this conclusion comes from the many telephone conversations the negotiators had with persons inside the compound. Approximately 50 of those people told the negotiators they did not want to leave. [Material redacted as required by statute.]

In addition, Koresh repeatedly lied to the negotiators about whether he would come out. On March 2, of course, he promised to come out with his followers "immediately" upon the broadcasting of his 58 minute audio tape over the radio. After the tape was broadcast Koresh reneged on his promise, saying God had told him to wait. On March 19 Koresh promised to come out "in the next few days." Later that day Koresh said "it could be as early as tomorrow evening . . . that's a promise, a guarantee." Several days later Koresh promised to come out after Passover. Once Passover came and went, with the Davidians still inside, Koresh promised that he would leave as soon as he finished writing a manuscript regarding the Seven Seals.

D. Law Enforcement/Government

In Koresh's theology, the government, particularly the federal law enforcement agencies, were the "Assyrians" or the "Babylonians" who were bent on destroying the true believers -- the Branch Davidians. Koresh had predicted to his followers well before the February 28 ATF raid that law enforcement agents

planned to kill him and his followers. Koresh planned for the predicted apocalyptic showdown with the government by massively arming himself and his followers beginning in early 1992 and continuing through early 1993. Koresh was fascinated with guns. Former compound members have described the shooting practice, the conversion of semi-automatic weapons to fully automatic, the sewing of specially designed vests with pockets for extra ammunition clips, and the early morning para-military drills for the males in the compound.

Koresh and his followers demonstrated the level of their hatred for the ATF by ambushing the agents who arrived on February 28 with a valid search and arrest warrant. The ATF raid reinforced Koresh's status as a prophet among his followers, because they viewed it as consistent with Koresh's earlier predictions of confrontation. Following the raid Koresh continued to preach that the standoff with the FBI was a continuation of the cataclysmic battle between the Davidians and the federal government.

Koresh's hatred of the government did not always seem apparent. The tapes of the negotiations between Koresh and the FBI contain many lighthearted moments, and many hours of calm, peaceful conversations between Koresh and the negotiators. Koresh even proclaimed his admiration for law enforcement during some of the conversations. However, Koresh also made many

threats during the conversations, including threats to start "World War III," threats to blow the FBI's armored vehicles into the air, and threats to shoot FBI agents if they tried anything "silly." [Material redacted as required by statute.]

E. Death and Suicide

No one could have predicted with certainty that Koresh and his followers would commit suicide. There were many pieces of evidence suggesting both that Koresh was not suicidal and that he was suicidal. While so much of Koresh's preaching and the Davidians' religious beliefs revolved around notions of mass destruction, apocalyptic confrontations, and the like, it was very difficult during the standoff for the FBI to reach any particular conclusion regarding the possibility of suicide.

Following is a summary of the information that the FBI had compiled during the standoff regarding the possibility that Koresh and the Davidians would or would not commit suicide:

1. Suicide Possible

Several former compound residents and relatives of current compound residents spoke of the Davidians' devotion to Koresh and their desire to kill or die for him. One former resident who left during the standoff told investigators that on March 2

Koresh intended to leave the compound with his followers and commit mass suicide, until Koresh changed his mind when God told him "to wait." Another former resident stated she had heard the members speak numerous times about suicide. Former Koresh "wife" Dana Okimoto said that if Koresh were to die before his followers, everyone inside the compound would kill themselves.

On March 5, 1993, released child Joan Vaega had a note pinned to her clothes stating that her mother (Marguerita Vaega) would be dead by the time other relatives had read the note. Former compound residents now living in Australia reported that Koresh planned mass suicide. Dr. Bruce Perry, who interviewed the released Davidian children, reported that the Davidians had apparently reached some group consensus about a final end to the confrontation. Finally, "cult expert" Kelli Waxman warned in early March that Koresh probably had suicide plans.

Several other former compound members reported that while mass suicide was not possible, they and those still inside the compound would not hesitate to die for Koresh. They also reported that Koresh expected to die in a confrontation with the government.

2. Suicide Not Possible

The FBI also received much credible information discounting the possibility of suicide. For example, the negotiators confronted Koresh and Schneider several times directly with the question of whether they planned to commit suicide, and each time they emphatically denied that suicide was planned. Several Davidians who left the compound during the standoff (Catherine Mattson, Kathy Schroeder, Brad Branch, Anetta Richards and Livingstone Fagan) all said they were not aware of any plans or preparations for mass suicide. Several relatives of Davidians also reported that, based on their knowledge of the cult, mass suicide would be inconsistent with their religious beliefs.

3. Expert Opinions Regarding Suicide

As discussed in an earlier section of this report, the FBI received much input during the standoff from experts. The input the FBI received regarding the suicidal tendencies of Koresh and his followers was conflicting. For example, late in the standoff, the FBI's Behavioral Sciences Unit (BSU) prepared a short memorandum reflecting on Koresh's personality as observed through the negotiation process. The BSU noted that Koresh had displayed a variety of personality traits throughout the negotiations, ranging from friendly to angry, cooperative to confrontational, compliant to defiant, upbeat to morose, and

pragmatic to delusional. The negotiation team reported its "growing concern" that, despite his statements to the contrary, Koresh might be planning a mass suicide similar to Jonestown. Nevertheless, the BSU concluded that mass suicide was probably unlikely, because Koresh possessed, among others, the following personality traits: (1) generally acts only in self-interest; (2) statistically shows a low suicide rate; and (3) more likely to arrange a "suicide by cop" situation than to commit suicide.

The FBI's outside experts also failed to agree whether suicide was likely. In late March, while in Waco, Dr. Di Giovanni tentatively concluded that Koresh probably was not suicidal. However, Dr. Bruce Perry and Joyce Sparks, of the Texas Department of Child Protective Services, who viewed the March 28, 1993 videotape showing Koresh and his children, told the FBI on April 1 that Koresh might have been planning to cause an "apocalyptic" end to the standoff. Ms. Sparks recalled that Koresh had told her during of her prior visits to the compound that there would be a "fiery" end or an "explosion" at the compound. Dr. Perry believed that Koresh was stalling for time, to prepare for his "final battle" with the authorities. Dr. Perry believed that Koresh might try to lure law enforcement officers inside the compound, so that he could kill himself, his followers, and as many law enforcement agents as possible in a final apocalyptic end.

The experts who analyzed the letters Koresh sent out between April 9 and April 14 also reached different conclusions regarding the possibility of suicide. Dr. Miron' rejected the possibility of suicide, stating the following after reviewing Koresh's April 9 letter: "In my judgment, we are facing a determined, hardened adversary who has no intention of delivering himself or his followers into the hands of his adversaries. It is my belief that he is waiting for an assault. . . . Koresh's communication does not resemble the suicidal sermon made by Jim Jones in the last hours of Jonestown. His is not the language of those at Massada or Jonestown. He intends to fight." However, Krofchek and Van Zandt analyzed the same letter from Koresh and reached a somewhat different conclusion: Koresh was "willing to kill, to see his followers die, and to die himself." Krofcheck and Van Zandt believed that Koresh was "fully capable of creating the circumstances to bring this matter to a 'magnificent' end, in his mind, a conclusion that could take the lives of all of his followers and as many of the authorities as possible."

VII. Child Abuse

A. Introduction

One of the issues that received some attention in Congress and the media in the aftermath of the standoff involved allegations of prior and ongoing child physical and sexual abuse inside the compound, and the extent to which those allegations affected the Attorney General's decision to authorize the tear gas action. This inquiry has determined that:

1. Historical evidence suggested that Koresh had engaged in child physical and sexual abuse over a long period of time prior to the ATF shootout on February 28. This evidence was insufficient to establish probable cause to indict or proof beyond a reasonable doubt to convict, but it was sufficient to be relevant to the decisionmaking process involving the proposed tear gas plan. The historical evidence is discussed in more detail below.

2. There was no direct evidence indicating that Koresh engaged in any physical or sexual abuse of children during the standoff. Given that Koresh had been shot and wounded on February 28, he probably lacked the physical ability to continue his abuse. However, there was evidence that sanitary conditions inside the compound, primitive to begin with, had worsened

considerably during the standoff. It was unhealthy at best, and potentially life-threatening at worst, for children to continue to be forced to live in such an environment.

3. The FBI did not exaggerate the child abuse issue when it presented the tear gas option to the Attorney General. The FBI did not try to "sell" the tear gas plan to the Attorney General as a way to save the children. While one of the FBI representatives made one misstatement indicating that Koresh was continuing to beat children during the standoff, that misstatement did not materially influence the Attorney General's decision. Indeed, the FBI included virtually no mention of child abuse in its initial briefing book for the Attorney General. In the final briefing book, prepared on the weekend before April 19, the FBI included the historical evidence of child abuse and in no way indicated that it had any evidence of continuing abuse.

4. The issue of child abuse represented only one of many factors that influenced the Attorney General in her decision to approve the tear gas plan. No single factor was determinative. The Attorney General was more influenced by other significant issues, such as the difficulty in maintaining perimeter security at the compound, the unanimous conclusion of the negotiators and the experts that Koresh was not coming out, the Davidians' plentiful food and water supply, the deteriorating sanitary conditions inside the compound, the safety precautions included

in the tear gas plan, and the unanimous agreement of her top advisers in the Justice Department and the FBI that the tear gas plan represented the only viable option left for the government. Ultimately, it made no difference whether the children were undergoing contemporaneous abuse, because the environment inside the compound was intolerable for children in any event.

B. Evidence of Historical Child Sexual and Physical Abuse

1. Sexual Abuse

Rumors about Koresh's sexual practices with girls persisted for years prior to the ATF raid. Former compound members told stories about Koresh's alleged practice of having sex with girls as young as twelve. Evidence suggested that Koresh had "wives" who were in their mid-teens, that Koresh told detailed and inappropriate sexual stories in front of the children during his Bible study sessions, and that Koresh taught the young girls that it was a privilege for them to become old enough (i.e., reach puberty) to have sex with him. One former compound member described how Koresh would invent theological justifications for his sexual desires, whether they involved having sex with young girls or with other men's adult wives. According to information provided to the FBI, at least two minor girls were "wives" of Koresh at the time of the standoff.

The following are excerpts from materials compiled by the FBI during the standoff providing examples of Koresh's historical (i.e., pre-February 28, 1993) sexual practices with young girls.

a) From ATF Affidavit in Support of Arrest of Koresh

From ATF Special Agent Aguilera's interview of former compound resident Jeannine Bunds, included in Agent Aguilera's affidavit in support of the Koresh arrest warrant, February 25, 1993:

"Ms. Bunds also told me that Howell had fathered at least fifteen (15) children with various women and young girls at the compound. Some of the girls who had babies fathered by Howell were as young as 12 years old. She had personally delivered seven (7) of these children.

According to Ms. Bunds, Howell annuls all marriages of couples who join his cult. He then has exclusive sexual access to the women. He also, according to Ms. Bunds, has regular sexual relations with young girls there. The girls' ages are from eleven (11) years old to adulthood."

b) From Interview by Texas Social Worker

Joyce Sparks, Children's Protective Services Investigations Supervisor, Waco, interviewed a young girl, a former compound resident, on February 22, 1993:

"[She] entered the cult when she was about three or four years old. . . .

We asked her if she could think of any reason that any of the children at the compound would not be safe and as we got into this discussion, she brought up the topic of sexual abuse. She described herself as special and treated differently than other children. She talked about spending time alone with David and although this was 'scary' she felt 'privileged.'

She explained to us that on one occasion, when she was ten years old, her mother left her in a motel room with David Koresh. He was in bed and he told [her] to come over to him. She got into the bed. David had no pants on. He took off her panties and touched her and then got on top of her. . . .

We talked about how she was feeling when this happened and she responded . . . 'scared.' When asked what else she felt, she responded . . . 'privileged.' When asked what David would do if he knew she was telling us about this, [she] rolled her eyes and said . . . 'I wouldn't even want to think about it.'

. . . .

We asked if she knew about any other girls who had experienced this and she said yes. She reported that she knew about Michelle Jones. When asked how she knew this, she explained that David had talked about having sex with Michelle when she was fourteen. He told in a Bible study once what it was like when he had sex with Michelle."

Michelle Jones died inside the compound on April 19, 1993.

c) From 1990 Affidavit of Former Davidian Ian Manning

"I was told that Vernon was sleeping with Michelle Jones, now currently fifteen years of age. . . .

I have seen Aisha Gyarfas come out of various rooms with Vernon where he slept that night. Vernon brags about having slept with her. She is now only fourteen years of age."

Aisha Gyarfas died inside the compound on April 19, 1993.

d) From 1990 Affidavit of Former Davidian Alison Manning

"Vernon claims to have permission from God to have more than one wife and although he is legally married to one woman (Rachel Olivia Jones) he has sexual relations . . . with other women -- two of which were minors at the time of his first encounters with them.

. . .

Vernon has also discussed his relations with Aisha Gyarfas (an Australian girl of fourteen years of age), stating that on their first sexual encounter her heart was beating so fast and hard he could hear it. Once taken as his new 'wife' these girls were involved in continuing relations with Vernon, intermittently being taken into his bedroom to spend the evening with him."

e) From FBI Agent's Interview of Dr. Bruce Perry

[As discussed above, Dr. Perry interviewed the children who had been released from the compound during the standoff. Following are excerpts from a taped conversation that Dr. Perry had with FBI Agent Nancy Houston, in which Dr. Perry discussed information he had learned from his interviews with the children:]

"Dr. Perry: Koresh had a special relationship with the women by which he was able 'to see the light' in all kinds of women, women that were even girls, and he had sex apparently with . . . girls that were as young as ten.

. . .

Dr. Perry: These girls [i.e., those that Perry interviewed], none of them -- I don't think any of them actually had intercourse with him. I do think that a lot of them were present when there was inappropriate sexual things talked about.

I think they were present when -- I think it is highly probable that [a young girl] was involved in some kind of sexual behavior. . . . I don't think it was intercourse, but I think it was something sexual. She admitted to you that she thinks it is okay for [young] girls to have sex.

f) Excerpt From Negotiation Tapes, April 14-15, 1993

"FBI: . . . What about sex with twelve year olds? I keep getting back to that because you know and I know that's right, Steve [Schneider].

Schneider: It isn't right and it's not happening.

FBI: Well, was it with a fourteen year old?

Schneider: Fourteen year old? Wha -- what can I say, it's true.

FBI: Yeah, okay, and --

Schneider: What can I say?

FBI: A fourteen year old is not a consenting adult, you know that.

Schneider: The person was, the person was.

FBI: Don't give me that. They're not an adult yet.

Schneider: I wasn't even here. This was with Rachel Jones.

FBI: It's rape. It's child rape. You know it and I know it.

Schneider: The parents consented before it even happened.

FBI: Oh, the parents can consent for a child, right?

Schneider: This is what I've heard, anyway. This is what I've been told.

g) Opinion of Forensic Psychiatrist Dr. Park Dietz

[Dr. Dietz's role is discussed in detail above. On April 17, 1993 he provided a memorandum to the FBI, which is excerpted below.]

"I do not believe negotiating in good faith will resolve the situation as it now stands. If everything continues as it has been going, I expect the following:

. . . .

-- Koresh may continue to make sexual use of any female children who remain inside.

-- The possibility of the children who remain inside ever leading a normal life will become increasingly remote."

[Material redacted as required by statute.]

2. Physical Abuse

a) From March 26, 1993 Report of Dr. Bruce Perry

As discussed above, Dr. Perry learned from the children who had come out of the compound that the children had been subjected

to harsh discipline from a very young age. According to his report of March 26, 1993:

". . .[T]hese children had a number of strict behavioral and verbal prohibitions. Violations of these resulted in punishment, sometimes severe. These children, for example, expected to be hit when they spilled. The style of discipline often involved being beaten with what these children labeled 'the Helper.' The Helper sounds like it is a wooden paddle, some children have reported it is broken off from an oar, other children have labeled it as a rice stirrer. In any case it is some variation of a wooden spoon. Other forms of discipline included restrictions of food, sometimes for a day. . . . These children have been disciplined physically, apparently from a very young age."

b) From the 1990 Affidavit of Ian Manning

"I have seen Vernon vigorously punish his son Cyrus approximate[ly] 5 years of age using a wooden paddle on his bottom, hitting him repeatedly.

"I have seen Vernon encourage the mothers of babies to beat their children from eight months and on using a wooden paddle applied repeatedly to the babies' buttocks."

c) From the 1990 Affidavit of Allison Manning

"Vernon teaches a very hard method of disciplining children which begins at eight months (in some cases much earlier) entailing that you only inform the child once that you disapprove of their behavior, and if this bad behavior reoccurs then they are to be spanked with a wooden spoon or paddle. This often

occurs more than once, i.e., if the child does not stop crying after being initially spanked, they are then spanked again. [T]his is done with considerable force, e.g., once a child was being spanked in front of me, and the force of bringing the paddle down on the child's bottom was enough to feel the breeze blow on my face. The child being spanked was approximately eighteen months old. Often the childrens' bottoms or thighs were bruised severely and these disciplinary methods are not abated -- they continue with full force. These methods are instigated by Vernon Howell and they are in turn carried out by more zealous followers after they have been convinced that this is the only way it should be done."

d) From 1990 Affidavit of Former Davidian Michelle Tom

"On one occasion Vernon spanked my daughter for forty minutes because she did not sit on his lap. She was eight months old at the time. Her bottom was badly bruised and he made her bottom bleed form spanking her so much.

Vernon performed this assault on my child in front of a room full of people, consequently I tried to keep her away from him as much as I could. Nearly every time he saw her he would spank her. . . .

Vernon stated to me and another lady that if he ever saw us giving our children a dummy (or pacifier as they are known in the

United States) that he would kill the children by smashing them against a wall."

3. Circumstantial Evidence of Ongoing Abuse During the Standoff

As noted above, there was no direct evidence establishing that any children were being either sexually or physically abused during the February 28 through April 19 time period. There were circumstantial indications, however, that the children were living in a deteriorating environment, and that the prospect of sexual or physical abuse was likely as the standoff continued.

[Material redacted as required by statute.]

4. Public Statements About Child Abuse After The Standoff

As noted, following the fire on April 19, 1993, the Attorney General made several television appearances, during which she indicated that one of the factors that had influenced her decision to approve the tear gas plan was her belief that contemporaneous child abuse was occurring inside the compound. The next day, April 20, then-Director Sessions appeared on television and stated, accurately, that the FBI had developed no direct evidence of contemporaneous child abuse.

Following Director Sessions' statements, the Attorney General requested that all the available evidence regarding child abuse be collected. That project was completed over the next few days. The Attorney General realized that she had made an inaccurate statement. She corrected it during her April 28, 1993 testimony before the House Committee on the Judiciary, during which she emphasized that the evidence of child physical and sexual abuse in the government's possession related to activities inside the compound prior to the standoff.

VIII. The Role of Other Law Enforcement

As of April 9, there were 136 ATF personnel and six U.S. Customs Service employees in Waco. Local authorities consisted of eighteen persons from the Waco Police Department, seventeen from the McLennan County Sheriff's Office, and, from the Texas Department of Public Safety (DPS), 32 Texas Rangers and 131 members of the DPS Patrol. The total number of local law enforcement personnel present at Waco on any given day during the crisis varied.

A. The Texas Rangers

Texas Ranger Captain David Byrnes commanded a contingent of 31 Texas Rangers at Waco who assisted in the criminal investigation of the shootings of the ATF agents. The Rangers, working with the United States Attorney's Office and the ATF, were responsible for processing the crime scene. Although one ATF explosives expert, who was escorted on the scene by the Texas Rangers, was used to disarm explosives. No other ATF agents were involved in processing the crime scene. Captain Byrnes organized arrest teams in preparation for a surrender by the Branch Davidians.

Captain Byrnes reported that the Rangers' relationship with the FBI command post deteriorated rapidly. Numerous Rangers

complained to him that SAC Jamar and others in the command post had treated them rudely. The Rangers eventually pulled out of what they considered a hostile atmosphere.

Captain Byrnes recounted a specific event in which the FBI's failure to cooperate may have impeded the search of the crime scene. On the afternoon of February 28, Michael Schroeder, a Branch Davidian, was killed while he and others attempted to penetrate the ATF perimeter on the north end of the property. Jamar initially allowed the Rangers to recover Schroeder's body and perform a limited crime-scene analysis. Later, the Rangers asked to be allowed to complete the crime-scene search by casting footprints and gathering other evidence. Jamar refused the request, and did not allow them back onto the crime scene for ten days. By then, rain had severely eroded the footprints they had hoped to process. After this incident, the Rangers had little or no contact with the FBI for the next three to four weeks. On occasions when they did meet with Jamar, they were forced to wait for extended periods of time, and often left without ever having seen Jamar.

Another point of contention centered around the FBI's decision to remove the vehicles from the compound. The Rangers and ATF had expressly opposed this tactic, and ATF had been told by the FBI that it would be consulted further before the vehicles were moved. The FBI then moved the vehicles without notifying

the Rangers or ATF, leading them to conclude that they were intentionally misled.

Captain Byrnes said that the incidents with SAC Jamar and the FBI at Waco severely strained the relationship between the FBI and the Texas Department of Public Safety. He added that while he thought the strain would not affect the ability of the Rangers and DPS to participate in future criminal cases with the FBI, hard feelings would linger.

SAC Jamar has said he was fully aware of the dichotomy between the safety of law enforcement and the preservation of the crime scene. He noted that although every effort was made to consider the Texas Rangers' concerns regarding the crime scene, he felt it was more important to ensure that individuals within the compound and law enforcement safety be given first consideration. He also noted that as the length of time increased during the confrontation, the it was highly unlikely that the crime scene inside the compound would have been preserved intact.

B. The United States Attorney's Office

According to U.S. Attorney Ronald F. Ederer, when he and First Assistant United States Attorney Jim DeAtley arrived at the ATF command post in Waco late on the afternoon of February 28,

they found things to be in a state of confusion. About one hour later, SAC Jamar and ASAC Manny Marquez arrived from San Antonio, and their arrival had a calming effect. Assistant United States Attorneys William Johnston and John Phinizy had already started working with the Rangers to determine whether someone had leaked information on the ATF raid.

Johnston was assigned as the Assistant United States Attorney to the ATF investigation of the Branch Davidian compound prior to the events of February 28. After the shootings, Johnston immediately got to work securing as much physical evidence as possible. He asked the Waco Police Department to assist him in photographing the damage done by gunfire from the compound to the military helicopters assisting in the raid. When Jamar arrived at the scene, Johnston asked him whether the FBI would be handling the criminal investigation. Jamar replied that the FBI would only be handling the barricade-hostage situation.

The following morning, Ederer and DeAtley began to put a prosecution team together; everyone expected that a large number of people were about to surrender, and decisions would have to be made about whom to charge and with what. During this time, Ederer noticed that Johnston had been directing the Texas Rangers, telling them what they needed to do. Ederer cautioned him that it was not his job to direct the investigation and warned him of the problems it would cause if he did so. Although

the prosecution team began to work well together by the second week, Johnston apparently spent all of his time with the Rangers and away from the prosecutors.

By the end of the second week, the prosecutors were prepared for a large-scale surrender. Ederer, who was in daily contact with Jamar, experienced no coordination problems between his office and the FBI. He added that although the ATF initially had some hurt feelings when the FBI stepped in and took over the case, the friction had eased by the end of the second week and the prosecution interviews of agents were progressing.

One of the principal points of conflict between the Rangers and the FBI concerned the moving of vehicles from around the compound. This was the primary issue raised by Johnston in a March 23, 1993 letter to the Attorney General.^{28/}

According to Ederer, the friction between the law enforcement agencies had absolutely no effect on the ultimate outcome of the standoff. Representatives of the ATF were always present in the FBI command post, and the ATF special agent-in-charge had regular contact with Jamar. Ederer knew of no serious communication problems between the FBI, ATF, and the other law-enforcement decision-makers.

^{28/} This disagreement -- along with other developments -- prompted Criminal Division Deputy Assistant Attorney General Mark Richard's trips to Waco. See discussion below at pages 250-59.

C. The Bureau of Alcohol, Tobacco and Firearms

After the shootings at the Mount Carmel compound on the morning of February 28, the situation at the ATF command post became chaotic. Although individual ATF agents were handling urgent tasks relating to the wounded, no one was coordinating these individual efforts, and the overall situation deteriorated rapidly. At about 5:30 p.m., SAC Jamar arrived from San Antonio and immediately began to establish a command post for the FBI. Several hours later, Daniel Conroy, ATF Deputy Associate Director of Law Enforcement, arrived at the ATF command post to find it still in disarray, despite efforts by the on-scene commanders to restore order and deal with the most pressing tasks, such as continuing negotiations with the Branch Davidians, coordinating the recovery of the released children, and handling the large influx of ATF agents, and state and local law enforcement officers volunteering for service. Efforts were also underway to obtain military equipment from the Texas National Guard, and to deal with the media.

Later that evening, Daniel Hartnett, ATF's Associate Director of Law Enforcement, arrived at the ATF command post and established a new ATF command structure, which defined that agency's role for the remainder of the standoff. The primary ATF responsibilities beginning March 1 were establishing an outer security perimeter, providing security for hospitalized agents,

and assisting the FBI in the negotiations with the Davidians. Pursuant to its responsibility for the overall criminal investigation of Koresh and his followers, ATF provided a senior official to act as liaison with the Texas Rangers. Additionally, reciprocal liaison was arranged between the FBI and ATF command posts.

Perspectives differed on the degree of cooperation between ATF and the FBI. For example, one of the ATF officials assigned as liaison to the FBI command post advised that the liaison between the two agencies was smooth, considering the crisis nature of the investigation. There were times, however, when he was asked to leave the room so the FBI officials could discuss "personnel matters."

An FBI supervisory special agent responsible for liaison between ATF and FBI Headquarters said that during his brief assignment to the ATF command post in the first week of March, he had experienced problems obtaining information.

IX. The Justice Department's Role: February 28 - March 12, 1993

A. Introduction

This section of the report examines the role of the Department of Justice from the beginning of the standoff on February 28 through Janet Reno's arrival as Attorney General on March 12. The activities of the Justice Department following Ms. Reno's confirmation are addressed at pages 249-275 of this report.

B. The Justice Department During the Transition Period

Following the inauguration of President Clinton, the Justice Department was in a caretaker mode, with senior career officials running the day-to-day affairs of the Department, and with Bush Administration holdover Stuart M. Gerson performing the function of Acting Attorney General. In addition, a White House liaison team, led by Webster Hubbell, arrived at the Justice Department on Monday, January 24. Hubbell and his team reported to Gerson, and Gerson reported to the White House.

When the Waco standoff began on February 28, Mr. Gerson was still the Acting Attorney General. Mr. Hubbell and his associates were listed as "assistants to the Acting Attorney General." The Criminal Division was under the direction of

Deputy Assistant Attorney General John C. Keeney. No Senate-confirmed appointees of President Clinton had yet arrived at the Justice Department.

C. Acting Attorney General Gerson's Handling of Waco:

February 28 - March 12, 1993

After the ATF raid, the FBI notified Acting Attorney General Gerson that ATF had requested that the FBI to assume control of the situation in Waco. Gerson met with Deputy Director Floyd Clarke and Assistant Director Larry Potts (Chief of the FBI's Criminal Investigation Division) in the FBI command center later that day. The FBI told Gerson that it would take over in Waco, but only if it were given full command and control authority at the scene. Gerson agreed, and he called White House Chief of Staff Thomas McLarty late in the day on February 28 or early the next morning (March 1) to explain the situation and to receive permission to deploy the FBI's Hostage Rescue Team to Waco. Hubbell did not participate in any of the discussions on February 28, as he was in Arkansas that day.

In addition to notifying Gerson on February 28, the FBI also notified James S. Reynolds, Chief of the Criminal Division's Terrorism and Violent Crimes Section, of the events in Waco. From that point forward, the Justice Department had two responsibilities: (1) investigating and prosecuting those Branch

Davidians who had killed and wounded ATF agents on February 28; and (2) monitoring the FBI's efforts to end the standoff inside the compound through negotiations.

The next day, March 1, 1993, President Clinton telephoned Acting Attorney General Gerson and expressed his interest in events at Waco. Gerson told the President that the FBI would be handling the situation. The President said that he understood that the FBI's philosophy in such situations was to negotiate until the situation was resolved. The President asked to be advised if there was to be any change to that approach and a tactical resolution was under consideration. Gerson agreed, and he telephoned FBI Director Sessions to advise him of the President's request. Sessions, in turn, advised Assistant Director Potts.

On March 1 Terrorism and Violent Crimes Chief Reynolds assigned Mary Incontro, his Deputy Chief for violent crime, to contact the United States Attorney's office in San Antonio and to keep apprised of all developments regarding both the standoff and the investigation and prosecution of those Branch Davidians responsible for killing and wounding the ATF agents on February 28. Thereafter, Incontro and one of the section's line attorneys, John Lancaster, maintained regular contact with the United States Attorney's office in San Antonio and with the branch office in Waco. Incontro and Lancaster reported whatever

they learned to Reynolds. In the meantime, Reynolds stayed in contact with the FBI violent crimes section in Washington, D.C. During the time period before March 12, the Terrorism and Violent Crime Section did not become substantially involved in either the investigation/prosecution of the events of February 28, or in monitoring the ongoing negotiations.

During the March 1 through March 12 period Acting Attorney General Gerson stayed actively involved in the standoff negotiation track. Gerson had determined, in line with the President's understanding of FBI policy, that the FBI's strategy would be to "talk them out, no matter how long it took." Gerson regularly visited the FBI command center for briefings, and he stayed in frequent telephone contact with Director Sessions, Deputy Director Clarke, and Assistant Director Potts. Gerson kept in frequent contact with the President's Chief of Staff and the White House Counsel as well, simply to keep the White House informed of new developments. Gerson also notified Ronald Ederer, then the United States Attorney for the Western District of Texas, that Ederer was to support the FBI in its handling of the standoff negotiations, and that Ederer should work out any problems between the FBI and the Texas Rangers (who were in charge of the ATF shootout investigation).

Soon after the standoff began the FBI requested that Gerson approve the deployment of military vehicles to assist the FBI in

undertaking certain limited tactical maneuvers to secure and tighten the perimeter around the compound. The FBI had become concerned about the massive firepower the Davidians possessed, and it became increasingly necessary for the FBI to take steps to secure and tighten the perimeter around the compound. Gerson agreed, and he contacted the Defense Department to arrange for the U.S. Army at Fort Hood, Texas to provide the necessary vehicles. Gerson notified White House Chief of Staff Thomas McLarty that military vehicles would be deployed at Waco for non-offensive purposes, and that no ordnance had been sent. Several minutes later the President called Gerson, requesting an explanation for the deployment of military vehicles. Gerson assured the President that no assault was planned; that the vehicles were necessary to enable the FBI safely to perform certain tactical operations, such as clearing away cars and other obstacles. Gerson assured the President that it was legal for the FBI to use the military vehicles for safety purposes. The President was satisfied with Gerson's explanation, but requested again that he be advised if the FBI were to adopt a more aggressive tactical stance.

On March 8, 1993, Gerson learned that Director Sessions wanted to fly to Waco to negotiate directly with Koresh. Gerson called Sessions and asked him to explain. Sessions said that he felt that, with his background as a former United States Attorney and United States District Judge from the Western District of

Texas, he could credibly explain the judicial process to Koresh and talk him into leaving the compound. Gerson was skeptical, and suggested that Sessions would be subjecting himself to danger if he were to insist on a meeting with Koresh. Gerson also explained that it was not good policy for the Director of the FBI to become operationally involved in a hostage negotiation or barricade situation. Gerson said that if Sessions wanted to go to Waco simply as a morale booster for the law enforcement agents on scene that would be permissible, but otherwise the trip would not be authorized. Sessions did not go to Waco.

In preparation for the arrival of Attorney General Reno on March 12, Gerson decided to pass his responsibility for Waco to Hubbell. Gerson arranged for Hubbell to receive a briefing at the FBI's Strategic Information Operations Center (SIOC).

Gerson remained at the Justice Department until March 19, but his role in the Waco standoff ended on March 12 with Attorney General Reno's arrival at the Department. Gerson did not brief Attorney General Reno about Waco, because the FBI arranged an extensive briefing for her shortly after she was confirmed.

X. Role of the White House

As discussed above, from the very beginning of the standoff the Justice Department (first through Acting Attorney General Gerson, then through Attorney General Reno) kept the White House informed of events at Waco. As discussed, the President requested that he be apprised if the FBI were considering any tactical moves against the compound. The President had prior experience with a standoff-type situation at Fort Chaffee, Arkansas during his days as Governor, and he was familiar with the FBI's procedures in hostage/barricade situations.

Throughout the standoff the White House situation room monitored events at Waco. In addition, the President's senior advisors kept informed on developments in Waco. For example, on February 28, 1993, the day of the ATF shootout, then-Communications Director George Stephanopolous spoke twice to the President to inform him of events transpiring in Waco. Stephanopolous received a briefing from FBI Assistant Director Potts at approximately 7:20 p.m. (Eastern Time) on the evening of February 28. The President also spoke to the Secretary and Deputy Secretary of the Treasury on February 28 to receive their reports on the events in Waco.

Presidential Adviser Bruce Lindsey and White House Counsel Bernard Nussbaum also monitored events during the first few days

of the standoff at Waco. On March 2 or 3, Deputy Treasury Secretary Roger Altman met with Nussbaum and Lindsey to brief them on a trip Altman had taken to Waco following the ATF shootout of February 28.

Acting Attorney General Gerson stayed in contact with the President, George Stephanopoulos, with Chief of Staff Thomas McLarty, and with the White House Counsel's office during the period from February 28 through March 12. McLarty described two parallel lines of communication -- one from Gerson to him, and the other from Gerson to White House Counsel Bernard Nussbaum. Senior advisor Bruce Lindsey also kept informed on developments in Waco.

McLarty recalls that he spoke with the President on April 11, 1993 and discussed the Waco standoff. During that conversation, the President mentioned a similar incident [Fort Chaffee] that had been resolved successfully through negotiations while he was the Governor of Arkansas.

During the week of April 12, 1993, while preparations for the tear gas plan were being made and debated at the FBI and the Justice Department, Hubbell attended a meeting at the White House, in Nussbaum's office, to discuss the plan. The most likely date of that meeting was Tuesday, April 13, although none of the participants has a firm recollection of the date. The

meeting lasted approximately 45 minutes, and it had been arranged for the purpose of discussing Waco, and advising the White House of the FBI's plan to change tactics through the use of tear gas. Participating in the meeting were Nussbaum, Hubbell, Lindsey, and the late White House Deputy Counsel, Vince Foster. Hubbell explained the outline of the FBI's plan, and noted that the Attorney General had not yet made a final decision whether to approve the plan. Lindsey asked why the FBI had "changed its mind" about negotiating until the Davidians surrendered. Hubbell explained that the FBI had only one Hostage Rescue Team (HRT) and that the FBI would have to pull the HRT back for training exercises if the standoff continued indefinitely. Hubbell also indicated that negotiations were not making progress and were unlikely to make progress in the future.

Lindsey also suggested that the military should be consulted, because the President would want to know that the military had an opportunity to review the plan. Lindsey indicated that the President had mentioned that the military had some involvement in the Fort Chaffee incident in Arkansas. Hubbell noted that plans were underway to meet with the military. (In fact, the Attorney General met with the current and former commanders of the Delta Force the following day, April 14). None of the White House participants in the meeting raised any objection to the proposal to use tear gas. Hubbell reported to

the Attorney General after he returned to the Justice Department from the White House meeting.

After the meeting with Hubbell, Nussbaum told the President that the FBI had recommended a change in strategy. Nussbaum told the President that the handling of the standoff was "a Department of Justice call, not a White House call." President Clinton responded that he had great confidence in the Attorney General and the FBI.

On Sunday, April 18, Hubbell called Lindsey to inform him that the Attorney General had decided to approve the FBI tear gas plan. Lindsey told Hubbell to tell the Attorney General to call the President to inform him directly of her decision. Lindsey then told the President that the Attorney General was prepared "to make a decision on Waco" and that the Attorney General would call the President after "she got done with a meeting."

Later that day (Sunday, April 18) the Attorney General called the President. Lindsey was with the President during the phone call. The Attorney General informed the President that she had decided to approve the FBI's request to use tear gas at Waco. The President asked the Attorney General if she felt she had received all the information she needed to make that decision. The President asked several questions about insuring the safety

of the children inside the compound. The President told the Attorney General "it is your decision."

The tear gas operation began at approximately 7:00 a.m. (Eastern Time) on April 19, 1993. The Attorney General and her senior advisors, as well as the FBI leadership, gathered at the FBI SIOC to monitor the progress of the operation. At approximately 11:00 a.m. Eastern Time, the Attorney General spoke with the President (a fact she forgot to mention during her appearance on Nightline some 12-1/2 hours later) and told him that everything appeared to be going well at Waco, and that she was going to leave Washington to attend a previously arranged judicial conference in Baltimore.

Hubbell also spoke by phone on the afternoon of April 19 with Chief of Staff McLarty at the White House. Following her late-night appearance on Nightline, the Attorney General spoke again to the President by telephone, at approximately 1:10 a.m. Eastern Time. The President asked about the possibility that any children or adults may have survived the fire.

Thus, the only Justice Department official who spoke with the President on April 19 was Attorney General Reno. Contrary to information disseminated in the media, Hubbell did not speak with the President on April 19.

Stephanopolous kept the President informed of events at Waco on April 19, serving as a conduit of information received from outside sources and passing the pertinent details to the President.

In connection with this inquiry the President provided the following statement:

"This is in response to your inquiry regarding my knowledge and participation with respect to the Waco matter. While I was not advised of the ATF raid on the Koresh compound on February 28, 1993, before it occurred, I believe I was fully advised of developments and consulted with respect to events subsequent to that date.

"Initially, I relied upon Secretary of the Treasury Lloyd Bentsen and Deputy Secretary of the Treasury Roger Altman. As the stand-off proceeded and the FBI was brought in, I relied upon Acting Attorney General Stuart Gerson, and then Attorney General Janet Reno, among others. Within the White House, I relied principally upon Chief of Staff Mack McLarty, Counsel to the President Bernard Nussbaum, Deputy Counsel Vince Foster, Senior Advisor Bruce Lindsey, and then-Director of Communications George Stephanopoulos.

"On Sunday, April 18, 1993, Attorney General Reno advised me that the FBI believed that it was time to take new steps with respect to the standoff in Waco. She explained that the FBI

wanted to use tear gas launched from armored vehicles in an attempt to dislodge the people from the compound. She said that the tear gas had been tested and would not cause permanent damage to adults or children, but that it would make it difficult to stay in the building.

"I asked Attorney General Reno several questions, the first being: "Why are we taking this action now, after seven weeks?" The Attorney General gave several reasons in response. First, there was a limit on 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 the 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 the 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.

"I then asked the Attorney General whether they had considered all of the things that could go wrong and evaluated them against what might happen that was good. She replied that the FBI personnel on the scene and those working with them were

convinced that the chances of bad things happening would only increase with the passage of time.

"I asked whether the military had been consulted. I had previously asked that the military be consulted because, based upon my experience as Governor of Arkansas in dealing with a similar type situation in northwest Arkansas, I found that the military had a valuable perspective on how to deal with situations of this type. Attorney General Reno stated that the military had been consulted and that they were in basic agreement with the FBI recommendation. She explained that there was a minor technical difference of opinion, that both the FBI and the military agreed that it was not of overwhelming significance.

"After asking these questions and receiving those answers, I said that if she thought it was the right thing to do, she should proceed; and I would support the decision.

"I spoke again with Attorney General Reno on the morning of April 19, 1993, before the fire started. She gave me an update on the situation. I then spoke with her that evening and told her that she had done a very good job under tough circumstances and that she should get some sleep."

XI. Planning and Decision-Making

Between March 23 and April 19, 1993

From the time the standoff at the Branch Davidian compound began on February 28, the principal headquarters responsibility in Washington for planning and decision-making lay with the Terrorism and Violent Crimes Section of the Justice Department's Criminal Division (TVCS/CRM) and the Violent Crimes and Major Offenders Section (VCMOS) of the FBI's Criminal Investigative Division (CID). The organization of the VCMOS and the key participants from that section have been described in Part III above. As the Chief of the TVCS/CRM, James S. Reynolds was substantially involved, as were both Deputy Chief Mary Incontro and section attorney John Lancaster. John C. Keeney was the Acting Assistant Attorney General for the Criminal Division during the crisis, and Deputy Assistant Attorney General (DAAG) Mark Richard oversaw the activities of TVCS/CRM. AG Reno relied a great deal on DAAG Richard during the latter days of the crisis. As discussed in more detail above, the primary headquarters responsibility for decision-making throughout the crisis at the FBI lay with Director Sessions, Deputy Director Clarke, and Associate Deputy Director Gow.

From February 28 until March 23, the principal role of the Criminal Division representatives -- particularly Mr. Reynolds, Ms. Incontro and Mr. Lancaster -- was to act as liaison between

the U.S. Attorney's office (USAO) for the Western District of Texas and the VCMOS at FBI Headquarters. That role began to change significantly on March 23.

A. Coordination of the Prosecutive and Investigative Teams

This report previously addressed the tension between certain members of the USAO, local law enforcement and the FBI. The following section addresses the resolution of these conflicts by the Department.

By letter dated March 23, 1993, William Johnston, the Assistant United States Attorney in charge of the Waco office, complained to the Attorney General about decisions affecting the investigation of the shootings of the ATF agents made by then U.S. Attorney, Ronald Ederer. Specifically, Johnston complained about Ederer's seeming lack of concern about leaks occurring during the investigation; his characterization of the local media's interceptions of cellular telephone conversations among agents as only a "nuisance"; and his instructions to Johnston that he refrain from assembling an investigative team consisting of Texas Rangers, other agencies and crime laboratories to work on the homicide case. He further alleged that Ederer inexplicably declined an offer of assistance from a District Attorney's office with which the USAO had enjoyed a "great relationship for years." According to Johnston, Ederer had made

the USAO look "silly, inept and confused" by charging two elderly women who had been released from the compound with conspiracy to murder, only to dismiss the charges when it became obvious that there was insufficient evidence to support them and when the FBI complained that the charges might harm ongoing negotiations.

Johnston also complained that the FBI was using tanks to push vehicles away from the compound. Because the vehicles had been used by the ATF agents as cover and were riddled with gunfire from the compound, Johnston expressed concern that the FBI was destroying important trajectory evidence. While acknowledging that the FBI probably had sound reasons for moving the vehicles, he was unhappy that Ederer had done nothing to represent to the FBI the investigative team's position on preserving the crime scene.

Finally, Johnston complained about Ederer's instruction to the Waco office "not to charge anyone with anything (other than being a material witness) until further notice." This instruction came after the FBI complained to Ederer about Johnston's plan to present evidence to a grand jury against Brad Branch, who was released from the compound on March 19 and who allegedly played a significant role in the February 28 shootings.

Based on discussions between March 26 and 29 with James Reynolds and Robert McNamara, the Assistant General Counsel for

Enforcement at the Treasury Department, Mr. Richard learned that there were strong indications of tension both between the USAO in San Antonio and the Waco office, and among a number of the agencies involved in the investigation. He also learned of Johnston's March 23 letter to the Attorney General and of a request by Reno to Acting Assistant Attorney General Keeney that a review be made of the situation in Waco. Richard was further advised that either Reno or Webb Hubbell, Special Assistant to the Attorney General, had been contacted by a Congressman about a complaint from a Texas Ranger concerning the way the FBI was allegedly damaging the crime scene at the compound. (Earlier, Mr. Reynolds had telephoned First AUSA DeAtley in San Antonio to discuss in detail the background and relationships of individuals in the USAO in the Branch Davidian investigation, and how often DeAtley traveled to Waco. It was clear to Reynolds from his conversation with DeAtley that he was aware of the letter to the Attorney General from Johnston.)

Late on March 30, Richard, Reynolds and -- at the request of AD Potts -- E. Michael Kahoe, section chief of the VCMOS of the FBI's CID, traveled to Waco at the behest of the Attorney General to assess the effectiveness of the prosecutive and investigative teams assembled there and the interrelation among the various agencies involved. The following day, they toured the area of the compound to get a sense of the terrain and received a briefing from SAC Jamar on why an HRT assault of the compound on

foot was not feasible. They then met with AUSA Johnston to discuss his concerns. Johnston expressed his concern that the FBI was causing evidence to deteriorate and making no effort to preserve the crime scene. Johnston specifically cited the movement of vehicles at the compound, an action which had not been cleared through him, and which -- in his view -- could be devastating to the prosecution. It appeared to Johnston that whatever the FBI wanted, it got. He also alleged that Ederer and First AUSA DeAtley would not listen to him about his needs. Richard and Reynolds also met with Texas Ranger Captain David Byrnes, who was in charge of the Rangers' investigation of the February 28 shootings. Like Johnston, Byrnes was concerned about the preservation of the crime scene and complained that the FBI had failed to make an effort to coordinate their activities with the Rangers.

It was clear to Mr. Richard from these meetings that the FBI was concerned principally with resolving the standoff, while the Texas Rangers and Johnston were concerned primarily with preserving the crime scene. It appeared that the FBI was not coordinating their actions with other agencies, and the Texas Rangers no longer sent a representative to the FBI command post.

Also on March 31, Kahoe, Reynolds and Richard flew to San Antonio, where they met with Ederer and DeAtley concerning the coordination of the investigation and prosecution in Waco.

During the meeting, Ederer stated that Acting Attorney General Gerson had told him in an earlier conversation that the standoff should be resolved with a minimum loss of life and prevention of further bloodshed. In Ederer's view, if the FBI believed that something had to be done to achieve that goal, there would be no disagreement. Since his primary concern was to put together a smooth-running and successful prosecutive operation, Richard discussed with Ederer and DeAtley the feasibility of removing the case from San Antonio and having a team of AUSAs report directly to the Criminal Division in Washington. Both Ederer and DeAtley supported the idea and considered it an appropriate strategy. After further discussion, they decided that AUSA Ray Jahn would lead the prosecutive team in Waco.

On April 1, Richard and Reynolds met with Attorney General Reno and Hubbell in Washington, D.C. to report on their trip and to propose ways of improving the coordination among the investigative agencies and between the investigators and prosecutors. After Reno approved the proposals, Richard and Reynolds met with Assistant General Counsel McNamara and ATF Director Higgins to discuss the composition of the prosecution team, and the coordination between the investigators and the prosecutors. The following day, Richard briefed Reno on the reaction of the Treasury Department officials to the changes. Also on April 2, AUSA Jahn was formally designated to head the prosecution team.

On April 7, Richard and Reynolds returned to Waco, this time accompanied by McNamara and Brad Buckles of ATF. While in Waco, Richard met privately with Johnston and spoke by telephone to United States District Judge Walter Smith (who had received a copy of the letter from Johnston to Reno) to inform him as a courtesy of the changes. AUSA Johnston was supportive of the plan, considered it in the best interests of the investigation, and later became a part of the team of six AUSAs assigned to the case. Richard and Reynolds then attended a meeting with Captain Byrnes of the Texas Rangers, officials from the Texas Department of Public Safety, Buckles and McNamara, Clarke, Potts and Jamar of the FBI, and AUSAs Ray Jahn and LeRoy Jahn of the USAO. They announced the new prosecution team and discussed the revised lines of communication and coordination. Richard and Reynolds also disclosed that AUSA Ray Jahn would be reporting to Acting Assistant Attorney General Keeney; that the FBI would maintain jurisdiction over the resolution of the standoff; and that the Texas Rangers, in consultation with the ATF, would retain jurisdiction over the February 28 shooting case. It appeared to Richard that by the time of the meeting, the different agencies had "mended their fences" and begun working toward effective coordination. (Earlier, on March 21, in an effort to resolve the issue, the FBI had agreed to photograph, graph, and grid the portion of the compound where the vehicles sought to be moved were located. That way, the vehicles could be returned to their exact positions after the standoff ended.) Richard also heard

for the first time about the FBI's proposed use of gas to end the standoff.

Clarke and Potts were in Waco on April 7 and 8 as well to participate in the discussions about the lines of authority and respective roles of the law enforcement agencies. They also met with SAC Jamar and representatives of the crisis management team to discuss future strategy. One of the issues discussed was the removal of the last portion of a fence and several vehicles from the front of the compound. Opposition to the removal focused on preserving the crime scene, as these vehicles had numerous bullet holes in them from the shootings on February 28. The FBI wanted them removed to ensure accessibility and improve the clear line-of-sight, which was important if gas were to be inserted. Although everyone agreed that constant efforts would be made to negotiate a resolution to the standoff, the negotiators were not sanguine about any imminent progress.^{29/} Accordingly, after days of general discussions about the use of gas, attention turned to the formulation of a specific plan for delivery of the gas to the Branch Davidian compound.

ASAC Rogers gave Clarke and Potts a briefing on the use of CS gas and suggested an operation plan for such use. One option

^{29/} Potts said that, although there were constant daily negotiations to get people out of the compound, it had become apparent after 30 days that Koresh -- a "master manipulator" -- was controlling the situation at Waco.

they considered was "total insertion," covering all portions of the compound simultaneously. This would require, however, insertion by a projectile, presenting a potential conflict with the non-aggressive strategy already in place. The discussion then evolved into a plan for a less aggressive systematic and incremental process which would include advance notification to the occupants of the compound. They agreed that the preferable plan would be one which would be least likely to provoke a hostile response and would be more in keeping with a gradual denial of access to the space in and around the compound, thus making clear the FBI's intention to bring about a safe resolution without further hostility.

In completing the plan, Rogers also wanted to be prepared for the possibility of a hostile reaction. He intended to counter any such reaction with only that amount of force necessary to protect law enforcement personnel. In this regard, it was agreed that four Bradley vehicles would be positioned to enable CS gas to be introduced to any portion of the building from which hostile fire might emanate. This contingency included the use of M-79 grenade launchers to introduce gas to those areas of the compound not accessible by the CEVs.

The portion of the compound that presented the most concern to the HRT was the tower near the middle of the structure. The tower provided the Branch Davidians with a very threatening

offensive position. The FBI decided that the tower would be immediately placed "off limits" to the Branch Davidians as soon as the gas was introduced. The FBI intended to communicate this to the Branch Davidians over the loudspeakers. If they refused to comply with the tower proscription, the FBI would insert CS gas by firing ferret rounds from M-79 grenade-launchers from inside the Bradley vehicles.

Rogers also focused on the potential vulnerability of the Bradley vehicle shooting ports to sniper fire. At a distance of approximately 75 yards -- the distance at which the Bradley vehicles would be positioned during the insertion -- the firing ports offered easy targets for snipers. The FBI decided that the best time to initiate the plan was in the pre-dawn hours, with the Bradley vehicles behind floodlights to decrease their visibility to the compound occupants.

Once all the FBI personnel who participated in these sessions agreed with the unified plan, Clarke and Potts returned to Washington and briefed Director Sessions and Gow.^{30/} Both Director Sessions and Gow agreed that it was a solid plan and stated that arrangements should be made to brief the Attorney General as soon as possible.

^{30/} Potts pointed out that the plan was really just an extension of the emergency assault plan, which had been in effect since the beginning of the standoff.

On April 8, Reynolds attended a meeting at which ATF briefed him on the initial occurrences at Waco. He learned at this meeting that some of the ATF personnel who had participated on the initial raid were assisting the Rangers in the present investigation. After some discussion, he determined that it was in the best interest of the investigation for those persons to be removed from the case.

On April 9, Richard and Reynolds briefed the Attorney General on the results of their trip to Waco. Later that day, Ray Jahn called Reynolds to advise him that the FBI had a plan to end the standoff. Reynolds also learned that day that Director Sessions had requested a meeting with the Attorney General on Monday, April 12.

B. The CS Gas-Insertion Plan

1. Tactical Concerns

In a continuing effort to constrict the environment inside the compound and induce persons inside to come out or negotiate in good faith, the FBI took measured steps designed to bring the episode to a safe and satisfactory conclusion. Its concerns centered on suicide by cult members and the substantial likelihood that agents would sustain heavy casualties if an attempt were made to execute a frontal assault on the compound.

It was the FBI's view that based on the physical layout of the compound and the tactics of Koresh and his followers, a surprise attack would be virtually impossible. In fact, the HRT had observed Koresh and others maintaining guard duty in the tower structure in the center of the compound. Agents were aware that shooting from the tower was instrumental in the deaths and injuries of the ATF agents in the initial raid.

Moreover, there were nearly 70 adults inside the compound with access to a large supply of weapons and ammunition, as well as night vision equipment enabling them to track the movements of federal agents. The FBI believed that those inside had been fortifying the compound and creating new shooting ports. The wood construction of the compound made it possible to fire through the walls at law enforcement personnel. This was precisely what occurred on February 28.

While it was conceivable that tanks and other armored vehicles could be used to demolish the compound, the FBI considered that such a plan would risk harming the children inside. The presence of innocent children, and the FBI's concern to minimize the risk of harm to them, influenced all tactical considerations.

There were also other concerns. The FBI considered its outer perimeter to be vulnerable, for the Branch Davidians had

.50 caliber rifles with an effective range of 3000 yards, a distance roughly equal to the distance between the White House and the Capitol. This vulnerability created a threat to the safety of curiosity seekers and of the agents assigned to maintain the perimeter. There was always the possibility of an armed mass breakout by cult members, and the concern that children might be used as human shields in such a breakout. As the standoff continued, there was an increasing risk to the agents, either by accident or by the risk of shooting from inside the compound.^{31/} Finally, there was a concern about the well-being of the children inside the compound, given the deteriorating sanitary conditions, the apparent lack of adequate medical care inside, and the reports of prior sexual abuse.

2. The Strategy

Given the many concerns of the FBI, it was apparent that permitting the standoff to continue would neither lead to the peaceful surrender of Koresh, nor eliminate the risk to the safety of the innocent children in the compound, the public at large, and the government agents at the scene. Accordingly, the strategy continued to be aimed at restricting the options of those inside the compound and reducing their level of comfort.

^{31/} At one point during the crisis, an HRT helicopter struck a wire and crashed while attempting to place a SWAT team in a field to search for a reported trespasser. Fortunately, there were no fatal injuries. Military personnel familiar with the situation in Waco stated that the HRT equipment could not be used indefinitely.

The FBI hoped to make the Davidians' environment sufficiently unpleasant that their only choices would be to come out or resume negotiating in good faith.

To further its efforts to encourage a negotiated peaceful resolution of the matter, the FBI proposed beginning to restrict access to certain parts of the compound by the use of CS gas. The plan was to introduce the liquid CS into the compound in stages. Initially, only one small part of the compound was to be affected. The goal of this restrained "response" was to allow the insiders ready access to other exits or unaffected portions of the compound, while at the same time minimizing the risk of panic. Medical support was to be available, and the FBI planned to use loudspeakers and large signs to guide people out of the compound. The FBI hoped thereby to indicate that the action was neither an assault nor a modification of the rules of engagement. Except for two controlled exit routes, concertina wire had been strung around the compound to diminish the possibility that people would escape. Those people leaving the compound would be guided to safety by the loudspeakers down a single path to a large Red Cross flag. A joint law-enforcement contingent would be in place to surround the compound and ensure the safety of those who came out.

In the event that everyone did not leave the compound after the initial introduction of gas, or that good faith negotiations

intended to resolve the conflict were not resumed, gas would be introduced in other wings of the compound. Eventually, walls would be torn down to increase the exposure of those remaining inside. The FBI's intention was to develop the "response" gradually and only to the degree needed to accomplish the evacuation of the compound.

The following portion of this report chronicles the detailed process undertaken by the Justice Department and FBI officials in planning the insertion of the gas the week prior to April 19.

C. Week of April 12, 1993

On April 12, 1993, the FBI presented the tear gas plan to the Attorney General for her approval. Over the next several days the Attorney General and senior Justice Department and FBI officials discussed, debated and dissected, every aspect of the plan. Before even discussing the merits of the plan the Attorney General repeatedly asked why it is was necessary to do anything to change the status quo: "Why now, why not wait," she asked.

After becoming convinced that some action was needed, the Attorney General vigorously questioned every aspect of the proposed plan, and the FBI provided her the answers to all her questions. Ultimately, she approved the plan on the night of

Saturday, April 17, 1993. Following is a description of the events leading to her decision.

1. April 12 Meetings

Three significant meetings occurred on Monday, April 12. The first took place in Acting Assistant Attorney General Keeney's office where Clarke and Potts briefed Keeney, Richard and Reynolds on the FBI's proposed plan to introduce CS gas into the compound unless Koresh and the others came out. Reynolds asked the FBI representatives what would happen if individuals came out of the compound shooting, and was advised that they would be shot. Thereafter, the participants at that meeting adjourned to the FBI's Strategic Information Operations Center (SIOC) where they were joined by the Attorney General, Acting Associate Attorney General Hubbell, FBI Director Sessions, Associate Deputy Director Gow, FBI Legal Counsel Joe Davis, John Collingwood, Director of the Bureau's Office of Public Affairs, and Anthony Betz, Chief of the FBI CID's Domestic Terrorism Section. This was the first time that the Attorney General was briefed on the proposal to use gas. She asked how the gas might affect pregnant women and children. Hubbell suggested that they consult with the military about the effects of the gas.

The Attorney General also asked whether the Branch Davidians might injure themselves, as well as the need to resolve the

standoff by Wednesday, April 14, the date the FBI proposed for executing the plan. Hubbell and Richard inquired about the timing as well. Although the FBI gave no reasons for the urgency, its representatives stated that Koresh and the other Branch Davidians did not appear to be coming out. Instead, due to the supply of food and water in the compound, it looked like they were going to stay for an extended period of time. FBI personnel giving the briefing felt that the pressure on the Davidians had to be increased to move the negotiations forward. The Attorney General asked additional questions, but made no decision to act at the time.

More discussion on the plan occurred at a third meeting, in the AG's office, with Ms. Reno, and Messrs. Hubbell, Keeney, Richard, and Reynolds; however, no decision was reached as to proceeding.

Richard recalled generally that there was much discussion about the use of gas, the adequacy of available medical data concerning its effects, and other aspects of the FBI's plan. He further related that the FBI's strategy during the standoff had been to contain, restrict and control. In that vein, the FBI had been slowly but surely cutting down the size of the compound without unnecessarily provoking a response. He regarded the plan to end the standoff as consistent with this policy, because the tear gas would be used in a deliberate and controlled manner.

The intent was to give the Branch Davidians the clear impression that although there was an alternative and this was not a panic situation, the FBI was maintaining maximum control. Richard understood that the use of tear gas to end the standoff would take several days; the plan was to inject the gas through the windows methodically. He added that both he and the Attorney General were confident that there would be enhanced medical capabilities to meet all needs. He also said that the FBI informed them that the tear gas would not cause a fire.

2. April 14 Meetings

On Wednesday, April 14, a large meeting was held in the FBI Director's office: The Justice Department was represented by Reno, Hubbell, Keeney and Incontro. Along with Director Sessions, the FBI representatives included Clarke, Gow, Potts, Coulson, Rogers, and Anthony Betz, chief of the Domestic Terrorism unit in CID. There were also several military representatives, and Dr. Harry Salem, who was present to summarize results of studies of effects of CS gas on children, pregnant women and the elderly. The Attorney General described Dr. Salem as "careful and scientific." She recalled that although there had been no laboratory tests performed on children relative to the effects of the gas, anecdotal evidence was convincing that there would be no permanent injury.

The military personnel present told her that the gas was used at least annually on soldiers in the U.S. Army during training exercises. They also discussed properties of the gas, including any pyrotechnic qualities. The military personnel made Reno feel more confident with the concept of tear gas, as opposed to the original concept in her mind of "gassing." The military officials also said that in a military operation, the entire compound would be gassed at once, not gradually. However, the law enforcement interest was to go step-by-step, increase the pressure, and make it increasingly uncomfortable inside the structure in an effort to drive them out. After discussing the nature of the gas and varied tolerance levels to be expected from the occupants, the meeting participants were prepared to wait two to three days for everyone eventually to come out. The action was viewed as a gradual, step-by-step process. It was not law enforcement's intent that this was to be "D-Day." Both the Attorney General and Director Sessions voiced concern for achieving the end result with maximum safety. Clarke made it clear that the goal of the plan was to introduce the tear gas one step at a time to avoid confusing the Branch Davidians and thereby maintain the impression that they were not trapped.

Once the Attorney General was convinced that the gas was non-lethal and would not cause permanent harm to children, pregnant women and others, she turned her attention to the HRT. One of the military officers argued that maintaining the HRT in a

constant state of readiness was not possible. He advised that the HRT be withdrawn. Rogers advised that his team had received sufficient breaks during the standoff that they were not too fatigued to perform at top capacity in any tactical operation at the time. He added, however, that if the standoff continued for an extended length of time, he would propose that the HRT stand down for rest and retraining.^{32/} When Reno asked about using SWAT teams to take the place of the HRT, she was told that the HRT's expertise in dealing with the powerful weapons inside the compound, driving the armored vehicles, and maintaining the security of the perimeter was essential.

The FBI asserted that law enforcement on the scene in Waco could not safely maintain the security perimeter indefinitely. There was a vast open area surrounding the compound, and it was impossible safely to keep people from wandering in and out. Moreover, the Branch Davidian compound itself was a heavily armed camp, with dangerous people inside who had already killed four law enforcement agents. The situation was difficult to control, and the area was difficult to defend. In the FBI's view, there were extraordinary public safety issues. Containment of the Branch Davidians in the building with walls or wire appeared

^{32/} Coulson described the factors in the deterioration of HRT effectiveness due to the lengthy deployment. The HRT operators, including the sniper observers, were required to watch for long hours through binoculars and rifle scopes in a very tense situation. Also, while the FBI snipers were observing the Branch Davidians, the Davidians likewise observed and followed the movements of the HRT.

infeasible, and posse comitatus proscriptions prevented the use of a military force to secure the area. Some experts had raised the distinct possibility that Koresh might actually mount an offensive attack against the perimeter security, with Branch Davidians using children as shields. This would have required the best trained forces available to the FBI. Finally, the FBI expressed its concern about the possible incursions of fringe groups intent on coming to Koresh's aid. For all these reasons, the FBI regarded perimeter security as so significant that it urged the Attorney General to relieve the HRT with SWAT teams only as a last resort.

There were additional discussions about the prosecutors' concerns over maintaining the integrity of the crime scene, the rules of engagement, the deteriorating sanitary conditions, and the lack of medical personnel inside the compound. When the Attorney General asked why the standoff had to be resolved soon, Rogers and others offered the following additional reasons: Koresh had broken every promise he had made; negotiations had broken down; no one had been released since March 23; and it appeared that no one else would surrender.

Following this meeting, Reno met in her office with Hubbell, Keeney, and Incontro to discuss the plan. AUSA Ray Jahn was consulted during this meeting about indications from electronic surveillance of conversations inside the compound that the Branch

Davidians might be running out of water. After additional review of the issue, the FBI became convinced that Koresh was rationing water to ensure discipline and that he was continuing to replenish the supply. Furthermore, it was believed that the Branch Davidians had provisions to last one year.

3. April 15 Meetings

The Attorney General considered all non-lethal options other than gas. When the FBI satisfied her that nothing else could end the standoff, she asked why it was important to act right away. To assist her, Hubbell called Supervisory Special Resident Agent Byron Sage in Waco for a briefing on the conclusions of the negotiators. Hubbell, Keeney, Richard, Clarke and Potts met on April 15 for the call to Sage. In the ensuing two-hour telephone conversation, Hubbell recalls that Sage said further negotiations with the subjects in the compound would be fruitless. The only people Koresh had released were older, or people who had given him problems during the time they were in the compound, or children whom he had not fathered. Sage further advised Hubbell that Koresh had been disingenuous in his discussions with Sage about the "Seven Seals." He was also convinced that the FBI had not succeeded in getting anyone released from the compound through negotiation. Sage indicated that he had never been in any previous situation in which he had experienced such a total impasse. Hubbell recalls Sage saying he believed there was

nothing more he or the negotiators could do to persuade Koresh to release anyone else, or to come out himself. In addition, Hubbell was told that law enforcement personnel at Waco were getting tired and their tempers were fraying. Hubbell advised the Attorney General about this conversation.

4. April 16 Meetings

On April 16, Richard met with Hubbell and Carl Stern, Director of the Office of Public Affairs. According to Richard, Hubbell advised him that the Attorney General had disapproved the plan to end the FBI standoff. Hubbell then asked Richard what he thought the FBI's reaction might be. Richard answered that the FBI would not be pleased, that they would nonetheless accept the decision, and that they may then talk in terms of withdrawal. When Hubbell asked Richard if he would like to speak to the Attorney General about the decision, Richard declined, explaining that he had nothing more to say. According to Richard, Stern commented that going ahead with the plan might be looked down on in the eyes of the public, and likened it to Saddam Hussein's gassing of the Kurds. Richard disagreed with Stern's analogy.

A short time after Hubbell spoke to the FBI to report the decision, Director Sessions, Clarke, and Potts arrived in his office. According to Richard, when Hubbell advised them that the Attorney General had disapproved the plan, Director Sessions

asked to speak to her.^{33/} Hubbell left and returned ten minutes later with the Attorney General, who made no reference to her disapproval of the plan. Instead, Reno, who was still not convinced about the timing, requested the preparation of a documented statement describing the situation inside the compound, the progress of the negotiations, and the merits of the proposal. She asked that the statement be completed by the following afternoon.^{34/} She ruled out the weekend for the execution of the plan because of her concern about the availability of emergency rooms.

5. April 17 Events

On April 17, the Attorney General met in her conference room with Hubbell, Incontro, Stern, Richard, Director Sessions, Clarke and Potts to review the statement she had requested the previous day. After satisfying herself that the assertions underlying the plan were adequately documented,^{35/} she discussed with the FBI

^{33/} According to Hubbell, he told the FBI representatives that although the Attorney General was not prepared to go forward with the plan, she had not yet made a decision.

^{34/} Incontro, upon whom fell part of the task of preparing the statement, recalled that Richard told her the evening of April 16 that Hubbell had advised him to the effect that "we were told it wasn't going to happen, but the FBI came over and the Attorney General wanted the statement in order to make a decision."

^{35/} The Attorney General did not read the prepared statement carefully, nor did she read the supporting documentation provided along with the statement. She read only a chronology, gave the rest of the materials a cursory review, and satisfied herself that "the documentation was there."

the effective rules of engagement, particularly exploring what the FBI's response would be to individuals carrying children while firing weapons, and to Koresh's putting children up in the tower. She said that she made it clear that if children were endangered, i.e. if they were held up to windows and threatened to be shot, the FBI was to "back off."^{36/} It was also agreed that once she approved the overall plan, decisions would be made on the scene. Although she had the specific authority to stop the action and tell the FBI to leave, tactical decisions were to be made by law enforcement officers in Waco.^{37/} Ms. Reno approved the plan with an execution date of Monday, April 19.

6. April 18 Events

On April 18, Reno discussed the plan with the President. She told him that she had considered every possibility and had approved the use of tear gas. Nonetheless, she stressed the fact that April 19 would not be "D-Day." Reno considered the President to have been fully briefed.

Incontro completed work on the statement, and she and Reynolds contacted the prosecutors in Waco to discuss which individuals surrendering would be charged as material witnesses

^{36/} She recalled her exact words to be "Get the hell out of there. Don't take any risks with the children."

^{37/} She did not consider herself in command of the operation -- she felt that any such comment would be "gratuitous" on her part.

and which would be charged with the shootings. The FBI provided her with the remainder of the supporting documentation for the statement, which Richard subsequently gave to the Attorney General.

7. The Attorney General's Concerns

During the entire week of April 12, the Attorney General had considered every imaginable scenario. To her, the worst case would be an explosion, not a fire.^{38/} The FBI had concluded that if Koresh wanted to blow the building up he could have done so at any time. When Ms. Reno asked about the availability of emergency vehicles, she was concerned about helicopters and other medical evacuation capabilities, not fire trucks.

The possibility of mass suicide was considered. The FBI told the Attorney General they regarded the possibility of mass suicide as remote. The FBI provided the Attorney General with copies of the memoranda prepared by Dr. Miron and Dr. Krofchek and SSA Van Zandt analyzing Koresh's April 9 letter, both in the April 12 briefing book and in the briefing book prepared over the weekend of April 17-18. The Attorney General did not consider Koresh's demonstrated rage and threats to law enforcement to be indicative of someone with a suicidal mentality. The Attorney

^{38/} She recalls lying awake at night asking herself "Oh my God, what if he blows the place up? What if he holds children up in the windows and threatens to shoot them?"

General agreed with the FBI that if Koresh wanted to blow himself and his followers up, he could do so at any time, and law enforcement would be powerless to stop him.

Also during the week of April 12, someone had made a comment in one of the meetings that Koresh was beating babies. When Reno inquired further, she had the clear impression that, at some point, since the FBI had assumed command and control of the situation they had learned that the Branch Davidians were beating babies. She had no doubt that the children were living in intolerable conditions. Moreover, she had been told that Koresh had sexually abused minors previously, and that he continued to have sex while recovering from his wounds. She also learned that the Branch Davidians had built firing ports in the structure and that the sanitary conditions had deteriorated significantly.

8. The Attorney General's Retrospective

The Attorney General believes she was adequately informed and that the FBI was forthcoming.^{39/} She was impressed with the quality and timeliness of responses to her questions or to her requests for additional information. When she asked the FBI to seek input from the military, she was impressed that the FBI arranged a face-to-face briefing within two days. The FBI did

^{39/} Her belief is well founded. Witnesses from the Department of Justice and the FBI involved in the planning process said the same thing. No witness in this review has claimed otherwise.

not try to "railroad" her. Instead, they were respectful and seemed genuinely appreciative of the hard questions she posed. She did not believe that anyone at the FBI deliberately played up the issue of child abuse. In any event, that was only one of the many factors she considered in deciding to approve the tear-gas plan. The FBI kept an open mind, and no one ever suggested to her that they knew best or that they knew it all.

D. Details of the Tear Gas Plan

The first stage of the operation required two Combat Engineering Vehicles (CEVs) to remove all fortifications, obstacles, and vehicles from the front side of the compound. Double rows of concertina wire were to be placed along the front of the building so that the compound would be completely encircled with wire.

On execution of the operation order on April 19, two CEVs were to enter the compound inside the concertina wire prior to sunrise. One CEV would have its boom penetrate the structure on the first floor on one corner and project tear gas using the Mark 5 delivery system.^{40/} After delivery, the CEV would withdraw

^{40/} This was a cylinder delivery system. Each of the six cylinders available at the crisis site had the capability of 15 one-second bursts per charge. Each burst would extend out approximately 55 feet from the cylinder creating a fog or gas mist in the area. There were enough raw materials available at the site to recharge each cylinder 20 times.

from the structure and stand by. Once the first CEV withdrew, the second CEV would insert additional tear gas into the second floor, on the middle of the right side of the building. The booms were to push aside obstructions and, if necessary, sweep left and right into the windows, making an alternative opening to facilitate the injection of the gas.

Prior to the entry of the CEVs, the Bradley vehicles would engage in routine spotlight maintenance. After the CEVs delivered the gas, a Bradley vehicle near the building would deliver ferret liquid tear gas rounds^{41/} into an unfinished, unoccupied construction area near the main structure. The purpose would be to deny access to this zone. The second stage of the "chemical agent plan" called for the injection of the gas through a corner in the rear of the structure. It was hoped that by introducing gas at opposite ends of the compound, the Branch Davidians would be forced out the front door and surrender. If firing commenced from the compound, the Bradleys would be prepared to deliver ferret liquid tear gas rounds into all windows and openings in the compound structure. If all subjects failed to exit the structure after 48 hours of tear gas, then a modified CEV would proceed to open up and begin disassembling the

^{41/} The 40 mm liquid-filled ferret round, launched by a M79 grenade launcher, could deliver 25 grams of CS liquid on impact. There were approximately 400 ferret rounds available at Waco for HRT and SWAT use. When fired from 20 yards or less, the rounds are capable of penetrating a hollow core door.

structure at the location that was least exposed to the gas. The CEV would continue until all the Branch Davidians were located.

If the FBI observed people up in the center tower, the Bradley vehicles would immediately deliver ferret rounds into the tower. As people left the compound, they were to be directed to a location fortified with the M-88 and a Bradley vehicle. They would then be moved to a second point for processing and decontamination.

Members of the HRT were assigned to be tank drivers, tank commanders, Bradley vehicle crew, snipers, and snipers' support. Fifteen snipers were to be deployed. Similarly, the FBI SWAT teams were assigned such duties as accepting escorted prisoners from the crisis site; maintaining the integrity of the perimeter and ensuring that no unauthorized persons moved forward of their positions; serving on the FBI helicopter as a response force for potential fleeing subjects from the crisis site; supporting the "medical response" and security of the medical personnel and wounded; and establishing "blocking positions" on nearby roads. Agents from ATF were to provide outer perimeter coverage and blocking positions, and Texas Department of Public Safety personnel were to provide "line of sight coverage" from nearby vantage points.

Branch Davidians who exited the compound and surrendered would be directed to a designated Bradley vehicle. These individuals would then be escorted on foot in a single file line to a nearby point. Upon arrival at that point, SWAT personnel would hold the subjects in front of pre-positioned Bradley vehicles there. The subjects would then be moved in an orderly fashion to a designated area behind the vehicles where they would be searched and turned over to waiting ATF personnel for handcuffing and transport. An orbiting helicopter with SWAT personnel aboard would apprehend and arrest subjects attempting to flee from the crisis site.

XII. The Events of April 19, 1993

A. Introduction

When the Attorney General called the President on Sunday, April 18 to inform him that she had decided to approve the FBI's request to use tear gas at Waco, she emphasized that the operation was intended to proceed incrementally, and that it might take two or three days before the Branch Davidians surrendered. The Attorney General told the President that Monday, April 19 was "not D-Day."

The events of April 19 began at approximately 5:55 a.m., when the HRT Commander deployed two CEVs, or Combat Engineering Vehicles (M-60 tanks with booms attached) to the compound. The action ended a few minutes after 12:00 p.m., when the compound erupted in flames. This section of the report examines the events during that six-hour time period on April 19. We have found that (1) the Davidians began shooting at the FBI within minutes after the CEVs began delivering tear gas, and continued shooting at the FBI throughout the operation; (2) the FBI did not fire any shots during the entire operation; (3) under the approved operation plan, the FBI was justified in its decision to begin punching holes in the building and increasing the scope of gas delivery once the Davidians began using deadly force; (4) the Davidians had ample opportunity to evacuate the compound safely

during the operation but chose not to, and the FBI did not intentionally deprive the Davidians of any avenues of escape; and [material redacted as required by statute]

B. Preparations to Implement the Plan

On Saturday, April 17, at 5:00 p.m. Waco time, FBI headquarters advised the commanders in Waco that the Attorney General had authorized the tear gas plan, and that it would be implemented early in the morning on Monday, April 19. During the next 36 hours preparations to implement the plan proceeded. Local FBI SWAT teams were placed on standby to be deployed. Emergency preparations -- principally medical preparations -- were finalized. The FBI also prepared two CEVs (for penetrating the building and delivering the liquid CS gas); one Abrams tank (for HRT Commander Rogers' use during the operation); nine Bradley vehicles (four for delivery of M-79 Ferret tear gas rounds, four for miscellaneous tactical purposes, and one for medical evacuations); and one FBI helicopter were all made ready for the operation.

On Saturday night, April 17, FBI headquarters advised both SAC Jamar and HRT Commander Rogers of various stipulations regarding the use of the CS gas, and the rules of engagement that the Attorney General and the FBI had agreed to observe. Those rules were as follows:

1. If, during the insertion of the CS gas, the Davidians told the FBI to back off or they would harm the children, then the FBI should back off and continue to negotiate.

2. If a Davidian threatened a child, the FBI snipers were to shoot the threatening subject only if they had a clear shot; otherwise, the FBI was to back off and continue to negotiate.

3. Ensure that all those who leave the compound following the insertion of the CS gas were interviewed regarding the condition and location of the children and the other subjects still inside.

4. The mere presence of a child in plain view in a door or other opening would not require the FBI to cease the gas insertions. Instead, the gas should be injected at an alternate point, away from the child.

5. If mass suicides were indicated, then the FBI was to proceed with the emergency rescue plan.

In addition to the tactical preparations, the FBI negotiators also prepared a written announcement to read to the Branch Davidians at the commencement of and throughout the operations. The announcement would first be read over the telephone, and then repeated continuously over the loudspeakers so that everyone could hear it.

On Sunday, April 18, at approximately 1:53 p.m., the HRT began physical preparations for the tear gas plan, by removing

vehicles from the front side of the compound. This was done to clear the area in front of the compound, to remove any barriers or obstructions that would impede the CEV's and the Bradleys in implementing the tear gas plan. To reassure the Davidians about the clearing operation, and to conceal the true purpose of the operation, the negotiators called the compound several minutes before the clearing operation began (1:45 p.m.), telling Schneider that the FBI was going to begin removing vehicles for safety purposes. The negotiator told Schneider that the FBI had decided to prohibit any Davidians from entering the tower, because of the threat posed to the FBI agents engaged in the clearing operations. Schneider said that he did not think the Davidians would comply with the FBI's request that they not enter the tower.

At 2:15 p.m. Koresh called the negotiators and said that he was upset about the clearing operation, and that "if you don't stop what you're doing, this could be the worst day in law enforcement history." At 2:47 p.m. the negotiators called the compound and spoke to Schneider in an attempt to reassure him and Koresh about the clearing operation and the (ostensible) reasons for it. The negotiators told Schneider that the vehicles were being removed to facilitate the safe exit from the compound of anyone who wanted to leave, as well as to improve the safety of the FBI agents. The negotiators reiterated that no one should enter the tower. Schneider replied that "You guys will have to

do what you have to do. If you want to shoot anyone up there, go ahead. As far as I'm concerned, I don't care if this all comes to an end."

[Material redacted as required by statute.] Following the fire on April 19 an HRT sniper told the Texas Rangers that on April 18 he had seen a sign in one of the windows at the compound that read "Flames Await." A similar sign had been placed in one of the windows two days earlier.

At approximately 3:45 p.m., the negotiators continued talking to Schneider, and he appeared to calm down. When the phone call ended 33 minutes later, Schneider said that he understood and accepted the FBI's reasons for removing the vehicles, and that he was no longer as agitated as Koresh had been. In keeping with the facade that nothing unusual was occurring, the negotiators called Schneider early Sunday evening (5:32 p.m.) and told him that the FBI was going to send milk and a typewriter ribbon into the compound, as the Davidians had previously requested.

[Material redacted as required by statute]. The command post advised that at 5:00 a.m. Central Time SAC's Jamar, Schwein and Swensen would take their posts at the Forward Command Post and maintain an open line with SIOC throughout the operation.

C. Initial Implementation of the Tear Gas Plan

On Monday Morning, the Attorney General and several senior Justice Department representatives gathered with senior FBI officials in the FBI SIOC, where they monitored events throughout the morning via CNN footage and a live audio feed directly from the FBI forward command post in Waco.

The weather conditions in Waco that morning did not work in the FBI's favor. Strong, gusty winds prevailed, which probably helped to disperse the tear gas and fan the flames once the fire started.

The tear gas action began at 5:55 a.m., when HRT Commander Rogers ordered the two CEVs deployed to the compound, with CEV-1 proceeding to the front-left corner of the building, and CEV-2 proceeding to the right side of the building. At 5:56 a.m., lead negotiator Byron Sage telephoned the compound and asked to speak with Schneider. It took approximately three minutes for Schneider to come to the phone.

At 5:57 a.m., Rogers moved his command tank to a position approximately 240 yards directly in front of the compound, providing him with an unobstructed view of the entire compound.

At 5:59 a.m., an individual answered the phone, where Sage had been waiting on the other end of the line. The ensuing conversation was short. Sage said "[W]e're in the process of putting tear gas into the building. This is not an assault. We will not enter the building." The individual responded, "You are going to spray tear gas into the building?" Sage replied, "In the building . . . no, we are not entering the building." The telephone was subsequently thrown outside.

As soon as the phone was thrown out the window Sage began broadcasting the following message, read from a prepared script, over the loudspeakers to all the occupants of the compound:

We are in the process of placing tear gas into the building. This is not an assault. We are not entering the building. This is not an assault. Do not fire your weapons. If you fire, fire will be returned. Do not shoot. This is not an assault. The gas you smell is a non-lethal tear gas. This gas will temporarily render the building uninhabitable. Exit the compound now and follow instructions.

You are not to have anyone in the tower. The tower is off limits. No one is to be in the tower. Anyone observed to be in the tower will be considered to be an act of aggression and will be dealt with accordingly.

If you come out now, you will not be harmed. Follow all instructions. Come out with your hands up. Carry nothing. Come out of the building and walk up the driveway toward the Double-E Ranch Road. Walk toward the large Red Cross flag.

Follow all instructions of the FBI agents in the Bradleys. Follow all instructions.

You are under arrest. This standoff is over.

We do not want anyone hurt. Follow all instructions. This is not an assault. Do not fire any weapons. We do not want anyone hurt.

Gas will continue to be delivered until everyone is out of the building.

Sage repeated this message, over and over again, until the fire finished burning later that day.

[Material redacted as required by statute.] In the meantime, at 6:00 a.m. HRT Commander Rogers received confirmation that Sage had made telephonic contact with the compound. Rogers ordered CEV-1 to insert gas, using the Mark-V liquid injection system to insert CS gas at the front-left corner of the building. The Mark-V system is a liquid tear gas dispenser that shoots a stream of liquid tear gas (propelled by noncombustible carbon dioxide) approximately 50 feet for a duration of approximately 15 seconds. The boom was positioned at the level of the first floor windows, and there were four Mark-V bottles attached to the boom. Each bottle could be delivered independently from within the CEV. Rogers ordered CEV-1 to deliver two bottles of gas and to await further orders before inserting additional gas.

D. The Gassing Escalates

At 6:04 a.m., an FBI agent stationed at the Sierra One post broadcast the code word "compromise" over the radio, meaning that he could see shots from inside the compound directed at the CEV's. Rogers requested confirmation. At 6:06 a.m. the rear tactical operations post reported that the Sierra One post had

reported seeing rounds hitting a CEV. [Material redacted as required by statute.]

At 6:07 a.m., a forward HRT observer (located at the "Sierra One" post) broadcast the "compromise" code word, providing the confirmation Rogers had requested three minutes earlier. The forward observer reported that many rounds were ricocheting off the CEVs. The gunfire included fire from automatic weapons. Rogers then broadcast the "compromise" code word to all his personnel.

When the Davidians started shooting the scope and pace of the operation changed. Although envisioned originally as an incremental operation which could take as long as two to three days to complete, the operations plan took account of the possibility that the Davidians might respond to the limited nature of the initial gassing operations by opening fire. Under that operations plan, as approved by the Attorney General, "If during any tear gas delivery operations, subjects open fire with a weapon, then the FBI rules of engagement will apply and appropriate deadly force will be used. Additionally, tear gas will immediately be inserted into all windows of the compound utilizing the four BV's as well as the CEVs." (Emphasis in original.) The FBI opted to escalate the gassing operation but

not to shoot back at the compound. In fact, the FBI did not fire a shot during the entire operation.^{42/}

Between 6:07 and 6:31 the HRT escalated the pace of tear gas delivery pursuant to the "compromise" order from Rogers. The CEVs inserted gas at their designated positions, while the four Bradleys deployed Ferret rounds through the windows into the building. At 6:14 and 6:18, the Sierra One post reported that the Davidians were still shooting at the CEVs. At 6:31 the HRT reported that the entire building had been gassed. Rogers halted the gas insertions and ordered his units to stand by. The CEVs were sent to reload the Mark-V systems, a process requiring approximately one hour.

[Material redacted as required by statute.] At 6:12 a.m. the negotiators attempted to reestablish contact with the Davidians by phone. At 6:24 a.m. they instructed the Davidians, over the loudspeakers, to display a white flag from the window or the front door in order to signal that their phone was not

^{42/} Some observers, including FBI employees who were not privy to the operations plan, have questioned whether it was proper for the FBI to escalate the operation once the Davidians opened fire, given that the HRT agents were not threatened by the gunfire while they were inside the CEVs and Bradleys. First, the FBI had the Attorney General's prior approval to escalate the operation if the Davidians engaged in hostile conduct. Second, the HRT agents were not completely immune from the hostile fire, as the possibility existed that a round could penetrate an opening in an armored vehicle and strike one of the occupants. Third, it must be remembered that the FBI exercised remarkable restraint, as it did not fire a single shot during the entire 51 days of the standoff, including the last day.

working and that they wanted to reestablish phone contact.

[Material redacted as required by statute.]

The Davidians hung a white banner outside the window, but immediately pulled it back inside and replaced it (apparently so as not to suggest they were surrendering) with a darker colored blanket. At 6:45 a.m. Sage notified the compound members over the loudspeakers that if they did not come out in two minutes the FBI would insert more gas into the compound. At 6:47 Commander Rogers ordered the Bradleys to deliver Ferret rounds into the compound, through windows where movements or gunfire were detected. Between 6:50 and 6:53 shots were seen fired at the Bradleys from the back and left sides of the compound. Sporadic shooting continued from the compound over the next several minutes. At 7:04, the HRT reported that it completed gassing all sides of the compound. At 7:09 the HRT reported that the Ferret rounds had been delivered through all the windows, but that the rounds were not successfully penetrating any of the compound walls, except on the left side.

[Material redacted as required by statute]. At 7:30 a.m. SAC Jamar authorized Commander Rogers to redeploy the two CEVs, which had finished reloading tear gas. It was also decided that Ferret rounds would continue to be delivered through all openings in the building structure to increase the intensity of the tear gas. CEV-1 approached the front-right corner, time breaching the

front side of the building on the first floor as it injected the gas. Seconds later the Davidians fired shots at CEV-1. At 7:58 a.m. CEV-2 breached a hole in the second floor of the back-right corner of the building.

At 7:45 a.m. senior FBI officials in the SIOC requested that Quantico canvass all FBI field offices to locate more Ferret rounds. Given the number of rounds that had been fired during the first two hours of the operation and the apparently minimal effect they were having, the FBI evidently expected the operation to continue for quite some time, and it needed to obtain more gas rounds. (At 9:20 a.m. the Houston FBI delivered an extra 48 ferret rounds to the HRT in Waco.) In addition, at 8:01 a.m., the FBI asked the National Guard to make arrangements to refuel the CEVs and the Bradleys at 2:00 p.m., indicating that even after the FBI had escalated the pace of the gas insertions it expected the standoff to last many more hours.

At 9:10 a.m., the Davidians unfurled a banner from a window on the front side reading "We want our phone fixed." At 9:17 a.m., CEV-1 (which had reloaded and was now back in action) broke through the front door. The HRT snipers reported they could now see inside the building, both downstairs and upstairs. [Material redacted as required by statute.]

At 9:28 a.m., Rogers consulted with SACs Jamar and Swensen about how to proceed. The HRT was running out of Ferret rounds (although the FBI's Houston office had just rushed 48 more rounds to the scene), and CEV-2 was experiencing mechanical trouble and could not continue. The high winds (gusts up to 35 knots had been reported) were diminishing the effectiveness of the gas. It was agreed that CEV-1 should enlarge the opening in the middle of the front side of the building, to provide a larger opening from which the Davidians could leave the compound. The crew of CEV-2 was ordered to redeploy to another CEV that was also equipped with a boom, but lacked a gas delivery system. That CEV was ordered to breach the rear side of the building to create escape openings near the gymnasium area.

At 9:35 a.m., the negotiators broadcast instructions to the compound to send out one person to retrieve the telephone that Schneider had thrown out of the building earlier that morning. [Material redacted as required by statute.]

From 9:49 to 9:54 a.m., the negotiators broadcast instructions into the compound regarding efforts to reestablish telephone contact. The negotiators said the phone would be reconnected only if the Davidians clearly indicated they intended to use the phone to make surrender arrangements. In order to reconnect the phone, the FBI would have been required to send an agent on foot into the open area outside the compound, an area

where the agent would have been an easy target for the Davidians, who had been shooting at the CEVs and the Bradleys all morning. The FBI was unwilling to expose its agents such a risk absent a clear signal from the Davidians that they would use the reconnected phone to make surrender agents with the FBI.

The Davidians never provided such a signal. Graeme Craddock went outside to retrieve the phone, holding it up to indicate the line had been severed. Craddock returned to the compound, without giving any signal that the Davidians wanted to use the phone to make surrender arrangements. [Material redacted as required by statute.] Accordingly, the phone line was not reconnected.

Over the next hour there was a relative lull in activity. The Bradleys continued delivering Ferret rounds into the compound. At 10:00 a.m. the Attorney General left the SIOC to keep a speaking engagement at the Third Circuit judicial conference in Baltimore. The Attorney General believed it was not necessary to remain in the SIOC because it appeared that the operation would continue for many more hours.

At 11:30 a.m., the pace of activity resumed. The substitute CEV-2 breached the back side of the compound (to open avenues of escape, as well as areas into which tear gas could be deployed by CEV-1 and the M-79 Ferret launchers), concentrating on the back-

right corner of the building, near the warehouse/gymnasium. The negotiators tried to call inside the compound. At 11:27 a.m., the negotiators tried calling inside the compound, even though the phone probably was not working. They let the phone ring 20 times; no one answered. At 11:30 a.m., they tried calling again, without success. At 11:45 a.m., a wall on the right-rear side of the building collapsed as a result of substitute CEV-2's breaching activity. The forward command post reported that it now could see inside the compound. The negotiators continued to broadcast announcements over the loudspeakers, imploring the Davidians to leave the compound immediately. [Material redacted as required by statute.] At 12:01 p.m., the negotiators broadcast the following message over the loudspeakers: "David, we are facilitating you leaving the compound by enlarging the door. David, you have had your 15 minutes of fame. . . . Vernon is no longer the Messiah. Leave the building now."

As of 12:00 p.m. the CEVs had made a total of six gas deliveries during the six hours that the operation had been in effect. The last ferret rounds had been delivered at approximately 11:40 a.m. At approximately 12:08 p.m., CEV-1 backed away from the front-right side of the building. Two minutes later, at 12:10 p.m., smoke was seen coming from the second floor, on the right side of the building, as well as from the back side of the building near the kitchen.

E. The Fire

[Material redacted as required by statute.] Other evidence also demonstrates conclusively that the fire was set by the Davidians from within the compound.

1. Infrared Aerial Video and Still Photos

The first indication that fire had started inside the compound appears on the aerial infrared tape, photographed from an FBI plane that had been circling over the compound during the fire. Still photographs taken from the infrared videotape establish that the fire started in three separate and nearly simultaneous points of origin. (See discussion of arson report below). The fire began at 12:07:41 Central Time on the second floor, front section of the building, in the southeast corner. Just over one minute later a fire that had already started was detected in the first floor, mid-section of the building in or near the dining room. By 12:09:30 the initial fire had increased in intensity, to the point of full room involvement. At 12:09:45, or just over two minutes after the start of the first fire, a third fire was detected at the first floor, right side (east side) of the building in the chapel area. This fire spread very quickly, and in less than 40 seconds it had fully involved both the chapel and the gymnasium. By 12:11:00 the fire had spread rapidly throughout the entire building.

This account is corroborated by a split-screen video prepared by the FBI laboratory, containing the infrared footage from the air on one side, with the televised footage from the ground on the other.

2. Eyewitness Observations from Outside the Compound

Several of the HRT personnel who participated in the tear gas operation -- particularly snipers who were observing activity inside the compound through scopes -- saw the beginnings of the fire. One sniper saw smoke coming from the second floor windows (Bravo 1 and 2) on the right side. Other snipers saw smoke coming from the front of the building, near the kitchen area. At 12:10 p.m. another HRT agent, who was 300 yards away from the compound at the Sierra One post, actually saw a Branch Davidian start the fire. The agent later reported to investigators what he had seen:

"[At 12:10 p.m.] he was able to identify and observe [a] male who was behind a piano inside the front door of the compound. This individual was wearing a dark mask and was carrying a long gun. Seconds after noticing this individual he noticed the man was moving back and forth behind the piano and the individual then assumed a kneeling position. [The HRT agent] noticed the man's hands moving and immediately after that [he] noticed that a fire started in that position. The man immediately departed the area of the piano. At the same time [the HRT agent] noticed a fire start on the red or right side of the building."

The HRT agent reported what he had seen over the radio. Two HRT snipers simultaneously noticed fire breaking out in two different parts of the building -- at the front-right corner, and at the third or fourth floor of the tower on the back-left side. Another HRT sniper thought it odd that, from his vantage point, the fire appeared to spread in the opposite direction of the wind, which was blowing from the right side to the left side of the complex.

3. Reports of Shooting During the Fire

Shortly after the fire started several of the HRT agents who were near the compound heard the sound of gunfire from inside the compound. One agent said that after the first report of smoke coming from inside the compound, he could hear the sound of small arms fire. One round passed over his head within 10-15 seconds after he first saw smoke. The agent believed that the Davidians "were shooting each other because there were so many rounds heard and so few that appeared directed to the exterior . . . the sounds were steady and [were a] rhythmic series of shots rather than sporadic firing." At least six other agents noted that there were "popping sounds" and "multiple gunshots" coming from inside the building. Some of the "pops" had the distinct sound of rounds cooking off, while others had the distinct sound of rounds being fired. One agent heard the distinct pattern of

gunfire from inside the compound at approximately 12:30 p.m., when only a small portion of the structure remained intact.

4. Davidians Escaping and Being Rescued During the Fire

After the fire started a total of nine Davidians left the compound. One (Renos Avraam) as seen on the roof of the front part of the building. Several HRT agents saw Avraam take two clips out of his pocket and drop them while he was on the roof. A Bradley drove up to assist him in escaping, but Avraam waved the Bradley off. Avraam then jumped off the roof, and walked toward one of the Bradleys with his hands up. Four other Davidians (David Thibodeau, Derek Lovelock, Jaime Castillo, and Clive Doyle) escaped through the front-right area of the building. Lovelock was wearing a holster and holding a gas mask. Lovelock had a slight burn on his right arm. Castillo was wearing a vest. Castillo had a slight burn on his left hand, and his hair was singed. Doyle was wearing a holster, and his hands were burned.

Misty Ferguson emerged from the front left corner of the burning compound. Her hands, face and hair were burned. Graeme Craddock was the last survivor to leave the compound. At approximately 3:10 p.m., three hours after the fire had started, Craddock emerged from a concrete room adjacent to the water

tower. Craddock was wearing green camouflage pants, and a black shirt with the words "David Koresh God Rocks."

In addition to those Davidians who were able to walk away, the HRT rescued Marjorie Thomas, who was seen laying face down near the front of the building, her body on fire. Another HRT agent risked his life to rescue Ruth Riddle, who jumped off the roof and ran back into the burning building. When the agent reached her inside the building she tried to fight him off. The agent forcibly removed her from the burning building and saved her life.

The HRT treated those survivors who were burned at the scene. The injured survivors were rushed to hospitals in accordance with the previously arranged medical emergency plan.

Another group of HRT agents risked their lives by entering the burning compound as the fire was in its final stages, to search for any children or other possible survivors. They entered the remains of the building, following a tunnel leading to the buried bus and then to a stairway and trap door. After finding no evidence of survivors the HRT agents left the structure.

While the fire was burning the negotiators repeatedly broadcast repeated messages to the compound, pleading with the

residents to leave. Only a few of the Davidians heeded those pleas.

5. Statements of Surviving Davidians

As the nine surviving Davidians were arrested and removed from the scene, the HRT agents and other FBI agents and Texas Rangers interviewed them, principally to determine whether there was any possibility of finding any children or other survivors still inside. During those interviews three of the survivors made statements about the cause of the fire. Renos Avraam told the agents that he had heard someone inside the compound say, "The fire has been lit, the fire has been lit." Clive Doyle told the Texas Rangers that the fire was started inside the compound with Coleman fuel. Doyle said the fuel had been distributed throughout the compound in specific, designated locations.

Graeme Craddock spoke to the FBI on April 19, after he emerged from the compound. He also spoke to the Texas Rangers on April 19. In his FBI interview, Craddock described the events inside the compound during the tear gas operation as follows:

"Craddock advised that when the Bradley came in through the front entrance, they started moving fuel. Craddock believes that the compound had a total of approximately one dozen, one gallon containers of lantern fuel and that they had been located in the lobby area. He said he saw a lot of people grabbing fuel containers and moving them to other areas. Craddock believes that possibly three or four of these containers had been put next to the window that had already been knocked out by the Bradley on the southern

side of the chapel area. Craddock said he had heard someone talking about shifting the fuel from the hallway near the chapel to the (northern?) side window of the chapel. . . . He said he had heard someone complain about fuel being spilled inside.

. . .

Craddock indicated that he had heard shouts about starting the fire.

. . .

Craddock said that he did not believe the fire in the chapel was the first fire because before the fire in the chapel had begun, he had seen smoke outside. Craddock also said that he had heard someone say, 'Light the fire,' and that he had also heard someone else say, 'Don't light the fire.'"

In his interview with the Texas Rangers, Craddock made the following statements:

Craddock said that on the morning of 4-19-93 Thibodeau came to his room and told him to put his gas mask on and get ready. He said that he went upstairs and was given a hand grenade by Howell/Koresh and asked if he knew how to use it. He said that he had his AR 15, the vest with the eight round magazines, the Glock with three magazines and the hand grenade. . . .

. . .

When the armored vehicles drove through the front doors, [Craddock] and others moved some cans of Coleman fuel so that the vehicle would not run over them. He said he went into the chapel area with several other people. He heard the word passed to "start the fires." He said that someone said "make sure." He said that word was then passed to not start the fires. . . . [After the fire started,] Craddock left his vest and his AR 15 in the chapel, climbed out a window and made his way to the cinder block building below the water tower. He said that as he left the building, he heard gunfire from inside the compound.

. . .

Craddock said that if there was a suicide pact, he knew nothing about it. He said that he knew nothing about a plan to burn the building until he heard someone pass the word to start the fire.

It should be noted that, contrary to press reports, Craddock did not attribute either of those two statements ("Light the fire" or "Don't light the fire") to Koresh or anyone else. He merely said that both statements were made by male voices. Craddock also confirmed that the Davidians had kept approximately 13-1/2 gallons of diesel fuel and about three to four gallons of gasoline inside the building. Craddock said that although he was not aware of any prior plan by Koresh to set the building on fire, Koresh had discussed the possibility that "everyone" would be killed as one possible outcome of the standoff.

6. Firefighting Efforts

In one of the meetings held in Waco in early April to discuss the gas insertion plan, AUSA LeRoy Jahn raised the possibility of fire at the compound and suggested to the FBI that firefighting equipment be placed on standby at the scene. However, the FBI decided not to have firefighting equipment at the scene. DAD Coulson explained that the use of firefighting personnel was considered, but it was determined not to allow them to come anywhere near the compound for fear that they would be fired upon by Koresh and his followers. Due to the range of the Branch Davidians' weapons, firefighting equipment could not be brought into the proximity of the compound. Coulson further explained that structural fires cannot be fought from the outside. The only way a fire could have been fought at the

compound would have been from the inside, and that would have required firefighting personnel to enter the compound. That option would have posed an unacceptable risk to the firefighters.

Three minutes after the first reports of fire, (12:13 p.m.) the forward command post requested that firefighting assistance be obtained. At 12:15 fire department units were ordered to respond. At 12:34 the fire vehicles arrived and headed straight for the compound. At 12:41 the fire units approached the remains of the building.

Although the fire crews did not approach the burning building until 31 minutes after the fire had first been reported, it would not have been safe for them to do so earlier given the reports of gunfire from inside the compound. The FBI has noted that to fight a building fire successfully, firefighters must be able to enter the inside of the building. The FBI has stated that it would have been unacceptably risky for the firefighters to have attempted to approach, much less enter, the burning compound until it was safe to do so. To do otherwise could well have resulted in the deaths of firefighters. Indeed, SAC Jamar stated that even if the firefighters had arrived at the compound earlier he would not have permitted them to enter due to the great risk to their lives. SAC Jamar has also noted that due to the lack of available water in the Mt. Carmel area it would have

been extremely difficult for conventional firefighting operations to succeed.

7. False Accusations that the FBI Started the Fire

After the events of April 19 a small number of people alleged that the FBI intentionally set the fire at the compound. Those accusations are utterly false, as demonstrated by the evidence discussed above conclusively establishing that the Davidians set the fire. In addition, a nationally recognized team of arson experts (see discussion below) has also concluded that the Davidians started the fire, that the fire could not have been started by accident at a single point of origin, and that the gas delivery systems the FBI used were completely nonincendiary.

Notwithstanding the convincing proof that the Davidians set the fire, a very small number of people continue to insist that the fire was a "mass murder" committed by the FBI. Probably the most notable example of that thinking appears in a videotape entitled "Waco: The Big Lie," produced by Ms. Linda Thompson^{43/} of an organization identifying itself as the "American Justice Federation." In the video (which Ms. Thompson has supplied to television stations and politicians throughout the country), Ms.

^{43/} This is the same Linda Thompson who twice attempted to encourage people to come to Waco to join forces with Koresh against the government.

Thompson alleges that one of the CEVs started the fire. To support her claim, Ms. Thompson shows video footage of the April 19 operation, including one scene in which a CEV backs out of the building. As the boom leaves the building, it appears that a burst of flame can be seen at the end of the boom. According to Ms. Thompson, that scene establishes that the FBI used the CEV to start the fire inside the compound deliberately.

We have investigated Ms. Thompson's claims and find them baseless. The specific CEV that Ms. Thompson claims emitted a flame has been identified as CEV-1. The CEV shown in the video was outfitted with a boom parallel to the ground, meaning a boom aimed at the first floor of the compound. The only CEV in use that day with a boom aimed at the first floor level was CEV-1. Both CEV-2 and the substitute CEV-2^{44/} were outfitted with booms pointed on an upward angle toward the second floor of the compound.

The time that the portion of the video showing CEV-1 was filmed is unclear. However, based on an examination of the tape, it has been determined that the excerpt Ms. Thompson selected shows CEV-1 in action near the front door of the building. However, CEV-1 was not in that location when the fire started; instead, it was near the front-right corner, and had backed away

^{44/} The original CEV-2 lost a track and had to be replaced with a second vehicle.

from the building at least two minutes before the first reports of smoke. The split-screen video mentioned above shows CEV-1 backing away from the building at that moment. The infrared tape shows a heat source -- the exhaust -- at the rear of CEV-1, but no heat source at the front of CEV-1.

The army has examined all the CEVs used on April 19, including CEV-1, to determine whether there was any possibility that any of the vehicles could have been outfitted with a flame-emitting device. All bills of lading, maintenance records, and other relevant documentation were checked. The evidence shows that none of the CEVs was outfitted with any device capable of emitting fire or flames. We also had each CEV examined for evidence of charring or fire. No such evidence was found.

U.S. Army maintenance personnel who were present in Waco, and who were responsible for CEV-1, were also interviewed and shown a copy of Ms. Thompson's videotape. They could offer no explanation for the appearance of any fire at the end of the boom. Neither CEV-1, nor any other vehicle, was outfitted with any flamethrowing apparatus. Moreover, there were no flammable parts at the front of the CEV, and there were no electrical components which could cause a flame.

In summary, no evidence has been found to support the claim that CEV-1, or any other government vehicle, started the fire at

the compound. In fact, as this report has shown, there is conclusive evidence that the Branch Davidians started the fire. Nevertheless, our findings may not convince those who will believe only what they want to believe. We are confident, however, that our findings represent the truth.

XIII. The Aftermath of the April 19 Fire

A. Introduction

Immediately following the April 19 fire the Texas Rangers, working with the FBI, arranged to take command of the remains of the compound for purposes of conducting a thorough crime scene search. In addition, an arson team consisting of experts from throughout the United States was assembled to determine the cause of the fire. The search lasted approximately three weeks. The arson report was completed on July 13, 1993. Autopsies were conducted on the bodies recovered from the scene.

Processing the scene was important for three primary reasons: (1) to locate the bodies of all those killed on April 19, so that autopsies could be performed; (2) to determine the cause of the fire; and (3) to search for evidence that could be used in prosecuting the surviving Davidians who were responsible for the deaths of the ATF agents on February 28.

B. Processing the Crime Scene

The Texas Rangers assumed primary responsibility for combing through the crime scene and recovering evidence. The FBI provided substantial assistance to the Rangers in performing this task. By Monday, May 3, 1993 the Rangers had recovered the

remains of 75 bodies at the scene. When added to the nine persons who survived the fire, the 35 who had departed the compound during the standoff (between February 28 and March 23), and the five buried bodies of Davidians killed on or about February 28, this meant that approximately 124 persons were inside the compound at the time of the initial shootout, leaving 84 remaining at the time of the fire on April 19. Details of the autopsies and causes of death of the Davidians who dies both in the initial ATF shootout and in the April 19 fire will be discussed below.

In addition, by May 3 the Texas Rangers had recovered 305 firearms from the compound, and approximately 1.9 million rounds of "cooked off" or spent ammunition. Among the firearms found were at least 20 fully automatic AK-47 assault rifles; at least 12 fully automatic AR-15 assault rifles; at least two .50 caliber semi-automatic rifles; and anti-tank armor-piercing ammunition.

The actual search of the remains of the compound was conducted systematically and methodically. The Rangers divided the physical area of the compound into sectors, rows and grids, then formed teams comprised of Rangers, FBI and other technicians, and other law enforcement agents. The teams combed through each sector, identifying each item they found and pinpointing its location by sector, row and grid number. Each item (or group of items found at a particular point) were

assigned exhibit numbers and photographed. At the conclusion of each search a crime scene report was prepared listing all the items found in the search of that particular team's sector.

The search of the compound area turned up thousands of items, including hundreds of exploded shells, fired shells, and bullets; Kevlar helmets and vests; camouflage outfits; hand grenades; pistols; rifles; shotguns; rocket projectiles; gas masks; chemical warfare suits; military assault knives; and fuel cans. Perhaps the most important area searched was the bunker, where a large concentration of bodies, weapons and ammunition were found. The Texas Ranger's report of the search of the Bunker is jarring in its recounting of what the search team found. Following are excerpts from that report:

"1. . . . The interior of the concrete bunker was used as storage for ammunition, weapons, explosive devices, and water.

2. The entire interior was approximately three feet deep in expended and non-expended rounds of various caliber ammunition. Due to the magnitude of the cook-off rounds, counting the individual rounds would be monumental and not feasible, therefore, the rounds were removed by grain scoops (shovels).

. . . .

7. The live ammunition . . . is not included in this count. . . . Several fully loaded thirty round clips were located.

8. The predominate caliber was .223, although several containers of .50 caliber shells were located.

9. In addition to the ammunition, a live grenade was located on the floor in the same area as the remains of several bodies.

10. Also located and submitted for analysis were several knives, bayonets and gas masks. . . .

11. As the ammunition was removed, the remains of human bodies which had been underneath the cooked off rounds was discovered. . . . A total of thirty-two bodies were removed from the bunker.

12. The remains were that of men, women and children. . . .

13. During the actual search, several firearms were located and submitted, which included rifles, shotguns, semi-automatic and revolver handguns.

14. The west wall . . . was the primary location of the firearms. A wooden gunrack which was destroyed by fire ran the entire length of the wall. . . . One hundred and eleven firearms were located against the west wall. . . .

15. . . . At the conclusion of processing the floor [of the bunker], an additional 22 firearms were located.

16. The east wall had a large refrigerant cooler against it which was also destroyed by the fire. After removing the outer metal walls of the cooler, it was determined the cooler had been used to house water containers which held up to five gallons. In addition to the water containers, several of which still held water, there were several cases of one gallon apple juice bottles. . . ."

The most recent estimate is that 390,960 rounds of ammunition were found inside the compound.

C. Identification of Bodies/Medical Examiner Reports

The Tarrant County Medical Examiner's office, assisted by a team of anthropologists from the Smithsonian Institution, assisted in recovering the remains of the persons killed during the fire, as well as the remains of those Davidians killed during the February 28 shootout whose bodies had been buried just outside the compound. The remains were taken to the Medical

Examiner's office, where autopsies and identifications were conducted.

The Medical Examiner has concluded that 75 persons died inside the compound during the April 19 fire, including 50 adults and 25 children under the age of 15. Positive identifications have been made for 35 of those persons, including 32 adults and 3 children. 40 bodies remain unidentified. For many of the children it is possible to speculate as to their identity given the proximity of their bodies to specific adults (presumably their parent or parents), but positive identification may not be possible until further tests, including DNA tests, are conducted.

The Medical Examiner found no traces of narcotics or other controlled substances in any of the bodies recovered from the compound. Carbon Monoxide was found in 50 of the bodies, at saturation levels varying widely, from 10% to 79%. One body contained traces of benzene, a chemical found in gasoline, paint removers, and other commercial solvents. Benzene was also one of the chemicals comprising the CS tear gas. It is impossible to know how many of the persons inside the compound inhaled the tear gas, because the last gas insertions ended nearly an hour before the fire ended. That lapse of time would have been sufficient for the CS gas to have dissipated from any of the bodies in which it might have been present earlier.

1. Branch Davidians Killed During February 28 Shootout

Regarding those Davidians who were killed in the February 28 ATF shootout, the results of the autopsies were as follows:

Peter Gent

Gent, an Australian citizen, died of a gunshot wound of the chest. Gent had been shooting at the ATF agents from the tower, when an ATF sniper shot him. His body was identified from dental records. He was 24 years old.

Winston Blake

Blake died of a high velocity, close range entry gunshot wound of the head. His body was identified from dental records. He was 28 years old.

Jaydean Wendel

Wendel died of a gunshot wound of the chest. Her body was identified from dental records. She was 34 years old.

Peter Hipsman

Hipsman died of multiple gunshot wounds of the head and abdomen. The two gunshot wounds to the head were close contact. His body was identified from dental records. He was 28 years old.

Perry Jones

Perry Jones died of a gunshot wound of the mouth. His body was identified from dental records. He was 64 years old.

2. Identified Branch Davidians From April 19 Fire

With regard to those Davidians who died on April 19, the results of the autopsies for those whose bodies could be positively identified were as follows:

David Koresh

Koresh died of gunshot wound to the forehead. His body was found in the communication room on the first floor of the building, nearby the door. A rifle barrel was found on the floor near his body. A piece of grenade shrapnel was also found in Koresh's body, but that wound probably occurred post-mortem, when ammunition was exploding during the fire. Koresh's body was identified from dental records. He was 33 years old.

Rachel Koresh

Rachel Koresh was buried alive inside the bunker. She died of suffocation. Her body was identified from dental records. She was 23 years old.

Steve Schneider

Schneider died of a gunshot wound to the mouth. His body was also found in the communication room. He was identified from dental records. He was 48 years old.

Judy Schneider

Judy Schneider was buried alive when the bunker collapsed. She died of suffocation. She was identified from fingerprints. She was 41 years old.

Ray Friesen

Friesen, a Canadian citizen, died of smoke and carbon monoxide inhalation. His body was found in the stage area of the chapel. He was identified from dental records. He was 76 years old.

Floyd Houtman

Houtman died of smoke and burns from the fire. His body was found in the auditorium area. He was identified from dental records. He was 61 years old.

Livingstone Malcolm

Malcolm, a British citizen, died of smoke and carbon monoxide inhalation. His body was found in the stage area near the chapel. He was identified from dental records. He was 26 years old.

Douglas Wayne Martin

Martin died of smoke inhalation and burns from the fire. His body was found in the auditorium area. He was identified from dental records. He was 32 years old.

Mark Wendel

Wendel died of burns from the fire. His body was found in the communications room, along with Koresh and Schneider. He was identified from X-rays. He was 37 years old.

Sonia Murray

Murray, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area. Her body was identified from dental records. She was 29 years old.

Jennifer Andrade

Andrade, a Canadian citizen, died of smoke and carbon monoxide inhalation. Her body was found in front of the bunker. Her body was identified from dental records. She was 19 years old.

James Riddle

Riddle died of a gunshot wound of the forehead. His body was found in the kitchen area. He was identified from a fingerprint comparison. He was 32 years old.

Stephen Henry

Stephen Henry, a British citizen, died of a near contact gunshot wound of the forehead. His body was found by the stairs near the kitchen/serving area. His body was identified from dental records. He was 26 years old.

Philip Henry

Philip Henry, a British citizen, died of gunshot wounds of the chest and head. His body was found in the kitchen/serving area. His body was identified from dental records. He was 22 years old.

Susan Benta

Benta, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the hallway west of the kitchen/serving area. Her body was identified from dental records. She was 31 years old.

Yvette Fagan

Yvette Fagan, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the hallway near the men's quarters. Her body was identified from dental records. She was 30 years old.

Doris Fagan

Doris Fagan, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the hallway near the men's quarters. Her body was identified from dental records. She was 60 years old.

Katherine Andrade

Katherine Andrade, a Canadian citizen, died of smoke and carbon monoxide inhalation. Her body was found in the bunker. She was identified from dental records. She was 24 years old.

Alrick Bennett

Bennett, a British citizen, died of smoke and carbon monoxide inhalation. His body was found on top of the bunker. He was identified from dental records. He was 35 years old.

Rebecca Saipaia

Saipaia died of burns from the fire. Her body was found on top of the bunker. She was identified from dental records. She was 24 years old.

Novellette Hipsman

Hipsman, a British citizen, died of gunshot wounds of the chest and head. Her body was found on top of the bunker.

Her body was identified from dental records. She was 36 years old.

Neal Vaega

Vaega died of a gunshot wound of the head. His body was found on top of the bunker. His body was identified from dental records. He was 36 years old.

Pablo Cohen

Cohen, an Israeli citizen, died of smoke and carbon monoxide inhalation. His body was found on top of the bunker. His body was identified from dental records. He was 28 years old.

Lisa Marie Farris

Farris died of a gunshot wound of the head. Her body was found in the kitchen/serving area. Her body was identified from dental records. She was 24 years old.

Mary Jean Borst

Borst died of a gunshot wound of the back. Her body was found in front of the bunker. She was identified from dental records. She was 39 years old.

Martin Wayne

Wayne died of smoke and carbon monoxide inhalation. His body was found in the bunker. He was identified from dental records. He was 20 years old.

Michelle Jones

Jones died of smoke and carbon monoxide inhalation. Her body was found in the bunker. She was identified from dental records. She was 28 years old.

Joseph Martinez

Joseph Martinez died of smoke and carbon monoxide inhalation. His body was found inside the bunker. His body was identified from dental records. He was 8 years old.

Juliette Martinez

Juliette Martinez died of smoke and carbon monoxide inhalation. Her body was found inside the bunker. She was identified from dental records and fingerprint comparisons. She was 30 years old.

Audrey Martinez

Audrey Martinez was buried alive inside the bunker. She died of suffocation. She was identified from dental records. She was 13 years old.

Abigail Martinez

Abigail Martinez died of a gunshot wound of the head. Her body was found inside the bunker. She was identified from dental records. She was 11 years old.

Rosemary Morrison

Morrison, a British citizen, was buried alive inside the bunker. She died of suffocation. She was identified from a fingerprint comparison. She was 29 years old.

3. Unidentified Branch Davidians From April 19 Fire

The following bodies remain unidentified as of the date of this report. The bodies are referred to by the numbers assigned them upon their discovery at the compound.

Doe 4

Doe 4, a 30-45 year old male, died of smoke inhalation and burns from the fire. His body was found in the auditorium area.

Doe 9

Doe 9, an approximately 50 year old male, died of smoke and carbon monoxide inhalation. His body was found in the kitchen/serving area.

Doe 11

Doe 11, a 25-35 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 13

Doe 13, a 30-50 year old female, died of multiple fractures of the cervical spine, caused by blunt force trauma probably associated with a fall. Her body was found in front of the bunker.

Doe 14

Doe 14, a 30-39 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 15

Doe 15, a 35-50 year old male, died of burns from the fire. His body was found in the kitchen/serving area.

Doe 16

Doe 16, a 22-28 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 17

Doe 17, a 22-40 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 18

Doe 18, a 17-35 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 19

Doe 19, a 35-50 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 24

Doe 24, a 20-50 year old female, died of smoke and carbon monoxide inhalation. Her body was found in a hallway.

Doe 26

Doe 26, a 15-19 year old female, died of burns from the fire. Her body was found in a hallway.

Doe 28

Doe 28, an approximately 50 year old female, died of smoke and carbon monoxide inhalation. Her body was found in a hallway.

Doe 29

Doe 29, a 25-35 year old female, died of burns from the fire. Her body was found in a hallway.

Doe 31A

Doe 31B, a 15-20 year old female, died of a gunshot wound of the left chest. Her body was found in the bunker.

Doe 31DE

Doe 31DE, an 11-14 year old (sex undetermined), died of gunshot wounds of the left head.

Doe 32

Doe 32, a 25-45 year old male, died of smoke and carbon monoxide inhalation. His body was found in the bunker.

Doe 33

Doe 33, a 2-3 year old boy, died of a stab wound to the left chest. His body was found in the bunker.

Doe 40

Doe 40, a 27-40 year old male, died of burns from the fire. His body was found on top of the bunker.

Doe 44

Doe 44, a 27-40 year old male, died of a gunshot wound of the left chest. His body was found in the kitchen/serving area.

Doe 47A

Doe 47A, a 22-28 year old male, died of a gunshot wound of the head. His body was found in the bunker.

Doe 51A

Doe 51A, a two year old girl, died of smoke inhalation. She was found in the bunker, adjacent to Judy Schneider's body.

Doe 53

Doe 53, a 5-6 year old girl, died of a gunshot wound of the left chest. Her body was found in the bunker.

Doe 57

Doe 57, a 6 year old girl, suffocated inside the bunker.

Doe 59

Doe 59, a 14-19 year old girl, died of blunt force craniocerebral trauma. Her body was found in the bunker.

Doe 62

Doe 62, a one year old child (sex undetermined), suffocated in the bunker.

Doe 63

Doe 63, a one year old girl, died of craniocerebral trauma due to a blunt force injury. Her body was found in the bunker.

Doe 64

Doe 64, a one year old girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 65

Doe 65, a baby girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 66

Doe 66, a 30-50 year old female, died of multiple gunshot wounds of the left back and thorax. Her body was found in the bunker.

Doe 67-1

Doe 67-1, a 5-6 year old girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 67-2

Doe 67-2, a 7-8 year old boy, was buried alive and suffocated in the bunker.

Doe 67-4

Doe 67-4, a 1-2 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 67-5

Doe 67-5, a one year old girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 67-6

Doe 67-6, a 14-18 year old girl, was buried alive and suffocated in the bunker.

Doe 67-7

Doe 67, a two year old child (sex undetermined), died of uncertain causes, probably trauma, asphyxia, or suffocation. The body was found in the bunker.

Doe 67-8

Doe 67-8, an infant (sex undetermined), died of a gunshot wound of the head. The body was found in the bunker.

Doe 69

Doe 69, a one year old baby (sex undetermined), died of smoke and carbon monoxide inhalation. The body was found in the bunker.

Doe 70

Doe 70, a 2-3 year old female, died of suffocation in the bunker.

Doe 74

Doe 74, a 7-8 year old child (sex undetermined), died of unknown causes. The body was found in the bunker.

Doe 75

Doe 75, a 25-35 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

D. The Arson Investigation

1. Introduction

Immediately after the April 19 fire the Texas Rangers assembled a team of independent arson investigator to conduct an investigation to determine the cause of the fire. The team consisted of Paul Gray (Houston Fire Department); William Cass (Los Angeles Fire Department); John Ricketts (San Francisco Fire Department); and Thomas Hitching (Alleghany County, Pennsylvania Fire Department). The team also used a specially trained chemical accelerant detection dog (and two dog handlers) from the Alleghany County Fire Department. A Texas Ranger Sergeant assisted the team.

The team based its conclusions on their examination of the scene, the dog alerts to various items of evidence found at the scene and to various items of clothing worn by survivors of the fire, and videotapes of the fire provided by the FBI, including an infrared aerial video. The arson investigators released their report on July 13, 1993.

The arson team concluded that the fire was deliberately set by one or more persons inside the compound. The fire had three separate points of origin. The arson investigation established that those fires occurred in areas significantly distant from one

another, but within such a short time frame that it was not possible for the fire to have been accidentally set or for it to have been caused by a single ignition.

2. The Arson Report

The arson report identifies three points of origin for the fire. The investigators were able to determine these points of origin based on the videotapes of the fire, including the infrared aerial tape, provided by the FBI. The items found at the scene, including the presence of fuel containers in certain locations and the presence of chemical accelerants, confirmed the finding of three separate points of origin.

The report identifies the three points of origin as follows:

-- Point of origin 1 was the second floor, front section of the building, southeast corner.

-- Point of origin 2 was the first floor, mid-section of the building in or near the area identified as the dining room.

-- Point of origin 3 was the first floor, right side (east side) of the building in the area identified as the chapel.

According to the report, the fire started at each point of origin, and intensified, at the following times (all times are Central Time):

12:07:41 -- Incipient fire first observed at point of origin number one.

12:08:49 -- Fire observed at point of origin number two. This fire was already beyond the incipient stage when it was first observed, indicating that it had started some moments earlier.

12:09:30 -- The fire at point of origin number one had increased in intensity, to the point of full room involvement.

12:09:42 -- Flames at point of origin number one were observed venting through windows on the second floor.

12:09:45 -- Fire was visible at point of origin number three. The fire was at the incipient stage when first seen, but it rapidly intensified to the point that the fire had a visible flame extending beyond the room in which it started.

12:10:22 -- Point of origin number three had spread rapidly, and now had fully involved the gymnasium.

12:11:00 -- The fire was spreading rapidly throughout the entire building.

Given this short lapse of time, and the distance between the three separate points of origin, the arson team concluded that the fire could not have been caused at a single point of origin or by accident.

The arson team then discussed those factors that enhanced the spread of the fire. First, the team noted that the compound

building had been poorly construction, with apparently no attention to fire safety. The team noted that the building "appears to have been built with a total disregard to any reasonable concern for fire prevention, especially considering its intended use as living quarters for numerous people."

Second, the arson team attributed the rapid spread of the fire to the strong winds prevailing on April 19.

Third, the arson team found that the openings created in the building's structure by the FBI during the six hours of the tear gas operation also helped vent the fire. However, the team also noted that the FBI's actions would have allowed more fresh air to flow through the structure while it was burning, thereby reducing the concentration of carbon monoxide and permitting more "breathable" air to reach those trapped inside.

Fourth, the unusually large amount of combustible material stored inside the compound contributed to the rapid spread of the fire.

Finally, the absence of fire suppression was a minor factor. The arson team explained that given a fire of this intensity and magnitude, it would have been difficult for a fire fighting team to have halted the fire.

The arson team also discussed the efforts of the arson detection dog. The dog alerted to the presence of chemical accelerants at numerous points throughout the compound, including at the three points of origin. The dog was also exposed to various items of clothing taken from the survivors of the fire, and the dog alerted to the presence of chemical accelerants on several pieces of that clothing.

The team submitted 100 samples of fire debris and clothing to which the dog had alerted to a laboratory for chemical analysis. The laboratory items consisted of various items of clothing taken from the survivors, as well as debris recovered from the remains of the compound. The laboratory tests found kerosene on Misty Ferguson's shoes; camp stove fuel on Clive Doyle's shoes; camp stove fuel and kerosene on Derek Lovelock's clothing and shoes; kerosene and gasoline on Graeme Craddock's left shoe; and camp stove fuel on Jaime Castillo's shoes. From the other items of debris found in the fire the laboratory tests determined the presence of gasoline, charcoal lighter fluid, kerosene, and a heavy petroleum distillate.

Finally, the arson team addressed whether the fire could have been started by the FBI's deployment of tear gas into the compound. The team concluded that "the fire was not caused by nor was it intensified by any chemicals present in the tear-gassing operations." The team noted that the two methods used to

deliver the gas were non-incendiary. The pressurized gas delivered through the combat engineering vehicles was sprayed through a nozzle using carbon dioxide as the propellant. The team noted that carbon dioxide would be incapable of igniting, and might even have acted as a fire inhibiting agent. The other method -- 40 mm Ferret cartridges delivered by an M79 hand-held launcher containing a nonburning, nonexplosive liquid agent containing methylene chloride as the carrier -- could not have had any incendiary effect either.

The arson team likewise concluded that, given the multiple simultaneous points of origin, the fire could not possibly have been started by a ferret round entering a window and knocking over a container of flammable liquid. Moreover, the arson team concluded (contrary to a theory that has been advanced by certain people) that the fire could not have been started by one of the combat engineering vehicles rupturing a propane container and igniting it. If that had happened, according to the report, "an immediate vapor air explosion or flash fire would have occurred involving the vehicle itself. It did not happen."

The arson team noted that the tear gas delivery methods that had been selected evidenced the FBI's concern for eliminating potential fire hazards. The team concluded, however, that:

In choosing the products selected, a significant degree of effectiveness may have been sacrificed in favor of safety. In fact, when all factors are considered, including the strong winds, the large

openings in the building as a result of the CEV operations, the relative weakness of the tear gas selected, and the use of gas masks by the occupants, the entire gassing operation may be viewed as a failure with the possible exception of a psychological effect. Nevertheless, we are of the opinion that these operations did not contribute to the ignition or spread of the fire.

Finally, the team noted that, based on its investigation, "a great many of the occupants could have escaped to the outside of the compound even as the building burned. . . .

[C]onsidering the observable means of exit available, we must assume that many of the occupants were either denied escape from within or refused to leave until escape was not an option."

3. The Fire Development Analysis

In addition to the arson investigation, which focused on the cause and origin of the fire, two experts from the University of Maryland's Department of Fire Protection Engineering traveled to Waco to investigate how the fire had developed and spread. Those two experts prepared a written "Fire Development Analysis" dated September 8, 1993. They reached the following conclusions:

1. The fires in each of the three points of origin grew very quickly, each resulting in full room involvement within two minutes of initiation.

2. The rapid growth rates of the fires resulted from an ignition source, probably liquid fuel, deliberately placed in each of the three points of origin.

3. The rapid growth rates of the fires could not have been caused by a CEV accidentally tipping a lantern, nor by the chemical (methylene chloride) used as the dispersal agent for the CS tear gas.

4. The strong winds did not significantly affect the fire growth rates inside the compound. The wind affected the external spread of flames, but not the initial rapid growth of the three fires to full room involvement.

5. The tank-made openings on the first floor of the compound could have had some effect on the fire growth, but more likely provided fresh air to areas of refuge for some of the occupants.

6. The compound residents had sufficient time to escape the fire, if they had so desired.

XIV. Prosecutions

A. Introduction

The Waco crisis began with ATF's attempt to arrest and prosecute Koresh for firearms violations. Following the ATF raid, the prosecutive focus shifted to building cases against any Branch Davidians who were responsible for killing and wounding ATF agents, or attempting to do so, during the two shootouts on February 28. The prosecutors also decided to keep the original firearms charges open as well, in the event that Koresh or any of his followers who had violated the firearms statutes surrendered to the authorities.

As discussed above, at the same time the FBI was handling the standoff negotiations, the United States Attorney's office in Waco (and its parent office in San Antonio), working largely with the Texas Rangers, concentrated on preparing its cases. In addition, as described above, the Justice Department intervened in early April, while the negotiations were ongoing, to resolve differences of opinion that had arisen between the Assistant United States Attorney in Waco and his boss, the United States Attorney in San Antonio. The prosecution team was realigned and placed under the leadership of a different Assistant United States Attorney, who was to report directly to the Justice Department in Washington, D.C.

The discussion of the prosecutions in this report must necessarily be limited, because all the defendants are awaiting trial in the United States District Court in Waco. Given the constitutional and statutory rights of the defendants, as well as our desire not to interfere in the prosecution's presentation of its case, we are very limited in what we may discuss in this portion of the report. Our discussion will describe the prosecutive efforts undertaken during the standoff and following the standoff.

B. Prosecutive Efforts During the Standoff

During the standoff the United States Attorney's office in San Antonio was required to make prosecutive decisions regarding those adults who left the compound. As to each adult who left the compound the prosecutors had several options: (1) they could file charges; (2) they could seek "material witness" warrants under 18 U.S.C. 3144, meaning that a judicial officer could order the released individual held in custody or released on bond until trial; or (3) they could do nothing. The third option -- doing nothing -- would not have been appropriate, because no one could be certain about the potential criminal liability of any of the departing Branch Davidians until a full investigation could be conducted following the evacuation of everyone from the compound. Accordingly, the departing adults were all treated either as defendants or material witnesses.

Early in the negotiations there was some confusion as to whether the filing of criminal charges against any of the departing Branch Davidians would undermine the FBI's negotiating efforts with Koresh. For example, two elderly women, Margaret Lawson and Catherine Mattson, were released from the compound on March 2, 1993. The next day, the United States Attorney's Office (after consulting with at least one FBI supervisor), charged the two women in a criminal complaint with conspiracy to commit murder. The FBI complained that the charges were premature, and that news of the charges had upset Koresh and undermined the FBI's negotiating effort. The United States Attorney reversed course and dismissed the complaint immediately, seeking material witness warrants against the two women instead.

As the standoff progressed, however, the process for dealing with the departing adults became more regularized. Those who left the compound were treated initially as material witnesses, pending the United States Attorney's decision whether to charge them. Those treated as material witnesses were either held in custody, released to a halfway house, or released on bond.

As of April 19, seventeen Branch Davidians who had left the compound before the fire or who had survived the fire were named as material witnesses, as follows:

1. Renos Avraam (survived fire; held without bond).
2. Graeme L. Craddock (survived fire; held without bond).

3. Livingstone Fagan (departed March 23; held without bond).
4. Oliver Gyarfas (departed March 12; held without bond).
5. Victorine Hollingsworth (departed March 21; released on bond).
6. Margaret Lawson (departed March 2; released to halfway house).
7. James Lawter (departed March 21; released to halfway house).
8. Derek Lovelock (survived fire; held without bond).
9. Sheila Martin (departed March 21; released to halfway house).
10. Catherine Mattson (departed March 2; released to halfway house).
11. Gladys Ottman (departed March 21; released to halfway house, then remanded to custody on contempt charge).
12. Anetta Richards (departed March 21; released to halfway house).
13. Rita Riddle (departed March 21; held without bond).
14. Ruth Ottman Riddle (survived fire; tried to reenter burning building; forcibly rescued by HRT agent who pursued her into burning building; released to halfway house).
15. Ofelia Santoya (departed March 21; released to halfway house).
16. David Thibodeau (survived fire; held without bond).

17. Marjorie Thomas (survived fire [rescued by HRT]; in hospital).

On the weekend before the April 19 tear gas operation, the Justice Department assisted the United States Attorney's office in Waco in preparing arrest warrants for all the adult members of the compound, charging them either as material witnesses or as participants in criminal activity. Those Davidians who survived the April 19 fire were arrested pursuant to these warrants. Eventually several of the Davidians who had departed during the standoff, as well as several of the survivors of the April 19 fire, were indicted.

C. Initial Series of Indictments

A series of indictments were returned against several Branch Davidians between March 30 and July 20, 1993. The indictments contained charges relating to the first shootout on February 28, the second shootout on February 28, and firearms violations committed between February 1992 and February 1993. Those indictments are summarized as follows:

1. United States v. Kathy Schroeder, Brad Branch and Kevin Whitecliff

On March 30, 1993, Schroeder (who left the compound on March 12, 1993), Whitecliff (who departed on March 19, 1993), and

Branch (departed March 19, 1993) were charged with conspiracy to murder a federal official (18 U.S.C. 1117) and using a firearm during a crime of violence (18 U.S.C. 924(c)) in connection with the first shootout on February 28, 1993, during which four ATF agents were killed and 17 were wounded.

2. United States v. Norman Washington Allison
(aka Delroy Nash) and Woodrow Kendrick

Allison and Kendrick were involved in the second shootout with the ATF on February 28, as they attempted to reenter the compound. On April 6, 1993, Allison and Kendrick were charged with aiding and abetting the attempted murder of a federal official (18 U.S.C. 1114, 1111(a), 2) and with using a firearm during a crime of violence (18 U.S.C. 924(c)).

3. United States v. Schroeder, Whitecliff, Branch,
Jaime Castillo and Clive Doyle

On April 27, 1993, Castillo and Doyle, who had both survived the April 19 fire, were added to the original indictment that had been returned on March 30 against Schroeder, Whitecliff and Branch. Doyle and Castillo were charged with conspiracy to murder a federal official (18 U.S.C. 1117) in connection with the first shootout on February 28.

4. United States v. Paul Fatta

Fatta, who was not inside the compound on February 28, was charged in connection with the Davidians' illegal firearms activities during 1992 and early 1993. On April 27, 1993, Fatta was charged with conspiracy to possess and manufacture machine guns (18 U.S.C. 371; 922(o)).

On June 8, 1993, a superseding indictment was returned against Fatta. The superseding indictment added another count charging Fatta with aiding and abetting Koresh's possession of machineguns during 1992 and early 1993.

5. United States v. Graeme Craddock

On June 8, 1993, Graeme Craddock was indicted and charged with possessing an explosive grenade (26 U.S.C. 5861(d)) during the April 19 tear gas action. Craddock was also charged with conspiring with Koresh to possess an explosive grenade on April 19, 1993, in violation of 18 U.S.C. 371 and 26 U.S.C. 5861(d).

6. United States v. Schroeder, Branch, Whitecliff, Doyle, Castillo and Livingstone Fagan

On July 20, 1993, the grand jury returned a superseding indictment that replaced the original March 30 indictment. The superseding indictment added Livingstone Fagan (who had departed from the compound on March 23, 1993) as a defendant. The

superseding indictment charged Schroeder, Branch, Whitecliff, Doyle, Castillo and Fagan with conspiring to kill ATF agents (18 U.S.C. 1117); and it charged Schroeder, Branch, Whitecliff and Fagan with using and carrying firearms during the ATF shootout on February (924(c)).

D. The Omnibus Indictment

On August 6, 1993, the United States Attorney's office in Waco obtained another superseding indictment from the grand jury, combining all previous indictments into one. The new indictment also added two new defendants, Renos Avraam and Rita Riddle. Thus, twelve defendants were charged altogether: Kathryn Schroeder, Brad Branch, Kevin Whitecliff, Clive Doyle, Jaime Castillo, Livingstone Fagan, Paul Fatta, Woodrow Kendrick aka Bob Kendrick, Norman Washington Allison aka Delroy Nash, Graeme Craddock, Renos Avraam and Ruth Riddle. The charges consisted of the following:

a) Count One: Conspiracy to Murder Federal Officers

All twelve defendants were charged with being part of a conspiracy to arm the Davidians during 1993 and early 1993 in preparation for an armed confrontation with law enforcement. The two shootouts with ATF on February 28, 1993 were charged as part of the conspiracy.

b) Count Two: Aiding and Abetting the Murder of Federal Officers

All twelve defendants were charged with aiding and abetting the murders of the four ATF agents on February 28, 1993.

c) Count Three: Using a Firearm During a Crime of Violence

Schroeder, Branch, Whitecliff, Castillo, Fagan, Fatta, Craddock, Avraam and Riddle were charged with using a firearm during a crime of violence in connection with the first ATF shootout on February 28, 1993.

d) Count Four: Aiding and Abetting the Attempted Murder of a Federal Officer

Allison and Kendrick were charged with aiding and abetting the attempted murder of an ATF agent during the second shootout on February 28.

e) Count Five: Using a Firearm During a Crime of Violence

Kendrick was charged with using two firearms in connection with the second ATF shootout on February 28.

f) Count Six: Using a Firearm During a Crime of Violence

Allison was charged with using a firearm during the second ATF shootout on February 28.

g) Count Seven: Possession of an Unregistered Destructive Device

Craddock was charged with possessing an explosive grenade on April 19, 1993.

h) Count Eight: Conspiracy to Possess an Unregistered Destructive Device

Craddock was charged with conspiring with Koresh to possess an explosive grenade during the 51-day standoff.

i) Count Nine: Conspiracy to Possess and Unlawfully Manufacture Machine Guns

Fatta was charged with conspiring to manufacture and possess machine guns during 1992 and early 1993.

j) Count Ten: Aiding and Abetting the Unlawful Possession of Machine Guns

Fatta was charged with aiding and abetting Koresh in the unlawful possession of machine guns during 1992 and early 1993.

Trial is scheduled to begin on the superseding indictment in early 1994 in the Waco Division of the United States District Court for the Western District of Texas.

E. Schroeder's Guilty Plea

On September 9, 1993, Kathryn Schroeder entered a plea of guilty to a superseding indictment charging her with one count of armed resistance of a federal officer (18 U.S.C. 111). Schroeder agreed to testify as a government witness against the remaining 11 defendants, in return for the government's agreement to dismiss the original charges (as contained in the August 6 omnibus indictment) against her. Under her plea agreement Schroeder faced a maximum possible sentence of ten years in prison.

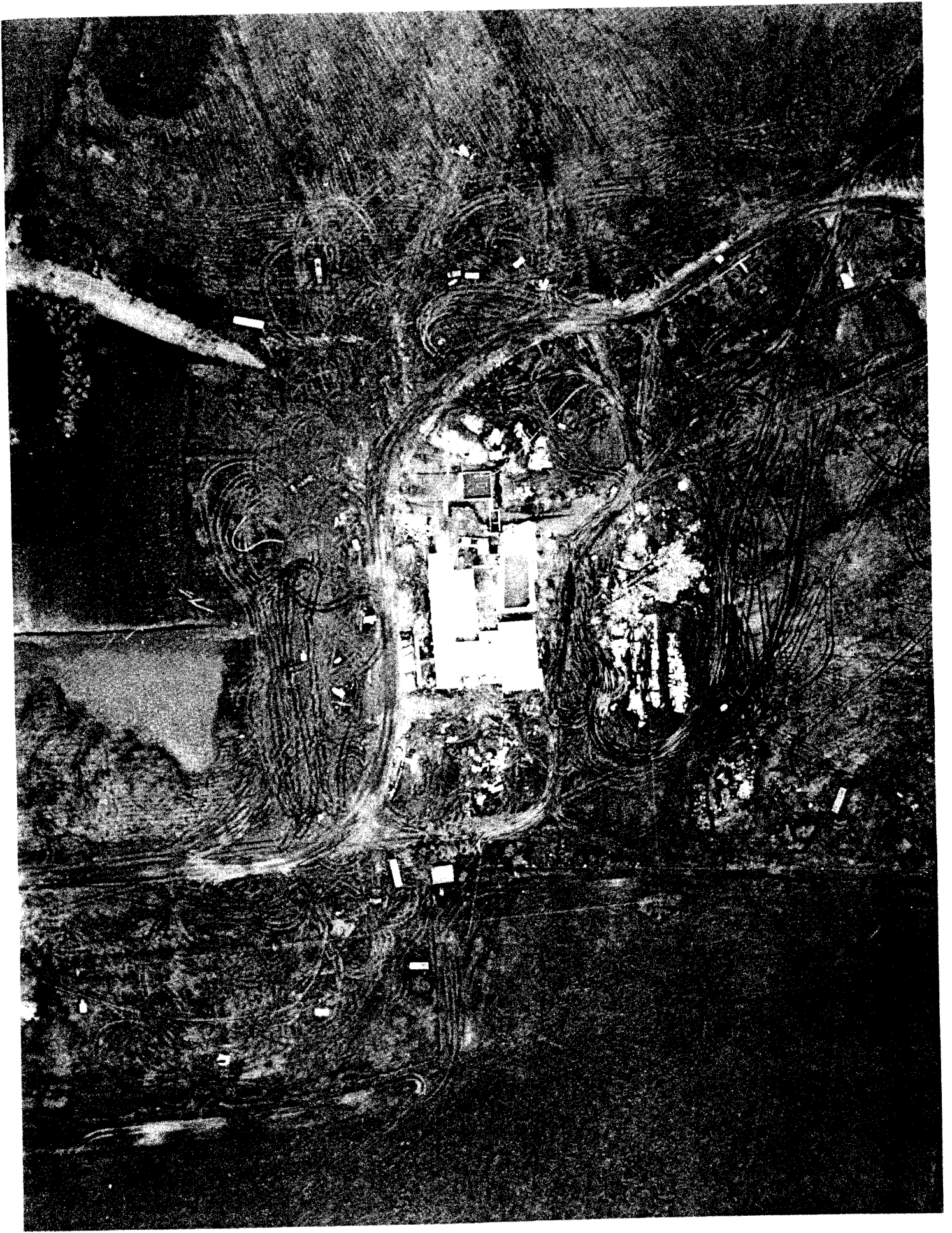
Closing

The events at the Branch Davidian compound outside Waco, Texas were exceptional and required an exceptional response by law enforcement. Unfortunately, despite the efforts of law enforcement, the incident also had an exceptionally tragic ending. This report is being provided with the hope that everyone, whether government official or citizen, can understand, to the greatest degree possible, what happened at Mt. Carmel, and can avoid similar situations in the future.

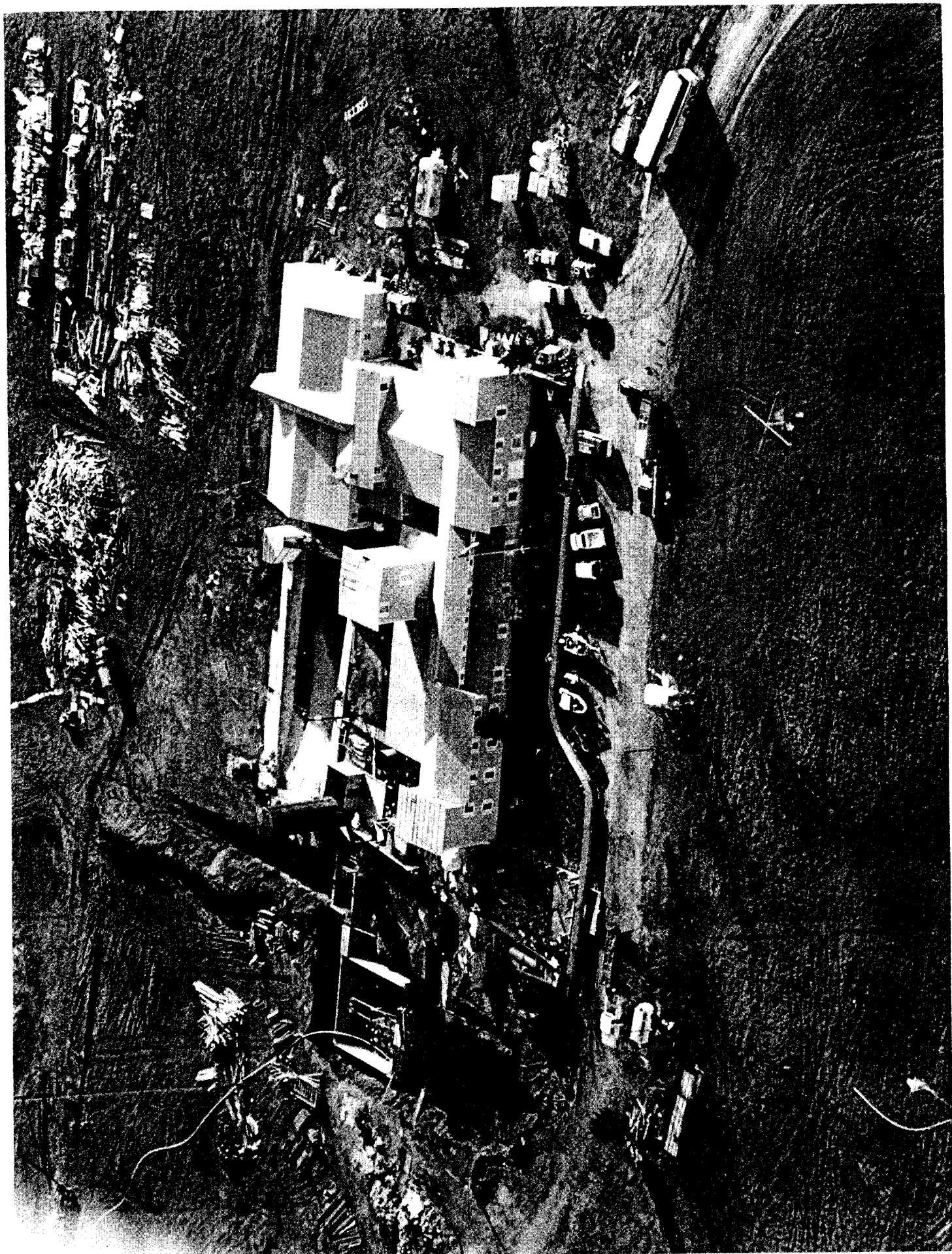
APPENDIX

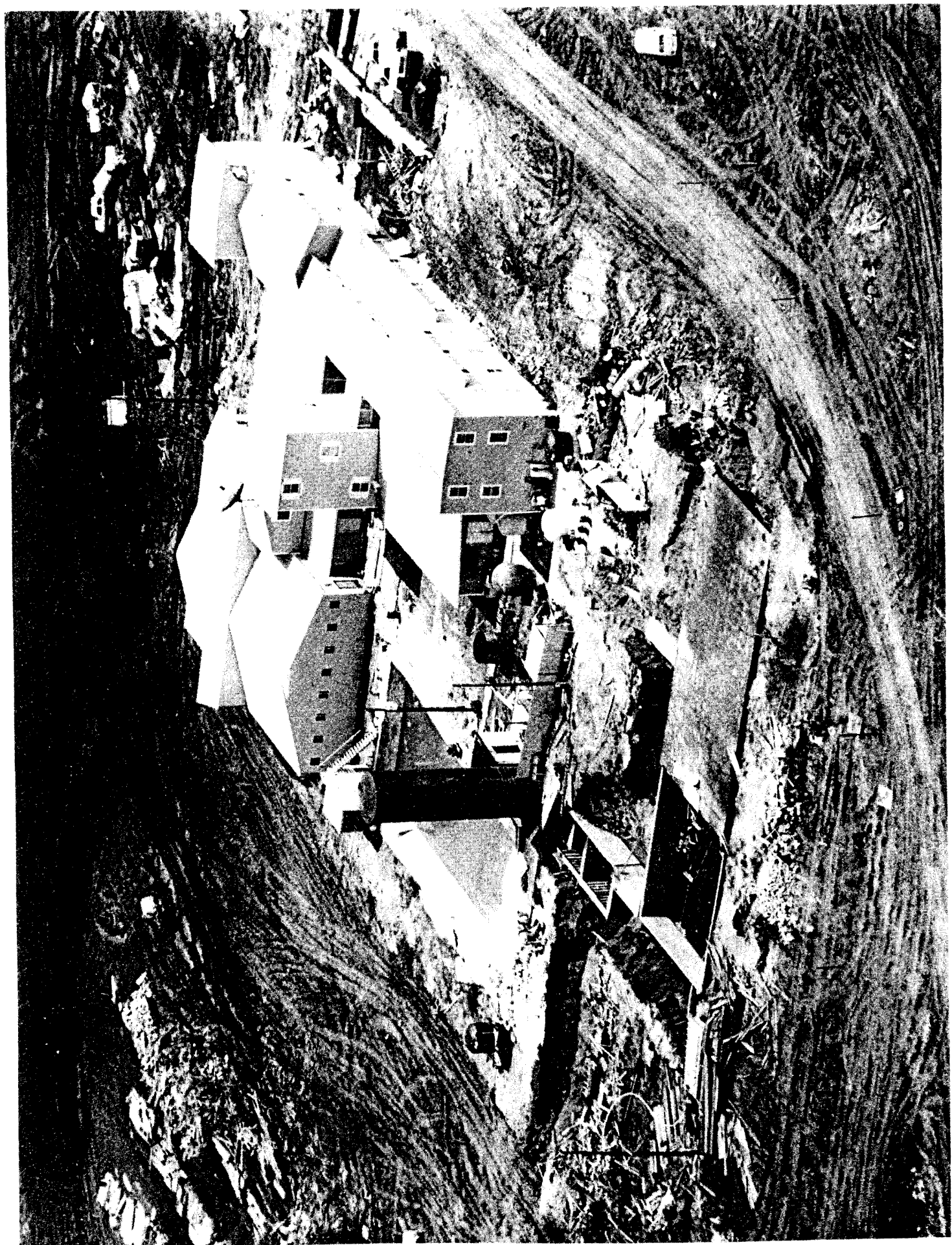
- A. Photographs of Compound**
- B. List of Military Personnel and Equipment**
- C. List of Demands by Davidians During Standoff and FBI Responses**
- D. Arson Report**
- E. Koresh Letters**
- F. Copy of Indictment**
- G. List of Children Released During Standoff**
- H. Intelligence on Sanitary Conditions Inside Compound**
- I. Intelligence on Davidians' Water Supply**
- J. Riot Control Agent, CS
Information Obtained from British and U.S. Studies**

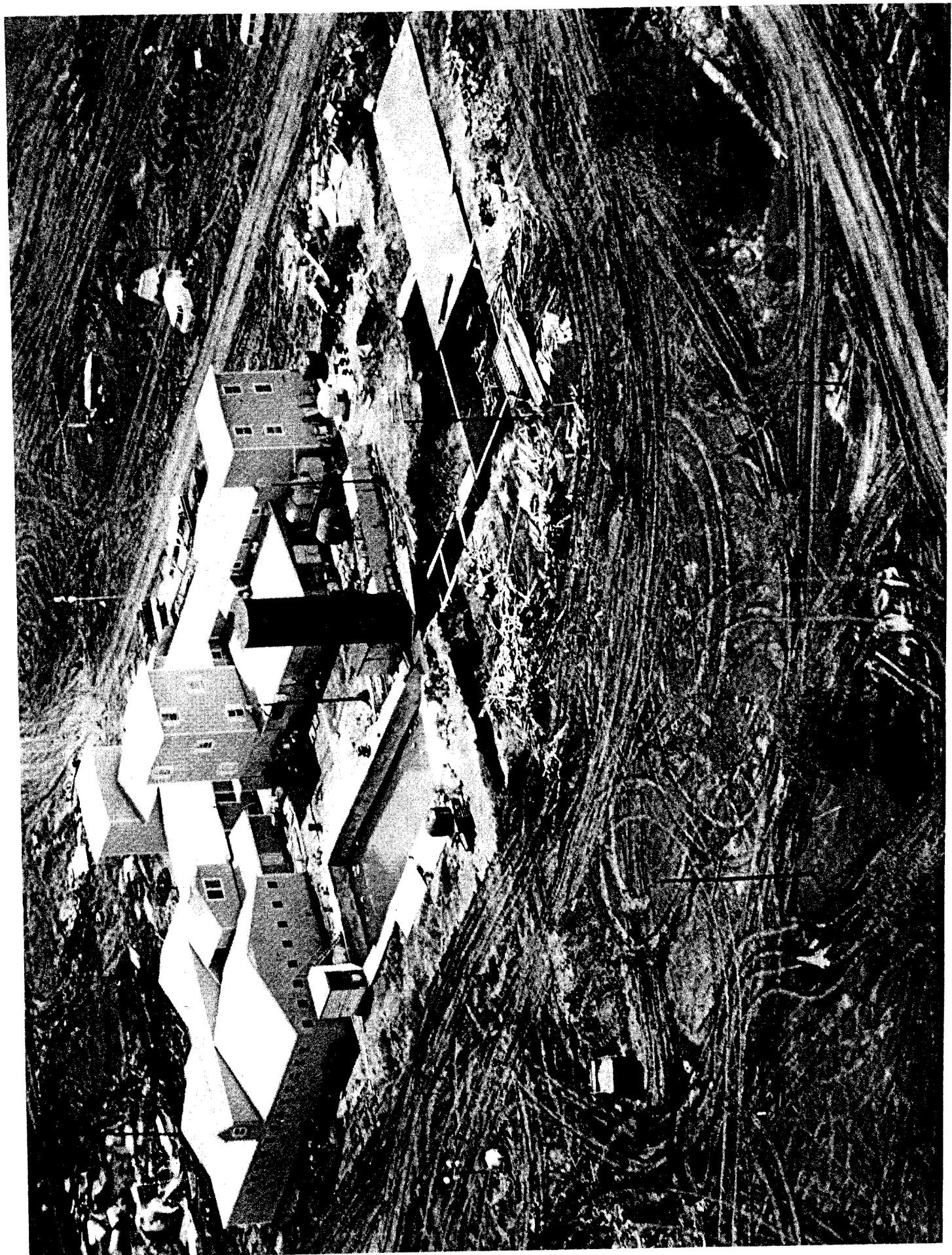
APPENDIX A

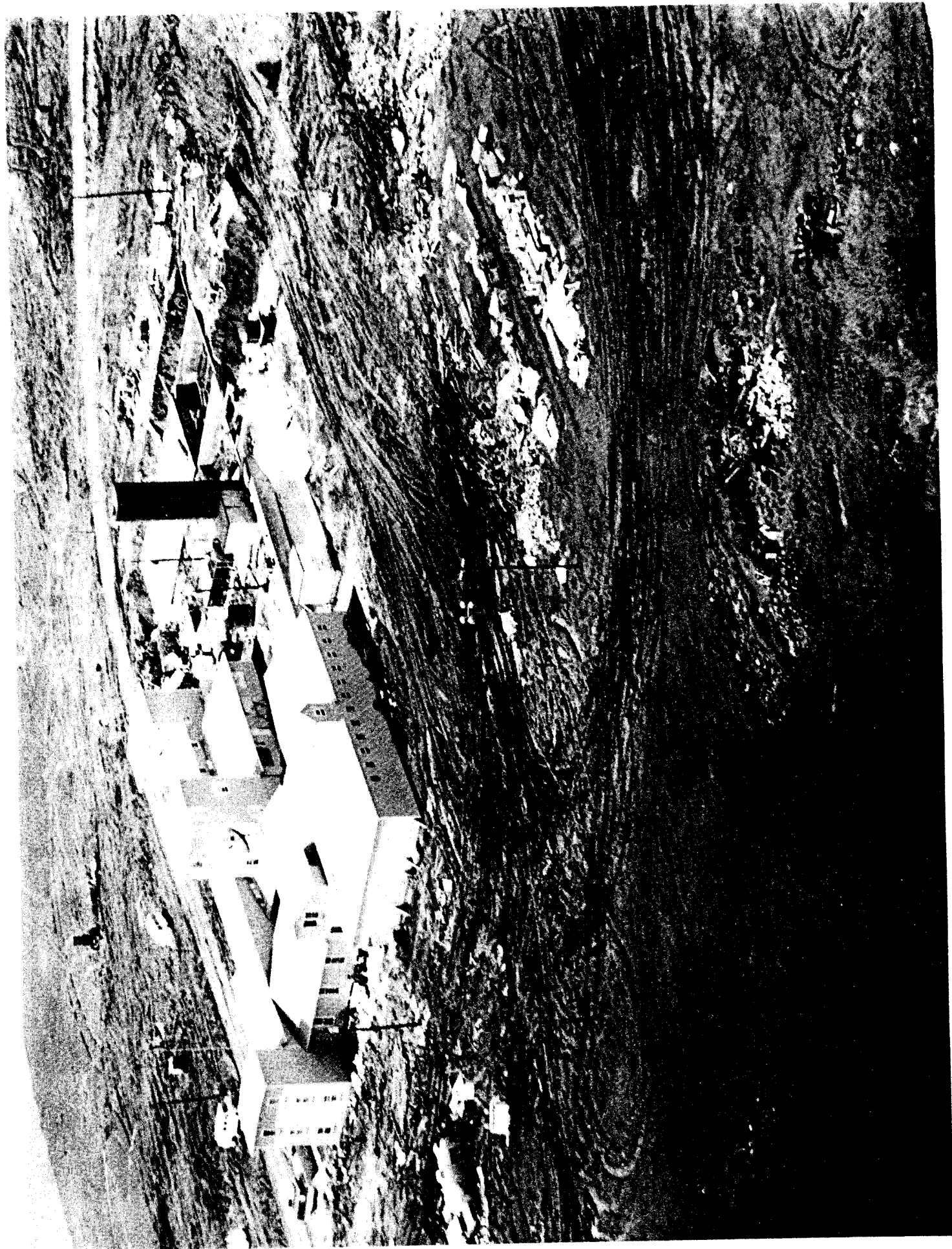




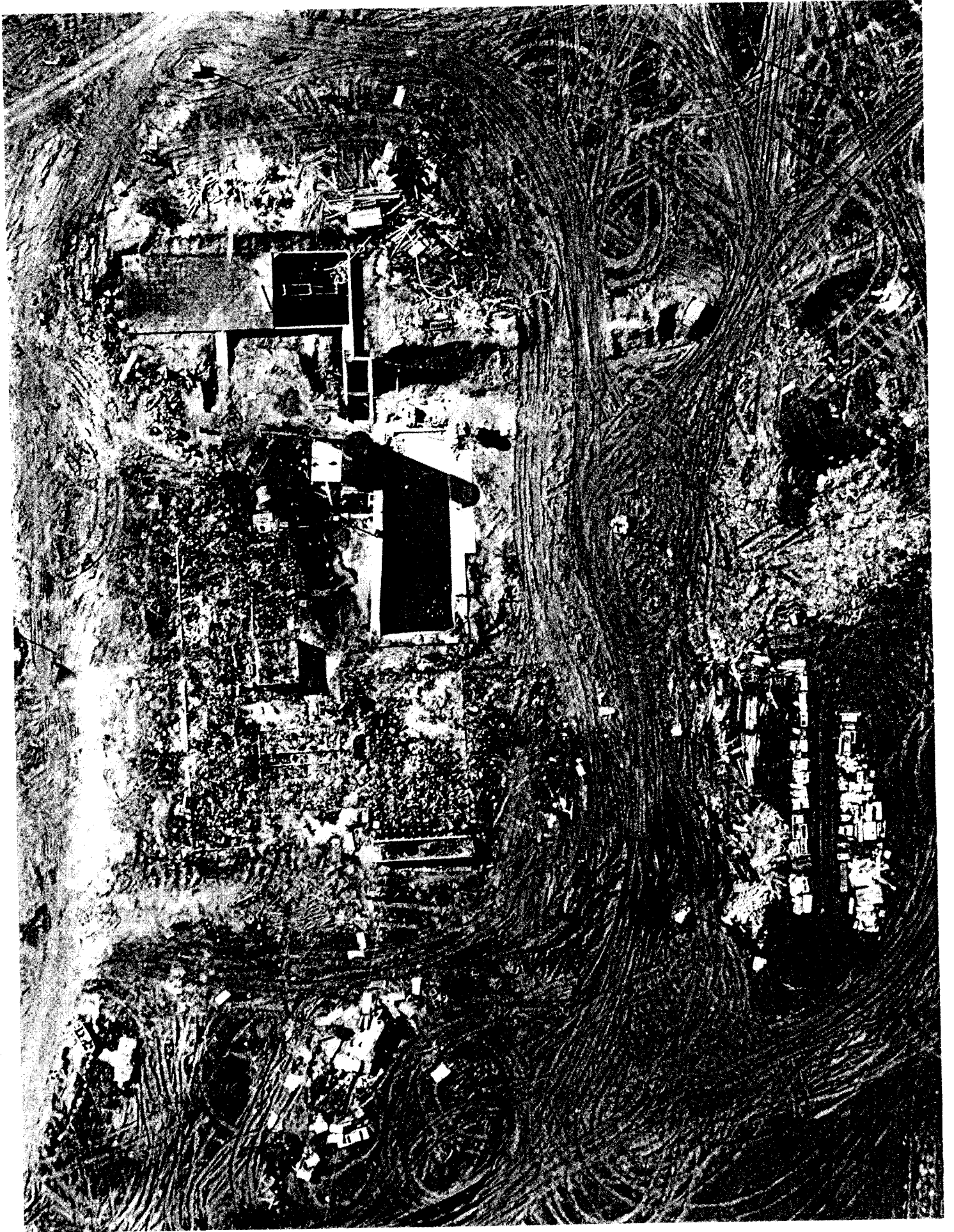


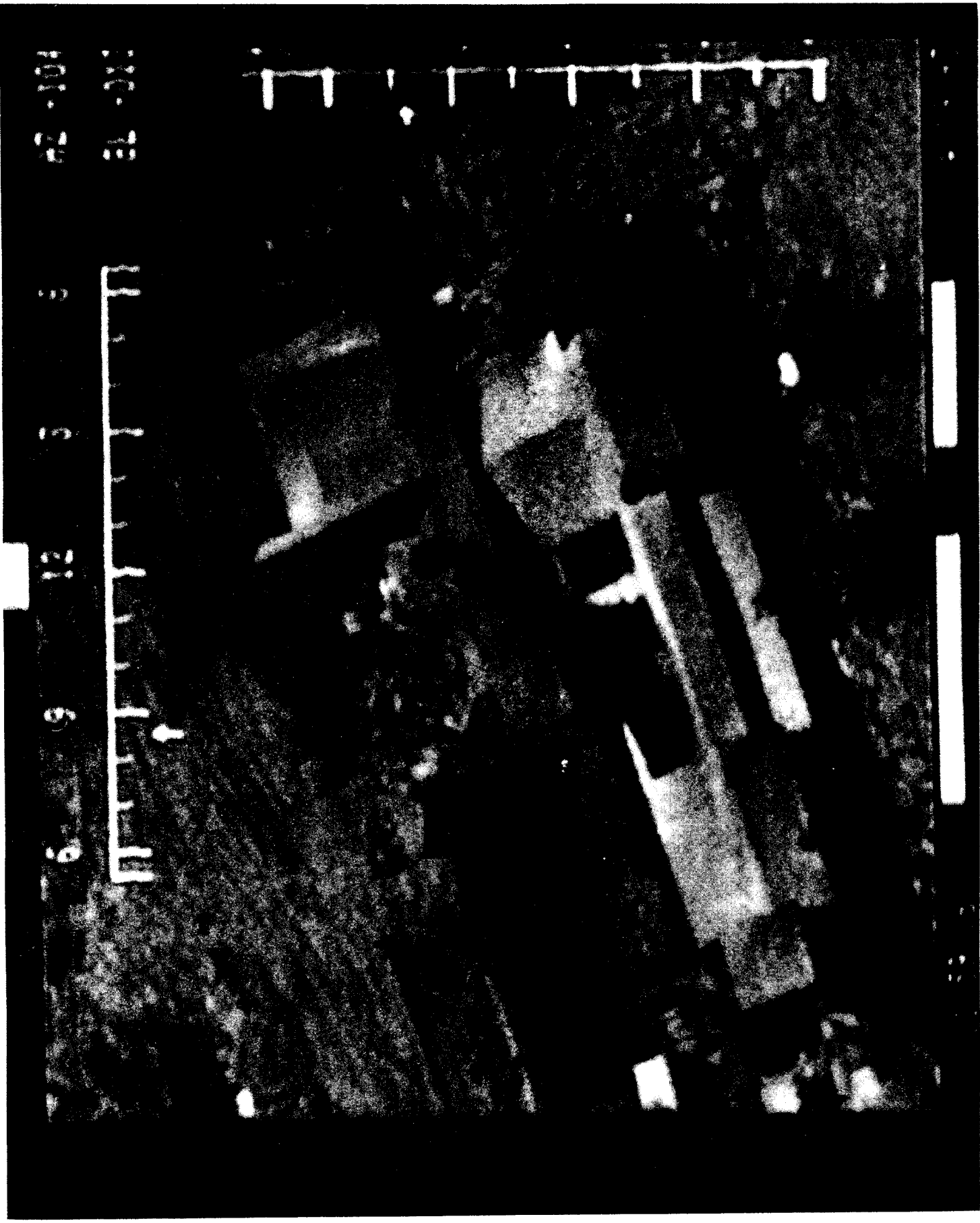


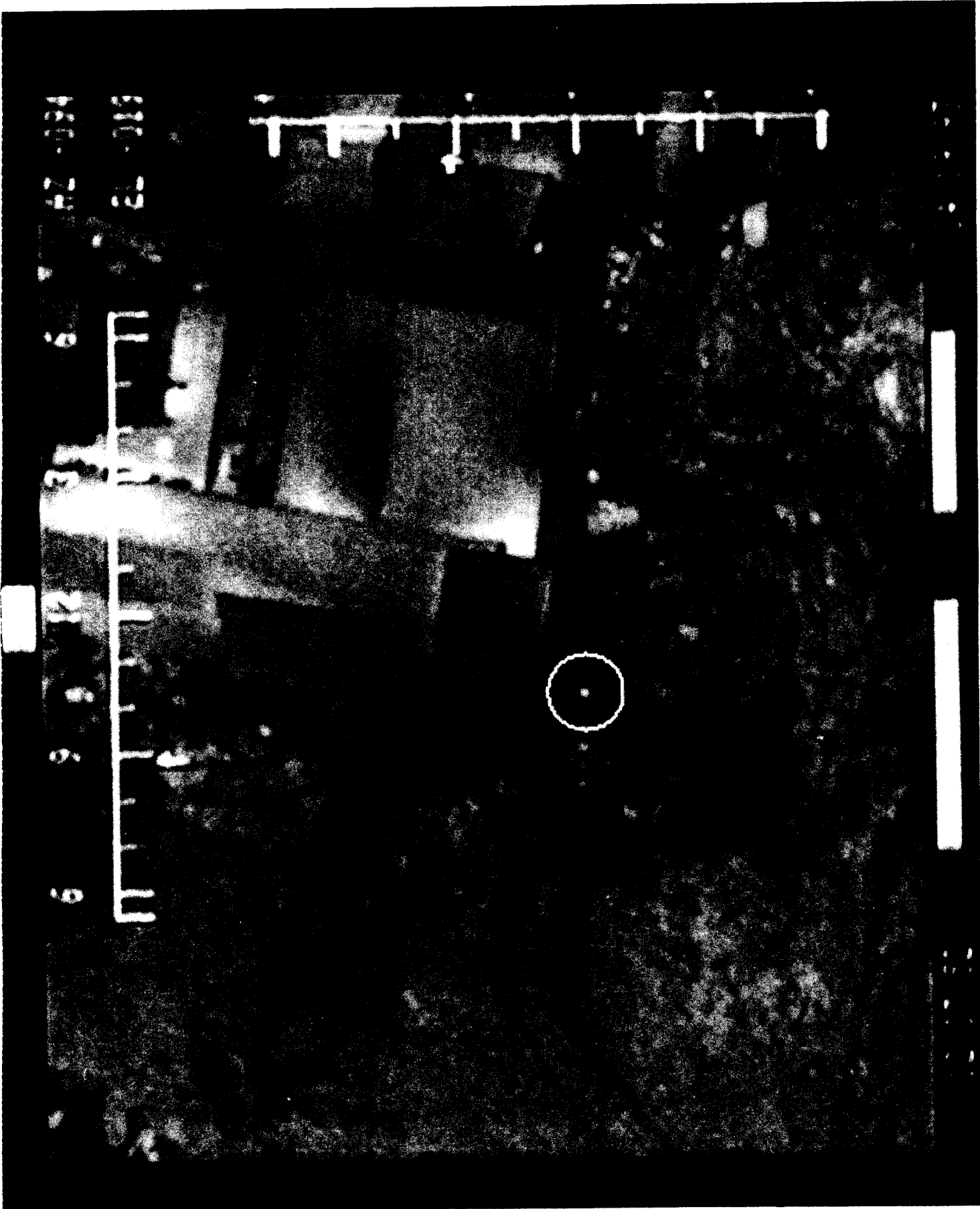






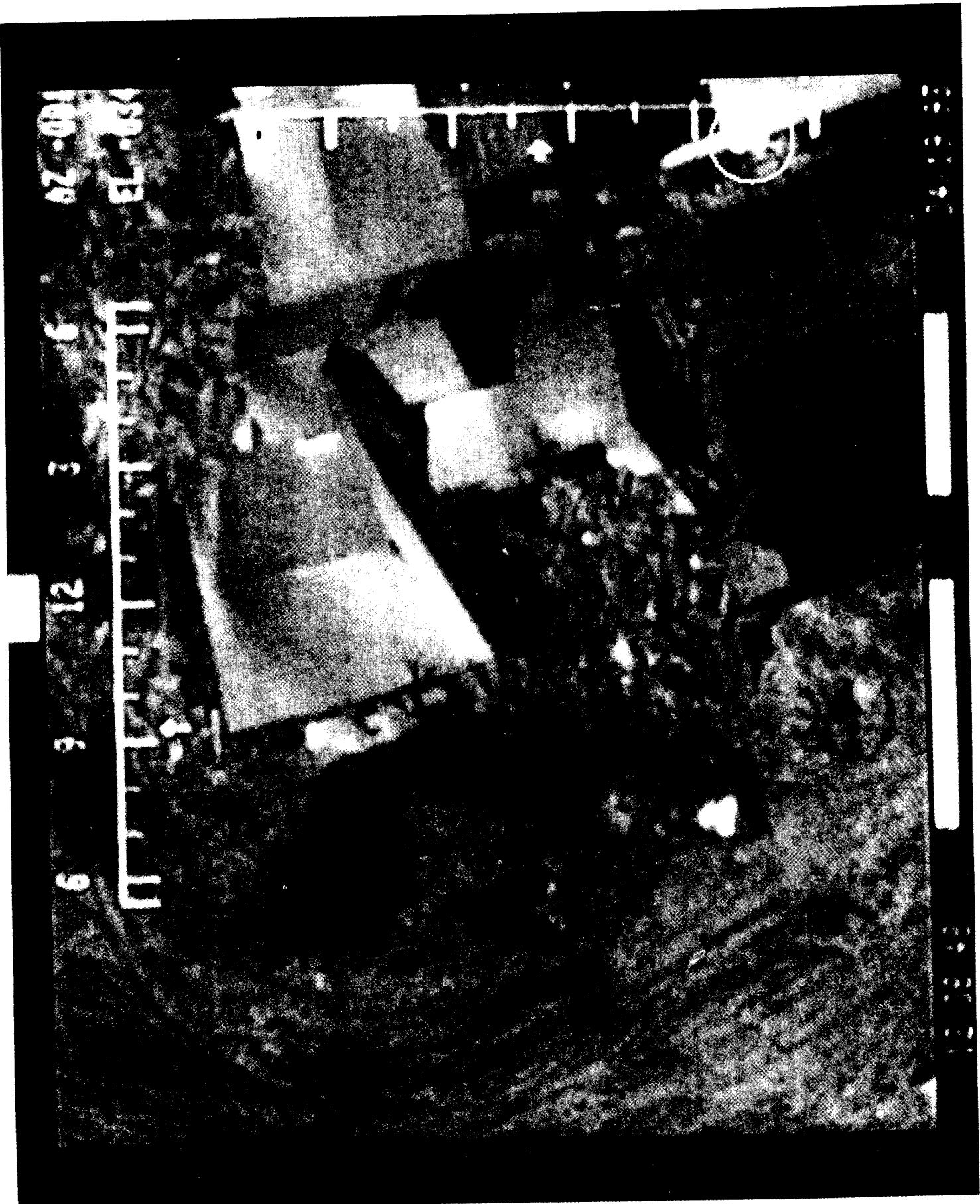






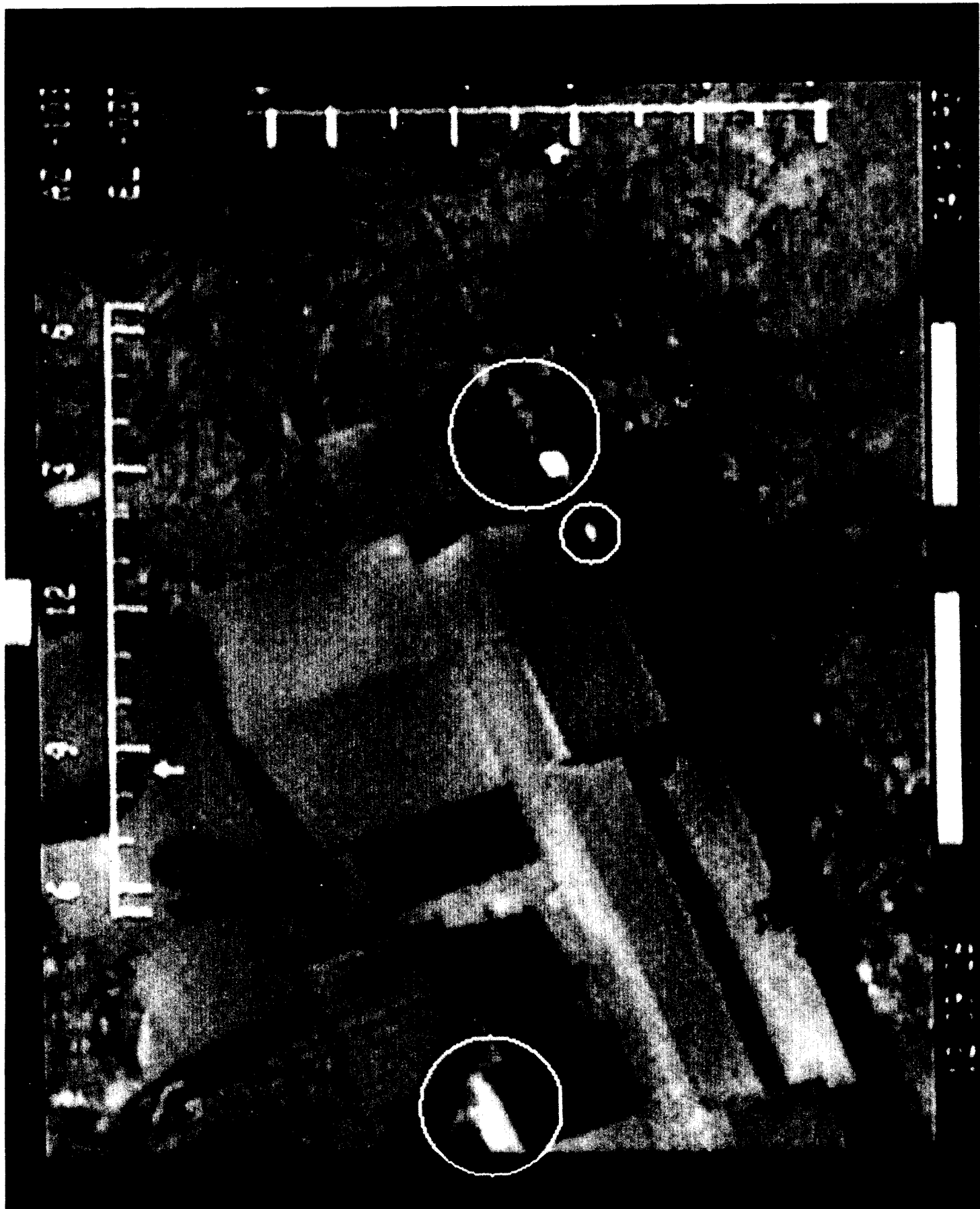






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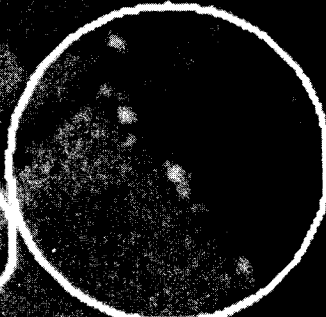
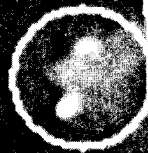


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APPENDIX B

MILITARY PERSONNEL AND EQUIPMENT

Active Duty
Personnel 15

Texas National Guard
Personnel 13

Equipment

Track Vehicles

| | <u>Model #</u> | <u>Quantity</u> |
|--------------------------|----------------|-----------------|
| Bradley fighting vehicle | (OMZ) | 9 |
| Combat Engineer vehicles | (M728) | 5 |
| Tank Retrieval vehicle | (M88) | 1 |
| Abrams Tanks | (M1A1) | <u>2</u> |
| TOTAL | | 17 |

Additional Military Equipment

| <u>Equipment</u> | <u>Model #</u> | <u>Quantity</u> |
|-----------------------|---|-----------------|
| Helicopters | UH-1 | 2 |
| Night Vision Goggles | PVF7B5 | 100 |
| Tents | GP Medium | 4 |
| Generators | 3KW | 2 |
| Generators | 15KW | 1 |
| Cots | NA | 66 |
| Sand Bags | NA | 1,400 |
| Spotlights (portable) | NA | 2 |
| Mine Detectors | PSS11 | 2 |
| Gas Masks | M17 | 34 |
| Vehicles | M151A2 | 2 |
| Search Lights | VSS-Xenon (6 million candlepower) | 2 |

APPENDIX C

WACMUR MC #80
DEMANDS/STATUS LISTING
2/28/93 - 4/19/93

DEMANDS/STATUS
AS OF 4/19/93

| <u>DEMANDS</u> | <u>STATUS</u> |
|--|--|
| 1. 2/28/93 - (14:29) First demand: that KRLD broadcast a message that ATF is holding their fire and will not attack further. | Granted 2/28/93, 16:15 and 16:45. |
| 2. 2/28/93 - (18:10) Play recorded message of KORESH on KRLD and kids will be released two by two. | Granted 2/28/93, 19:38. |
| 3. 3/02/93 - (02:34) SCOTT SONOBE: Play KORESH'S tape on national T.V. and we will come out. | Granted 3/02/93, 13:32 |
| 4. 3/02/93 - (04:55) RITA RIDDLE: Play tape during prime time and the remaining women and children will exit. | Granted 3/02/93, 13:32 |
| 5. 3/03/93 - (09:47) KORESH wants 150' telephone cord. | Granted 3/04/93, 15:20. |
| 6. 3/03/93 - (13:31) Allow KORESH to give a bible study and MARK JONES will come out. | Granted 3/03/93, 14:48. |
| 7. 3/03/93 - (17:27) STEVE SCHNEIDER: Wants dead, smelly dog removed. | Granted 3/04/93, 15:38 |
| 8. 3/04/93 - (23:29) KORESH: Requests suture kit for hand. | Granted 3/05/93, 12:59. |
| 9. 3/05/93 - (7:43) KORESH wants to see kids on video with relatives and 6 gallons of milk. | Milk demand granted 3/08/93, 15:50. Kids with relatives 3/09/93 15:50. |
| 10. 3/05/93 - (17:53) STEVE SCHNEIDER: Wants PETER GENT's body removed. | Granted 3/08/93, 11:04. |
| 11. 3/06/93 - (8:43) STEVE requests a media line or they will not come out. | Denied |

DEMANDSSTATUS

- | | | |
|-----|--|---|
| 12. | 3/06/93 - (9:02) KATHY SCHROEDER wants Bradleys off property. | Denied |
| 13. | 3/06/93 - (9:11) KATHY wants line to media. | Denied |
| 14. | 3/06/93 - (12:01) KORESH wants GENT'S body removed. | Granted 3/08/93, 11:04. |
| 15. | 3/06/93 - (16:35) KORESH wants to talk to UCA and then he'll release MELISSA MORRISON. | Denied |
| 16. | 3/06/93 - (17:25) STEVE SCHNEIDER: Demands that Bradley's and body be removed and six gallons of milk delivered. | Milk demand granted 3/08/93, body buried 3/8/93, 11:04. |
| 17. | 3/06/93 - (22:43) Repeated demand for additional phone line. | Denied |
| 18. | 3/07/93 - (12:51) KORESH: You show me the 3rd Seal and I'll release the kids. | On 3/07/93, 14:50 C.P. attempts to "show" DAVID the 3rd Seal; at 15:52 DAVID says that we have failed and refuses to release anyone. |
| 19. | 3/07/93 - (15:50) DAVID: You show me the 7 Seals and everyone will come out. | Denied |
| 20. | 3/09/93 - (09:24) KORESH: "Turn the power on or I will not communicate." | Granted 3/09/93, 10:25. |
| 21. | 3/11/93 - (22:19) KATHY SCHROEDER: Demands "a couple of gallons of milk" to be delivered to the compound. | C.P. delivers six gallons of milk on 3/12/93 at 14:58. |
| 22. | 3/11/93 - (22:19) KATHY SCHROEDER demands copies of Newsweek and Time magazines containing articles of DAVIDIANS. | Granted 3/19/93, 11:49. |

| | <u>DEMANDS</u> | <u>STATUS</u> |
|-----|---|---|
| 23. | 3/12/93 - (09:33) KATHY SCHROEDER: Demands that she be allowed to call back into the compound after she leaves. | Granted 3/12/93 17:21. |
| 24. | 3/12/93 - (10:30) STEVE SCHNEIDER: Demands that radio station KGBS AM 1090 be contacted and told to refute negative statements broadcast by the station against the DAVIDIANS. | Granted 3/12/93, radio station contacted, they advised that they would broadcast a message on 3/13/93. |
| 25. | 3/12/93 - (11:46) STEVE SCHNEIDER: Demands a copy of the transcript from the Phil Donahue show that had KIRI JEWELL as a guest. | Denied |
| 26. | 3/12/93 - (11:50) STEVE SCHNEIDER: Demands that attorneys and/or the media be allowed to contact the DAVIDIANS. | Granted 3/28/93, 18:00. |
| 27. | 3/12/93 - (11:53) STEVE SCHNEIDER: Through DAVID, demands that radio personality ENGLEMANN (phonetic), be made the DAVIDIANS' press representative. | Denied |
| 28. | 3/16/93 - (1508) STEVE SCHNEIDER: Demands a copy of the search warrant that ATF initially intended to serve on 2/28/93 along with other documentation. | Granted 3/19/93, 11:49. |
| 29. | 3/16/93 - (19:36) STEVE SCHNEIDER requests that PHIL ARNOLD, Ph. D or other religious scholars discuss the book of Revelations with KORESH. | Denied |
| 30. | 3/23/93 - (15:40) STEVE SCHNEIDER: Demands that compound members be allowed to speak to released LIVINGSTON FAGAN. | Denied |

DEMANDSSTATUS

- | | | |
|-----|---|-----------------|
| 31. | 3/26/93 - (15:40) RACHEL KORESH: Requests to see the video of LIVINGSTON FAGAN's CNN interview. | Denied |
| 32. | 3/27/93 - (14:23) STEVE SCHNEIDER: Requests that a neutral negotiator be introduced. | Denied |
| 33. | 3/28/93 - (15:58) DAVID KORESH: Requests 6 gallons of milk be sent into the compound. | Granted:3/28/93 |
| 34. | 3/28/93 - (16:06) STEVE SCHNEIDER: Requests antibiotics for DAVID KORESH. | Denied |
| 35. | 4/12/93-(19:29) STEVE SCHNEIDER: Requests a copy of a book about "KORESHIANS" that he heard about from negotiators. | Denied |
| 36. | 4/14/93-(14:00) STEVE SCHNEIDER: Requests a typewriter and/or typewriter ribbon be sent into compound. | Granted 4/18/93 |
| 37. | 4/16/93-(15:00) JUDY SCHNEIDER: Requests that a Sharp word processor, ribbon cassettes, a print wheel, lift-off tape, battery typewriter, ribbon cartridge, 12 size D batteries and a battery operated lamp. | Granted 4/18/93 |
| 38. | 4/17/93-(15:23,15:29) DAVID KORESH: Requests typewriter and ribbons. | Granted 4/18/93 |
| 39. | 4/17/93-(15:36) STEVE SCHNEIDER: Requests typewriter batteries. | Granted 4/18/93 |
| 40. | 4/17/93-(15:44) JUDY SCHNEIDER: Requests IBM laptop computer. | Denied |
| 41. | 4/17/93-(15:45) STEVE SCHNEIDER: Demands a typewriter ribbon in return they will send out the first seal as written by KORESH. | Granted 4/18/93 |

APPENDIX D

FIRE INVESTIGATION REPORT

BRANCH-DAVIDIAN COMPOUND

WACO, TEXAS

APRIL 19, 1993

Prepared By

PAUL C. GRAY - HOUSTON FIRE DEPARTMENT

JOHN F. RIGGELS - SAN FRANCISCO FIRE DEPARTMENT

WILLIAM S. CASS - LOS ANGELES CITY FIRE DEPARTMENT

THOMAS W. HITCHINGS - ALLEGHENY COUNTY FIRE MARSHAL'S OFFICE

REPORT DATE: JULY 13, 1993

REPORT OF FIRE SCENE INVESTIGATION

This report relates to the cause and origin of a fire that occurred on April 19, 1993 at the structure known as the "Branch Davidian Compound" located near Waco, Texas.

STATUTES VIOLATED

This report establishes that the fire was the result of an intentional act by a person or persons inside the compound and is in violation of state and federal criminal laws including but not limited to: Title 7, Section 28.02 of the Texas Penal Code (Arson), and Title 18, Section 844(i) of the U. S. Code.

Furthermore, if the prosecution establishes that a person intentionally causes the death of an individual in the course of committing or attempting to commit Arson, the person may be tried for Capital Murder as defined under Title 5, Section 19.03 T.P.C. punishable by life imprisonment or death.

BUILDING DESCRIPTION

The involved structure was a multi-storied, wood framed building in an irregular shape with a ground floor area of approximately 12,500 square feet. Contained within the building on the ground floor were the men's living quarters, a kitchen and dining room with adjacent food storage area, several utility rooms, a chapel, and a gymnasium.

The second floor was located over the entire length of the front of the building and above the food storage area, as well as in an area above the northeast portion of the chapel. The second floor was apparently used as quarters for women and children, and also contained Vernon Howell's quarters. Both corners on the front of the building contained a third floor. A third and fourth floor were located over the food storage area.

The building appeared to have been constructed haphazardly over a period of time with no attention to any building or fire codes. No bathroom or plumbing fixtures were found within the building with the exception of sinks located in the kitchen area. Used lumber had been employed in construction. Most of the building's interior lacked wallboard. Foundation, slabs, and piers were unreinforced concrete of inferior quality.

A poured, unreinforced concrete foundation wall approximately 100' x 24' was located on the southeast section of the building. Cinder blocks with a poured concrete cap set directly on the earth made up the remainder of the exterior

foundation on the front. The remaining structural foundation was either cinder blocks set directly on the earth or homemade unreinforced concrete blocks.

Most of the interior foundation was made of poured unreinforced concrete blocks or cinder blocks set directly on the earth, unreinforced concrete slabs, or poured concrete blocks formed from five gallon cans and/or half gallon milk containers.

Floor joists were identifiable from remains found on the ground floor only. Most appear to have been wooden 2" x 6"s. There were no mechanical connections to foundations or piers, with the exception of the 100' x 24' section previously noted. Several materials used for flooring on the ground floor were noted, including 1/2" plywood, 1" particle board and 1" particle board over 1" x 6"s.

The exterior framing in the 100' x 24' area on the ground floor appeared to be 2" x 6"s. The remaining exterior framing appeared to be 2" x 4"s. Exterior walls throughout were covered with 1/2" exterior masonite. The entire front section of the building's ground floor (176' x 24') appears to have had interior walls covered with 1/2" sheetrock wallboard. The remains of 1/2" sheetrock were also found in the chapel area. No remains of interior wallboard were found in either the dining room or the gymnasium. The interior wall coverings above the first floor are unknown.

The only materials known to have been used for roof construction were found at the rear of the gymnasium. In this area, 3/8" plywood had been laid over 2" x 8" homemade wooden trusses. The roof of the entire structure was covered with rolled asphalt composition roofing material.

Electrical power to the building had been turned off prior to the day of the fire. No evidence of any energized electrical service to the building was observed.

There were also several underground storage rooms that appeared to have been dug directly under the existing structure. A school bus had been buried at the west end of the building. The bus was a part of a tunnel system extending from the west end of the building to a large concrete walled structure (unfinished construction) partially roofed by plywood covered with tar paper.

The only entrance to the tunnel system from the main building was through an opening in the floor of the main building, west end. This opening led to a small underground room with access to the rear door of the aforementioned school bus.

OCCUPANCY

The structure was occupied as a multi-family residential building with shared common areas including a single kitchen and dining area, a chapel, and a gymnasium. The gymnasium was being used as a storage area.

The interior of the building was compartmented into many smaller rooms presumed to have been used as sleeping quarters.

The building also contained a small machine shop in which the remains of a metal lathe and mill were found. There were also identifiable remains of a large amount of firearms, ammunition, and devices resembling explosive ordinance.

CAUSE AND ORIGIN

This fire was caused by the intentional act(s) of a person or persons inside the compound. Fires were set in three separate areas of the structure identified as points of origin 1, 2, and 3. This investigation establishes that these fires occurred in areas significantly distant from each other and in a time frame that precludes any assumption of a single ignition source or accidental cause.

Furthermore, the physical evidence collected at the scene included the remains of several metal containers commonly used for the storage of flammable liquids. These containers were collected by members of the Texas Rangers crime scene team and remain in their custody. Samples of fire debris were also collected and proof of flammable liquids was established through the use of an accelerant detection dog and through laboratory analysis. Further details are included in other sections of this report.

Point of origin #1 is further identified as the second floor, front section of the building, southeast corner.

Point of origin #2 is further identified as the first floor, mid section of the building in or near the area identified as the dining room.

Point of origin #3 is further identified as the first floor, right side (east) of the building identified as the chapel area.

Investigative findings further confirm that flammable liquids were used to accelerate the spread and intensity of the fire.

CHRONOLOGY OF EVENTS

HISTORY

On or about and for several weeks prior to April 19, 1993, the above described structure, also known as the Mount Carmel Compound, was occupied by several dozen members of a religious cult who called themselves "Branch Davidians". The cult was allegedly led by a person identified as Vernon Howell, aka: David Koresh.

This location was the scene of a federal law enforcement operation in which hostage negotiators were attempting to effect the release of persons inside the compound and/or surrender of Howell and others charged with criminal violations.

At or about 6:00 am on April 19, 1993, federal officers began to breach the walls of the building using vehicles described as combat engineering vehicles (CEV's). Other military vehicles were also used at the scene as transport for law enforcement officers.

During the next six hours, ending shortly after 12:00 noon, several large portions of the building's exterior walls were destroyed by the CEV's. The area of deepest penetration by the vehicles was in the rear section known as the gymnasium located on the northeast side of the building. During this period of time, law enforcement officers reported seeing persons moving about inside the building. Also during this same time period, tear gas was inserted inside the building by means of pressurized injectors mounted on the CEV's and hand held launchers. At or about 9:17 am, the front door of the building was breached by CEV.

The last contact by a CEV was at or about 12:06 pm. This contact resulted in the removal of a part of the southeast corner of the exterior wall, ground floor level.

There was no evidence or indication of fire at any time during the approximate six hours of intermittent physical contact between the vehicles and the building. At the conclusion of the breaching and tear-gassing operation, the building had sustained several large openings in the exterior walls.

THE EVENTS DESCRIBED IN THE ABOVE CHRONOLOGY ARE DOCUMENTED BY EYEWITNESS ACCOUNTS, FBI RADIO LOGS, AND PHOTOGRAPHIC EVIDENCE INCLUDING BUT NOT LIMITED TO, FORWARD LOOKING INFRARED (F.L.I.R.) VIDEO TAPE, STILL PHOTOGRAPHY AND BROADCAST NEWS VIDEO.

THE FIRE

The intensity levels described in this section refer to the relative growth and flame spread characteristics observed in the F.L.I.R. video tape. They are applied to this particular case for clarification purposes only and do not refer to the commonly applied "phases of fire" theory.

Intensity levels are defined as follows:

- I.L.(1) Visible flame or observable heat at the incipient fire stage.
- I.L.(2) A fire which has progressed from incipient (I.L.1) to the point of full room involvement.
- I.L.(3) A fire which has reached a point greater than I.L.2 and has visible flame extending beyond the room or area of origin.

12:07:41 - Fire is first observed in point of origin one (southeast corner, second floor). This fire is at I.L.1 (incipient).

12:08:49 - Fire is observed at area of origin two (dining area). This fire is already at or near I.L.2 when first observed.

12:09:30 - Fire at point of origin one is observed reaching I.L.2

12:09:42 - Flames at point of origin one are observed venting through windows, second floor.

12:09:45 - Fire is visible in point of origin three (inside chapel). This fire is observed at I.L.1 and rapidly intensifies to I.L.3.

12:10:22 - Point of origin three (chapel) spreading to full involvement of gymnasium (I.L.3+).

12:11:00 - Fire rapidly spreading to involve entire building.

CONTRIBUTORY FACTORS

The spread of this fire was enhanced by a combination of several factors in addition to the multiple points of origin and the use of flammable liquids. These factors include the following:

1) Building construction: This building, as mentioned above, was very poorly constructed with no apparent consideration to fire safety. Although constructed in a rural area and possibly not legally bound to fire code restrictions, this building appears to have been built with a total disregard to any reasonable concern for fire prevention, especially considering it's intended use as living quarters for numerous people.

2) Wind: The spread of any fire is naturally affected by the wind. This fire was certainly intensified by a very strong wind from the general direction of the south.

3) Law enforcement breaching operations: During the approximate six hours prior to the fire, in their efforts to allow access to the interior of the building, and allegedly to allow escape from within, the FBI removed several large sections of the building's exterior walls. When added to the aforementioned strong wind, these openings are contributory to the fire's spread. However, another factor to consider is that the allowance of additional fresh air into the building, while fanning the flames, would have also lowered the concentration of carbon monoxide thus allowing a greater amount of "breathable" air and increasing the amount of time a person might have survived if trapped inside.

4) Contents within the building: One aspect of particular concern, somewhat unique to this fire scene, is the unusual amount of highly combustible products stored inside the building, such as baled hay, large quantities of paper products and other flammables.

5) Delayed fire suppression: The building was virtually destroyed before fire fighting operations began. However, even under more favorable circumstances, including the time required for detection, reporting, response and suppression, a fire such as this would have likely been too far advanced for effective extinguishment, salvage or rescue.

OTHER INCENDIARY INDICATORS

ACCELERANT DETECTION DOG

During the fire scene examination, an accelerant detection dog was used to assist in locating areas within the compound that may have contained the presence of hydrocarbons or flammable liquids (possibly used to accelerate the fire). The dog alerted in numerous areas throughout the compound including the points of origin mentioned above. Additionally, the dog was allowed controlled access to articles of clothing removed from the residents of the compound who escaped after the fire began. The dog alerted on many of the articles of clothing.

A DETAILED REPORT ENTITLED "ACCELERANT DETECTION CANINE ASSIST REPORT" COMPILED BY J.M. KAUS AND J.D. HUDEC IS INCLUDED AS A PART OF THIS REPORT. THE AREAS OF ALERTS INSIDE THE COMPOUND WILL BE INDICATED ON THE CRIME SCENE DRAWING.

Of particular interest is the fact that the dog is capable of making distinctions of relative intensity between areas of the same garment. Although incapable of identifying a particular flammable liquid, the dog is much more sensitive than commonly used electronic equipment and can often alert on samples containing minute quantities of flammables, that cannot be detected by the gas chromatographic instrument.

FORENSIC LABORATORY FINDINGS

Approximately one hundred samples of fire debris and clothing were submitted for scientific analysis. These items had been alerted on by the canine prior to submission for identification. Many could not be identified by scientific means. However, those that were identified include the following:

| | | |
|-------|-----------------------------------|----------------------------|
| DPS # | | |
| 0018B | shoes - Misty Ferguson..... | KEROSENE |
| 0019C | shoes - Clive Doyle..... | CAMP STOVE FUEL |
| 0024 | clothing - Derek Lovelock..... | CAMP STOVE FUEL |
| 0024A | clothing - Derek Lovelock..... | KEROSENE |
| 0024B | shoes - Derek Lovelock..... | CAMP STOVE FUEL |
| 0026A | shoe (left) - Graeme Craddock.... | KEROSENE AND GASOLINE |
| 0022A | shoes - Jaime Castillo..... | CAMP STOVE FUEL |
| 0037 | jacket..... | CHARCOAL STARTER FUEL |
| 0189 | shirt, shirt, pants..... | CHARCOAL STARTER FUEL |
| 0255 | soil..... | GASOLINE |
| 0735 | raincoat..... | GASOLINE |
| 0796 | cloth..... | HEAVY PETROLEUM DISTILLATE |
| 0925 | carpet..... | GASOLINE |
| 0928 | debris..... | GASOLINE |
| 0932 | latex gloves..... | CHARCOAL STARTER FUEL |
| 0934 | cartridge belt..... | GASOLINE |
| 0936 | coat..... | CHARCOAL STARTER FUEL |
| 0938 | camo pants..... | HEAVY PETROLEUM DISTILLATE |
| 0939 | gas mask..... | GASOLINE |
| 1176 | unknown sample..... | GASOLINE |
| 1404 | debris..... | GASOLINE |
| 1415 | concrete..... | KEROSENE |
| 1417 | concrete..... | KEROSENE |
| 1418 | soil..... | KEROSENE |
| 1419 | soil..... | KEROSENE |
| 1420 | concrete..... | KEROSENE |

THE ITEMS LISTED IN THE SECTION ABOVE ARE INCLUDED IN A DETAILED REPORT BY DR. ANDREW ARMSTRONG WHICH WILL BE INCLUDED AS A PART OF THIS REPORT.

ADDITIONAL INFORMATION

The following is provided for informational purposes concerning the tear gas used by the FBI at the compound. We are of the opinion that this fire was not caused by nor was it intensified by any chemicals present in the tear-gassing operations.

There were two methods of delivery.

- 1) The 40mm Ferret cartridge which is a plastic projectile delivered by an M79 hand held launcher.

The irritant mixture is a nonburning nonexplosive liquid agent containing CN and Methylene Chloride as a carrier. Each Ferret contained 25cc (1.53 cu.in.) of the mixture. The effectiveness of this product is diminished proportionally to the amount of air available for dissipation, which is why it is intended for enclosed space application.

Although capable of limited penetration, many of these rounds did not penetrate the exterior of the building. Those that did enter the building were probably incapable of penetrating beyond the first room of entry.

Although Methylene Chloride can be made to support weak flame propagation under some controlled laboratory conditions, it most likely would have acted as a flame inhibitor if introduced into a room during the incipient stage of a fire, and probably could not have been ignited during deployment and delivery by any common ignition source present in this application.

- 2) The pressurized CN carried aboard the CEV's had a maximum delivery rate of twelve to fifteen seconds and was sprayed through a nozzle using Carbon Dioxide as the propellant. Not only incapable of igniting, this product may have been an effective extinguishing medium if applied to a fire already in progress.

EFFECTIVENESS OF TEAR GAS

It is apparent that a conscious decision to use the above described methods of tear gas delivery included some concern for potential fire hazards. In choosing the products selected, a significant degree of effectiveness may have been sacrificed in favor of safety. In fact, when all factors are considered, including the strong winds, the large openings in the building as a result of the CEV operations, the relative weakness of the tear gas selected, and the use of gas masks by the occupants, the entire gassing operation may be viewed as a failure with the

possible exception of a psychological effect. Nevertheless, we are of the opinion that these operations did not contribute to the ignition or spread of the fire.

CONCLUDING POINTS FOR CONSIDERATION

A scenario involving the Ferret round as a cause of this fire includes some unlikely coincidental occurrences which would have required the projectile to enter a room, striking a lighted liquid fueled lantern, spilling the fuel without extinguishing the burning mantel, and allowing the burning mantel to ignite the spilled fuel. Such a scenario would have resulted in an immediate flash ignition at a single point of origin with a natural fire spread from that point. As reflected earlier in this report, multiple points of origin occurring after cessation of the gassing operation eliminates this hypothetical explanation.

Another theoretical explanation reported by the media in this case involves the rupture of a propane cylinder or flammable liquid container as a result of being crushed by one of the vehicles breaching the walls of the compound. If this had happened, an immediate vapor air explosion or flash fire would have occurred involving the vehicle itself. It did not happen. All law enforcement vehicles were well away from the building prior to the start of the fire. Although explosions did occur during this fire, some of which were likely caused by propane cylinders rupturing from overpressure due to external heat, there were no explosions during the early stages of the fire.

It should be pointed out that there was certainly a significant amount of structural damage done to the building during this operation which would naturally include it's interior and contents. Therefore, it is possible that some flammables were spilled inside the building as a result. These flammables could have contributed to the destruction of the building as the fire spread to them. There is no positive proof of this but it cannot be eliminated.

One final observation, though not relative to the cause and origin of this fire, concerns the possibility of escape from the building after the fires began. A great many of the occupants could have escaped to the outside of the compound even as the building burned. An exact number cannot be determined. However, considering the observable means of exit available, we must assume that many of the occupants were either denied escape from within or refused to leave until escape was not an option.

It is also possible that the escape route planned included the aforementioned tunnel system accessible through an opening in the floor at the west end of the building. A significant amount of structural debris was found in this area indicating that the breaching operations could have caused this route to be blocked.

THIS REPORT REFLECTS THE FINDINGS OF THE INVESTIGATORS LISTED BELOW AND IS BASED ON ALL AVAILABLE EVIDENCE INCLUDING THEIR OWN PROFESSIONAL OPINIONS.

Paul C. Gray

John T. Ricketts

William S. Cass

Thomas W. Hitchings

May 17, 1993

Mr. Paul Gray
Assistant Chief Arson Investigator
Houston Arson Bureau
410 Bagby, Suite 400
Houston, TX 77002

Re: Mt. Carmel Investigation

LABORATORY REPORT: 93FR1212

On April 24, 1993, twenty-four containers of items were received by Dr. Andrew T. Armstrong from Ranger Sergeant Jim Miller and Ranger Sergeant Lane Akin of the Texas Department of Public Safety. Some containers were comprised of single items and some of multiple samples. All had been sealed and secured by the collecting officers. The items submitted are outlined in Appendix I and are identified by the laboratory number, the DPS number and other numbers when applicable. All are described and all markings are indicated. This report will refer to samples in accordance with the DPS marking, a twelve digit number where the last four places are significant.

On April 26, 1993, thirty-six additional samples were delivered to the laboratory by Ranger Sergeant Lane Akin and on April 28, 1993, twenty-two additional samples were received from the same officer. These samples were entered into evidence and described in the same manner as previously outlined. On May 4, 1993, the laboratory received one additional sample for analysis from Sergeant Akin.

The samples were subjected to dynamic head space recovery in accordance with ASTM E1412-91 or passive collection in accordance with ASTM Method E1413-91, where required. Collection of the volatiles was on SKC charcoal with carbon disulfide extraction and analysis by capillary column gas chromatography with cross column confirmation. Selected samples were analyzed by gas chromatography/mass spectrometry. The gas chromatographic analyses and classification of flammable and combustible recoveries are in accordance with ASTM E1387-90.

Results of the testing are itemized individually for each sample tested beginning on page two in the conclusion to the report. Samples with similar flammable liquid or combustible liquid identifications are included in common paragraphs in the data summary.

DATA ANALYSES:

- Data analyses achieved from the testing establishes that samples known as DPS Numbers 0026B, 0255, 0735, 0925, 0928, 0934, 0939, 1176, 1404 and 1415 contained a refined petroleum fuel mixture consistent with gasoline. Gasoline is a Class 2 petroleum distillate.

- Data analyses establishes that DPS Samples 0037 (left sleeve), 0037 (right sleeve), 0189 (shirt), 0189 (shirt), 0189 (pants), 0932 and 0936 contained a mid-range petroleum distillate known as a deparaffinated kerosene. This range of petroleum distillate can be found as a solvent but is more commonly available as a fuel in some charcoal starters. This type of product is a Class 0 petroleum distillate.

- Data analyses establishes that DPS Samples 0019C, 0022A (left shoe), 0022A (right shoe), 0024 and 0024B contained a light petroleum distillate known as petroleum naphtha. Petroleum naphtha is available commercially as a solvent or as a fuel in lighter fluids and campstove products. This range of petroleum product is a Class 1 petroleum distillate.

- DPS Samples 0024A, 0026B, 1415, 1417, 1418, 1419 and 1420 contained broad range, straight run petroleum distillates of the fuel oil series. The range of components recovered is consistent with a kerosene, a Class 4 petroleum distillate.

- DPS Sample 0018B contained a medium petroleum distillate consistent with a mineral spirits of kerosene, a Class 3 petroleum distillate.

- DPS Samples 0030, 0796 and 0938 contained residues of heavy petroleum distillates. Further characterization could not be achieved.

- Other samples submitted may have contained singular, identifiable components that may, or may not, have originated from flammable mixtures. These samples are considered as negative for identifiable flammable liquid residues. Failure to identify an accelerant in any sample of fire debris should not be interpreted to mean that an accelerant could not have been present. It means only that none could be recovered from that particular debris.

CONCLUSION:

DPS No: AFL Description Results:
00000000- No:

| | | | |
|-------|-------|----------------|--|
| 0004 | 3 | Camo shirt | No identifiable flammable/combustible liquids. |
| 0005 | 11 | Camo shirt | No identifiable flammable/combustible liquids. |
| 0006 | 13 | Vest magazine | No identifiable flammable/combustible liquids. |
| 0014 | 8 | Ammo pouch | No identifiable flammable/combustible liquids. |
| 0017 | 19A | Clothing | No identifiable flammable/combustible liquids. |
| 0017A | 19B | Clothing | No identifiable flammable/combustible liquids. |
| 0017B | 19C-1 | Clothing | No identifiable flammable/combustible liquids. |
| 0017B | 19C-2 | Clothing | No identifiable flammable/combustible liquids. |
| 0017C | 19D | Shoes | No identifiable flammable/combustible liquids. |
| 0017D | 19E | Passport | Not tested |
| 0017E | 19F | Passport | Not tested |
| 0017F | 19G | Personal items | Not tested |

| DPS No: | AFL No: | Description | Results: |
|---------|---------|----------------|--|
| 0017G | 19H | Personal items | Not tested |
| 0018 | 12A | Clothing | No identifiable flammable/combustible liquids. |
| 0018A | 12B | Clothing | No identifiable flammable/combustible liquids. |
| 0018B | 12C | Reebok shoe | Contained a medium petroleum distillate, a Class 3 product. |
| 0018C | 12D | Personal items | Not tested |
| 0018D | 12E | Magazine pouch | No identifiable flammable/combustible liquids. |
| 0019 | 22A | Clothing | No identifiable flammable/combustible liquids. |
| 0019A | 22B | Clothing | No identifiable flammable/combustible liquids. |
| 0019B | 22C | Clothing | No identifiable flammable/combustible liquids. |
| 0019C | 22D | Shoe | Contained a petroleum naphtha, a Class 1 petroleum distillate. |
| 0019D | 22E | Lighter | Not tested |
| 0020 | 24A | Clothing | No identifiable flammable/combustible liquids. |
| 0020A | 24B | Jacket | No identifiable flammable/combustible liquids. |
| 0020C | 24C | Tennis shoe | No identifiable flammable/combustible liquids. |
| 0020B | 24D | Lighter | Not tested |
| 0021 | 18A | Clothing | No identifiable flammable/combustible liquids. |
| 0021A | 18B | Clothing | No identifiable flammable/combustible liquids. |
| 0021B | 18C | Right shoe | No identifiable flammable/combustible liquids. |
| 0021 | 18D | Left shoe | No identifiable flammable/combustible liquids. |
| 0022 | 17A | Clothing | No identifiable flammable/combustible liquids. |
| 0022A | 17B | Right shoe | Contained a petroleum naphtha, a Class 1 petroleum distillate. |
| 0022A | 17C | Left shoe | Contained a petroleum naphtha, a Class 1 petroleum distillate. |
| 0024 | 23A | Clothing | Contained a petroleum naphtha, a Class 1 petroleum distillate. |
| 0024A | 23B | Clothing | Contained kerosene, a Class 4 petroleum distillate. |
| 0024B | 23C | Tennis shoes | Contained a petroleum naphtha, a Class 1 petroleum distillate. |

| DPS No: | AFL | Description | Results: |
|-----------|-------|----------------|--|
| 00000000- | No: | | |
| 0024C | 23D | Lighter | Not tested |
| 0025 | 20A | Clothing | No identifiable flammable/combustible liquids. |
| 0025A | 20B | Clothing | No identifiable flammable/combustible liquids. |
| 0025A | 20B-S | Clothing | No identifiable flammable/combustible liquids. |
| 0025B | 20C | Bible | Not tested |
| 0025C | 20D | Computer disk | Not tested |
| 0025D | 20E | Personal items | Not tested |
| 0026 | 16A | Clothing | No identifiable flammable/combustible liquids. |
| 0026A | 16B | Right shoe | No identifiable flammable/combustible liquids. |
| 0026B | 16C | Left shoe | Contained a mixture of gasoline and kerosene, a mixture of a Class 2 and a Class 4 petroleum distillate. |
| 0026 | 16D | Watch | Not tested |
| 0028 | 15 | Vest-bullet | Not tested |
| 0030 | 10 | Ammo pouch | Contained the residue of a heavy petroleum distillate. |
| 0037 | 14S-1 | Left sleeve | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |
| 0037 | 14S-2 | Right sleeve | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |
| 0183 | 4 | Control/dog | Not tested |
| 0188 | 7 | Control/dog | Not tested |
| 0189 | 9S1 | Shirt | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |
| 0189 | 9S2 | Shirt | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |
| 0189 | 9S3 | Pants | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |
| 0255 | 6 | Soil | Contained gasoline, a Class 2 petroleum distillate. |
| 0263 | 1 | Water | No identifiable flammable/combustible liquids. |
| 0735 | 2 | Raincoat | Contained gasoline, a Class 2 petroleum distillate. |
| 0755 | 5 | Wood | No identifiable flammable/combustible liquids. |

| DPS No: | AFL | Description | Results: |
|-----------|-----|----------------|--|
| 00000000- | No: | | |
| 0786 | 26 | Debris | No identifiable flammable/combustible liquids. |
| 0787 | 27 | Debris | No identifiable flammable/combustible liquids. |
| 0788 | 28 | Debris | No identifiable flammable/combustible liquids. |
| 0789 | 29 | Rock debris | No identifiable flammable/combustible liquids. |
| 0790 | 30 | Debris | No identifiable flammable/combustible liquids. |
| 0791 | 31 | Debris | No identifiable flammable/combustible liquids. |
| 0792 | 32 | Debris | No identifiable flammable/combustible liquids. |
| 0793 | 33 | Debris | No identifiable flammable/combustible liquids. |
| 0794 | 34 | Debris | No identifiable flammable/combustible liquids. |
| 0795 | 35 | Debris | No identifiable flammable/combustible liquids. |
| 0796 | 36 | Cloth | Contained the residue of a heavy petroleum distillate. |
| 0797 | 37 | Clothing | No identifiable flammable/combustible liquids. |
| 0798 | 38 | Debris | No identifiable flammable/combustible liquids. |
| 0922 | 39 | Debris | No identifiable flammable/combustible liquids. |
| 0923 | 40 | Debris | No identifiable flammable/combustible liquids. |
| 0924 | 41 | Debris | No identifiable flammable/combustible liquids. |
| 0925 | 42 | Carpet | Contained gasoline, a Class 2 petroleum distillate. |
| 0926 | 43 | Debris | No identifiable flammable/combustible liquids. |
| 0928 | 44 | Debris | Contained gasoline, a Class 2 petroleum distillate. |
| 0929 | 45 | Glove | No identifiable flammable/combustible liquids. |
| 0930 | 46 | Nylon pouch | No identifiable flammable/combustible liquids. |
| 0931 | 47 | Leather glove | No identifiable flammable/combustible liquids. |
| 0932 | 48 | Latex glove | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |
| 0933 | 49 | Knife holster | No identifiable flammable/combustible liquids. |
| 0934 | 50 | Cartridge belt | Contained gasoline, a Class 2 petroleum distillate. |
| 0935 | 51 | Belt holster | No identifiable flammable/combustible liquids. |
| 0936 | 52 | Navak coat | Contained a deparaffinated kerosene, a Class 0 petroleum distillate. |

| DPS No: | AFL | Description | Results: |
|-----------|-----|------------------|--|
| 00000000- | No: | | |
| 0937 | 53 | Camo shirt | No identifiable flammable/combustible liquids. |
| 0938 | 54 | Camo pants | Contained the residue of a heavy petroleum distillate. |
| 0939 | 55 | Gas mask | Contained gasoline, a Class 2 petroleum distillate. |
| 0940 | 56 | Vest | No identifiable flammable/combustible liquids. |
| 0973 | 57 | Floor joist | No identifiable flammable/combustible liquids. |
| 0974 | 58 | Debris | No identifiable flammable/combustible liquids. |
| 0976 | 59 | Debris | No identifiable flammable/combustible liquids. |
| 0977 | 60 | Particle board | No identifiable flammable/combustible liquids. |
| 1176 | 61 | Not identified | Contained gasoline, a Class 2 petroleum distillate. |
| 1402 | 62 | Carpet & plastic | No identifiable flammable/combustible liquids. |
| 1403 | 63 | Carpet | No identifiable flammable/combustible liquids. |
| 1404 | 63A | Debris | Contained gasoline, a Class 2 petroleum distillate. |
| 1405 | 64 | Cloth | No identifiable flammable/combustible liquids. |
| 1406 | 65 | Debris | No identifiable flammable/combustible liquids. |
| 1407 | 66 | Cloth | No identifiable flammable/combustible liquids. |
| 1408 | 67 | Clothing | No identifiable flammable/combustible liquids. |
| 1409 | 68 | Debris | No identifiable flammable/combustible liquids. |
| 1410 | 69 | Debris | No identifiable flammable/combustible liquids. |
| 1411 | 70 | Flooring | No identifiable flammable/combustible liquids. |
| 1412 | 71 | Concrete | No identifiable flammable/combustible liquids. |
| 1413 | 72 | Concrete | No identifiable flammable/combustible liquids. |
| 1414 | 73 | Concrete | No identifiable flammable/combustible liquids. |
| 1415 | 74 | Concrete | Contained a mixture of gasoline and kerosene; a mixture of a Class 2 and a Class 4 petroleum distillate. |
| 1416 | 75 | Concrete | No identifiable flammable/combustible liquids. |
| 1417 | 76 | Concrete | Contained kerosene, a Class 4 petroleum distillate. |

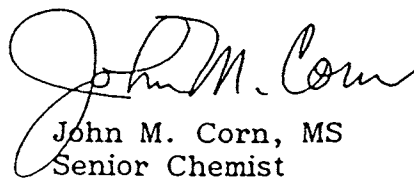
| DPS No: | AFL No: | Description | Results: |
|---------|---------|---------------|---|
| 1418 | 77 | Soil & debris | Contained kerosene, a Class 4 petroleum distillate. |
| 1419 | 78 | Soil & debris | Contained kerosene; a Class 4 petroleum distillate. |
| 1420 | 79 | Concrete | Contained kerosene, a Class 4 petroleum distillate. |
| 1421 | 80 | Concrete | No identifiable flammable/combustible liquids. |
| 1422 | 81 | Concrete | No identifiable flammable/combustible liquids. |
| 2018 | 82 | Torch | No identifiable flammable/combustible liquids. |

Lab Sample No: 21 was included in DPS No: 18.
Lab Sample Nos: 63 and 63A were two different DPS sites but received the same lab number through a typing duplication.

Respectfully submitted,
ARMSTRONG FORENSIC LABORATORY, INC.



Andrew T. Armstrong, PhD
Certified Professional Chemist, AIC
AIHA Accreditation: 363



John M. Corn, MS
Senior Chemist

APPENDIX

Laboratory Report 93FR1212

Sample Descriptions

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 1 | 0263 | 4/22/93 (1600) | DPS Label - DPS Batch #12, Wallace Higgins, FBI Outer Can - Water Sample F/crater do not open until ready to analyze ZL Mt. Carmel 4/23/93 #263 Enclosed Can - water sample F/crater do not open until ready to analyze ZL ZW Mt. Carmel 4/23/93 #263 |
| 2 | 0735 | 4/24/93 (1500) | DPS Label - Rain coat - yellow rain coat sector D grid, A11 Ray Cano, DPS Batch #27 Paper Sack - DA11 #1 Yellow rain coat 4/24/93 3:00PM #765 Can - for latent prints |
| 3 | 0004 | 4/21/93 (1441) | DPS Label - Camo shirt, Wallace Higgins, FBI Batch #2 Dog Tag - LA4140 6:15PM 4-23-93 #2 Can - WAC MUR Mt. Carmel, 1 - Camo shirt 4/21/93 ZL Ex. 4 Zip Lock Bag (Split) - 4/21/93 ZL WAC MUR Mt. Carmel 1 Camo shirt |
| 4 | 0183 | 4/23/93 | DPS Label - Control Sample Arson K-9, John Kaus, FBI Batch #8 Can - Ex 183 JMK 4-23-93 LA4140 Control #2 with Ex 1, 2, 3 4/23/93 6:15PM |
| 5 | 0755 | 4/24/93 (1530) | DPS Label - Wood - Char - Wood - Dog Sample Sector D grid A21 Ray Cano, DPS Batch #28 Sack - RC 4/24/93 Can - 4/24/93 3:30PM DA2 dog sample wood (oak) A 18, 19, 20 |
| 6 | 0255 | 4/22/93 (1600) | DPS Label - Soil - Char - Soil Sample, Wallace Higgins, FBI Batch #12 Can - Mt. Carmel, TX 4/22/93 soil sample f/crater do not open until ready to analyze Z4 |
| 7 | 0188 | 4/23/93 | DPS Label - Char - Controlled Sample Arson K-9, John Kaus, FBI Batch #8 Can - LA4140 Control #1 with Ex 1, 2, 3 4/23/93 6:15PM JMK 4-23-93 |

APPENDIX
 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 8 | 0014 | 4/21/93 (1441) | DPS Label - Pouch - Ammo, Wallace Higgins, FBI Batch #2 Zip Lock Bag (Split) - WAC MUR 4/21/93 ZL Mt. Carmel, TX 2 black mag. pouches w/2 mag each (mags loaded) Can - WAC MUR Mt. Carmel 2-Blk. mag. pouch 4/21/93 #14 |
| 9 | 0189 | 4/23/93 | DPS Label - Char: 2 shirts, 1 pair of pants, John Kaus, FBI Batch #8 Plastic Sack - LA 4140 4/23/93 6:30PM Control #1 w/Ex. 4 Ex. 189 JMK 4/23/93 Articles split into three cans: Split 1 - Shirt Split 2 - Shirt Split 3 - Pants |
| 10 | 0030 | 4/21/93 (1441) | DPS Label - #030 Pouch - Ammo, Wallace Higgins, FBI Batch #2 Zip Lock Bag (Split) - WAC MUS Mt. Carmel, TX 4/21/93 ZL Can - #30 J 4-23-93 1 Ammo Belt 2x2-9mm pouches (black) JMK 4-23-93 |
| 11 | 0005 | 4/21/93 (1441) | DPS Label - Camo shirt, Wallace Higgins, FBI Batch #2 Dog Tag - Onyx's Nose - LA 4140 6:15PM 4-23-93 #1 Zip Lock Bag (Split) - contained 1 glass case, 1 pair glasses - Optical Dispensary, Waco, TX 3 rounds of ammo - 9mm Luge FC hollow point; 9mm WCC88 - solid; rifle cart. C077 Zip Lock Bag - WAC MUR Mt. Carmel, 1 camo jacket w/loose rounds in pocket ZL 4/21/93 Can - WAC MUR Mt. Carmel 1 camo jacket w/loose rounds in pocket 4/21/93 Ex 5 |

APPENDIX

Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 12E | 0018 | 4/21/93 (1441) | DPS Label - Pouch magazine, Higgins, Wallace, FBI Batch #2 Can - WAC MUR ZL Mt. Carmel, TX 4/21/93 1 Black mag pouch Zip Lock Bag (Split) - WAC MUR Mt. Carmel 4/21/93 1 Black mag pouch w/two loaded mags |
| 12 | 0018 | 4/21/93 | Orange Sack - Med 5, ATF-18, DOB Ferguson, Misty contained 12A, 12B, 12C and 12D |
| 12A | 0018 | 4/21/93 (1441) | Label - 18 - labeled clothing - Misty Ferguson 4/19/93 17:50 Agent: Jaime Lopez Agent ID #0500 ATF DET 0018 4/19/93 Time 1750 Dog Tag - Onyx's LA 4140 #5 4/24/93 4:15PM can w/socks, jeans, bra Can - DET 0018 4/19/93 1750 |
| 12B | 0018 | 4/21/93 (1441) | Label - 18A - clothing - Misty Ferguson 4/19/93 17:50 Agent Jaime Lopez Agent ID #0500 ATF Dog Tag - Onyx's LA 4140 #6 4/24/93 4:15PM can w/shirts (3) |
| 12C | 0018 | 4/21/93 (1441) | Label - 18B - Reebok - Misty Ferguson 4/19/93 17:50 Agent Jaime Lopez Agent ID #0500 ATF Dog Tag - Onyx's LA 4140 #7 4/24/93 4:15PM two black Reebok shoes Paper Sack - DET 0018B LA 4140 #7 |
| 12D | 0018 | 4/21/93 (1441) | Label - 18C - Necklace 4/19/93 17:50 Agent Jaime Lopez Agent ID #0500 ATF Contents of Sack - Label DET 0018C - 1 pair glasses, 1 watch - AWATCH, 1 gold necklace w/star, 1 cloth bracelet - black & purple |

APPENDIX
 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 13 | 0006 | 4/21/93 (1441) | DPS Label - Vest magazine, Wallace Higgins, FBI Batch #2 Zip Lock Bag (Split) - WAC MUR Mt. Carmel, TX 4/21/93 ZL 1 black vest w/loaded magazine Dog Tag - Onyx's nose, LA 4140 6:15PM 4/23/93 #3 Can - WAC MUR Mt. Carmel ZL 1 black vest w/9 loaded mags 4/21/93 Ex 9 |
| 14 | 0037 | 4/21/93 (1441) | DPS Label - Jacket, Wallace Higgins, FBI Batch #2 Previous Sacks - WAC MUR Mt. Carmel - 1 scorched blue nylon jacket Dog Tag - Onyx's nose LA 4140 4/23/93 10:30PM #4 Cans Made: Split 1 - left sleeve Split 2 - right sleeve |
| 15 | 0028 | 4/21/93 (1441) | DPS Label - Vest bullet res, Wallace Higgins, FBI Batch #2 Sack - WAC MUR Mt. Carmel, 4/21/93 ZL 1-one panel bullet proof vest/ATF agent #28 |
| 16A | 0026 | 4/19/93 (1740) | Sack - JAC 4/19/93 Craddock, Graeme 11/29/51 Can - Graeme Craddock clothing, Agent Jaime Lopez ATF #0500 4/19/93 1740 Dog Tag - Onyx's nose #18 LA 4140 4/24/93 4:50PM can w/clothing |
| 16B | 0026 | 4/19/93 (1740) | Sack - 0026A Graeme Craddock, tennis shoes Reebok Jaime Lopez ATF 0500 Dog Tag - LA 4140 4/24/93 #19A 4:50PM Shoe/ right black tennis |
| 16C | 0026 | 4/19/93 (1740) | Sack - 0026A Graeme Craddock, tennis shoes Reebok Jaime Lopez ATF 0500 Dog tag - Onyx's nose LA 4140 4/24/93 #19B 4:50PM Shoe/left black tennis |
| 16D | 0026 | 4/19/93 (1740) | Dog tag - 0026B watch Seiko Sports 150 Agent Jaime Lopez Agent ID #0500 ATF DET 026B |

APPENDIX
 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 17A | 0022 | 4/19/93 (1800) | Sack - Castillo, Jaime 6/4/68 JL 4/19/93 Can - DET 0022 Castillo, Jaime clothes Jaime Lopez #0500 ATF Dog Tag - Onyx's Nose #20 LA 4140 4/24/93 5:00PM |
| 17B | 0022 | 4/19/93 (1800) | Label - DET 0022A Shoes Reebok Back Tennis, Jaime Lopez Agent ID #0500 ATF Sack - DET 0022A Dog Tag - Onyx's nose #21A LA 4140 4/24/93 5:00PM right shoe |
| 17C | 0022 | 4/19/93 (1800) | Label - DET 0022A Shoes Reebok Back Tennis, Jaime Lopez Agent ID #0500 ATF Dog Tag - Onyx's nose #21B LA 4140 4/24/93 5:00PM left shoe |
| 18A | 0021 | 4/19/93 (1725) | Label - DET 0021 Thibodeau, David pants, jeans, shorts, cloths Agent Jaime Lopez Agent ID #0500 ATF Sack - 21 Thibodeau, David 2/13/69 Dog Tag - Onyx's nose #15 LA 4140 4/24/93 4:45PM |
| 18B | 0021 | 4/19/93 (1725) | Label - DET 0021 Thibodeau, David shirt, sweater/ black clothes Jaime Lopez Agent ID #0500 ATF Can - DET 0021A 4/19/93 @ 17:25 Dog Tag - Onyx's nose #15 LA 4140 4/24/93 4:45PM |
| 18C | 0021 | 4/19/93 (1725) | Label - Shoes Jaime Lopez Agent ID #0500 ATF Sack - DET 0021B @ 17:25 LA 4140 17A 17B Dog Tag - Onyx's nose #17A LA 4140 4/24/93 4:45PM can w/R shoe (boot hiking) |
| 18D | 0021 | 4/19/93 (1725) | Label - Shoes Jaime Lopez Agent ID #0500 ATF Sack - DET 0021B @ 17:25 LA 4140 17A 17B Dog Tag - Onyx's nose #17B LA 4140 4/24/93 4:45PM can w/L shoe (boot hiking) |

APPENDIX

Laboratory Report 93FR1212
Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 19A | 0017 | 4/19/93 (1830) | Label - DET 0017 Unknown black female clothes Jaime Lopez Agent ID #0500 ATF Sack - Black female unconscious IL 4/19/93 17 Can - DET 0017 4/19/93 @ 18:30 Dog Tag - Onyx's nose LA 4140 #22 4/24/93 5:10PM |
| 19B | 0017 | 4/19/93 (1830) | Label - DET 0017 Unknown black female clothing Jaime Lopez Agent ID #0500 ATF Can - DET 0017A 4/19/93 @ 1830 Dog Tag - Onyx's nose LA 4140 #23 4/24/93 5:10PM |
| 19C | 0017 | 4/19/93 (1830) | Label - DET 0017B Unknown black female clothing Jaime Lopez Agent ID #0500 ATF Can - DET 0017B 4/19/93 @ 1830 Dog Tag - Onyx's nose LA 4140 #24 4/24/93 5:10PM |
| 19D | 0017 | 4/19/93 (1830) | Label - DET 0017 Unknown black female black shoes Jaime Lopez Agent ID #0500 ATF Sack - DET 0017C LA 4140 #25 Dog Tag - Onyx's nose #25 LA 4140 4/24/93 5:15PM |
| 19E | 0017 | 4/19/93 (1830) | Label - 0017D Unknown black female passport #003408563 Jaime Lopez AID #0500 ATF Sack - DET 0017D for latent prints Contents: European United Kingdom of Great Britain & Northern Ireland passport |
| 19F | 0017 | 4/19/93 (1830) | Label - 0017E Unknown black female British passport #L426260C Jaime Lopez AID #0500 ATF Sack - DET 0017E for latent prints Contents: British passport #L426260C Miss M.V. Thomas |
| 19G | 0017 | 4/19/93 (1830) | Label - 0017F Unknown black female personal articles - savings book, checkbook, pen, star necklace Jaime Lopez AID #0500 ATF Sack - DET 0017F for latent prints Contents: Savings book, check book (Mt. Westminster Bank), pen, gold star necklace, notebook paper note, liquid gold - Leeds |

APPENDIX
 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 19H | 0017 | 4/19/93 (1830) | Label - 0017G Unknown black female DET 0017G personal articles - red wallet - medical card Jaime Lopez AID #0500 ATF Sack - DET 0017G for latent prints Contents: Red wallet, medical card of Miss Marjorie Venetia Thomas |
| 20A | 0025 | 4/19/93 (1730) | Label - DET 0025 Unknown female - white, clothing Jaime Lopez AID #0500 ATF Sack - Refused to give name JL 4/19/93 Dog Tag - Onyx's nose #26 LA 4140 4/24/93 5:20PM |
| 20B | 0025 | 4/19/93 (1730) | Label - DET 0025A Unknown female - white, clothing Jaime Lopez 0500 ATF Can - DET 0025A 4/19/93 1730 Dog tag - Onyx's nose #26 LA 4140 4/24/93 5:20PM |
| 20C | 0025 | 4/19/93 (1730) | Label - DET 0025B Unknown female - white, red Holy Bible Jaime Lopez AID 0500 ATF Sack - 0025B for latent prints Contents: small red Holy Bible of Gladys Pauline Ottman |
| 20D | 0025 | 4/19/93 (1730) | Label - DET 0025C Unknown female - white, computer disk - Maxell Sack - DET 0025C for latent prints & cart Contents: Maxell computer disk MF2-DD floppy disk marked "Seven Seals" - sharp |
| 20E | 0025 | 4/19/93 (1730) | Label - DET 0025D Unknown female - white, personal effects - watch, necklace, pen Jaime Lopez AID 0500 ATF Sack - DET 0025D for latent prints Contents: 1 Pilot brand pen, 1 Helbros brand watch w/black band, 1 gold star necklace |

APPENDIX
 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 22A | 0019 | 4/19/93 (1820) | Label - DET 0019 Doyle, Clive, clothing Jaime Lopez AID 0500 ATF Sack - Doyle, Clive 19 4/19/93 JL Dog Tag - Onyx's nose LA 4140 #11 4/24/93 4:35PM |
| 22B | 0019 | 4/19/93 (1820) | Label - DET 0019A Doyle, Clive, clothing Jaime Lopez AID 0500 ATF Sack - DET 0019A 4/19/93 @ 1820 Dog Tag - Onyx's nose LA 4140 #12 4/24/93 4:35PM |
| 22C | 0019 | 4/19/93 (1820) | Label - DET 0019B Doyle, Clive, clothing Jaime Lopez AID 0500 ATF Sack - DET 0019B 4/19/93 @ 1820 Dog Tag - Onyx's nose LA 4140 #13 4/24/93 4:35PM |
| 22D | 0019 | 4/19/93 (1820) | Label - DET 0019C Doyle, Clive, 1 shoe (brown) Jaime Lopez AID 0500 ATF Sack - DET 0019C LA 4140 #14 Dog Tag - Onyx's nose LA 4140 #14 4/24/93 4:35PM |
| 22E | 0019 | 4/19/93 (1820) | Label - DET 0019 Doyle, Clive, 1 lighter Jaime Lopez AID 0500 ATF Sack - DET 0019D Contents: 1 gold Bic brand lighter |
| 23A | 0024 | 4/19/93 (1810) | Label - DET 0024 Lovelock, Derek, clothing Jaime Lopez AID #0500 ATF Sack - DOB 8-13-55 Derek Lovelock 5/15/55 24 Dog Tag - Onyx's nose LA 4140 #8 4/24/93 4:30PM |
| 23B | 0024 | 4/19/93 (1810) | Label - DET 0024A Lovelock, Derek, Jaime Lopez AID #0500 ATF Can - DET 0024A 4/19/93 @ 1810 Dog Tag - Onyx's nose LA 4140 #8 (probably 9) 4:30PM 4/24/93 Contents: clothing |

APPENDIX
 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 23C | 0024 | 4/19/93 (1810) | Label - DET 0024B Lovelock, Derek, white tennis shoes Jaime Lopez AID #0500 - ATF Sack - DET 0024B Dog Tag - Onyx's nose LA 4140 #10 4:30PM 4/24/93 |
| 23D | 0024 | 4/19/93 (1810) | Label - DET 0024C Lovelock, Derek, orange lighter Jaime Lopez AID #0500 - ATF Sack - DET 0024C Contents: 1 Bic brand lighter |
| 24A | 0020 | 4/19/93 (1722) | Label - DET 0020 Remos, Avraam, clothes Jaime Lopez AID #0500 - ATF Can - DET 0020 4/19/93 @ 1722 Dog Tag - Onyx's nose #28 LA 4140 4/24/93 5:30PM |
| 24B | 0020 | 4/19/93 (1722) | Label - DET 0020A Remos, Avraam, jacket multi color light Jaime Lopez AID #0500 - ATF Can - DET 0020A Dog Tag - Onyx's nose #29 LA 4140 4/24/93 5:20PM |
| 24C | 0020 | 4/19/93 (1722) | Label - DET 0020C Remos, Avraam, black tennis shoe Jaime Lopez AID #0500 - ATF Sack - DET 0020C LA 4140 #30 Dog Tag - Onyx's nose #30 LA 4140 4/24/93 5:20PM |
| 24D | 0020 | 4/19/93 (1722) | Label - DET 0020B Remos, Avraam, lighter Jaime Lopez AID #0500 - ATF Sack - DET 0020B Contents: 1 orange Bic brand lighter |
| 25 | --- | --- | Trip Blank - Can |
| 26 | 0786 | 4/25/93 (1225) | DPS Label - Batch #36, Sec J Grid A36 Akin, Lane DPS Arson Debris Sack - 4/25/93 Can - KE 5288 4/25/93 1:03PM #786 A36 LA 4140 4/25/93 12:25PM debris |

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 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 27 | 0787 | 4/25/93 (1120) | DPS Label - Batch #36, Sec J Grid A32 1 of 2 Akin, Lane DPS Arson Debris Sack - 4/25/93 Can - KE 5288 4/25/93 1:03PM #787 LA 4140 A32 Debris sample 4/25/93 11:20A 1 of 2 |
| 28 | 0788 | 4/25/93 (1120) | DPS Label - Batch #36, Sec J Grid A32 2 of 2 Akin, Lane DPS Arson Debris Sack - 5288 4/25/93 Can - KE 5288 4/25/93 1:03 PM LA 4140 A32 Debris sample 4/25/93 11:20AM 2 of 2 |
| 29 | 0789 | 4/25/93 (1245) | DPS Label - Batch #36, Sec J Grid A38 Akin, Lane DPS Rock Debris Sack - 4/25/93 Can - KE 5288 4/25/93 1:03PM #789 A38 LA 4140 4/25/93 12:45PM Rock |
| 30 | 0790 | 4/25/93 (1145) | DPS Label - Batch #36 Debris sample Sec J Grid A33 Akin, Lane DPS Sack - 4/25/93 Can - KE 5288 4/25/93 1:03PM #790 A33 LA 4140 4/25/93 11:45AM Debris sample |
| 31 | 0791 | 4/25/93 (1120) | DPS Label - Batch #36 Sec J Grid A31 Akin, Lane DPS Debris sample Sack - 4/25/93 Can - KE 5288 4/25/93 1:03PM #791 A31 LA 4140 Debris sample 4/25/93 11:20AM |
| 32 | 0792 | 4/25/93 (1225) | DPS Label - Batch #36 Sec J Grid A37 Akin, Lane DPS Debris sample Sack - 4/25/93 Can - #792 KE 5288 4/25/93 1:03PM A37 LA 4140 4/25/93 12:25P Debris |

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 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 33 | 0793 | 4/25/93 (1145) | DPS Label - Batch #36 Sec J Grid A34 Akin, Lane DPS Debris sample Sack - 4/25/93 Can - #793 KS 5288 4/25/93 1:03PM A34 LA 4140 4/25/93 11:45AM Debris sample |
| 34 | 0794 | 4/25/93 (1245) | DPS Label - Batch #36 Sec J Grid A39 Akin, Lane DPS Debris sample Sack - 5288 4/25/93 Can - KE 5288 4/25/93 1:03PM A39 LA 4140 4/25/93 12:45P Debris |
| 35 | 0795 | 4/25/93 (1245) | DPS Label - Batch #36 Sec J Grid A2 Akin, Lane DPS Debris sample Sack - 4/25/93 Can - KE 5288 4/25/93 1:03PM #795 A2 LA 4140 4/25/93 12:45P Debris |
| 36 | 0796 | 4/25/93 (1225) | DPS Label - Batch #36 Sec J Grid A1 Akin, Lane DPS Burned black cloth Sack - 4/25/93 5288 4/25/93 Can - #796 KE 5288 4/25/93 A1 LA 4140 4/25/93 12:25PM Burned black cloth |
| 37 | 0797 | 4/25/93 (1210) | DPS Label - Batch #36 Sec J Grid A35 1 of 2 Akin, Lane DPS Burned clothing Sack - 4/25/93 Can - KE 5288 4/25/93 1:03 #797 A35 12:10PM LA 4140 4/25/93 Clothing burned 1 of 2 |
| 38 | 0798 | 4/25/93 (1210) | DPS Label - Batch #36 Debris sample Sec J Grid A35 DPS 2 of 2 Akin, Lane DPS Sack - 5288 Can - #798 KE 5288 4/25/93 1:03PM A35 LA 4140 4/25/93 12:10PM Debris sample 2 of 2 |

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 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 39 | 0922 | 4/25/93 (1615) | DPS Label - Batch #47 Sec L Grid A44 Akin, Lane DPS Char: Block & Debris Sack - 4/25/93 Can - KE 5288 4/25/93 4:50PM #922 A44 LA 4140 4/25/93 4:15PM Block & Debris 1 of 2 Sec. L |
| 40 | 0923 | 4/25/93 (1602) | DPS Label - Batch #47 Sec L Grid A44 Akin, Lane DPS: Block & Debris Sack - 4/25/93 Can - KE 5288 4/25/93 4:50PM LA 4140 A44 4/25/93 4:15PM Block & Debris 2 of 2 Sec. L |
| 41 | 0924 | 4/25/93 (1525) | DPS Label - Batch #47 Sec N Grid A40 Akin, Lane DPS Arson Debris Sack - 4/25/93 Can - KE 5288 4/25/93 4:50PM #924 A40 LA 4140 4/24/93 3:25PM Debris Sec N Grid 1 A40 |
| 42 | 0925 | 4/25/93 (1550) | DPS Label - Batch #47 Sec 1 Grid A-11 A-42 Akin, Lane DPS Burned carpet Sack - 4/25/93 Can - #925 KE 5288 4/25/93 4:50PM A42 LA 4140 4/25/93 3:50PM Burned carpet Grid 1 A1 |
| 43 | 0926 | 4/25/93 (1615) | DPS Label - Batch #47 Sec L Grid A43 Akin, Lane DPS Arson debris Sack - 4/25/93 Can - #926 KE 5288 4/25/93 4:50PM A43 LA 4140 4/25/93 4:15PM Debris Sec L |
| 44 | 0927 | 4/25/93 (1525) | DPS Label - Batch #47 Sec N Grid 1 A41 Akin, Lane DPS Arson debris Sack - 4/25/93 Can - #928 KE 5288 4/25/93 4:50PM LA 4140 A41 4-25-93 3:25P Debris Sec N Grid 1 |

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Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 45 | 0929 | 4/25/93 (1640) | DPS Label - Batch #47 Sec W Grid 1 A30 Akin, Lane DPS Glove Sack - 4/25/93 Can - #929 KE 5288 4/25/93 4:50PM A30 LA 4140 4/25/93 4:40PM Glove |
| 46 | 0930 | 4/25/93 (1740) | DPS Label - Batch #49 Pouch Sec W Grid 1 A48 Akin, Lane DPS Nylon Pouch #9 Sack - 4/26/93 Plastic Sack - #930 W-1 #9 Black double mag pouch 4/25/93 5:40PM LA 4140 A48 K 5288 4/26/93 8:10AM |
| 47 | 0931 | 4/25/93 (1742) | DPS Label - Batch #49 Glove Sec W Grid 1 Akin, Lane DPS Left leather glove A51 Sack - W-1 #12 Brown (left) leather glove #931 4/25/93 5:42P LA 4140 A51 K 5288 4/26/93 8:10AM |
| 48 | 0932 | 4/25/93 (1744) | DPS Label - Batch #49 Glove Sec W Grid 1 Akin, Lane DPS Clear Latex gloves #11 A53 Sack - #932 K5288 4/26/93 8:10AM W-1 4/25/93 5:44PM #11 (4)Clear latex gloves LA 4140 A53 |
| 49 | 0933 | 4/25/93 (1745) | DPS Label - Batch #49 Holster Sec W Grid 1 Akin, Lane DPS Knife holster #8 A54 Sack - #933 W-1 4/25/93 5:45PM #8 Knife holster A54 KS 5288 4/26/93 8:10AM |
| 50 | 0934 | 4/25/93 (1735) | DPS Label - Batch #49 Belt #4 Sec W Grid 1 Akin, Lane DPS Cartridge belt w/double mag pack A52 Sack - W-1 #4 #934 K 5288 4/26/93 8:10AM LA 4140 A52 Cartridge belt w/double mag pouch 4/25/93 5:35PM |

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 Laboratory Report 93FR1212
 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 51 | 0935 | 4/25/93 (1755) | DPS Label - Batch #49 Belt holster Sec W Grid 1 Akin, Lane DPS Pistol belt/holster #3 Sack - W-1 #3 Pistol belt & holster LA 4140 A47 #935 4/26/93 8:10AM |
| 52 | 0936 | 4/25/93 (1735) | DPS Label - Batch #49 Coat Sec W Grid 1 Akin, Lane DPS Navak coat #1 Box - W-1 #1 Blue Navak Coat 4/25/93 5:35PM LA 4140 A55 #936 5228 4/26/93 8:10AM |
| 53 | 0937 | 4/25/93 (1729) | DPS Label - Batch #49 Shirt Sec W Grid 1 Akin, Lane DPS Shirt: Char: Camouflage shirt #7 A45 Sack - J 4-26-93 Can - #937 KS 5288 4/26/93 8:10AM #7 Camo shirt W-1 4-25-93 5:29PM LA 4140 A45 |
| 54 | 0938 | 4/25/93 (1732) | DPS Label - Batch #49 Pants Sec W Grid 1 Akin, Lane DPS Char: camouflage pants #6 A49 Sack - 4/26/93 Can - #938 KS 5288 4/26/93 8:10A #6 Camo pants W-1 4-25-93 5:32PM LA 4140 A49 J 4-26-93 |
| 55 | 0939 | 4/25/93 (1751) | DPS Label - Batch #49 Gas mask Sec W Grid 1 Akin, Lane DPS Char: #2 Sack - 4/26/93 Can - #939 KS 5288 4/26/93 8:10AM #2 Gas mask W-1 4/24/93 5:51PM LA A46 |
| 56 | 0940 | 4/25/93 (1730) | DPS Label - Batch #49 Vest Sec W Grid 1 Akin, Lane DPS Char #5 Sack - 4/26/93 Can - #940 KS 5288 4/26/93 8:10AM #5 Black vest 4/25/93 5:30PM LA 4140 A50 J 4/26/93 |
| 57 | 0973 | 4/26/93 (1010) | DPS Label - Batch #55 Arson debris Sec. I Grid A1 Akin, Lane DPS Char - Floor joists Sack - 4/26/93 Can - #973 KS 5288 4/26/93 11:24AM J 4-26-93 All LA 4140 4/26/93 10:10AM Floor joists I A1 |

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Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 58 | 0974 | 4/26/93 (1110) | DPS Label - Batch #55 Arson debris Sec L Grid A21 Akin, Lane DPS Char: Arson debris Sack - 4/26/93 Can - #974 5288 4/26/93 11:24AM A21 4/26/93 11:10PM LA 4140 Debris Sec L J 4/26/93 |
| 59 | 0976 | 4/26/93 (1110) | DPS Label - Batch #55 Arson debris Sec L Grid A57 Akin, Lane DPS Char: Arson debris - cinder block Sack - 4/26/93 Can - #976 KS 5288 4/26/93 11:24AM A57 LA 4140 4/26/93 11:10AM Cinder block Sec L J 4/26/93 |
| 60 | 0977 | 4/26/93 (1105) | DPS Label - Batch #55 Arson debris Sec L Grid A56 Akin, Lane DPS Char: Arson debris - particle board Can - #977 KS 5288 4/26/93 11:24AM A56 LA 4140 4/26/93 11:05AM Particle board Sec L J 4-26-93 |
| 61 | 1176 | 4/26/93 (1735) | DPS Label - Batch #74 1 can Sec 1 Grid B1 Turner, George DPS Sack - 4/26/93 Can - A-59 J 4-26-93 DIC 4/26/93 Ex. #176 Arson I B1 George Turner #3492 4/26/93 5:35PM Dottie Collins #4934 4/26/93 6:40PM Ex. 1176 |
| 62 | 1402 | 4/27/93 (1400) | DPS Label - Batch #98 Arson 1 of 8 Sec A Grid 60 Akin, Lane DPS Char: Carpet & plastic Evid Tech 5956 Sack - 4/27/93 Can - A60 LA 4140 4/27/93 2:00PM Carpet & plastic 1 of 8 Ex. 1402 Sec. Sondra Denney #5956 SD 4:05PM 4/27/93 J 4-27-93 |

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 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 63 | 1403 | 4/27/93 (1400) | DPS Label - Batch #98 Arson 2 of 8 Sec A, Grid 60 Akin, Lane DPS Evid Tech 5956 Sack - 4/27/93 Can - A60 Ex 1403 J 4-27-93 LA 4140 4/27/93 2:00PM Carpet 2 of 8 Sect. Sondra Denney #5956 SD 4:05PM 4-27-93 |
| 63A | 1404 | 4/27/93 (1400) | DPS Label - Batch #98 Debris 3 of 8 Sec A Grid 60-3 Akin, Lane DPS Char: Debris Evid Tech 5956 Sack - J 4/27/93 Can - A60-3 LA 4140 4/27/93 2:00PM Debris 3 of 8 Sect. Ex 1404 J 4-27-93 Sondra Denney #5956 SD 4:05PM 4/27/93 |
| 64 | 1405 | 4/27/93 (1400) | DPS Label - Arson 4 of 8 Sec A Grid 60-4 Akin, Lane DPS Char: Cloth Evid Tech 5956 Sack - 4/27/93 Can - A60-4 Ex 1405 J 4-27-93 4/27/93 2:00PM LA 4140 Cloth 4 of 8 Sect. Sondra Denney #5956 SD 4:05PM 4/27/93 |
| 65 | 1406 | 4/27/93 (1445) | DPS Label - Batch #98 Arson 5 of 8 Sec A Grid 60 Akin, Lane DPS Char: Debris Evid Tech 5956 Sack - J 4/27/93 Can - A60 LA 4140 4/27/93 2:45PM 5 of 8 Sec. #1406 Sondra Denney #5956 SD 4:05PM 4/27/93 J 4-27-93 |
| 66 | 1407 | 4/27/93 (1440) | DPS Label - Batch #98 Evid Tech 5956 Arson 6 of 8 Sec. A Grid 60 Akin, Lane Char: Cloth Sack - J 4/27/93 Can - A60 LA 4140 4/27/93 2:40PM Black cloth Sec 6 of 8 Ex 1407 Sondra Denney 5956 SD 4:05PM 4/27/93 J 4/27/93 |

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 Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|--|
| 67 | 1408 | 4/27/93 (1445) | DPS Label - Batch #98 Evid Tech 5956 Arson 7 of 8 Sec A Grid 60 Akin, Lane DPS Char: Clothing Sack - 4/27/93 Can - A60 LA 4140 2:45PM Clothing 7 of 8 J 4-27-93 Ex 1408 Sondra Denney #5956 SD 4:05PM 4/27/93 |
| 68 | 1409 | 4/27/93 (1525) | DPS Label - Batch #98 Evid Tech 5956 Arson 8 of 8 Sec A Grid 60 Akin, Lane DPS Char: Debris Sack - J 4/27/93 Can - A60 LA 4140 4/27/93 3:25PM 8 of 8 Sect. J 4/27/93 Sondra Denney #5956 SD 4:05PM 4/27/93 |
| 69 | 1410 | 4/27/93 (1430) | DPS Label - Batch #98 Evid Tech 5956 Arson Sec A Grid 61 Akin, Lane DPS Sack - J 4/27/93 Can - A61 LA 4140 4/27/93 2:30PM Debris J 4/27/93 Sondra Denney #5956 SD 4:05PM 4/27/93 |
| 70 | 1411 | 4/27/93 (1430) | DPS Label - Batch #98 Evid Tech 5956 Arson Sec A Grid 62 Akin, Lane DPS Char: Flooring Sack - 4/27/93 Can - J 4/27/93 A62 LA 4140 4/27/93 2:30PM Flooring Sect. Ex 1411 |
| 71 | 1412 | 4/27/93 (1430) | DPS Label - Batch #98 Evid Tech 5956 Arson 1 of 2 Sec A Grid 63 Akin, Lane DPS Char: Concrete Sack - 4/27/93 Can - A63 LA 4140 4/27/93 2:30PM Concrete 1 of 2 J 4/27/93 Sondra Denney #5956 SD 4:05PM 4-27-93 #142 |
| 72 | 1413 | 4/27/93 (1430) | DPS Label - Batch #98 Evid Tech 5956 Arson 2 of 2 Sec A Grid 63 Akin, Lane DPS Char: Concrete Sack - 4/27/93 Can - A63 LA 4140 4/27/93 2:30PM Concrete 2 of 2 Sondra Denney #5956 4:05PM 4/27/93 Ex 1413 J 4/27/93 |

APPENDIX

Laboratory Report 93FR1212
Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 73 | 1414 | 4/27/93 (1510) | DPS Label - Batch #98 Evid Tech 5956 Arson Sec A Grid 64 Akin, Lane DPS Char: Concrete Sack - 4/27/93 Can - A64 LA 4140 4/27/93 3:10PM Concrete Sec N Grid 4 Ex 1414 J 4/27/93 Sondra Denney #5956 SD 4:05PM 4/27/93 |
| 74 | 1415 | 4/27/93 (1520) | DPS Label - Batch #98 Evid 5956 Arson Sec N Grid 4 Akin, Lane DPS Char: Concrete block Sack - 4/27/93 Can - A65 LA 4140 4/27/93 3:20PM Concrete block Sec N Grid 4 J 4/27/93 Sondra Denney 5956 4/27/93 4:05PM Ex 1415 |
| 75 | 1416 | 4/27/93 (1520) | DPS Label - Batch #98 Evid Tech 5956 Arson A-66 Sec J Grid 1 Akin, Lane DPS Char: Concrete block Sack - 4/27/93 Can - LA 4140 A66 4/27/93 3:20PM Soil Sec Grid 1 Sondra Denney #5956 SD 4/27/93 4:05PM Ex 1416 |
| 76 | 1417 | 4/27/93 (1520) | DPS Label - Batch #98 Evid Tech 5956 Arson A-66 Sec J Grid 1 Akin, Lane DPS Char: Concrete block Sack - 4/27/93 Can - A67 LA 4140 4/27/93 3:45PM Soil Sect. N Grid 2 J 4/27/93 Sondra Denney 5956 SD 4/27/93 4:05PM Ex 1416 |
| 77 | 1418 | 4/27/93 (1545) | DPS Label - Batch #98 Evid Tech 5956 Arson A-68 Akin, Lane DPS Char: Soil & debris Sack - 4/27/93 Can - A68 LA 4140 4/27/93 3:45PM Soil & debris Sect. N Grid 2 Sondra Denney 5956 SD 4/27/93 4:05PM Ex 1418 J 4/27/93 |

APPENDIX

Laboratory Report 93FR1212
Sample Descriptions (continued)

| Lab No. | DPS Number (00000000) | Collection Date (Time) | Sample Description & Markings |
|---------|-----------------------|------------------------|---|
| 78 | 1419 | 4/27/93 (1545) | DPS Label - Batch #98 Evid Tech 5956 Arson A-69 Sec N Grid 2 Akin, Lane DPS Char: Soil & debris Sack - 4/27/93 Can - A69 LA 4140 4:05PM Ex 1419 Sec N Grid 2 J 4/27/93 Sondra Denney 5956 4/27/93 4:05PM |
| 79 | 1420 | 4/27/93 (1550) | DPS Label - Batch #98 Evid Tech 5956 Arson A-70 Sec N Grid 2 Akin, Lane DPS Char: Concrete Sack - 4/27/93 Can - A70 LA 4140 4/27/93 3:50PM Concrete Sec N Grid 2 J 4/27/93 Sondra Denney 5956 SD 4/27/93 4:05PM Ex 1420 |
| 80 | 1421 | 4/27/93 (1545) | DPS Label - Batch #98 Evid Tech 5956 Arson A-71 Sec N Grid 2 Akin, Lane DPS Char: Concrete Sack - 4/27/93 Can - A71 LA 4140 4/27/93 3:45PM Concrete Sec N Grid 2 Sondra Denney 5956 4/27/93 4:05PM Ex 1421 J 4/27/93 |
| 81 | 1422 | 4/27/93 (1550) | DPS Label - Batch #98 Evid Tech 5956 Arson A-72 Sec N Grid 2 Akin, Lane DPS Char: Concrete Sack - 4/27/93 Can - A72 LA 4140 4/27/93 3:50PM Sec N Grid 2 Concrete Ex #1422 Sondra Denney #5956 SD 4/27/93 4:05PM |
| 82 | 2018 | 4/30/93 (1125) | DPS Label - Batch 175 Evid. Tech 4526 4/30/93 11:25AM Torch Sec O Akin Lane DPS Char. Torch Can - #73 LA 4140 4/30/93 11:25AM Torch Sec. O J 4/30/93 Kay Davis 4526 2:13PM 4/30/93 |

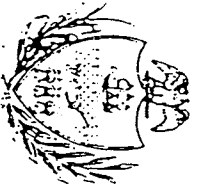
FIRE INVESTIGATION TEAM REPORT
BRANCH DAVIDIAN COMPOUND
WACO, TEXAS
APRIL, 1993

ACCELERANT DETECTION CANINE
ASSIST REPORT

COMPILED BY:

JOHN M. KAUS
ALLEGHENY COUNTY FIRE MARSHAL
AND
JOHN D. HUDEC
DETECTIVE

ALLEGHENY COUNTY POLICE
FIRE MARSHAL'S OFFICE
PENN-LIBERTY PLAZA
1520 PENN AVENUE
PITTSBURGH, PA 15222-4333
(412) 392-8552
FAX: (412) 392-2896



COUNTY OF ALLEGHENY
FIRE MARSHAL'S OFFICE
ACCELERANT DETECTION CANINE TEAM ASSIST REPORT

| | | | |
|--------------------------------------|----------------------------|--------------------|---------------|
| MUNICIPALITY/COUNTY | MACO/MCLENNAN COUNTY/TEXAS | | CCR NO. |
| DATE/TIME | 4-23-93 @1630 | INCIDENT DATE/TIME | 4-19-93 @1200 |
| REQUESTING AGENCY | 4-28-93 @1600 | | FM NO. 101-93 |
| US DEPARTMENT OF JUSTICE | | | CA NO. 009-93 |
| AGENCY MAILING ADDRESS/TELEPHONE NO. | | | |

REQUESTING OFFICIAL
RAY JAIN
TITLE
UNITED STATES ATTORNEY

STRUCTURE
FRAME MULTI-STORY COMPLEX
STREET ADDRESS
RD 7 BOX 471B
EE RANCH ROAD

CITY/COUNTY/STATE/ZIP
MACO/MCLENNAN COUNTY/TEXAS 76705

OWNER
HOWELL, VERNON
ADDRESS/CITY/STATE/ZIP
RD 7 BOX 471B, MACO, TEXAS 76705

AKA: KORESH, DAVID
TELEPHONE NO.
UNKNOWN

OCCUPANT
RANCH DAVIDIAN CULT
TELEPHONE
UNKNOWN

NO. ALERTS
SAMPLES
CRIME LAB
ARMSTRONG FORENSIC LAB
ARLINGTON, TX

RESULTS
CALIBRATIONS: GASOLINE

INS. OWNER
YES ___ NO ___ UNK

INS. OCCUPANT
YES ___ NO ___ UNK

FATALITY
YES NO ___

ARRESTS
YES NO ___

NARRATIVE

HANDLER
JOHN D. HUDEC
TITLE
DETECTIVE

APPROVED BY
JOHN M. KAUS
TITLE
FIRE MARSHAL

On Thursday, April 22, 1993 around 1200 hours Fire Marshal John Kaus received a telephone call from Deputy Fire Marshal Thomas Hitchings, a member of the Fire Investigation Team in Waco, TX, informing him that he, Onyx (Allegheny County's Accelerant Detection Canine) and I were requested for assistance at the scene with evidence collection.

On Friday, April 23, 1993 the three of us left Pittsburgh around 1010 hours, arriving in Waco, TX at 1515 hours. After receiving our identification cards, we arrived at the Branch Davidian Compound around 1700 hours. At this time we were introduced to the Fire Investigation Team and briefed as to what would be required of us:

The Fire Investigation Team consisted of:

Paul Gray - Houston (TX) Fire Department - Team Leader
John Ricketts - San Francisco (CA) Fire Department
William Cass - Los Angeles City (CA) Fire Department
Thomas Hitchings - Allegheny County (PA) Fire Marshal's Office
N. Lane Akin - Texas Rangers

Around 1315 hours Onyx was requested to conduct a search of several items of clothing already in evidence. This search was conducted in a small empty building that would later be used for fuming items for possible fingerprints. The first search was conducted using six (6) gallon cans containing items of clothing and two (2) gallon cans containing a cloth sample known not to contain an accelerant. I calibrated Onyx using one drop of 50% evaporated gasoline prepared by the Allegheny County (PA) Crime Lab. Onyx and I then conducted this search at 1815 hours. She did alert to three (3) cans containing items of clothing. These three (3) cans were set aside for another search.

Around 1830 hours several items of clothing were laid out on the floor of the trailer known not to contain an accelerant and one other item, a jacket already in evidence. Onyx handled by John Kaus was calibrated using the same drop of gasoline and then conducted a search of these items. Onyx did alert to both sleeves of the jacket.

Around 1854 hours the items of clothing that had been in the three (3) cans were laid out on the trailer floor along with other items of clothing known not to contain an accelerant. Again, I calibrated Onyx using the same drop of gasoline and then Onyx and I then conducted a search of the items of clothing. She did again alert to all three (3) items. Onyx alerted to certain areas of each item of clothing as follows:

Camouflage shirt - alerts on the right collar and sleeve
Ammunition vest - middle clip pouches on each side
Camouflage shirt - right sleeve, right collar, left front pocket
and left sleeve

Items of evidence that Onyx alerted to are as follows:

- Item(01) - Jacket: DPS 0037
- Item(02) - Camouflage shirt: DPS 0004
- Item(03) - Ammunition vest: DPS 0009
- Item(04) - Camouflage shirt: DPS 0005

At the conclusion of the searches the Fire Investigation Team took John Kaus and I on a walk through inspection of the actual fire scene to determine what areas Onyx could search safely at this time.

Around 1920 hours Onyx was calibrated outside the fire scene using one drop of 50% evaporated gasoline prepared by the Allegheny County Crime Lab and then Onyx and I did conduct a general search of the fire scene and Onyx did alert in seventeen (17) areas. All alerts were marked using small orange flags with the letter "A" and a number, 1 through 17, on them. This search lasted approximately 30 minutes.

Around 1950 hours the search was suspended in order to give Onyx a break. The search would continue in the morning.

On Saturday, April 24, 1993 around 0915 hours John Kaus and I, along with the Fire Investigation Team, conducted another walk through inspection to determine other areas that could be searched by Onyx.

Around 0930 hours, John Kaus calibrated Onyx outside the fire scene using one drop of 50% evaporated gasoline prepared by the Allegheny County Crime Lab and then he and Onyx conducted a search of some partially charred wood in front of the compound directly in front of the bunker. She did alert to three (3) pieces of wood.

Around 0940 hours, John Kaus and Onyx conducted a search of the area known as the bunker. Onyx did alert to four (4) areas within this area. After a rest period John Kaus Onyx conducted a search of the areas known as the dining room and weight room with Onyx alerting in two (2) different spots.

Onyx was again given a break and around 1015 hours she was calibrated using one drop of 50% evaporated gasoline and she and John Kaus conducted a search of a small concrete block building at the base of the water tower in the area of the chicken coop. She alerted inside this building in the general area of a wheel barrel near a pile of clothing. She also alerted to a cloth glove.

Around 1035 hours John Kaus again calibrated Onyx using one drop of 50% evaporated gasoline in the rear of the compound and then he and Onyx conducted a search in the area known as the gym. She alerted to a crushed one gallon Coleman fuel can and in the area of a partially burnt bale of hay.

The following samples were collected and canned to be sent to Armstrong Forensic Laboratory:

- Item(49): Fire debris: A40: DPS 924
- Item(50): Charred wood: A41: DPS 928

Around 1535 hours the investigation moved to the cafeteria style dining room. John Kaus and Onyx conducted a search of the area with Onyx alerting several times.

Around 1550 hours a team working in the kitchen uncovered part of a wooden floor with carpet attached and requested that Onyx conduct a search of the section of flooring. Onyx did alert on the carpeting and a sample was collected:

- Item(51): Carpet: A42: DPS 925

Moving back to the dining area, the areas of her alerts were removed from the area and placed in piles to have conduct a second search.

The following samples were collected and canned to be sent to Armstrong Forensic Laboratory:

- Item(52): Fire debris: A43: DPS 926
- Item(53): Partial concrete block: A44 1/2: DPS 922
- Item(54): Partial concrete block: A44 2/2: DPS 923

At this time Onyx was given a break and placed in the van. Also, an alert on Saturday was to a cloth glove that was located in a small block building at the base of the water tower. This item was collected at this time:

- Item(55): Glove: A30: DPS 929

Around 1730 hours a team collecting munitions requested that Onyx conduct a search of clothing found in the small block building at the base of the water tower. John Kaus acclimated her to the area and calibrated her. They then conducted a search of clothing, the following items were collected and canned to be sent to the Armstrong Forensic Laboratory:

- Item(56): Camouflage shirt: A45: DPS 937
- Item(57): Gas Mask: A46: DPS 939
- Item(58): Pistol Belt/Holster, ex: 935: A47.
- Item(59): Ammunition pouch: A48: DPS 930
- Item(60): Camouflage Pants: A49: DPS 938
- Item(61): Vest, ex: A50: DPS 940
- Item(62): Leather Glove: A51: DPS 931
- Item(63): Cartridge belt w/mag pack: a52: DPS 934

Item(64): (4) latex gloves: A53: DPS 932
 Item(65): Knife holster: A54: DPS 933
 Item(66): Navak Coat: A55: DPS 936

At the conclusion of this search, Onyx was released for the day. The search would continue in the morning.

On Monday, April 26, 1993 at 0910 hours after acclimating Onyx to the area and calibrating her, she and John Kaus conducted a search in Sector IA1 - the area in front of the bunker near the front wall of the compound. Onyx did alert in that area previously. She did alert again in the same area and fire debris was removed from the scene and broken up into piles. Onyx and I conducted a second search of the piles and a sample was collected of what she alerted to.

Item(67): A sample of wood: A11: DPS 973

Onyx was given a break and around 1045 hours she and John Kaus conducted a search in the dining room area after a lot of debris and propane bottles had been carefully removed. At this time she did alert to areas where she had previously alerted and to several new areas. Debris from these areas was removed to another area and piles were set out for her to conduct a second search. The results of the second search resulted in the following samples being collected:

Item(68): A sample of wood: A56: DPS 977
 Item(69): A sample of concrete block along with dirt and debris: A57: DPS 976
 Item(70): A sample of dirt and debris: A21: DPS 974

Onyx was again given a rest while debris removal was in progress. Around 1630 hours clothing was uncovered in Sector IB1, in front and to the left of the bunker. All of the clothing appeared to have come from the second floor. Onyx was again acclimated to the area, calibrated and she and I conducted a search of eleven piles of clothing. The following samples were collected:

Item(71): Clothing: A58 1/7
 Item(72): Clothing: A58 2/7
 Item(73): Clothing: A58 3/7
 Item(74): Clothing: A58 4/7
 Item(75): Clothing: A58 5/7
 Item(76): Clothing: A58 6/7
 Item(77): Clothing: A58 7/7

Also during debris removal in the same sector burlap was found along the front wall and had an odor to it. Onyx and John Kaus conducted a

search of six piles of burlap and Onyx did alert to one particular pile:

Item(78): Cloth, burlap: A59: DPS 1176

Onyx was again given a rest while debris removal continued. It was later determined and there was nothing further found that day to have her check.

On Tuesday, April 27, 1993 Onyx was on the scene for debris removal in the southeast corner of the compound in an area believed to be a sewing area and computer room. Around 1300 hours during debris removal a section of flooring, carpet and a chair pad were found in the debris along with several items of clothing. These items were removed and spread out in piles for Onyx to search. She was acclimated to the area, calibrated and then she and John Kaus conducted a search. The following samples were collected:

Item(79): Carpet/chair pad: A60 1/3: DPS 1402
 Item(80): Carpet: A60 2/3: DPS 1403
 Item(81): Soil and debris: A60 3/8: DPS 1404
 Item(82): Cloth: A60 4/3: DPS 1405
 Item(83): Clothing: A60 5/8: DPS 1406
 Item(84): Clothing: A60 6/8: DPS 1407
 Item(85): Clothing: A60 7/8: DPS 1408
 Item(86): Clothing: A60 8/3: DPS 1409

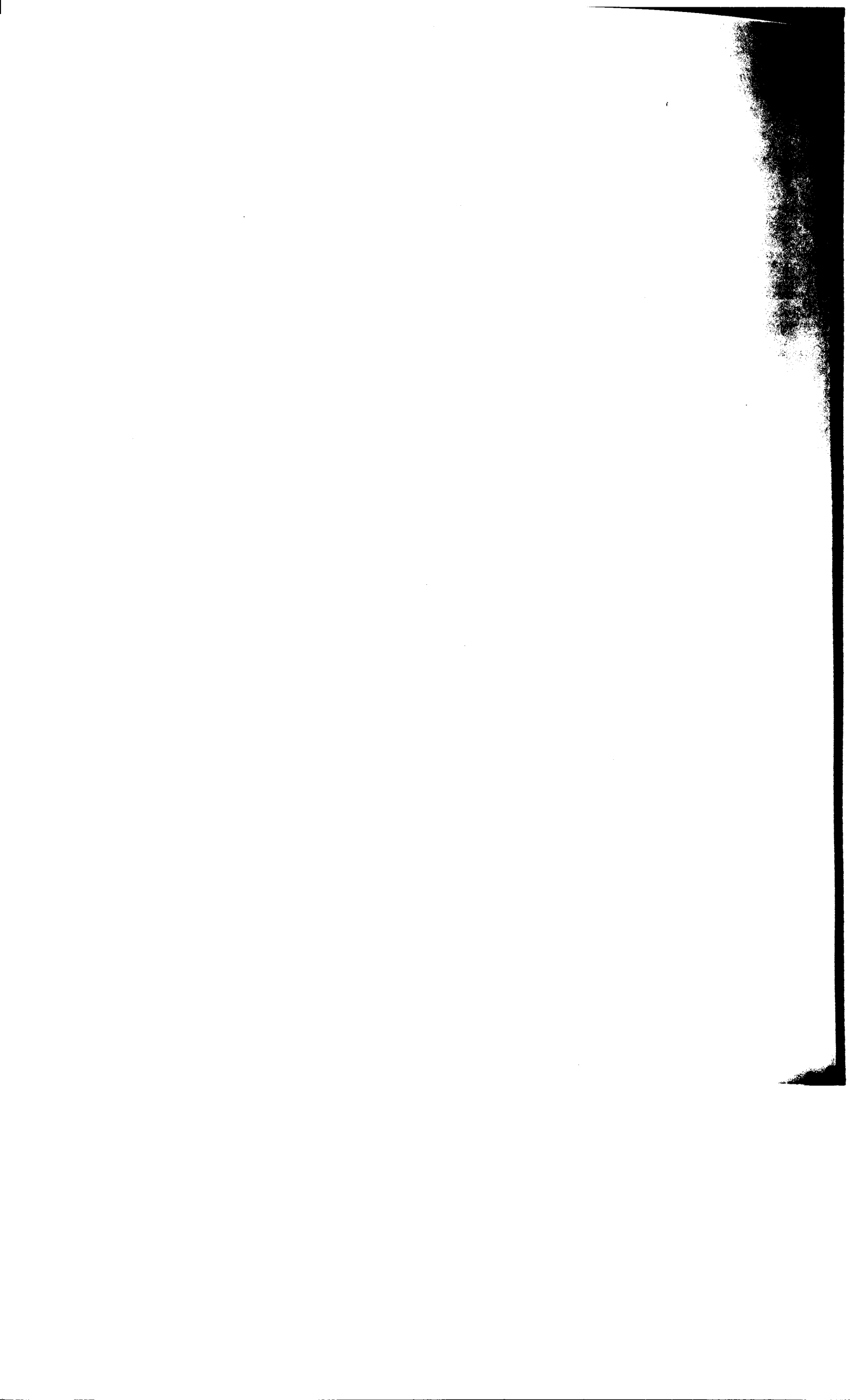
Onyx then also conducted a search of the sector in the southeast corner and did alert to several areas. debris was removed and placed into piles for Onyx to conduct another search. She did alert and samples were collected:

Item(87): Dirt and debris: A61: DPS 1410
 Item(88): Flooring material: A62: DPS 1411
 Item(89): Concrete: A63 1/2: DPS 1412
 Item(90): Concrete: A63 2/2: DPS 1413

Onyx was given a rest while debris was being removed from the area known as the chapel. Around 1500 hours she was acclimated to the area and calibrated by John Kaus and then conducted a search of the chapel and she did alert in several areas. Samples were collected from these areas:

Item(91): Debris: A64: DPS 1414
 Item(92): Debris: A65: DPS 1415
 Item(93): Debris: A66: DPS 1416

APPENDIX E



Who are you fighting against?
The law is mine, the truth is
mine. Will you be acquitted in
My judgment? Will you turn
back the punishments of My
hand? No!

Be it known unto you, Oh
sons of men, My Christ died
for man's breaking of My law
(not just the Jews). But who
will atone for your rejecting
of My Spirit? I am your God
and you will bow under My
feet.

Do you know My seals?
Do you dare call Me a liar?
Look and see into My "right
hand." I AM your life and
your death. I AM the Spirit
of the prophets and the Author
of their testimonies. Look and
see, you fools, you will not

⊗

- 5 -

to My prophets regarding "time
no longer." My "seven thunders"
are to be revealed (Revelation 10:7).

Is it your judgment that time
is not now?! Your judgment
will not stand. Read Psalms 2.
Do you want me to laugh at your
pending torments? Do you want
me to pull the heavens back and
show you My anger?! Why
not listen to your brother
David, and see if he witnesses
to the truth of My hand?

I am your God and I
love you for My mercies sake.
I see your evil and pride
and yet you fear me not.
Do not fear the fear of man -
fear Me, for I have you in
my snare (Jeremiah 50:22-25;
Revelation 18).

I will surely show you the

⊗

- 4 -

meaning of Psalms 18, unless
 you open your eyes and not
 your mouth. Fear Me and "the
 hour of My judgment," for it
 has come.

Learn from David My
 seals or, as you have said,
 bear the consequences. I fore-
 warn you, the Lake Xaco area
 of Old Mount Carmel will be
 terribly shaken. The waters of
 the lake will be emptied through
 the broken dam. The heavens
 are calling you to judgment.

Please consider these tokens
 of great concern.

יהוה' ויהוה

יהוה' ויהוה

⊗

April 10, 1993

I offer to you My Wisdom and
offer to you My sealed secrets How
dare you turn away My invitations
of mercy I know your sins and your
iniquities. None are hid from Me
When will you ever fear and be wise?
Your only savior is My Truth My
Truth is the "Seven Seals"

You're not rejecting a man by fighting
against David My servant, no, for I
have given and revealed My Name to
him. Read vs 45. The name Korash is
My surname and all men are My
sons and the work of My hands.

Who are you fighting against? The
law is Mine, the Truth is Mine. Will
you be acquitted in My judgment? Will
you turn back the punishments of My
hand? No!

Be it known unto you, Oh sons of men,
My Christ died for man's breaking of My
laws (not just the Jew). But who will stand
for your rejecting of My Spirit? I AM
your God and you will bow under my
feet.

Do you know My seals? Do you dare
call me a liar? Look and see into My
"right hand" I AM your life & your death
I AM the Spirit of the prophets and the

Author of their testimonies. Look and see,
 you fools, you will not proceed much further.
 Do you think you have power to stop My will?
 I have spoken to My prophets regarding
 'time no longer'. My seven thunders are
 to be revealed (Rev. 10:7). Is it your judgment
 that time is not now? Your judgment will
 not stand. Read Ps. 2. Do you want me to
 laugh at your pending torments? Do you
 want Me to pull the heavens back and show
 you My anger? Why not listen to your brother
 David, and see if he witnesses to the truth
 of My hand?

I Am your God and I love you for
 My mercies sake. I see your evil and
 pride and yet you fear me not. Do not
 fear, the fear of man — fear Me, for all
 have you in My care (Jer. 50:22-25, Rev. 18)

I will surely show you the meaning
 of Ps. 18, unless you open your eyes and set
 your mouth. Fear Me and 'the hour of My
 judgment'; for it has come.

Learn from David My seal or as you
 have said, bear the consequences. I forewarn
 you, the Salt Lake area of Old Mount Carmel
 will be terribly shaken. The waters of the
 lake will be emptied through the broken
 dam. The heavens are calling you to judgment.
 Please consider these things of great concern.

יהוה' ו' תו' כ

Yahweh Lord

Cril 11, 1993

Your young men do not understand
Your fathers, your mothers and your
teachers — those in whom you have
trusted, all have failed to show you
the secret of My hand. I begin to do
My "strange work," "a work" will not believe
though it be told you." vs. 22

Ask My servant Moses, he tried to
warn you in his song: "See now that I,
even I, am he, and there is no God with
me: I kill, and I make alive; I wound,
and I heal: neither is there any that
can deliver out of My hand. For I lift
up My hand to heaven, and say, I live
forever." Deut. 32:39 & 40. I have lifted up
My hand, for My word rules heaven &
earth. The seas will either save you
or destroy you.

Hear My servant Isaiah speak: "Lord,
when thy hand is lifted up, they will
not see, but they shall see and be ashamed
for their envy at the people, yea the
fire of their enemies shall devour them!"
Is. 65:16

11-93

Jeremiah says of me: "Therefore
 behold, I will this once cause them
 to know, I will cause them to know
 my hand and my might, and they
 shall know that my name is the Lord."

Jer. 16:21

Hear Micah say, "And the remnant
 of Jacob shall be among the Gentiles
 in the midst of many people as a lion
 among the beasts of the forest, as a
 young lion among the flocks of sheep:
 when he goeth through, both treadeth down,
 and teareth in pieces, and none can
 deliver. Their hand shall be lifted up
 upon their adversaries, & all of their
 enemies shall be cut off." Mic. 5:8-9.

Hear Habakkuk, "And his brightness
 was as the light, he had horns coming out
 of his hand: and there was the hiding of
 his power." Hab. 3:4

Do I have horns coming out of my hand?
 Is not the Book in My hand? Is not this
 a revelation of My Son? Is not My Word
 - My Son, the Lamb? How many horns does
 the Lamb have? If he has seven (Rev. 5) then

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 50

- 3 -

you know who is to track you My Seven
Seals. I warn you, do not hurt My
Lamb, (Ps 2). For out of His side will
come 'bright beams' and there is the
hiding of His power.

Who do you think it is in Revelation
10, that raises his hand to heaven and
swears by Me, "that there should be
time no longer"?

My hand made heaven and earth,
My hand also shall bring it to the
end. Read Ps. 50. and learn to be wise.
Respect your brother David and those
who have learned of Me - from Him.

Your sins are more than you can bear.
Show mercy and kindness and you shall
receive mercy and kindness.

The Seven Seals are the last prophecy
to a lost world, consider it and what it
means! You have a chance to learn My
salvation. Do not find yourselves to be
fighting against Me.

"Wherefore my brethren ye are also
become dead to the law by the body of
Christ; that ye should be married to

4-11-93

- 4 -

another, even to him who is raised from the dead, that we should bring forth fruit unto God." Rom. 7:4

"And I saw when the Lamb opened one of the seals and I heard, as it were the noise of thunder, one of the four beasts saying, come and see. And I saw, and behold a white horse; and he that sat on him had a bow; and a crown was given unto him: and he went forth conquering, and to conquer." Rev. 6:1 + 2.

PSALM 45 (See attachment A)

REVELATION 19 (See attachment B)

Please listen, and show mercy and learn of the marriage of the Lamb.

Why will you be lost?

יהוה ויהוה

Yahweh Keres

Doc C
10-4

-A-

PSALM 45

"To the chief Musician upon Shoshannim, for the sons of Korah, Maschil, A Song of loves."

"My heart is inditing a good matter: I speak of the things which I have made touching the King: my tongue is the pen of a ready writer. Thou art fairer than the children of men; grace is poured into thy lips: therefore God hath blessed thee forever. Gird thy sword upon thy thigh, O most mighty, with thy glory and thy majesty. And in thy majesty ride prosperously because of truth and meekness and righteousness; and thy right hand shall teach thee terrible things. Thine arrows are sharp in the heart of the King's enemies; whereby the people fall under thee. Thy throne, O God, is forever and ever: the sceptre of thy kingdom is a right sceptre. Thou lovest righteousness, and hatest wickedness: therefore God, thy God, hath anointed thee with the oil of gladness above thy fellows. All thy garments smell of myrror, and Caloes, and cassia, out of the ivory palaces, whereby they have made thee glad.

Doc 7

2-A-

King's daughters were among thy
honorable women: upon thy right
hand did stand the queen, in gold
of Ophir. Harken, O Daughter, and
consider, and incline thine ear:
forget also thine own people, and thy
father's house: So shall the king greatly
desire thy beauty: for he is thy Lord:
and worship thou him. And the daughter
of Tyre shall be there with a gift: even
the rich among the people shall intreat
thy favour. The King's daughter is all
glorious within: her clothing is of
wrought gold. She shall be brought
unto the king, in raiment of needlework:
the virgins her companions that follow
her shall be brought unto thee. With
gladness and rejoicing shall they be
brought: they shall enter into the
king's palace. Instead of thy fathers
shall be thy children, whom thou
mayest make princes in all the earth.
I will make thy name to be remembered
in all generations: therefore shall the
people praise thee forever and ever."

Ms. 8
66. d

REVELATION 19

"And after these things I heard a great voice of much people in heaven, saying, Alleluia! Salvation! and glory, and honor, and power, unto the Lord our God: For true and righteous are his judgements: for he hath judged the great whore, which did corrupt the earth with her fornication, and hath avenged the blood of his servants at her hand. And again they said 'Alleluia!' And her smoke rose up for ever and ever. And the four and twenty elders and the four beasts fell down and worshipped God that sat on the throne, saying, 'Amen! Alleluia!' And a voice came out of the throne, saying, 'Praise our God! all ye his servants, and ye that fear him, both small and great!'

And I heard as it were the voice of a great multitude, and as the voice of many waters, and as the voice of mighty thunderings, saying, 'Alleluia! for the Lord God omnipotent reigneth!'

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Let us be glad and rejoice, and give honour to him: for the marriage of the Lamb is come, and his wife hath made herself ready. And to her was granted that she should be arrayed in fine linen, clean and white: for the fine linen is the righteousness of saints.

And he saith unto me, Write, Blessed are they which are called unto the marriage Supper of the Lamb. And he saith unto me, These are the true sayings of God. And I fell at his feet to worship him. And he said unto me, See thou do it not: I am thy fellow servant, and of thy brethren that have the testimony of Jesus:

Worship God! for the testimony of Jesus is the spirit of prophecy.

And I saw heaven opened, and behold a white horse and he that sat upon him was called Faithful and True, and in righteousness doth he judge and make war.

2.

Duch 10

flesh of kings, and the flesh of captains,
and the flesh of mighty men, and
the flesh of horses, and of them that
sit on them, and the flesh of all
men; both free and bond, both small
and great. And I saw the beast, and
the kings of the earth, and their armies,
gathered together to make war against
him that sat on the horse, and against
his army. And the beast was taken,
and with him the false prophet that
wrought miracles before him, with which
he deceived them that had received the
mark of the beast and them that worshipped
his image. These both were cast alive
into a lake of fire burning with brimstone
and the remnant were slain with the
sword of him that sat upon the horse,
which sword proceeded out of his mouth:
and all the fowls were filled with his
flesh."

Dred 12

4

PSALM 45

"To the chief Musician upon Shoshannim,
for the sons of Korah, Maschil. A song
of loves."

^{1st} ^{2nd} ^{3rd} ^{4th} ^{5th} ^{6th} ^{7th} ^{8th} ^{9th} ^{10th} ^{11th} ^{12th}
"My heart is inditing a good matter: I
speak of the things which I have made
touching the king: my tongue is the
pen of a ready writer. Thou art fairer
than the children of men: grace is poured
into thy lips: therefore God hath blessed
thee for ever."

Hind thy sword upon thy thigh, O
most mighty, with thy glory and thy
majesty. And in thy majesty ride
prosperously because of truth and meekness
and righteousness; and thy right hand
shall teach the terrible things. Thine arrows
are sharp in the head of the king's enemies;
wherewith the people fall under thee.

Thy throne, O God, is for ever and
ever: the scepter of thy kingdom is a right
scepter. Thou lovest righteousness, and
hatest wickedness: therefore God, thy
God, hath anointed thee with the oil
of gladness above thy fellows. All thy
garments smell of myrror, and aloes, and
cassia, out of the ivory palaces, where
by they have made thee glad. Kings

daughters) were among the honorable
women: upon the right hand did
stand the Queen in gold of Cyprus.

Hearken, O daughter, and consider,
and incline thine ear; forget also thine
own people, and thy father's house:
So shall the King greatly desire thy beauty,
for he is thy Lord, and worship thou him.
And the daughter of Tyre shall be there with
a gift; even the rich among the people shall
intreat thy favour.

The King's daughter is all glorious
within: her clothing is of wrought gold.
She shall be brought unto the King in
paiment of needlework: the virgins her
companions that follow her shall be
brought unto thee. With gladness and
rejoicing shall they be brought: they shall
enter into the King's palace.

Instead of thy fathers shall be
thy children, whom thou mayest make
princes in all the earth. I will make
thy name to be remembered in all
generations: therefore shall the people
praise thee for ever and ever.

K.J.V.



Your young men do not understand.
Your fathers, your mothers and your
teachers - those in whom you have trusted,
all have failed to show you the secret of
"My hand." I begin to do the "storage
work," "a work you will not believe,
though it be told you," Isaiah 28.

Ask My servant Moses, he tried to warn
you in his song: "See now that I swear I
am he, and there is no god with me; I
kill, and I make alive; I wound, and I
heal; neither is there any that can deliver
out of my hand. For I lift up my hand
to heaven, and say, I live for ever."
Deuteronomy 32:39-40. I have lifted
up My hand, for My hand rules
heaven and earth. The scale will
either save you or destroy you.

Hear My servant Isaiah speak: "So
when thy hand is lifted up, they will not
see; but they shall see, and be ashamed
for their envy at the people; yea, the
fire of thine enemies shall devour them."
Isaiah 26:11

Jeremiah says of me: "Therefore, behold
I will thine own cause, thine I know, I will

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-2-

cause them to know mine hand and my
 might, and they shall know that my
 name is the Lord." Jeremiah 16:21

Hear Micah say: "And the remnant
 of Jacob shall be among the Gentiles in
 the midst of many people as a lion among
 the beasts of the forest, as a young lion
 among the flocks of sheep: who, if he
 go through both treadeth down, and teareth
 in pieces, and none can deliver. Thine
 hand shall be lifted up upon thine
 adversaries, and all thine enemies shall
 be cut off." Micah 5:8-9.

Hear Habakkuk, "And His brightness
 was as the light; he had horns coming out
 of his hand: and there was the hiding
 of his power." Habakkuk 3:4.

He I have horns coming out of My
 hand? Is not the Book in My hand?
 Is not this a revelation of My Son?
 Is not My Word - My Son, the Lamb?
 How many horns does the Lamb have?
 If He has seven (Revelation 5), then you
 know who is to teach you My Seven
 Seals, unless you do not hurt My
 Lamb (Psalm 2). For out of His side
 will come "bright beams" and there is the
 hiding of His power.

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-3-

Who do you think it is in Revelation 10 that raises his hand to heaven and swears by Me, "that there should be time no longer."

My hand made heaven and earth, My hand also shall bring it to the end. Read Psalms 50 and learn to be wise. Respect your brother David and those who have learned of Me from Him. Your sins are more than you can bear. Show mercy and kindness and you shall receive mercy and kindness.

The Seven Seals are the best prophecy to a lost world, consider it and what it means! You have a chance to learn My salvation. Do not find yourselves to be fighting against Me.

"Wherefore, my brethren, ye also are become dead to the law by the body of Christ; that ye should be married to another, even to Him who is raised from the dead, that we should bring forth fruit unto God." Romans 7:4.

⊗

- 4 -

"And I saw when the Lamb opened
 one of the seals, and I heard, as it
 were, the noise of thunders, one of the
 four beasts saying, Come and see.
 And I saw, and behold a white
 horse; and he that sat on him
 had a bow; and a crown was given
 unto him: and he went forth
 conquering, and to conquer."
 Revelation 6:1-2.

Palms 45

Revelation 19

Please listen, show mercy
 and learn of the marriage of the
 Lamb.

Why will you be lost?

יהוה' ויהוה

Yahweh Kereah

⊗

REVELATION 19

"And after these things I heard a great voice of much people in heaven, saying, 'Alleluia! Salvation and glory and honour, and power, unto the Lord our God: for true and righteous are his judgments: for he hath judged the great whore, which did corrupt the earth with her fornication, and hath avenged the blood of his servants at her hand.' And again they said, 'Alleluia! And her smoke goes up for ever and ever!' And the four and twenty elders and the four beasts fell down and worshipped God that sat on the throne, saying, 'Amen! Alleluia!' And a voice came out of the throne, saying, 'Praise our God, all ye his servants, and ye that fear him, both small and great!'"

And I heard as it were the voice of a great multitude, and as the voice of many waters, and as the voice of mighty thunderings, saying, 'Alleluia: for the Lord God omnipotent reigneth! Let us be glad and rejoice, and give honour to him: for the marriage of the Lamb is come, and his wife hath made herself ready! And to her was granted that she should be arrayed in fine linen,

clean and white for the fine linen is
the righteousness of saints.

And he said unto me, 'Write, Blessed
are they which are called unto this
marriage supper of the Lamb.' And he
said unto me, 'These are the true
sayings of God.' And I fell at his
feet to worship him. And he said unto
me, 'See thou do it not: I am thy
fellow servant, and of thy brethren that
have the testimony of Jesus: worship God:
for the testimony of Jesus is the spirit
of prophecy.'

And I saw heaven opened, and behold
a white horse; and he that sat upon
him was called faithful and true,
and in righteousness he doth judge
and make war. His eyes were as a
flame of fire, and on his head were
many crowns; and he had a name
written, that no man knew, but he
himself. And he was clothed with a
vesture dipped in blood; and his
name is called, The Word of God.
And the armies which were in heaven
followed him upon white horses,
clothed in fine linen, white and
clean. And out of his mouth goeth

19
 a sharp sword, that with it he should
 smite the nations; and he shall rule
 them with a rod of iron; and he will tread
 the winepress of the fierceness and wrath
 of Almighty God. And he hath on his
 breast, and on his thigh a name written,
 'KING OF KINGS AND LORD OF LORDS.'

And I saw an angel standing in
 the sun; and he cried with a loud voice,
 saying to all the fowls that fly in the
 midst of heaven, "Come and gather
 yourselves together unto the supper of
 the great God; that ye may eat the
 flesh of kings, and the flesh of captains,
 and the flesh of mighty men, and the
 flesh of horses, and of them that sit
 on them; and the flesh of all men, both
 free and bond, both small and great."

And I saw the beast, and the kings
 of the earth, and their armies gathered
 together to make war against him that
 sat on the horse, and against his army.
 And the beast was taken, and with him
 the false prophet, that wrought miracles
 before him, with which he deceived
 them that had received the mark of the
 beast, and them that worshipped his
 image. These both were cast alive into

(X)

a lake of fire burning with brimstone.
And the remnant were slain with
the sword of him that sat upon the
horse, which sword proceeded out of
his mouth: and all the fowls were
filled with their flesh."

K. J. V.

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Apr 17, 1973

Hello Dick,

As far as our progress is concerned, here is where we stand: I have related two messages, from God, to the F.B.I.; one of which concerns present dangers to people here in Waco.

I was shown a fault line running throughout the Lake Waco area. An angel is standing in charge of this world. Many people, here in Waco, know that we are a good people, and yet, they have shown the same resentful spirit of indifference to our "warrings of love."

I am presently being permitted to document in structured form, the decoded messages of the 7 Seals. Upon the completion of this task I will be freed of my "waiting period." I hope to finish this as soon as possible and to stand before man to answer any and all questions regarding my actions.

This written Revelation of the 7 Seals will not be sold, but is to be available to all who wish to know the truth. The four Angels of Revelation 7 are here, now ready to punish foolish mankind; but, the writing of these 7 Seals will cause the winds of God's wrath to be held back a little longer.

me 1

4-17-93

I have been praying so long for this opportunity; to put the seals in written form. Speaking the truth seems to have very little effect on man.

I was shown that as soon as I am given over into the hands of man, I will be made a spectacle of, and people will not be concerned about the truth of God, but just the bizzarrry of me. - the flesh (perova).

I want the people of this generation to be saved. I am working night and day to complete my final work of the writing out of "these seals."

I thank my Father. He has finally granted me the chance to do this. It will bring New Light and Hope for many and they will not have to deal with me the person.

The earthquake in Waco is something not to be taken lightly. It will probably be "the thing" needed to shake some sense into the people.

Remember Dick, the warning came first and I fear that the F.B.I. is going to suppress this information. It may be left up to you.

I will demand the first manuscript of the seals be given to you.

doc 2

-3-
4-14-93

3

Many scholars and religious leaders
will wish to have copies for examination.
I will keep a copy with me. As soon as
I can get that people, like Jim Tabor
and Phil Arnold have a copy I will
come out and then you can do your
thing with this Beast.

I hope to keep in touch with you
by letter, so please give your address.

We are standing on the threshold
of great events! The 7 Seals in
written form are the most sacred
information ever!

David Koresh

David Koresh

doc-3

APPENDIX F

Texas.

3. At all times pertinent to this indictment, Steven Emil Schneider and Douglas Wayne Martin were followers of and advisors to Vernon Howell, also known as David Koresh.

4. At all times pertinent to this indictment Defendants KATHRYN SCHROEDER, BRAD EUGENE BRANCH, KEVIN A. WHITECLIFF, CLIVE J. DOYLE, JAIME CASTILLO, LIVINGSTONE FAGAN, PAUL GORDON FATTA, WOODROW KENDRICK, also known as, BOB KENDRICK, NORMAN WASHINGTON ALLISON, also known as DELROY NASH, GRAEME LEONARD CRADDOCK, RENOS AVRAAM, and RUTH OTTMAN RIDDLE, and others were followers of Vernon K. Howell, also known as David Koresh.

SCOPE AND NATURE OF THE CONSPIRACY

5. It was a part of the conspiracy that Vernon K. Howell, also known as David Koresh, would and did advocate and encourage an armed confrontation, which he described as a "war," between his followers and representatives of the United States government. Vernon K. Howell, also known as David Koresh, originally predicted that this "war" would occur in the Nation of Israel and later changed the location to Mt. Carmel Compound, near Waco, Texas.

6. It was a part of the conspiracy that in order to prepare for the "war" with the United States, Vernon K. Howell, also known as David Koresh, would and did establish a unit among his followers which he called the "Mighty Men." Defendants, BRAD EUGENE BRANCH, KEVIN A. WHITECLIFF, CLIVE J. DOYLE, JAIME CASTILLO, LIVINGSTONE FAGAN, PAUL GORDON FATTA, GRAEME LEONARD CRADDOCK, RENOS AVRAAM, NORMAN WASHINGTON ALLISON, also known as DELROY NASH, WOODROW KENDRICK, also known as BOB KENDRICK, and other followers were members of the "Mighty Men."

7. It was a part of the conspiracy that in order to arm his followers for the "war" with the United States, Vernon K. Howell,

also known as David Koresh, would and did direct that a business location called "The Mag Bag" be established near the Mt. Carmel Compound for the purpose, among others, of receiving shipments of paramilitary supplies. The supplies purchased and received at The Mag Bag included: firearms parts (including parts for fully automatic AK-47 and M-16 rifles); thirty (30) round magazines and one hundred (100) round magazines for M-16 and AK-47 rifles; pouches to carry large ammunition magazines; substantial quantities of ammunition of various sizes (including .50 caliber armor piercing ammunition); grenade launcher parts, flare launchers, K-bar fighting knives, night vision equipment, hand grenade hulls, kevlar helmets, bullet proof vests and other similar equipment.

8. It was a part of the conspiracy that Defendant BRAD EUGENE BRANCH would and did make the necessary arrangements to obtain The Mag Bag location, which had a mailing address of Route 7, Box 555, Waco, Texas. It was further a part of the conspiracy that Defendant PAUL GORDON FATTA would and did acquire a Texas Sales and Use Tax Permit in the name of "The Mag Bag." It was a part of the conspiracy that Defendants WOODROW KENDRICK, also known as BOB KENDRICK, and NORMAN ALLISON, also known as DELROY NASH, would and did occupy the premises for the purpose (among others) of receiving paramilitary supplies.

9. It was a part of the conspiracy that Defendants BRAD EUGENE BRANCH, JAIME CASTILLO, PAUL GORDON FATTA, and WOODROW KENDRICK, also known as BOB KENDRICK, and others would and did acquire and assist in the acquisition of weapons to be used in the

"war" with United States, including .50 caliber semi-automatic rifles.

10. It was a part of the conspiracy that Defendant PAUL GORDON FATTA and others, would and did assist in converting legally purchased semi-automatic rifles to fully automatic rifles. It was a part of the conspiracy that inert hand grenade shells would be converted to live hand grenades for the purpose of waging "war" against the United States government.

11. It was a part of the conspiracy that on February 28, 1993, after becoming aware of a planned search of the premises of the Mt. Carmel Compound, by agents of the ATF, Vernon K. Howell, also known as David Koresh, would and did instruct his followers to prepare for the arrival of the federal agents. It was a part of the conspiracy that KATHRYN SCHROEDER, BRAD EUGENE BRANCH, KEVIN A. WHITECLIFF, CLIVE J. DOYLE, JAIME CASTILLO, LIVINGSTONE FAGAN, GRAEME CRADDOCK, RENOS AVRAAM, RUTH OTTMAN RIDDLE, and others would and did change into camouflage/combat clothing and equipment, gather their pistols and rifles, load magazines, distribute hand grenades, assume ambush positions and engage in other conduct designed to kill and attempt to kill and aid and abet the killing of Agents of the ATF upon their arrival at the Mt. Carmel Compound.

12. It was a part of the conspiracy that on February 28, 1993, after the ambush of ATF agents at the Mt. Carmel Compound by their coconspirator, Defendants NORMAN ALLISON, also known as DELROY NASH, and WOODROW KENDRICK, also known as BOB KENDRICK, and another person would arm themselves at The Mag Bag and endeavor

to forcibly enter the Mt. Carmel Compound to assist their coconspirator,

13. It was a part of the conspiracy that after the initial ambush of the ATF, Defendants KATHRYN SCHROEDER, BRAD EUGENE BRANCH, KEVIN A. WHITECLIFF, CLIVE J. DOYLE, JAIME CASTILLO, LIVINGSTONE PAGAN, GRAEME LEONARD CRADDOCK, RENOS AVRAAM, RUTH OTTMAN RIDDLE, and others would and did forcibly resist and oppose agents of the FBI who were authorized to execute search warrants under the authority of the United States from February 28, 1993, until each of them emerged from the Mt. Carmel Compound.

14. It was a part of the conspiracy that on April 18, 1993, Vernon K. Howell, also known as David Koresh, and Steven Schneider would and did finalize a plan to burn the Mt. Carmel Compound in the event an effort was made to finally end the siege by the FBI. This plan was communicated to other residents of the compound.

15. It was part of the conspiracy that on April 19, 1993, the conspirators would and did fire upon tanks and other vehicles manned by FBI agents in an attempt to drive them back from the Mt. Carmel Compound.

16. It was a part of the conspiracy that on April 19, 1993 Vernon K. Howell, also known as David Koresh, would give instructions to spread flammable fuel within the Mt. Carmel Compound upon learning that the FBI was to introduce tear gas into the Compound to end the Siege. It was a part of the conspiracy that a coconspirator would and did give instructions at about noon on April 19, 1993, to start the fires within Mt. Carmel.

OVERT ACTS

In furtherance of such agreement and conspiracy and to effect the objects thereof, the Defendants and their conspirators, known and unknown, committed the following overt acts, among others:

1. On August 4, 1992, in the Western District of Texas, Vernon K. Howell, also known as David Koresh, executed documentation covering the purchase of 88 lower receivers for the AR-15 rifle, 16 handguns, and 10 rifles from Hewitt Handguns.

2. On or about February 21, 1993, in the Northern and the Western Districts of Texas, PAUL GORDON FATTA arranged for the purchase and took delivery of 10,000 rounds of 9 mm ammunition and 10,000 rounds of .223 caliber ammunition.

3. On February 28, 1993, in the Western District of Texas, Special Agent Steven D. Willis of the Bureau of Alcohol, Tobacco, and Firearms was shot and killed by the conspirators while he was attempting to execute search and arrest warrants.

4. On February 28, 1993, in the Western District of Texas, Special Agent Robert Williams of the Bureau of Alcohol, Tobacco, and Firearms was shot and killed by the conspirators while he was attempting to execute search and arrest warrants.

5. On February 28, 1993, in the Western District of Texas, Special Agent Conway C. LeBleu of the Bureau of Alcohol, Tobacco, and Firearms was shot and killed by the conspirators while he was attempting to execute search and arrest warrants.

6. On February 28, 1993, in the Western District of Texas, Special Agent Todd W. McKeenan of the Bureau of Alcohol, Tobacco,

and Firearms was shot and killed by the conspirators while he was attempting to execute search and arrest warrants.

7. On April 19, 1993, in the Western District of Texas, Agents of the Federal Bureau of Investigation were fired upon as they endeavored to serve arrest and search warrants. All in violation of Title 18, United States Code, Section 1117.

COUNT TWO

[18 U.S.C. §§1114
1111(a) & 2]

On or about February 28, 1993, in the Western District of Texas, Defendants,

KATHRYN SCHROEDER
BRAD EUGENE BRANCH
KEVIN A. WHITECLIFF
CLIVE J. DOYLE
JAIME CASTILLO
LIVINGSTONE FAGAN
PAUL GORDON FATTA
WOODROW KENDRICK,
aka BOB KENDRICK
NORMAN WASHINGTON ALLISON,
aka DELROY NASH
GRAEME LEONARD CRADDOCK
RENOS AVRAAM,
and
RUTH OTTMAN RIDDLE,

by aiding and abetting unknown principals and each other did knowingly, willfully, and unlawfully kill, with malice aforethought, ATF Special Agents Steven D. Willis, Robert Williams, Conway C. LeBleu, and Todd W. McKeegan, Special Agents of the Bureau of Alcohol, Tobacco and Firearms, while said agents were engaged in the performance of their official duties, by shooting the said Agents with a firearm, in violation of Title 18, United States Code, Sections 1114, 1111(a), and Title 18, United States

Code, Section 2.

COUNT THREE
[18 U.S.C. 924(c)(1)]

On or about February 28, 1993, in the Western District of Texas, Defendants,

KATHRYN SCHROEDER
BRAD EUGENE BRANCH
KEVIN A. WHITECLIFF
JAIME CASTILLO
LIVINGSTONE FAGAN
PAUL GORDON FATTA
GRAEME LEONARD CRADDOCK
RENOS AVRAAM
and
RUTH OTTMAN RIDDLE

did knowingly use and carry a firearm during and in relation to the commission of a crime of violence which may be prosecuted in a court of the United States, to-wit: Conspiracy to Murder Officers and Employees of the United States, in violation of Title 18, United States Code, Sections 1117 and 1114, all in violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR
[18 U.S.C. §§1114]
1111(a) & 2]

On or about February 28, 1993, in the Western District of Texas, Defendants,

NORMAN WASHINGTON ALLISON, aka
DELROY NASH,
and
WOODROW KENDRICK, aka
BOB KENDRICK

by aiding and abetting Michael Schroeder, deceased, named as a principal, but not as a defendant herein, did knowingly, willfully, and unlawfully attempt to kill, with malice aforethought, Charles

Meyer, a Special Agent of the Bureau of Alcohol, Tobacco and Firearms, while said agent was engaged in the performance of his official duties, by shooting at Special Agent Charles Meyer with a firearm, in violation of Title 18, United States Code, Sections 1114, 1111(a), and Title 18, United States Code, Section 2.

COUNT FIVE

[18 U.S.C. §924(c)(1)]

On or about February 28, 1993, in the Western District of Texas, Defendant,

WOODROW KENDRICK, aka
BOB KENDRICK,

did knowingly, willfully and unlawfully use and carry one or more of the following firearms, to-wit:

- (1) an RG revolver, model RG 31, .32 caliber, bearing serial number 0194405;
- (2) a Beretta pistol, model 92FS 9 mm, bearing serial number 116248Z,

during and in relation to the commission of a violent crime which may be prosecuted in a court of the United States, namely, attempting to kill a Federal officer, contrary to Title 18, United States Code, Section 1114 and Section 2, and all in violation of Title 18, United States Code, Section 924(c)(1).

COUNT SIX

[18 U.S.C. §924(c)(1)]

On or about February 28, 1993, in the Western District of Texas, Defendant,

NORMAN WASHINGTON ALLISON, aka
DELROY NASH,

did knowingly, willfully and unlawfully use and carry the following

firearm, to-wit: a Jennings .22 caliber pistol, bearing serial number 628835, during and in relation to the commission of a violent crime which may be prosecuted in a court of the United States, namely, attempting to kill a Federal officer, contrary to Title 18, United States Code, Section 1114 and Section 2, and all in violation of Title 18, United States Code, Section 924(c)(1).

COUNT SEVEN
[26 U.S.C. § 5861(d)]

On or about April 19, 1993, in the Western District of Texas,
Defendant,

GRAEME LEONARD CRADDOCK

did knowingly and unlawfully possess a firearm, as defined by Section 5845(a), Title 26, United States Code, namely an explosive grenade, being a firearm defined as a destructive device, which firearm was not registered to him in the National Firearm Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5861(d) and 5871.

COUNT EIGHT
[26 U.S.C. 5861(d)
and 18 U.S.C. 371]

From on or about February 28, 1993, and continuing thereafter until on or about April 19, 1993, in the Western District of Texas,
Defendant,

GRAEME LEONARD CRADDOCK

did knowingly and willfully, combine, conspire, confederate and agree with other persons both known and unknown to the Grand Jury, to commit an offense against the United States, namely, to

unlawfully possess a firearm as defined by Section 5845(a), Title 26, United States Code, to wit: a grenade, without having the said firearm registered to him in the National Firearms Registration and Transfer Record. In furtherance of the said conspiracy and to effect the objects thereof, the following overt acts were committed by the Defendant of the Western District of Texas:

1. On April 19, 1993, co-conspirator Vernon Howell, also known as David Koresh, gave GRAEME LEONARD CRADDOCK a grenade;

contrary to Title 26, United States Code, Section 5861(d) and in violation of Title 18, United States Code, Section 371.

COUNT NINE
[18 U.S.C. 371
(18 U.S.C. 922(o))]

On or about February 1992, and continuing thereafter until on or about February 1993, in the Western District of Texas, Defendant,

PAUL GORDON FATTA

did intentionally, knowingly and willfully combine, conspire, confederate and agree with other persons to the Grand Jury both known and unknown to commit an offense against the United States, namely, to unlawfully manufacture and possess machineguns, without having the said firearms registered to him in the National Firearms Registration and Transfer Record. In furtherance of the said conspiracy and to effect the objects thereof, the following overt acts were committed by the defendants in the Western District of Texas:

1. On March 21, 1992, PAUL GORDON FATTA purchased a FEG, Model SA85M rifle, 7.62 caliber, Serial No. SL02791;

2. On January 16, 1993, PAUL GORDON FATTA purchased a H&K, SP89, pistol, 9 mm, Serial No. 2122147;

contrary to Title 18, United States Code, Section 922(o), and in violation of Title 18, United States Code, Section 371.

COUNT TEN
[18 U.S.C. 2 (18 U.S.C. 922(o))]

Beginning about February 1992 and continuing thereafter until about February 1993, in the Western District of Texas, Defendant,

PAUL GORDON FATTA

intentionally and knowingly did aid and abet Vernon Howell, also known as David Koresh, in the unlawful possession of machineguns, contrary to Title 18, United States Code, Section 922(o), and in violation of Title 18, United States Code, Section 2.

A TRUE BILL:

FOREPERSON

JAMES H. DeATLEY
ACTING UNITED STATES ATTORNEY

By: _____
W. Ray Jahn
Assistant U. S. Attorney

APPENDIX G

Memorandum

#14



To : SAC, SAN ANTONIO

Date 4/20/93

[Signature]
From : SSRA BYRON A. SAGE

Subject: WACMUR; MC #80
NEGOTIATION TEAM EFFORTS
TO SECURE RELEASE OF
CHILDREN IN COMPOUND

Reference FBIHQ SIOC telcall to FBI Command Post,
4/20/93.

PURPOSE: To provide a succinct summary and overview
of negotiation team efforts to secure the safe release
of all children from within the Branch Davidian,
Mt. Carmel Complex, Waco, Texas.

RECOMMENDATION: None. For information.

DETAILS:

1-SAC
2-89B-SA-38851
① SSRA SAGE
BAS/adr
(4)

Since the initiation of this matter on 2/28/93, the primary focus of negotiations were directed at the safe release of those remaining inside the Branch Davidian Complex, Mt. Carmel, Waco, Texas.

Upon the arrival of the first Federal Bureau of Investigation (FBI) Negotiator, at approximately 11:30 a.m. on 2/28/93, efforts were initiated to identify the number of individuals remaining inside the compound, to include women, children, and adult males. The focus of negotiation efforts was directed immediately to securing the safe release of all of the children as "innocents" from within the siege location.

This concerted effort began to come to fruition on 2/28/93 at 6:54 p.m., when in response to negotiation efforts, DAVID KORESH authorized the release of children "...if you play (my) message." This brief message was provided to Alcohol, Tobacco, and Firearms (ATF) officials with a recommendation that the message be aired via a local Dallas radio station per the request of KORESH. As a direct result of this negotiation effort, coupled with ongoing and repetitive requests focused upon the release of all of the children, the following children were successfully released from 2/28/93, continuing through 3/2/93.

| <u>NUMBER</u> | <u>NAME</u> | <u>DOB</u> | <u>DATE RELEASED</u> |
|---------------|----------------------|------------|----------------------|
| 1. | ANGELICA SONOBE - WF | 01/20/87 | 02/28/93 |
| 2. | CRYSTAL SONOBE - WF | 08/07/89 | 02/28/93 |
| 3. | RENAE FAGAN - BF | 03/17/86 | 02/28/93 |
| 4. | NAHARA FAGAN - BF | 02/26/89 | 02/28/93 |
| 5. | LANDON WENDEL - WM | 01/30/89 | 03/01/93 |
| 6. | TAMARA WENDEL - WF | 07/23/87 | 03/01/93 |
| 7. | JAUNESSA WENDEL - WF | 05/23/84 | 03/01/93 |
| 8. | PATRON WENDEL - WM | 10/01/92 | 03/01/93 |
| 9. | SCOTT MABB - WM | 09/30/81 | 03/01/93 |
| 10. | CHRISTYN MABB - WF | 07/21/85 | 03/01/93 |
| 11. | JACOB MABB - WF | 12/20/83 | 03/01/93 |
| 12. | BRYAN SCHROEDER - WM | 03/07/90 | 03/01/93 |
| 13. | JAIME MARTIN - BM | 05/31/82 | 03/01/93 |
| 14. | JOSHUA SYLVIA - WM | 11/07/85 | 03/01/93 |
| 15. | NATALIE NOBREGA - WF | 03/20/82 | 03/01/93 |
| 16. | JOANNE VAEGA - WF | 03/01/89 | 03/02/93 |
| 17. | DANIEL MARTIN - BM | 07/12/86 | 03/02/93 |
| 18. | KIMBERLY MARTIN - BF | | 03/02/93 |

During the final stages of the negotiation efforts to effect a total release of all occupants of the compound, DAVID

KORESH agreed to release "the rest of the children and women" (3/2/93 at 4:55 a.m.). During the morning hours of 3/2/93, KORESH stated to Negotiators, "Children (are) like hostages because they are too young to make decisions." He also went on to state in response to a direct inquiry by the Negotiation Team, that, "If I (DAVID KORESH) wanted to commit suicide, I would have already done it!"

On 3/2/93, the promised total surrender/exit of all occupants fell through when DAVID KORESH advised that he received a "message from God to wait."

Negotiation Team efforts continued toward an immediate release of all children and women. During 3/3/93, three additional children were released bringing the total to twenty one (21) children:

| <u>NUMBER</u> | <u>NAME</u> | | <u>DOB</u> | <u>DATE RELEASED</u> |
|---------------|---------------|------|------------|----------------------|
| 19. | MARK JONES | - WM | 06/27/80 | 03/03/93 |
| 20. | KEVIN JONES | - WM | 01/06/82 | 03/03/93 |
| 21. | HEATHER JONES | - WF | 10/25/83 | 03/03/93 |

It is important to note that for the remainder of this siege, not one additional child was released. Negotiation team members repeatedly addressed the priority objective of affecting a total release of all remaining children. These efforts were undertaken on a daily basis, if not on multiple occasions daily, throughout each day of the siege to no avail.

On 3/5/93, during ongoing efforts to secure the release of the remaining children, DAVID KORESH advises the Negotiation Team, utilizing very stern tone that, "My children are different than those others..." referring to his direct lineage, verses those children previously released. On 3/7/93, KORESH is asked again to send out children, this time in exchange for a milk delivery (6 gallons) requested by the compound. KORESH advised that, "You are dealing with my biological children now!"

It became readily apparent that KORESH had "thinned the ranks" of the children of those which he did not consider his immediate family and those that represented the direct "line of DAVID (KORESH)."

Negotiation efforts to ensure the safety and to secure the release of all of the children included the delivery of approximately six gallons of milk on three different occasions, the last occurring on 4/18/93. Further, two video tapes were

negotiated out for a review of the children's health and well being. The FBI Command Post made special arrangements with local and state authorities to house all of the released children together as an inducement to the remaining parents inside the compound to release their respective children. One of the negotiation tactics initiated on 3/18/93, and continued throughout the remainder of the siege, was to portray DAVID KORESH as "hiding behind the children." Although this ploy captured his attention, it ultimately proved to be ineffective in accomplishing the safe release of anymore children.

Negotiation efforts and concerns regarding the children continued as a top priority objective throughout the siege, up to and including final pleas over the Public Address (PA) system at the crisis site on 4/19/93. When flames were observed coming from inside the compound, the FBI Negotiators who were forward, at the crisis site, repeatedly broadcast to the occupants of the compound to exit and come toward to loudspeakers. The pleas were directed also at DAVID KORESH to send out the children and "not to end it this way!" These pleas went unheeded.

APPENDIX H

WACMUR

AS OF 4/17/93

SANITARY CONDITIONS IN COMPOUND



- 4/17/93 LOUIS ANTHONY ALANIZ, left compound 4/17/93, advised that he relieved himself in a bucket. Buckets of rain water were used to wash clothes.
- 3/21/93 JAMES LOUIS LAWTER (released from compound) advised bodies from inside the compound were moved to an underground area near the tunnels and bus. The bodies were buried in that area. The human waste from inside the compound was buried in the same area. LAWTER also advised that the bodies were buried in the dirt at the end of the building and that there was no odor from the corpses. The compound has no plumbing, insofar as toilets were concerned. Buckets were used for elimination purposes.
- 3/20/93 Analysis by SSA JOE BROSS, FBI, reflected that persons released from compound were in need of bathing.
- 3/15/93 [REDACTED]
- 3/13/93 MARK SPOON, neighbor of Compound, advised that there are no toilets in the compound, so occupants use buckets in their rooms to collect human waste. There was a septic tank on the property, but it is no longer used.
- 3/10/93 SAMUEL HENRY has family members in compound and advised that when visiting the compound he was shocked to learn that there were no toilet facilities in the compound. He knew that they had to use buckets and dispose of the waste outside.
- 3/8/93 DONALD E. BUNDS, electronics technician at the Compound, advised that the compound has no underground utilities, sewers or drains. There are no inside restroom facilities or showers. Men are required to use an outhouse and the women use plastic buckets, which are dumped on a regular basis.
- 3/7/93 JAUNESSA MARIE WENDEL, child released from compound, advised that there is a room on the second floor where individuals go to the bathroom. A wall dividing the room separates the males from the females. Individuals use the bathroom in buckets which are normally emptied outside; however, now they just get more buckets. Odors are beginning to accumulate, but they have Lysol spray.

APPENDIX I

WACMUR

AS OF 4/17/93

INTELLIGENCE ON WATER SUPPLY

- 4/17/93 LOUIS ANTHONY ALANIZ, LEFT COMPOUND 4/17/93, ADVISED HE WAS ALLOWED 2 - EIGHT (8) OUNCE CUPS OF WATER EACH DAY AND RECEIVED THREE MEALS/DAY - TRAIL MIX AND MRES.
- 4/15/93 NIGHTSTALKER INFORMED HRT-TOC THAT THEY OBSERVED THAT THE REAR WATER TANK NOW APPEARS TO BE FULL. THIS OBSERVATION OCCURRED BETWEEN 3:00 A.M. AND 7:00 A.M. ON 4/15/93. THIS DETERMINATION WAS BASED ON THE THERMAL IMAGE OF THE WARM WATER IN THE TANK.
- 4/15/93 
- 4/15/93 HARLAN WILLIAMS, PROPRIETOR OF RHEMER PUMP COMPANY ADVISED THAT ORIGINAL WELL SYSTEM DRILLED BY J.L. MEYERS OF DALLAS, TEXAS. WELL IS APPROXIMATELY 2,700 FEET DEEP AND RANGES IN PIPE DIAMETER FROM 3" TO 4", 4" BEING DEEPEST PART OF THE WELL. WELL IS AN ARTESIAN WELL WHICH GOES DOWN TO THE TRINITY WATER TABLE AND PRODUCES HOT WATER. WILLIAMS WAS TOLD DAVIDIANS HAD PURCHASED SEVERAL POLYETHYLENE TANKS WHICH WERE OVER 1,000 GALLONS WHICH WERE USED FOR THE STORAGE OF WATER. IF THE TANKS WERE PLACED UP TO A 5' TO 8' LEVEL, NORMAL GRAVITY WOULD PUSH THE WATER INTO THE HOUSE AT FIVE POUNDS OF PRESSURE.
- 4/14/93 SNIPERS OBSERVE THE COLLECTION OF AT LEAST TWENTY BUCKETS OF RAINWATER AND THAT WATER BEING TAKEN INSIDE OF COMPOUND (similar activity is observed during every rainfall).
- 4/13/93 

- 4/12/93 NIGHT STALKER VIDEOTAPE INDICATED THAT HOLDING TANK CLOSEST TO BUILDING IS STILL APPROXIMATELY HALF FULL OF WATER. THIS TANK CANNOT BE RENDERED INOPERABLE WITHOUT PENETRATING COMPOUND.
- 4/06/93 MIKE SNOWDEN, REGIONAL MANAGER OF WYLIE SPRAYERS, ADVISED THAT WOODROW W. KENDRICK, REPRESENTING MT. CARMEL, BOUGHT ONE 1450 GALLON POLYETHYLENE WATER TANK ON 11/18/91 AND SIX 1500 GALLON POLYETHYLENE WATER TANKS FROM HIS COMPANY ON 3/13/92.
- 4/02/93 NIGHTSTALKER REPORTED THAT ON THE NIGHT OF 3/31/93 HOLDING TANK ON THE GREEN SIDE APPEARED TO BE HALF FULL.
- 3/24/93 INFORMATION RECEIVED FROM KORESH'S MOTHER-IN-LAW, MILDRED JONES, THAT HE USED TO BRING A WATER TRUCK TO HER TRAILER HOME ON A REGULAR BASIS AND FILL IT WITH WATER FOR THE COMPOUND BECAUSE THEY DID NOT HAVE RUNNING WATER IN THE COMPOUND. HE HAS NOT BEEN AT HER TRAILER IN SEVERAL WEEKS.
- 3/23/93 INTERVIEW OF OFELIA SANTOYO UPON EXITING THE COMPOUND REVEALED THEY WERE LIMITED TO ONE MEAL AND ONE GLASS OF WATER PER DAY. THEY ARE EATING CANNED FOODS AND MRE'S. WATER IS KEPT IN BUCKETS.
- 3/22/93 INTERVIEW OF SHEILA JUDITH MARTIN UPON EXITING THE COMPOUND REVEALED FOOD AND WATER WERE PLENTIFUL. THERE WERE MANY MRE'S AND THEY WERE EATING CHICKEN AND FISH.
- 3/22/93 INTERVIEW OF RITA FAY RIDDLE UPON EXITING THE COMPOUND REVEALED FOOD AND WATER WERE PLENTIFUL. THEY HAVE BEEN RECEIVING HOT MRE'S, BUT SHE DID NOT KNOW HOW THEY WERE BEING WARMED. THEY WERE COLLECTING RAINWATER FOR WASHING.
- 3/22/93 INTERVIEW OF JAMES LAUTER, ON 3/21/93, BY TEXAS RANGERS REVEALED RESIDENTS HAD STORED FIFTEEN 5 GALLONS BUCKETS AND THREE 50 GAL DRUMS OF WATER. EACH RESIDENT GETS ONE LADLE A DAY. RAINWATER IS COLLECTED FOR BATHS.
- 3/21/93 DR. MICHAEL ADDAS, WACO CARDIOLOGIST AND DOCTOR FOR VICTORINE HOLLINGSWORTH, STATED THAT BASED ON HIS EXAMINATION OF HOLLINGSWORTH THERE WAS NO INDICATION OF DEHYDRATION.
- 3/21/93 GLADYS PAULINE OTTMAN, AFTER RELEASE FROM COMPOUND, STATED THERE WAS NO ELECTRICITY OR GAS, BUT THERE WAS FOOD AND WATER. SHE DRANK LARGE QUANTITY OF WATER AND APPLE JUICE DURING THE INTERVIEW.

- 3/20/93 AN ANALYSIS OF AVAILABLE INFORMATION ON WATER IN THE COMPOUND INDICATES MOST PROBABLY A LIMITED SUPPLY TO BEGIN WITH AND RESERVES ARE VERY LOW. REPLENISHING THE SUPPLY SEEMS TO BE ACCOMPLISHED THROUGH TECHNIQUES SUCH AS CAPTURING RAINWATER.
- 3/19/93 KEVIN WHITECLIFF, AFTER RELEASE FROM COMPOUND, ADVISED HE WOULD LIKE TO HAVE A COKE BECAUSE OF WHAT HAPPENED TO THE WATER AT THE COMPOUND ON THE EVENING OF 3/18 (NFI). ADVISED THERE WAS PLENTY OF WATER, DID NOT KNOW THE SOURCE OF THE WATER, BUT KEPT HIS JUG OF WATER REPLENISHED WITH ANOTHER JUG OF WATER.
- 3/16/93 [REDACTED]
- 3/15/93 [REDACTED]
- 3/15/93 INTERVIEW OF MARK SPOON, MAINTENANCE SUPERVISOR OF THE RANCH DIRECTLY ACROSS FROM THE COMPOUND REVEALED WATER IS SUPPLIED BY A WELL WHICH FEEDS STORAGE TANKS, BUT SPOON LEARNED THEY WERE HAVING PROBLEMS WITH WORMS IN THE STORAGE TANKS. WATER IS DISPENSED FROM ONE SPIGOT LOCATED IN THE KITCHEN.
- 3/13/93 OLIVER GYARFUS UPON HIS RELEASE, STATED THERE IS PLENTY OF WATER AND FOOD.
- 3/10/93 CONFIDENTIAL SOURCE ADVISES OCCUPANTS OF THE COMPOUND HAVE PURCHASED FROM SAMS WHOLESALE IN WACO, TEXAS, LARGE QUANTITIES OF BOTTLED WATER.
- 3/08/93 INTERVIEW OF WILLIAM M. COX REVEALED THAT COX IS MARRIED TO DAUGHTER OF EX-CULT LEADER, BEN RODEN. COMPOUND OBTAINS ITS WATER FROM AN ARTESIAN WELL LOCATED IN A PUMP HOUSE NEAR THE SOUTHEAST CORNER OF THE MAIN BUILDING. THE WATER IS BROUGHT TO THE SURFACE BY SUBMERSIBLE PUMP, WHICH PUMPS THE WATER INTO A LARGE COOLING TANK, IMMEDIATELY WEST OF THE PUMP HOUSE. THE WATER FROM THE WELL COMES OUT OF THE GROUND IN EXCESS OF ONE HUNDRED DEGREES.
- 3/07/93 MATT PANTER, INSTALLER OF SATELLITE DISH ON THE COMPOUND, STATES WATER IS DELIVERED BY TRUCK AND HELD IN LARGE PLASTIC CISTERNS THAT WORK BY GRAVITY. HOSES MIGHT RUN INTO THE HOUSE, BUT PANTER THINKS WATER IS COLLECTED IN SMALLER BUCKETS FROM OUTSIDE.

- 3/05/93 WALTER DULOCK, MANAGER OF AREA WATER SUPPLY, ADVISED COMPOUND HAS ITS OWN WATER SUPPLY APART FROM OTHER RESIDENCES. THE COMPOUND IS NOT CURRENTLY HOOKED TO THE TOWN'S WATER SYSTEM. UNLESS THE PUMP IS SHUT DOWN THERE IS NO LIMIT TO THE WATER SUPPLY.
- 3/05/93 MCLENNAN COUNTY SO ADVISES THERE IS A LIMITED WATER SUPPLY ON THE COMPOUND. THEY HAVE A WELL, BUT IT IS NOT BELIEVED TO BE OPERATIVE. IN THE RECENT PAST WATER HAS BEEN TRUCKED IN ON A REGULAR BASIS FROM BEAVER LAKE.
- 3/05/93 BELLMEAD POSTAL CARRIER BELIEVES THE WATER SOURCE FOR THE COMPOUND MAY BE BEAR LAKE.
- 3/03/93 DARREN LANE BORST, SON OF BRANCH DAVIDIAN MEMBER MARY JEAN BORST, LAST VISITED THE COMPOUND APPROXIMATELY 5 YEARS AGO. AT THAT TIME HE DOES RECALL RUNNING WATER OR ELECTRICITY IN THE COMPOUND, BUT UNDERSTANDS A LOT OF BUILDING HAS BEEN DONE SINCE. HE STATED THE COMPOUND MUST HAVE HAD SOME TYPE OF WELL. AS HE RECALLED THEY HAD SOME TYPE OF HAND PUMP.
- 3/02/93 DEPARTMENT OF PUBLIC SAFETY SOURCE WHO HAD VISITED THE COMPOUND STATES THERE WAS FOOD AND WATER STORED UNDERGROUND IN SEVERAL MONTHS SUPPLY.
- 3/02/93 BRADLEY HAROLD BORST, SON OF MARY JEAN BORST, STATED HE LEFT THE DAVIDIAN SECT IN FEB OF 1992. AT THAT TIME THE GROUP HAD NO WELL OR RUNNING WATER CAPABILITIES. THE PUMP BEHIND THE COMPOUND WAS BROKEN AND THE TANK EMPTY. WATER WAS STORED IN 5 GAL. CONTAINERS AND BROUGHT IN.
- 3/02/93 INTERVIEW WITH CATHERINE MATTESON RELEASED FROM COMPOUND STATES PLENTY OF FOOD AND WATER AVAILABLE. MATTESON STATED WATER TANK WAS HIT IN INITIAL EXCHANGE OF GUNFIRE, BUT THEY HAVE PLENTY OF WATER.

APPENDIX J

**RIOT CONTROL AGENT, C.S.
INFORMATION OBTAINED FROM BRITISH AND U.S. STUDIES**

Effects of CS Exposure

- British studies, over the course of a few years, and in "tens of thousands of military personnel" who have been exposed to CS in training, have been unable to determine any symptoms essentially different from those which have been determined in U.S. studies. These symptoms are as follows:

Effects of CS Overexposure (Overexposure is defined as any exposure that brings on any of the effects listed here)

1. Burning, pricking, peppery sensation in the eyes, nose, mouth, throat, and skin.
2. Lacrimation - excessive secretion of tears.
3. Rhinorrhea - excessive mucous secretion from the nose.
4. Salivation - produces excessive saliva.
5. Blepharospasm - uncontrollable winking caused by involuntary contraction of eyelid muscle.
6. Photophobia - abnormal intolerance of light (lasts less than one hour in 90% of subjects).
7. Tightness of the chest associated with gripping pain.
8. Breath holding - usually an attempt to defend against the effects - not a physical (involuntary) action.
9. Dyspnea - shortness of breath.
10. Coughing and sneezing.
11. Vesiculation - blistering, small (prolonged or repeated exposure).

12. Erythema - redness of the skins caused by chemical poisoning or sunburn (prolonged or repeated exposure).
 13. First, and possibly second degree burns in sensitive people.
 14. Congestion of the nose-wall of the pharynx (section of the digestive tract from the oral cavity to the larynx).
 15. Feeling of suffocation.
- All of these effects occur immediately and will persist 5-20 minutes after removal from a contaminated atmosphere.
 - Determination difficult due to differences in motivation and tolerance i.e. Variability in humans.

Children

- In a case in Northern Ireland, a baby (no age given) was found crying in a bedroom that had been exposed to CS. The child was gasping for breath, tears were streaming down his cheeks and he was very pale. Upon removal from the affected room, the child recovered quickly.
- The British found cases of babies exposed to CS, in sufficient quantities to distress them and to awaken them crying from their sleep. In all of these cases, upon being removed from the contaminated area, these babies all recovered rapidly. There are no reported cases requiring admission to hospitals, and no instances in which illness in previously healthy infants could be attributed to CS.

- Contact with the U.S. Army Chemical Research and Development Center, Edgewood, Maryland, indicates that they know of no laboratory studies that have ever been conducted with CS that utilized children as subjects. This Army facility has data bases that contain virtually every study on CS that has been conducted by any government or private facility in the world.

Pregnancy

- The British have conducted studies on the effects of CS on the developing embryo. This study found that no interference with embryonic development has been demonstrated.
- Following the use of CS in Northern Ireland, there has been no increase in the number of abortions, still-births or congenital abnormalities.
- British studies conclude that there are no grounds for believing that inhalation of CS can cause malformation of an unborn fetus.
- Experimental evidence indicates that CS does not interfere with the course of pregnancy.

Elderly

- British found no evidence of any special susceptibility to CS associated with old age. Effects on the elderly were reported, but these were in regard to exacerbations of previous ill health.

- Human volunteers, of 50 years of age and upwards have been exposed to heavy concentrations of CS. The symptoms they experienced, and the time taken to recover from these, were no different than in young adults.

Miscellaneous

- Food and drink contaminated even by traces of CS is so repulsive to the taste that it could not be consumed inadvertently and, when it has been consumed voluntarily, no ill effects have followed.
- Liver
- British evidence indicates that:
 - With the concentrations possible in riot situations, it would be in the highest degree unlikely that CS would cause liver damage. Further, if by any chance it did, it would be temporary and clear up in 2-3 weeks. ("mild and transient")
 - In experimental exposure of human subjects, no significant changes in liver function were detected.
 - In the worst case of exposure in Northern Ireland, liver function gave normal results when tested ten months later.
- Cancer
- There is no evidence that CS acts as a carcinogen.
 - After CS exposure, no chromosome changes of any kind were found to develop in the cells of healthy volunteers or persons who had been exposed to CS during the riots in Northern Ireland.

Lethality

- LCt 50 is the concentration of any chemical substance that will kill 50% of any given population. (Concentration = mg/m³)
 - The smallest trace of CS that a man can detect is about **0.004 mg/m³**.
- The concentration of CS that produces symptoms sufficiently unpleasant to cause people to leave an area is **0.5 mg/m³**.
- The concentration that will deter trained troops is **10 mg/m³**.
- The concentration that has been estimated to be lethal to man is **52,000 mg/min³**. This concentration, in the opinion of researchers, can only be attained in ideal laboratory conditions. Any concentration at this level, in relation to operational considerations, are essentially artificial.
- Research has determined that a high concentration of CS for a short time is less toxic than a lower concentration for a long time.

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