

# Special Forces Involved In Waco Raid!

Text & Photo by James L. Pate

George Washington cautioned future generations against a standing army in peacetime. To Washington, the lesson of history was that if the military has no other enemy, it will eventually turn on the citizens by whose authority it exists.

The specter raised 200 years ago by Washington may, at last, be coming to haunt us.

As the social fabric of our nation frays, and traditions that have cloaked us in domestic security for generations gradually unravel, one of the patchwork solutions proposed is an increased military involvement in civilian law enforcement.

President Clinton was recently asked to muster troops to help beleaguered police in Washington, D.C. Drowning in a flood of illegal immigrants, the Border Patrol is moving closer to routine involvement of U.S. troops along the Mexican border.

But no issue has drawn the military into civilian law enforcement like "the war on drugs." Under that banner, the government has begun an orgy of seizures that make mockery of the supposed sanctity of private property and constitutional guarantees of reasonable search and seizure, and due process of law. Citizens are given assurances we must surrender a liberty here and a constitutional right there to regain domestic security.

While sifting the foul ashes of Waco, where power gone mad backed Lady Liberty into a corner and shot her in the head, *Soldier Of Fortune* has learned the "drug issue" may be more of a ruse than a reason for this march down the slippery slope toward martial law.

As the Waco trial slowly unfolded in federal court in San Antonio, testimony by Bureau of Alcohol, Tobacco and Firearms (ATF) agents — the gestapo of G-men — reluctantly revealed that ATF's raid training was

led by Army Special Forces. Reporters ran for the phones, and Army spokesmen confirmed involvement of Green Berets in training some 80 ATF agents, as part of final preparations for the bloody raid on the Branch Davidian's religious compound.

SOF's investigation, the results of which were shared with the *New York Daily News*, indicates Green Beret training for the ATF was far more involved than the Army will admit. Despite contrary claims, SOF learned through several interviews within the SpecOps community and Pentagon that Green Beret trainers violated their group's policy, and possibly federal law, with the type and scope of instruction provided the ATF.

Further increasing the official sensitivity over this ignominious incident are allegations that four Green Berets donned civvies and watched while their ATF protégés charged into the biggest disaster of American law-enforcement history.

Most disturbing, though, were revelations the training mission was not a rogue operation, but part of a sanctioned, ongoing program to more involve the military in civilian law enforcement, from federal agents down to Deputy Barney Fife.

The move began in 1989, when Congress approved a defense authorization bill directing the Pentagon to train and assist "to the maximum extent possible" civilian police engaged in drug interdiction. The law was partly a response to Defense Secretary Dick Cheney's earlier designation of drug trafficking as a national security threat. After the bill passed, Cheney announced activation of Joint Task Force Six [JTF-6] at Fort Bliss, Texas.

"JTF-6 support is intended to serve as a force multiplier to law enforcement agencies," states JTF-6's Op-

erational Support Planning Guide, obtained by SOF. It has "the potential to enhance [law enforcement] effectiveness or release significant resources to focus on [drug] interdiction/seizure actions... using a total force approach."

Located near JTF-6 headquarters is its civilian counterpart, Operation Alliance — a Justice Department entity accepting applications from civilian law enforcement agencies for military assistance in drug operations.

Although JTF-6's stated mission is drug interdiction, "the bottom line is that Operation Alliance will lie to JTF-6 [about drug allegations] in a heartbeat," said one DoD source familiar with the program. "The requesting agency, such as ATF, will tell Operation Alliance there's a drug angle — with a nudge and a wink — just to get what they want. And many times, JTF-6 doesn't even care."

The question of drugs in ATF's Waco investigation was raised early on. During ATF-FBI press conferences early in the 51-day standoff, four different press organizations, including SOF and *The New York Times*, asked: Was there suspicion of illegal drugs? Each time, the answer was no.

Two weeks later, when asked how ATF got permission to use National Guard helicopters, the story changed. Texas law requires evidence of illegal drugs before its aircraft are made available to federal agents. ATF spokesman David Troy, who later resigned when accused of lying about other aspects of the raid, suddenly recalled "evidence" of methamphetamine labs at Mount Carmel. Troy's claim was "made up out of whole cloth," said one ATF source in Texas.

In the subsequent trial, not one shred of evidence of illegal drugs wa-

# aid!

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Planning Guide.

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introduced. Conversely, in a society where drugs are common, it is notable that toxicology tests on the remains of 81 Davidians who died in the 19 April holocaust revealed *not one body with a trace of illegal drugs.*

Even when drugs are involved in civilian law enforcement operations seeking military assistance, the law is murky on how far the military can go.

The JTF-6 planning guide states military forces "are precluded by the Posse Comitatus Act from performing search, seizure, arrest or other similar law enforcement activities." It then outlines which types of assistance it can and cannot provide, but notes ominously that "no list of military support capabilities is ever all-inclusive..."

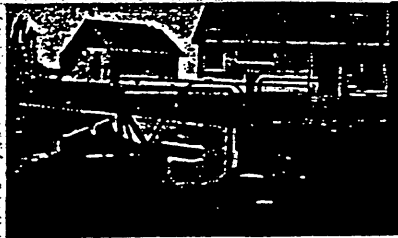
Under "Political Sensitivities," the guidebook advises "employment of military force in such a way as to avoid any potential confrontation with the civilian populace ... Many operations are inherently sensitive and involve various risks which may be heightened by the release of information to the public."

Sources interviewed by SOF said both Operation Alliance and JTF-6 keep legal staffs busy, primarily finding legal loopholes to allow further military involvement in civilian law enforcement. The JTF-6 handbook acknowledges that in a roundabout fashion:

"Innovative approaches to providing new and more effective support to [law enforcement agencies] are constantly sought," the operational planning guide says, "and legal and policy barriers to the application of military capabilities are gradually being eliminated ... Pending legislative actions may soon alleviate some of these restrictions..."

Houston attorney Mike DeGeurin, defending one Davidian, got everyone's attention when he asked a government witness if he recognized any of five names that DeGeurin implied were present when Mount Carmel was raided.

Fort Bragg's personnel locator service confirmed that the five men listed



Hargrove MOUT (Military Ops In Urban Terrain) facility at Ft. Hood, where Green Berets trained BATF agents before their disastrous raid near Waco. Military investigators are now looking into allegations that ATF training violated SF policy and/or federal law.

XO); and battalion members Sergeant First Class Chris Dunn, Sgt. 1st Class Greg Handy, Staff Sergeant Jon F. Wilson and SSgt. Cordell W. Ackley.

SOF sources indicate the Mobile Training Team (MTT) meeting ATF's Waco raid contingent at Fort Hood also included Captain Clyde Moore (designated team commander), SSgt. Michael J. Dooney, SSgt. Steven M. Fitts, SSgt. Jay C. Burkhardt and SSgt. Robert R. Moreland — all of Company B, 3rd Battalion, 3rd SFG.

The 10 were among a company of Green Berets deployed in January 1993 from Fort Bragg to McGregor Range, New Mexico, a remote part of Fort Bliss. The Bragg-based troops were assigned a 90-day stint with the Rapid Support Unit (RSU) which responds to short-fuse requirements generated by JTF-6.

Once a civilian agency like ATF requests military assistance from Operation Alliance, the request goes to JTF-6, which has legal and public-affairs support. If the request passes muster, JTF-6 issues a mission order to the RSU, which assigns men to the task. Before deployment, however, a green light must come from Forces Command (FORSCOM). Then, the MTT deploys to a training site to meet the civilian lawmen it will train.

Mission JT002E resulted in an operational detachment from 3rd Battalion, 3rd SFG, deploying to Fort Hood to train ATF. On 16 February

by DeGeurin in court are members of the 3rd Battalion, 3rd Special Forces Group, headquartered at Fort Bragg as

part of the U.S. Army Special Operations Command: Major Mark Petree (3rd Battalion

1993, Handy, Dunn and Ackley left Fort Bliss for Fort Hood to survey training sites. Next day, they met with Hood's range control office to secure use of Hargrove MOUT (Military Operations Urban Terrain) Training Center. They also met with ATF agents Kenneth King and Bill Buford, team leaders of Special Response Units assigned to execute forced entries through second-floor windows at Mount Carmel.

(King and Buford were both gravely wounded in the Waco raid; with Buford and another of his team probably hit by misdirected fire from ATF agent Keith Constantine, trial testimony indicated. Three members of their SRU teams — Conway C. LeBleu, Todd W. McKeehan and Robert J. Williams — were killed.)

Handy, Dunn and Ackley returned to McGregor Range 19 February. The entire detachment returned to Hood 22 February. Dunn and Wilson, two of the Green Berets who would later watch the disastrous ATF raid at Mount Carmel, went to meet ATF point-of-contact, agent Kris Mayfield.

The Green Berets and the approximately 80 ATF agents who would ultimately arrive were billeted in the bottom floor of Building 4424, the top floor of Building 4426, and Building 4462, Fort Hood sources said.

The following day, some Green Berets went with Mayfield to the Hargrove MOUT site and took measurements to build a front-door mock-up of Mount Carmel. Mayfield accompanied Dooney, Burkhardt and Wilson to McCoy's Building Supply in Killeen for materials.

By 24 February, all ATF personnel, including raid leaders Charles Sarabyn, Phil Chojnacki (both now fired) and Ted Royster arrived. XO Petree flew commercial to Killeen, where

he was met by two members of the detachment. It was a mystery why a major would come to super-



Joint Task Force Six logo, the multi-agency rent-a-troop instrument designed to provide military resources to civilian law enforcement in the war on drugs.

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**FREE INFORMATION**

**HANDGUN CONTROL**

*Continued from page 33*

the next few years. A continued PR campaign with the general public as well as the legal and judicial community, will enable us to finally get ground-breaking rulings which can change the violent face of the American landscape for years to come.

**Legal Point 1:** Making possible the suing of owners of guns, as a group, for monetary compensation for victims of gun violence:

Once gun owners in America have been identified through a verifiable source, i.e., the pending national computer registry, it would be possible to seek further compensation for victims of gun violence through legal means. As a group, gun nuts would constitute an identifiable entity for class-action suits and other legal actions for compensation to victims of gun violence.

**Legal Point 2:** Suing gun organizations under the RICO [Racketeer Influenced, Corrupt Organization] statute:

It would be expected that gun groups and lobbying groups such as the NRA would encourage non-compliance. Thus nationally recognized groups will be technically "organizing to break the law." Once this can be proven, these groups will be vulnerable to lawsuits based on the RICO statute and drained of their financial resources through repeated legal action.

**Legal Point 3:** Suing the makers of toy-replica guns, toy weapons and violent entertainment:

One of the purveyors of violence to society, companies which profit from violence would eventually be identified and made legally responsible for the violent acts inspired by their products. A study would have to be created to link these companies to those actions taken as a result of their products. Threat of legal action would convince many manufacturers and distributors that other nonviolence-related toys would be more worthwhile. Lawsuits against makers of violent entertainment and violence-related recreational materials and toys, would make them fiscally accountable for the cost to society in-

curring as a result of their merchandise. Items could include: violent video games, television shows, movies, videotapes; water guns, super soakers, electronic noise guns, replica guns, toy weapons like swords, batons, martial arts items.

Tort law as we know it may not have to undergo a change in order to facilitate these actions. As many people know, it is not necessary to actually win in order to affect change, since the constant threat of legal action will induce change in the way people do business. People all know that the real fiscal effect of repeated legal actions can bankrupt a peddler of violence just as well as winning a large settlement. ✕

**SF IN WACO**

*Continued from page 35*

vised a training team already commanded by a captain.

Communications training began 25 February, while Handy, Dooney and Ackley built the door mock-up, and a

SOLDIER OF FORTUNE 75

replica of Mount Carmel's front fence. A training schedule for the next day was developed, including live-firing.

Safety considerations forced the Green Beret trainers to get permission from Fort Hood Range Control for the ATF to train with flash-bang grenades.

Agents Buford and King put their forced entry teams through the mock-up several times on the 27th, at least once with two Green Berets acting as Davidians. Although the Army now denies it, sources tell SOF training included room-clearing, fire-and-maneuver and building takedown — subjects forbidden by SF policy for instruction to civilian lawmen, according to copies of the policy obtained by SOF.

No knock-and-announce entries were rehearsed, nor was a peaceful entry. Other SF trainers worked with ATF agents on the range, where AR-15s, MP-5 SMGs and the ATF's M24 sniper rifles were fired. Sniper rifles were zeroed for 260 meters, the approximate distance from the ATF's undercover house to Mount Carmel.

Agent King would later give testimony about that training, which was misleading — at best. King said under oath that Green Berets were “not involved in the rehearsals” for the raid, that the commandos merely stood by as “observers ... They offered some advice. One was a captain and there were a couple of enlisted personnel.”

Agent Buford acknowledged in testimony that “a detachment from one of the Special Forces units” assisted in ATF's Fort Hood training. “They were there to assist us primarily to make sure our communications system worked.”

Radio communications for the paramilitary-style operation broke down almost immediately, according to a Treasury Department investigative report and testimony from ATF agent Roland Ballesteros, assigned as first agent through the door.

Asked specifically what limits military participation in civilian law enforcement operations, Buford testified “I'm not sure where that line is drawn. I took what they had to offer and utilized it ... They mentioned the fact that they'd like to accompany us, but said they couldn't ...”

According to military sources interviewed by SOF, much of the out-

of-bounds training by Green Berets occurred after normal hours, in the barracks. This included Close-Quarter-Battle (CQB) and MOUT topics.

“Individually, they were pretty good at CQB,” said one troop familiar with the operation. “But as a 10-man team goes, they didn't click as well. And when you got three 10-man teams going at once, it was a real problem ... One thing we stressed and stressed was not to try an operation like they were planning during daylight hours. It would be suicide ... All of our guys were pissed off at having to be there under those circumstances.”

On 27 February, ATF agents left for their staging area near Waco. The Special Forces MTT cleaned up their gear and prepared to depart.

Or, most of them did.

Flight logs for two helicopters picking up the MTT at Fort Hood confirm four Green Berets did not depart with the rest. Two UH-60 Blackhawks assigned to the 160th Special Operation Aviation Regiment in Fort Stewart, Georgia — part of the secretive Task Force 160 — picked up six Green Berets and a load of gear at 2000 27 February at the MOUT facility. They flew to McGregor Range. Logs indicate the Blackhawks arrived before midnight, being temporarily grounded en route by rain.

Dunn, Wilson, Ackley and Moreland remained behind, SOF sources say, to observe the next morning's ATF raid. What they saw upset and scared them.

The Army strongly disputes their presence at Mount Carmel: “There were no Special Forces personnel present when the ATF conducted their raid on the Branch Davidian compound,” said Lieutenant Colonel Ken McGraw, a spokesman for the Army Special Operations Command at Fort Bragg. McGraw referred further questions to the U.S. Special Operations Command in Florida.

An Army spokesman in Florida, Lt. Col. Chuck Merlo, confirmed a Green Beret training detachment from Fort Bragg provided assistance to ATF in the days before the raid, but emphasized “none of our people were at the raid.”

“What we did do was set up some ranges at Fort Hood,” near Waco, and “assisted them in setting up and sight-

ing in their weapons, and provided some medical training,” Merlo said.

The Army refused to grant interviews with any members of the MTT. The ATF has also declined comment. But troops — and many people in ATF — remain outraged by what happened.

“Some of the ATF agents at Fort Hood, especially some of the older agents, privately questioned the wisdom of this whole goat-chain,” one Army source said. “Not only did they think the raid was unnecessary, but they felt the legality of that raid was vague, at best, especially after what happened at Fort Hood.”

“Waco is the crowning fiasco of what a big lie JTF-6 is,” he said. “If one follows the philosophical premise of Operation Alliance and JTF-6 to a logical conclusion, Special Forces is being groomed to accept, unquestioned, a role in internal security operations against citizens of this country.”

“Are we worried about being found out?” asked another. “Of course we're worried. First there'll be denial. Then there'll be a search for the guilty parties. That's already started. The Army engaged in a cover-up on this from the moment the news hit the fan about that [ATF] raid. We have been ready to be subpoenaed since this happened. We've been prepared for it. We've been expecting it.” X

## WACO TRIAL

Continued from page 43

woman in the jury box began to cry.

Watch for Part Two of SOF's detailed coverage of the Branch Davidian trial, including the verdict and what it means, in next month's issue. Part Two includes confirmation of friendly fire casualties among the ATF raiding party and testimony from the government's own witnesses that indicates gunfire from helicopters, and more evidence that ATF fired the first shots. Plus verbatim dialogue from the 911 call and FBI eavesdropping devices.

Jim Pate covered the Mount Carmel standoff and subsequent inferno for SOF last year, and was present for the entire trial. X



**WACO:**

# No Peace Without Justice

Documented Proof That  
ATF Commandos — Aided By  
U.S. Special Forces — Planned  
"Attack" On Branch Davidians

by James L. Pate

Among the many documented acts of incompetence and mendacity by the Bureau of Alcohol, Tobacco and Firearms criticized by the Department of Treasury's investigative report on the Waco massacre, the supposed lack of a written raid plan may appear to many as a minor point. But the paramilitary operation near Waco was the biggest operation in ATF's history — and, ultimately, it strains belief that any agency, even ATF, would assemble almost 250 people for a raid of such momentous scale and not have a written plan.

Yet the Treasury's investigative report, ordered by President Clinton, would have the public believe just that. Five days before the botched attack that left four young ATF agents and six civilians dead on 28 February 1993, the

report states, "No one had even started drafting the mandatory documentation of the raid plan." After being told that no written raid plan existed on 23 February, the official report states that ATF special agents Darrell Dyer and William Krone "took it upon themselves to produce one, even though they started with little knowledge about the work of the tactical planners." The two of them had essentially finished a written raid plan the day before the raid. The plan, however, remained on Krone's desk; it was never distributed to any agents, or relied upon by any of the planners."

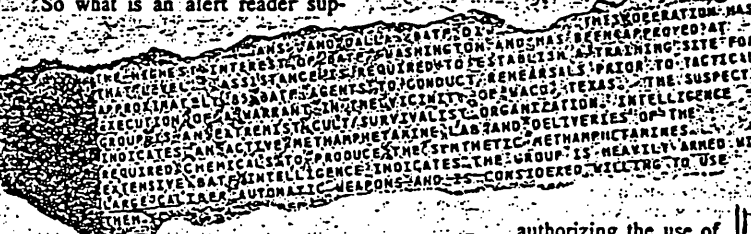
That ostensible plan did become useful later, however, when it was doctored in an attempt to divert blame. Yet Treasury investigators minimized the misleading alter-

Photo: Rodger Maillson/Fort Worth Star-Telegram/Sipa

ations — made by Special Agent Dyer and the raid commanders, special agents Phil Chojnacki and Charles Sarabyn — as an “extremely troubling ... lack of judgment” one which, the report assures us, does “not necessarily [indicate] ... an intent to deceive.” A paragraph later, after noting that Chojnacki and Sarabyn denied falsifying the last-minute plan, the report flip-flops again, contending that “neither ... denial is credible.”

So what is an alert reader sup-

posed to make of this doublespeak? That just because ATF raid leaders lied doesn't necessarily mean they are liars? Then perhaps the “intent to deceive” is on the part of the authors of the Treasury report. Because what investigators do not say in the report — either in an effort to cover up the truth or because they did not know — is that a written raid plan *did* exist, and that the ATF, indirectly aided by the U.S. Army's self-interest, has engaged in an ongoing cover-up of the real story behind that plan.



After a three-month investigation by *Soldier Of Fortune*, including a review of several classified memos and messages, as well as other documents declassified after a Freedom of Information Act request, a picture emerges of a pervasive use of false statements and ersatz national security interests as a ruse to hide the facts. It raises serious questions about the lack of accountability for the military's ever-growing role in civilian law enforcement, which has been given a congressional green light under the auspices of the “war on drugs.”

Supporting documents and public statements refer to the existence of an ATF plan months before the Waco raid. ATF spokesman Jack Killorin said just afterward that it “was planned and drilled for months before it was carried out ...” (emphasis added). Former ATF Deputy Assistant Director Dan Conroy, who lost his job as a result of the Waco de-

bauchle, said at the time, “I want to once and for all, unequivocally state — the raid plan was submitted — It was granted 100 percent by headquarters” (see “Gun Gestapo's Day of Infamy,” *SOF* June '93).

Also, a classified teletype message from the commanding general of Joint Task Force Six (JTF-6) in Fort Bliss, Texas, then-Brigadier General John M. Pickler, was sent on 17 February,

authorizing the use of Green Berets to train the ATF for its raid. EXORD MSG 172145Z FEB 93 specifically states, “This operation has the highest interest of BATF-Washington, and has been approved at that level.” Are we to assume that a bureaucracy in Washington, D.C., where a paper blizzard of niggling gibberish issues forth daily, gave such approval without a written plan? Surely military approval would not have been granted if the Army did not have a document to evaluate. Pickler's order says the ATF “has already planned their operation.” Indeed, he was careful to include a caveat for approval of Mission JT 002E-93, that such approval was “not an official DoD endorsement of the soundness of the [ATF's raid] plan.”

In planning its raid against David Koresh and the Branch Davidians, the ATF requested and received extensive military assistance, most notably from the 3rd Battalion, 3rd Special Forces Group headquartered at Fort Bragg, North Carolina. Yet this is not mentioned in the Treasury Department

report (see “Special Forces Involved in Waco Raid,” *SOF* May '94). ATF management got its first briefing from a Defense Department liaison officer in early December 1992, the Treasury report confirms.

On 6 January 1993, ATF officially filed a request “for support for an ongoing drug case,” according to a planning chronology prepared by the Army's Special Operations Command (USASOC). By 22 January, paperwork was filed “from ATF requesting [a] MOU [Military Operations in Urban Terrain] site, Bradley Fighting Vehicles, tents, light sets, heaters, generators and other military items of equipment,” the USASOC document states. The reference to Bradleys' contradicts ATF's many denials that it ever considered using armor against the Mount Carmel

Documents obtained by *SOF* show that ATF used the same bogus “methamphetamine lab” ploy to access federal military assets and training as it did when it conned the Texas state government out of helicopters.

religious retreat. So what did that original raid plan call for? Prompted by a confidential source in Treasury, *SOF* tried to find out. The Treasury source told *SOF* that after the raid's stupendous failure, ATF's top brass “didn't dare show the [original raid] plan” because “it was outrageous.” Although unable to obtain a copy of the original plan, *SOF* gleaned enough facts to suggest the source's claim is true.

For example, in a memorandum for the record written on 3 February 1993 — 25 days before the raid — Army Major Philip W. Lindley wrote that his analysis of the original plan revealed that “the degree of

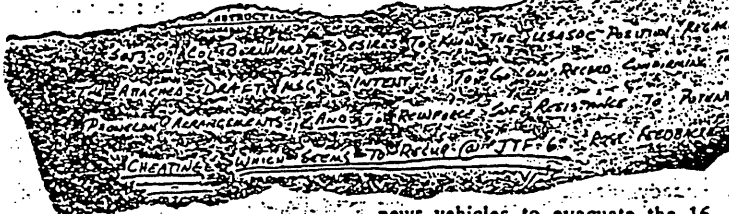


Intro to Operational Support Planning Guide for JTF-6 says that JTF-6's legal staff “continues to address legal issues which currently inhibit our ability to optimize the application of DoD capabilities” in civilian law enforcement, noting that “Innovative approaches to providing new and more effective support to [law enforcement agencies] are constantly sought, and legal and policy barriers to the application of military capabilities are gradually being eliminated” (emphasis added).



One mechanism used by JTF-6 to lend support to civilian law enforcement agencies is the Hargrove urban warfare training facility at Fort Hood, Texas. Here, an SF training detachment provided instruction to the BATF agents about to launch their disastrous raid on the Branch Davidian compound near Waco. Photo: James L. Pate

[Army] involvement proposed [by ATF] crossed the [legal] line and exposed the [Special Forces trainers] to criminal as well as civil liability." Lindley, then deputy staff judge-advocate for USASOC, described ATF's



plan as "an actual law enforcement mission with civilian targets ... to be attacked" (emphasis added).

Despite Lindley's reservations and the fact that JTF-6 was still two weeks away from issuing an approval order, the Green Beret training mission was already on track. The same day Lindley wrote his warning against Army participation in the raid training, JTF-6 sent a classified cable — MSG 032140Z FEB 93(S) — to the commanding general of III Corps at Fort Hood, Texas, requesting ranges and other training facilities for the ATF. Lindley's memo indicates that ATF officially requested not only Army training, but direct involvement in the raid that "was operational." This was to include the presence of U.S. Army Special Forces personnel "in proximity" to "the target."

The next day, "the possibility for Contingency Tactical Medical

the Treasury source said. Yet ATF planners had only one ambulance on standby at a nearby roadblock, and a medevac helicopter eight miles away. They ultimately had to commandeer

news vehicles to evacuate the 16 wounded and four dead agents.

Among other findings of SOF's investigation:

- ATF agents Chojnacki, Sarabyn and Davy Aguilera, the Waco case agent, lied repeatedly, and in significant detail, about a supposed drug lab at Mount Carmel, according to numerous Army documents. Army special operations staff officers who suspected that ATF was lying about a drug nexus were ignored, and a JTF-6 lawyer who threatened Lindley's career over his opposition to the plan may have

Support from Bethesda, Maryland, to provide emergency trauma teams" was discussed, according to the USASOC chronology. That afternoon, the chronology states, "ATF decide[d] to handle on-scene medical support with their own agents and local civilian medical assets."

The original ATF raid plan anticipated a significant number of casualties, or "acceptable losses,"

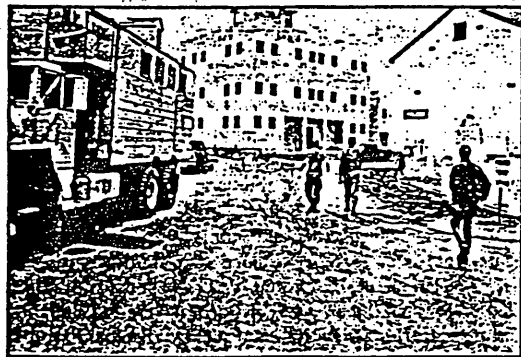
aided in the success of the deception. Additional documentation suggests what SOF has earlier reported, that unauthorized subject matter, specifically Close Quarter Combat, was taught by Maj. Mark Petree's training team, violating very specific policy prohibitions by Special Forces command, the Army and DoD. The eight instructors from Operational Detachment 381, specialists in waterborne missions, were not qualified to teach subjects pertinent to the ATF plan.

In direct violation of their mission orders, Green Beret trainers wrote a specific assault scenario for the ATF and participated in rehearsals for that assault, interviews and documents indicate.

- During their training at Fort Hood, ATF agents bragged to their Green Beret trainers that the raid was going to receive extensive media coverage, lending further credence to the charge that ATF hyped the raid as a media stunt to bolster their standing in upcoming congressional budget hearings.

- Four Green Beret trainers — Sergeant 1st Class Chris Dunn, the team operations sergeant; Staff

USSOCOM internal correspondence obtained by SOF shows that the SpecOps community had reservations about the "it-involves-drugs-nudge, wink" complicity between law enforcement agencies wanting military assets, and JTF-6 who wanted to get involved.



Hargrove training facility provides a realistic site for training troops — and when appropriate, police — in various forms of urban combat. Based on a blueprint supplied by ATF, SF training cadre constructed a mockup of the Davidians' house for MOU training. Photo: James L. Pate

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MAY 95



The unnecessary holocaust that followed the federal siege in Waco proved to the world that federal law enforcement went too far. Now, military investigators are looking into allegations that the training ATF received before the Waco raid went too far, in violation of Special Forces policy and federal law. Photo: Jerry Hoefler/Sipa

Sergeant Cordell Warren Ackley, the team's weapons sergeant; and SSgts. Robert W. Moreland and Jon Wilson were present at Mount Carmel when the raid occurred. On returning to JTF-6 headquarters at Fort Bliss, the four expressed fears that they had been filmed by television cameramen at the scene, witnesses told *SOF*.

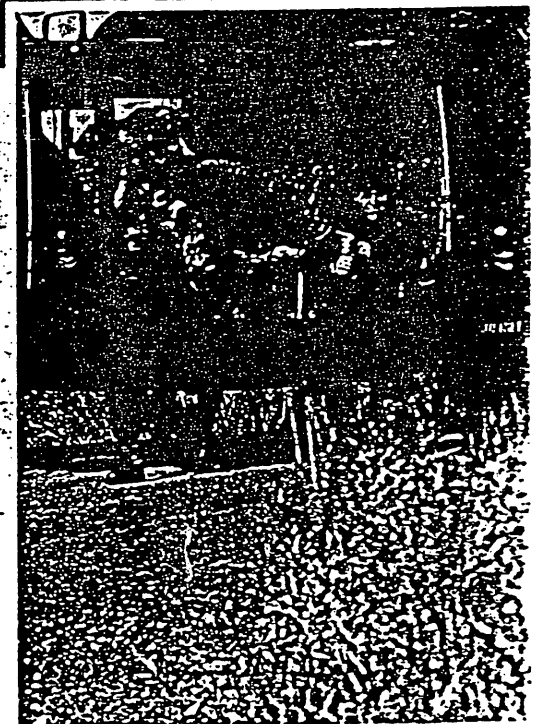
The Army trainers were compelled by their company commander to write "CYA statements" in which they were told to falsify their degree of involvement with the ATF training mission. One member, SSgt. Wilson, had to produce three versions of his statement to finally satisfy Maj. Petree, sources said. *SOF* obtained copies of these statements.

After electing not to use Bradleys in the initial assault on Mount Carmel, ATF leaders changed their minds after suffering more than 20% casualties. At 1630 hours on 28 February, the Army recorded a request

from ATF special agents Dick Garner and Bill Hoover for 10 Bradleys "to occupy defensive positions." Possibly with revenge in mind, ATF ominously noted, "If the vehicles are used in an assault role, U.S. Army markings are to be obscured." The FBI prevented a second assault.

This level of military involvement might never have been approved had it not been for ATF's claims that David Koresh was operating a methamphetamine lab. The drug issue is important in assessing the credibility of the Army and ATF. The drug nexus — or, in this case, the lack of one —

Continued on page 80



On the rationale that military assets could give a boost to law enforcement's "war" on drugs, training and use of military equipment by law enforcement — from National Guard units and local sheriffs to Special Forces and federal agents — is common: But there are constitutional, legal and regulatory constraints. Photo: courtesy Wisconsin National Guard PAO

SOLDIER OF FORTUNE 61

to the Mandela/ANC takeover.

The scenario of betrayal moved smoothly from aiding Angola, to fighting UNITA, to possible combat against fellow South Africans. Soldiers, most of them instinctively anti-communist, are being duped into acting against their best political interests.

If the ANC continues to rule more or less peacefully, this whole matter may be irrelevant. On the other hand, there are observers who see stormy times ahead for South Africa. Radical elements within the ANC, particularly the youth wing, are dissatisfied with Mandela's relatively slow approach. Continued ANC politicization of the South African police, the building of militias, and the ongoing influx of weapons into the country make it clear that *someone* isn't interested in a bloodless transition to majority rule.

Traditionally, communists have preferred to take control violently, to terrorize and subdue the population — and at the highest levels the ANC's leadership overlaps greatly with that of the South African Communist Party. Under these conditions, the sce-

nario painted here becomes a lot more serious — and could pave the way for a bloodbath on Africa's tip.

Eeben Barlow, L, and Executive Outcomes can expect a role in all this. As we go to press, UNITA is on the ropes. Savimbi lost the elections and returned to war: Now it is almost certain he has also lost the war. If the fighting continues even after the war is effectively lost, Executive Outcomes is there to help the Angolan government consolidate its control over a nation ravaged by almost 20 years of civil war.

To the south, even after what appeared to be a remarkably smooth transition of power, South Africa remains a tinder box. If the rate of change is too slow for radicals on the left, or too fast for radicals on the right ... where will the next contract be, and what betrayals will move these warriors like pawns on the chessboard of history?

*An educator by profession, Steve McNallen is a member of the California National Guard and has a proclivity for travel in places without potable water. X*

## WACO

*Continued from page 61*

goes to the heart of a much broader problem in which the so-called war on drugs is being used as a ruse to get the military more and more involved in civilian law enforcement in the United States. In 1989, then-Secretary of Defense Dick Cheney designated drugs as a national security threat. Congress passed a defense authorization bill that year, directing the Pentagon to train and assist "to the maximum extent possible" all civilian law enforcement agencies engaged in drug interdiction.

From that authorization, several regional military task forces were created in the United States. Two of the most active are JTF-6 near El Paso, which has operational control for Texas, New Mexico, Arizona, California and Colorado, and JTF-4, headquartered in Miami, which covers states along the Gulf of Mexico and southeast Atlantic coast. Each task force headquarters has a regional ci-

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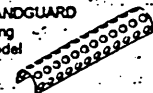
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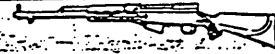
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vilian counterpart, Operation Alliance, run by the Department of Justice. Operation Alliance processes applications from civilian drug law enforcement agencies — DLEAs, in the bureaucratic jargon — and forwards them to the appropriate regional JTF headquarters.

If JTF decides an Operation Alliance application meets the established anti-drug criteria, it forwards the request to Commander-in-Chief of Forces Command at Fort McPherson, Georgia, which usually has final approval authority and assigns military trainers from the appropriate subordinate commands. Trainers also are drawn from other special operations outfits, such as psychological operations, aerial reconnaissance, engineering, intelligence, electronic surveillance units, Navy SEALs or Marine Corps reconnaissance battalions.

In addition, each JTF regional headquarters keeps a staff of military lawyers constantly busy reviewing applicable laws, such as the Posse Comitatus Act, the Economy Act and the Military Cooperation with Civilian Law Enforcement Officials Act

of 1981, looking for legal loopholes through which military involvement may be expanded.

In the Operational Support Planning Guide for JTF-6, in the edition current at the time of the Waco massacre, the introduction states that JTF-6's legal staff "continues to address legal issues which currently inhibit our ability to optimize the application of DoD capabilities" in civilian law enforcement. Under its concept statement, the JTF-6 planning guide declares its commitment to a "total force approach," adding that "innovative approaches to providing new and more effective support to [law enforcement agencies] are constantly sought, and legal and policy barriers to the application of military capabilities are gradually being eliminated" (emphasis added).

The drug nexus supposedly required for military assistance has been subverted in many cases, several sources say, so that the Pentagon's help is routinely given to civilian law enforcement operations that have nothing to do with drugs. "The bottom line is that Operation Alliance will lie to the JTF [about a drug

nexus] in a heartbeat," one JTF-6 officer told SOF. "The requesting agency, such as ATF, will tell Operation Alliance there's a drug angle with a nudge and a wink — just to get what they want. And many times, the JTF doesn't even care, because there is little or no oversight involved. There's no independent authority looking over anyone's shoulder."

The ATF's original raid plan sparked a heated policy debate between several Army commands about the propriety of what the ATF proposed to do, and raised suspicions that the ATF's claims about a meth lab were not true. Navy Lieutenant Commander W.F. Thomas, who won the Distinguished Service Cross in Vietnam, is now on operations and logistics staff for the Defense Department's Special Operations Command at MacDill Air Force Base in Florida. After reviewing the proposed ATF training mission by JTF-6, Thomas added a handwritten warning on a cover sheet in which he urged the command's "resistance to potential 'cheating,' which seems to recur @ JTF-6. ..."

Such cheating certainly seems to

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have been the case at Waco. In a meeting on 4-5 February in Houston, Mark Petree, the Green Beret major whose men would train the ATF in the three days just prior to the disastrous raid — an extremely short lead time for such a complex operation — met with Chojnacki, Sarabyn and Aguilera. The "mission connection to counter drug [allegations was] identified," the USASOC chronology states. Just before that meeting broke up, the "counter-drug nexus [was] reviewed," it said. "BATF ... again verified [the] drug relationship."

#### The Drugs That Never Were

Pickler's order approving Mission JT 002E-93, issued 17 February, labeled it a "counter-drug training support mission" and specified that ATF's "intelligence indicates an active methamphetamine lab and deliveries of the required chemicals to produce synthetic methamphetamine." Another classified message said the ATF went so far as to specify to the Army that the cult lived "in a compound consisting of one central, three-story building and several outlying buildings. One of the separate buildings [is] suspected of containing a meth lab."

So it seems odd that in Aguilera's rambling, disjointed 19-page "kitchen-sink" affidavit — a sworn search warrant application noteworthy for its length and overbroad listing of second- and third-hand allegations, most outside of ATF's jurisdiction — there was not one single allegation about illegal drug activity at Mount Carmel. Of the approximately 80 bodies autopsied after the fire of 19 April 1993, the calamitous climax of the 51-day disaster, toxicology reports revealed that *no Branch Davidians had any traces of illegal drugs in their blood streams.* And in almost two months of testimony in the criminal trial of 11 Branch Davidians in January-February 1994, federal prosecutors introduced *not one shred of evidence* about illegal drug activity.

Yet, lacking any hard evidence of illegal drugs at Mount Carmel, there clearly was pressure to approve the training of the ATF agents by the Green Berets from Fort Bragg. Much of that pressure came from the training unit's commanding officer, Maj. Petree, and from the chief legal counsel at JTF-6, Lieutenant Colonel Carl Rayburn, now retired.

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After reviewing the raid training proposal, the USASOC deputy staff judge advocate, Maj. Lindley, said in his 3 February 1993 memo that he talked with Maj. Petree, the company commander, and advised him that, as understood the mission, it was not permissible. In some instances, evidence has been suppressed for this sort of activity. At the point where the [training team] assisted in the actual planning and rehearsal of the takedown, participation in the arrest was active. This appeared to go beyond the DoD guidance for these missions. I advised against the operation and Maj. Petree asked for my return [phone] number so the JTF-6 legal adviser could contact me.

Lindley also made a note on this portion of the five-page memo indicating that he had been told that "no AUSA [Assistant United States Attorney] is involved in the review of the proposed operation." Here again, the ATF planners had lied to the Army. In testimony at the Branch Davidian criminal trial, ATF Special Agent Bill Buford testified that Assistant United States Attorney Bill Johnston of Waco was involved in raid-planning meetings as early as 3 December 1992. Buford, a decorated combat veteran of Vietnam, was the only agent involved who had experience with a law enforcement operation of that scale. He is the only agent on record as having suggested that the raid plan was foolhardy and dangerous and should be abandoned in favor of a less confrontational means of arresting David Koresh. When he did so, testimony revealed, Johnston told agents at the gathering that he would not support search warrants if they did not choose the "dynamic entry option" that was ultimately used.

**Further Warnings Ignored**

Indeed, Pickler's authorization order of 17 February highlights the absurd reasoning used by the ATF to justify its tactical choice: "Extensive BATF intelligence indicates the group is heavily armed with large-caliber automatic weapons and is considered willing to use them ... BATF concluded that a direct assault would be the most prudent."

While waiting for the JTF-6 legal adviser to call him, Lindley's memo indicates he briefed the USASOC staff judge advocate and the chief of staff

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the federal government is out of control, that government is bad, bad, bad and you're getting the short end of the stick."

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In a recent survey by the Times Mirror Center for the People & the Press, for instance, only 23 percent of respondents said they were satisfied with the state of the nation, while 60 percent thought America was losing ground on its most urgent problems. The overall results showed a sharp increase in cynicism, alienation and discontent with the political system.

"First you have this sense of frustration, which a lot of Americans have," said Daniel Junas, a Seattle researcher who monitors right-wing groups. "People feel a fundamental part of the American dream has been shattered, and some of those people go looking for scapegoats. They're susceptible. They want to understand why this is happening to them, and these groups have fabricated their own world view to fit."

Among the militia members' complaints: low-paying jobs, competition from women and minorities for those jobs, the shipping overseas of better manufacturing jobs that used to be available to them, and no say in the way government spends the too-high taxes it collects. Organizations that monitor militias and other extremist groups say that, historically, the groups' gains can be tied to losses in members' economic standing.

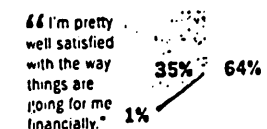
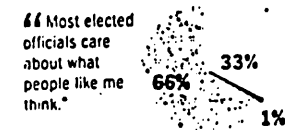
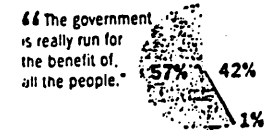
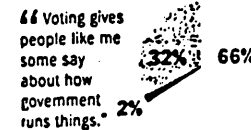
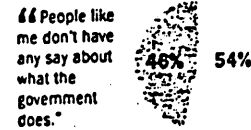
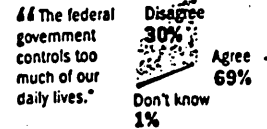
"There's been economic dislocation for years, in a sense for 200 years," said Frank Luntz, who handled polling for Ross Perot, whose presidential campaign benefited from the disillusionment with politics. "What's a little different is that now there are people who see no solution to a deteriorating quality of life, and they seek to blame others rather than deal with it."

For many militia members, quality of life is tied directly to their ability to support their families. Many are white males with no more than high school educations, a group that the US Census Bureau says has seen real wages decline 22 percent or more in the past two decades.

Many militia members blame the decline on government policies like the North American Free Trade

**Government for whom?**

Widespread skepticism about government is expressed in this 1994 Times Mirror poll.



SOURCE: Times Mirror Center for The People & The Press

GLOBE STAFF CHART

Agreement and the General Agreement on Tariffs and Trade, which they say have cost Americans like themselves jobs.

Over two decades, employment in the auto and steel industries has declined drastically. During the 1980s, as many as 300,000 farms failed, and the number of farms fell below 2 million for the first time since before the Civil War, fueling the anger that the militias feed on in states like Kansas, Michigan and Montana. Other traditional job opportunities were lost when the federal government cut the number of active duty troops to 1.5 million from 2.1 million between 1987 and 1994.

"America is less than 10 minutes to 12," said Edward L. Brown, a pest exterminator from Plainfield, N.H., and a spokesman for the Constitution Defense Militia. "The economy is ready to fold, the dollar is going down, they signed us up into NAFTA, they signed the crime bill, they got GATT. Am I angry? You bet. I'm getting the short end of the stick all over the place."

Dr. Ronald F. Levant, a clinical psychologist and co-author of "Masculinity Reconstructed", said: "Many men are feeling a sense of threat and a loss of entitlement, but men at the margins react with more extreme forms. Successful guys will call talk radio, not buy a gun. Hoarding weapons is two standard deviations beyond the mean in terms of anger."

**Beyond economics**

Not all of the issues rallying the anarchist right are economic, however.

While many militia members point to personal financial concerns, all of them say they were most radicalized by the passage late in 1993 of

the Brady Bill, which requires waiting periods on gun purchases. They say they took its passage as infringing on their constitutional rights and proof that the government is conspiring to take away the weapons of Americans, a precursor to a takeover of the citizenry.

Observers say militias today successfully exploit political, social or economic outrage, as did the Posse Comitatus, a paramilitary movement that formed around the farm crisis in the 1970s and gained a strong foothold in the Midwest. They start with generally held concerns - putting groceries on the table, keeping a gun in the house - and weave elaborate conspiracy theories that reinforce their views.

"It's easy to agree there are problems in government out there," said Toole, the Montana human rights group president. "But what gets beyond the pale with this stuff is to grab an AK-47, head for the hills and wait for Armageddon. And we've just got to hope that they don't precipitate it."

**Confronting the mistakes the government made in Waco**

**ALAN A. STONE**

President Clinton's strong leadership and eloquence in the wake of the senseless killings in Oklahoma City should help to heal the country's wounds. But his answer to questions about the earlier Waco tragedy on "60 Minutes" on Sunday was misleading.

Told that the Michigan Militia was pointing to Waco as though it somehow explained Oklahoma City, Clinton spoke as the true conscience of America in asserting that there could be no justification for the slaughter of innocent people in Oklahoma City. Clinton also spoke for all law-abiding Americans in asserting that citizens who

have the constitutional right to own guns have no justification in shooting law enforcement officers who try to carry out their legal duties. But in talking about what happened at the Branch Davidian compound, he suggested there were no lessons for law enforcement to learn from that tragedy.

The president may have been so intent on condemning the slaughter of innocent human beings that he understandably did not want to dignify the claim of the Michigan Militia. But if such a claim coming from them is reprehensible, there nonetheless was a pertinent lesson to be learned from Waco.

The healing the country needs after Oklahoma City might even be helped by confronting the mistakes made by federal law enforcement agencies at Waco who themselves lacked the kind of discipline and respect for law the president called

for as a remedy against terrorism.

The Bureau of Alcohol, Tobacco and Firearms did more than carry out its legal duties. The bureau's investigative report after Waco indicates that it planned and carried out an unnecessary and badly botched surprise assault on the compound. Agents came that first day to the Branch Davidian compound as a military force armed with automatic weapons, wearing bulletproof protective devices and fully prepared to shoot their way into buildings they knew were filled with women and children. No one either before or after the attack has offered a convincing explanation of why this so-called dynamic entry was necessary to carry out the ATF's legal duties.

A careful reading of the published ATF report indicates that incompetent ATF officials went far beyond their legal duties in mounting this botched assault on the Branch Davidians. They misled the Texas National Guard about illegal drugs at the compound in order to commandeer helicopters, and they did many other things that flouted rules, discipline and common sense.

Although none of the official government accounts confirm their statements, Branch Davidians who survived the raid report that the ATF fired first and wounded leader David Koresh, who had come to the door unarmed. There is some reason to believe the Branch Davidians. Certainly Koresh was shot through the pelvis and the wrist by ATF bullets on that first day.

This is not meant to suggest that the ATF agents are the evil conspirators against our constitutional freedoms as portrayed by the Michigan Militia. But they were led by incompetent officers; they were woefully lacking in appropriate experience; and they were thrown into what they thought was a life-threatening, firefight situation.

Most of these assertions can be documented in the ATF report — there are certainly lessons about the need for rules and discipline for all law enforcement, lessons that our government should not forget.

**A lesson to aid in the healing after Oklahoma City.**

Clinton seemed to argue on "60 Minutes" that the ultimate fate of the Branch Davidians weeks later during the final gas assault of the FBI was somehow morally justified by what happened to the ATF agents who were killed in the initial surprise assault.

People differ about who bears responsibility for those deaths. In my opinion, the ATF officials, who after losing the element of surprise ordered their agents to the roof with orders to blast their way into the second floor that housed all of the women and children, deserve some of that moral responsibility along with the Branch Davidians who fired back when they might have surrendered.

But I do not believe that the children bore responsibility for the death of the ATF agents. That, I assume, is why the president also insisted on "60 Minutes" that the Branch Davidians killed their own babies. The fate of those infants concerns every American who still worries about what happened at Waco.

As a member of the panel appointed by the deputy attorney general to make suggestions for changes in the light of Waco, I learned that concern about the children was widespread, reaching from the FBI commander on the ground all the way to Attorney General Janet Reno.

Reno even postponed the final

attack because she was concerned about the impact that the so-called CS gas used in the assault would have on the children. However, the Justice Department's factual investigation never directly reveals what evidence Reno was given to change her mind about the danger of CS gas for infants, who do not have the lung capacity necessary to breathe through a gas mask.

When I requested further documentation on this matter as a panelist, I was given ambiguous and irrelevant material. I was forced to do my own computer search to establish that children who inhale CS gas risk fulminating chemical pneumonia and death. Even after the fact, the FBI and the Justice Department have never acknowledged the true import of the CS dangers.

I cannot believe that Reno knowingly consented to a plan which would force the Branch Davidians to choose between watching their babies die or coming out of the compound. But it is equally difficult to believe that no one in the chain of command realized that the final CS attack was a way of holding a gun to the children's heads to force the Branch Davidians to surrender.

In any event, the FBI's gas attack turned into the same kind of

incompetent debacle as the original ATF assault. Tanks crushed parts of the compound as they tried to insert CS gas or they blocked potential exits in the attempt to create escape routes. David Koresh ultimately refused to choose between watching the children suffocate or surrendering. He elected mass suicide, just as the FBI had been warned by its own experts.

The Justice Department report and the external factual investigation it authorized have never given a satisfactory explanation of why the CS gas attack was necessary or why the FBI pushed an apocalyptic religious group to such a choice. The FBI's mistakes at Waco and those of the Justice Department were buried just like the rubble of the compound which was bulldozed into the landscape.

The frightening lesson most Americans have taken from Oklahoma City is that we have home-grown terrorists who are blinded by hatred and armed to the teeth. But looking back to Waco there is another lesson. When government hides its own mistakes, it only feeds the hate-filled minds of the distrustful.

*Alan A. Stone is the Touroff-Gluck professor of law and psychiatry at Harvard Law School.*

# A Navy unit is staying put to plan ships of the future

By Henry J. Holcomb  
INQUIRER STAFF WRITER

Behind 19th century walls at the Philadelphia Navy Base, 1,600 scientists, engineers and technicians are inventing parts of ships that won't sail until the 21st century.

They are deeply involved in today's ships, too. For example, they have replicated a ship's engine room and mechanical areas — down to the instruments on the bridge and in the control room, the railings along passageways, and the cramped work spaces.

This sophisticated test bed in Building 77-High, which housed dirigibles during World War I and airplane construction during World War II, can simulate any speed and load, any air and water tempera-

ture, and any ocean-water chemistry.

If there's trouble at sea, engineers and technicians here can recreate the condition and put a team together to correct the problem.

This high-skilled work will go on, and possibly expand, when most of the historic base closes this fall, the result of Navy budget-cutting.

It would cost too much to move the work, said Capt. Harry Rucker, commanding officer of the Philadelphia Naval Ship Systems Engineering Station (NAVSSSES).

The foundation piles for the station's 515,000 square feet of test beds go down to bedrock to support heavy loads and keep vibration at one



# Reviewer deplures Special Forces training of Waco agents

By Kirk Spitzer  
Gannett News Service

WASHINGTON — Elite Army Special Forces soldiers gave federal law agents military training and other assistance in the days preceding the deadly raid on the Branch Davidian compound in Waco, Texas, in February 1993.

Some senior Special Forces members opposed the training mission, which was justified by alleged drug activity at the compound. At least one independent reviewer said this week that the military assistance was inappropriate — if not illegal.

"These were the wrong guys and this was the wrong way to go about it," said retired Army Col. Rod Paschall, who was hired by the Treasury Department to provide an independent assessment of the failed raid. Paschall is a former commander of the Army's Delta Force commando unit and a veteran of Army special operations.

The raid and subsequent siege, in which at least 72 Branch Davidians, including 17 children, eventually died in an inferno, has served as a rallying point for right wing militia groups, who accuse the federal government of violating civil liberties.

AND FEDERAL agents say it was a particular sore point with Timothy J. McVeigh, who is charged in the April 19 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The building was blown up on the second anniversary of the Waco inferno.

The Special Forces' participation has received no widespread public attention, despite continuing controversy over the Waco raid and congressional misgivings about the role of the military in domestic law enforcement.

There is no mention of the training mission in the text of the Treasury Department's official 225-page report on the raid and only a few passing references in the report's voluminous annexes.

In response to an inquiry from Gannett News Service, an Army spokesman said this week that a 10-man team from the elite Special Forces — commonly known as the Green Berets — gave federal agents communications and medical training and provided access to a shooting range at Fort Hood, Texas, during the five days preceding the Feb. 28 raid.

THE TEAM provided "generic" training but did not take part in planning or executing the raid, said Lt. Col. Ken McGraw,

spokesman for the U.S. Army Special Operations Command, at Fort Bragg, N.C.

Federal law forbids the military from enforcing civil law except in cases involving drugs, nuclear weapons or technology, and a few other special circumstances.

"Prior to ATF going into Waco, some (Special Forces) guys were sent to Fort Hood to provide communications training, medical training and opened a range which

See GREEN BERETS, 14A

FROM 1A  
(ATF agents) used at Fort Hood," he said. "That was the extent of their involvement."

McGraw said he could not discuss details of the mission. Maj. Mark Petree, commander of the 10-man team, also declined to comment. An ATF spokesman declined to comment, as did the White House.

However, both Paschall and the Treasury report indicate the Green Beret team was more deeply involved in planning and preparing for the raid than McGraw indicated.

Paschall said the Special Forces trainers observed and gave advice to federal agents during detailed rehearsals for the raid at Fort Hood.

AN ADDENDUM to the Treasury report said the Green Berets jointly developed the communica-

tions plan for the raid with ATF agents and assisted in duplicating the floor plan of the Branch Davidian compound at the Fort Hood rehearsal site.

A Special Operations officer who asked not to be named, said legal officers at first turned down the ATF's request for assistance. Participation was approved only after unproven allegations of drug violations were made.

"THEY WANTED no part of it. The (legal affairs) guy said, 'Hey, we can't do this.' And they (ATF agents) said, 'OK, here's how we can get this done,'" the officer said. "They just invented a methamphetamine plant that didn't exist."

McGraw said the Special Forces team was assigned to Joint Task Force-6, a military counter-narcotics unit based at Fort Bliss, Texas. He said the team was directed to assist ATF agents at Fort

Hood, near Waco, after ATF officials alleged that a methamphetamine plant was located at the Branch Davidian compound.

McGraw said he did not know whether there was any initial resistance to the training mission and said legal officers were not available for comment.

THE TREASURY Department investigation reported no evidence of a drug plant or drug use at the compound. An ATF spokesman said this week that no bureau officials were available to discuss military role in the preparations.

Paschall said ATF violated procedures by securing military assistance for the raid through the drug task force, rather than through law enforcement liaison offices in the Pentagon.

Paschall said the Green Berets, who do not specialize in combat-assault operations, were the wrong choice to assist in the mission.

(leaf 2)

# Green Berets helped ATF rehearse Waco raid

and that it may have been inappropriate for any military unit to be involved in the raid preparations.

"I'm not certain it was (illegal)," Paschall said. "But there's a right way to do it: You go to the top, through the proper legal authority, you get the right people to do the job. And those folks down in (Waco) didn't do it that way."

There is no indication the Special Forces soldiers took a direct role in the raid.

But Laura Murphy-Lee, legislative affairs director for the American Civil Liberties Union, said the military participation could present a bad precedent.

"THEY ARE not trained to deal with domestic policy issues — things like searches and seizures, Miranda warnings," she said. "They are not trained in national or local laws."

"If there was a misrepresenta-

tion of the use of military personnel in a civil incident, it's a very serious allegation that needs further investigation."

Republican congressional leaders, reacting to the April 19th Oklahoma City federal building bombing, have promised to hold hearings on the government tactics that led to civilian deaths at the Branch Davidian compound. Private militias and other citizen groups have expressed fears the federal government will use the military to trigger future Wacos.

The Special Forces are among the most highly trained soldiers in the world. Each 10- to 12-man team consists of specialists in weapons, explosives, intelligence, communications, medical care, foreign languages, civil affairs and other military specialties.

Gannett News Service correspondent John Hawthorn contributed to this report.

(2 of 2)

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3RD STORY of Level 1 printed in FULL format.

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GANNETT NEWS SERVICE

May 15, 1995, Monday

LENGTH: 776 words

HEADLINE: MILITARY ROLE IN WACO RAIDS SHOULD BE LOOKED AT, SENATOR SAYS

BYLINE: [REDACTED] Gannett News Service

DATELINE: WASHINGTON

BODY:

Congress should investigate whether involving elite U.S. Army units and military commanders in the 1993 Waco, Texas, raids violated a federal ban on military participation in domestic law enforcement, a key senator said Monday.

"That is something that needs to be looked into ... this does underscore the need for hearings," said Sen. Arlen Specter, R-Pa., chairman of the Senate Intelligence Committee and Judiciary subcommittee on terrorism.

Specter is a sharp critic of the administration's handling of the Feb. 28 and April 19, 1993 raids on the Branch Davidian compound near Waco. But he was rebuffed last week in his bid to have early hearings into the Waco affair.

His remarks came after Gannett News Service revealed over the weekend that a team of Special Forces soldiers provided law enforcement agents with military training and other assistance in the days before the Feb. 28 raid, in which four federal agents were killed.

After that, Attorney General Janet Reno consulted with the commander of the Army's Delta Force anti-terrorist unit and a former commander of that unit in Washington five days before the standoff ended in an assault and fire that killed 72 Branch Davidians, including 17 children, on April 19.

The Delta Force commanders were asked for advice about hostage-rescue operations, but did not formulate the FBI's assault plan and did not participate in the raid, said Col. Bob Pilnacek, spokesman for U.S. Special Operations Command, in Tampa, Fla.

The 51-day siege has served as a rallying point for right-wing militia groups, who accuse the federal government of violating civil liberties. And in the wake of the Oklahoma City bombing on the second anniversary of the Waco conflagration, new questions have been raised about the government's handling of Waco.

Many militia members fear that the federal government will use the military to crack down on them and their right to bear arms.

There is no evidence any active-duty military personnel participated in the raid, which was initially mounted by the Bureau of Alcohol, Tobacco and Firearms and later directed by the FBI.

GANNETT NEWS SERVICE, May 15, 1995

Federal law forbids the military from enforcing civil laws or planning civil law-enforcement operations except in cases involving drugs or nuclear weapons and technology.

The degree of military involvement at Waco remains unclear.

The Delta Force commandos, based at Fort Bragg, N.C., are among the Army's most highly trained soldiers, specializing in anti-terrorist, hostage-rescue and other specialized missions.

Pilnacek said the commander and former commander of Delta Force were brought to Washington at the Justice Department's request April 14, 1993.

"They were not asked to cast judgment on the adequacy of the plan or anything of that nature," Gen. Carl Stiner, then-commander of the U.S. Special Operations Command, told Congress on April 21, 1993.

But one week later, Reno told the House Judiciary Committee that she and other law enforcement officials met with the two Delta Force commanders specifically "to review the plan."

"We asked to meet with military officials, and the general who was the former commander of Delta Force and the colonel presently commanding the Delta Force came to Washington and met with us and FBI officials after they reviewed the plan, and we consulted very carefully about that," Reno told the committee.

"Their comments were instructive. While indicating that the plan appeared to be sound, one suggestion was that rather than an incremental approach ... as proposed by the FBI, (CS) gas should be inserted into all portions of the compound simultaneously," Reno told the committee.

Republican congressional leaders, reacting to the April 19, 1995, Oklahoma City bombing, have promised to hold hearings on the government tactics that led to civilian deaths at the Branch Davidian compound.

Justice Department spokesman Carl Stern said Monday that the military involvement did not violate the Posse Comitatus Act, which prohibits using the military to enforce civil laws.

"You take your experts where you find them," said Stern. "It is not uncommon to consult the military. It is not at all unusual, and certainly not improper, to get the advice of the military in such cases."

Stern noted that the attorney general also consulted with a civilian expert on the use of CS gas, Dr. Harry Salem of Fort Detrick.

"What the law talks about is employing them (military forces) in an operational role. She became convinced she couldn't. The record shows she was adhering to the restrictions of Posse Comitatus."

--- (GNS correspondent John Hanchette contributed to this report.)

LANGUAGE: ENGLISH

4TH STORY of Level 1 printed in FULL format.

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GANNETT NEWS SERVICE

May 12, 1995, Friday

LENGTH: 1085 words

HEADLINE: ARMY SPECIAL FORCES TRAINED WACO AGENTS

BYLINE: [REDACTED] Gannett News Service

DATELINE: WASHINGTON

BODY:

Elite Army Special Forces soldiers gave federal law agents military training and other assistance in the days preceding the deadly raid on the Branch Davidian compound in Waco, Texas, in February 1993.

Some senior Special Forces members opposed the training mission, which was justified by alleged drug activity at the compound. At least one independent reviewer said this week that the military assistance was inappropriate - if not illegal.

"These were the wrong guys and this was the wrong way to go about it," said retired Army Col. Rod Paschall, who was hired by the Treasury Department to provide an independent assessment of the failed raid. Paschall is a former commander of the Army's Delta Force commando unit and a veteran of Army special operations.

The raid and subsequent siege, in which at least 72 Branch Davidians, including 17 children, eventually died in an inferno, has served as a rallying point for right wing militia groups, who accuse the federal government of violating civil liberties.

And federal agents say it was a particular sore point with Timothy J. McVeigh, who is charged in the April 19 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The building was blown up on the second anniversary of the Waco inferno.

The Special Forces' participation has received no widespread public attention, despite continuing controversy over the Waco raid and congressional misgivings about the role of the military in domestic law enforcement.

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In response to an inquiry from Gannett News Service, an Army spokesman said this week that a 10-man team from the elite Special Forces - commonly known as the Green Berets - gave federal agents communications and medical training and provided access to a shooting range at Fort Hood, Texas, during the five days preceding the Feb. 28 raid.

The team provided "generic" training but did not take part in planning or executing the raid, said Lt. Col. Ken McGraw, spokesman for the U.S. Army



Special Operations Command, at Fort Bragg, N.C. Federal law forbids the military from enforcing civil law except in cases involving drugs, nuclear weapons or technology, and a few other special circumstances.

"Prior to ATF going into Waco, some (Special Forces) guys were sent to Fort Hood to provide communications training, medical training and opened a range which (ATF agents) used at Fort Hood," he said. "That was the extent of their involvement."

McGraw said he could not discuss details of the mission. Maj. Mark Petree, commander of the 10-man team, also declined to comment. An ATF spokesman declined to comment, as did the White House.

However, both Paschall and the Treasury report indicate the Green Beret team was more deeply involved in planning and preparing for the raid than McGraw indicated.

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An addendum to the Treasury report said the Green Berets jointly developed the communications plan for the raid with ATF agents and assisted in duplicating the floor plan of the Branch Davidian compound at the Fort Hood rehearsal site.

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McGraw said he did not know whether there was any initial resistance to the training mission and said legal officers were not available for comment.

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Paschall said ATF violated procedures by securing military assistance for the raid through the drug task force, rather than through law enforcement liaison offices in the Pentagon.

Paschall said the Green Berets, who do not specialize in combat assault operations, were the wrong choice to assist in the mission, and that it may have been inappropriate for any military unit to be involved in the raid preparations.

GANNETT NEWS SERVICE, May 12, 1995

"I'm not certain it was (illegal)," Paschall said. "But there's a right way to do it: You go to the top, through the proper legal authority, you get the right people to do the job. And those folks down in (Waco) didn't do it that way."

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The Special Forces are among the most highly trained soldiers in the world. Each 10- to 12-man team consists of specialists in weapons, explosives, intelligence, communications, medical care, foreign languages, civil affairs and other military specialties. They are trained to operate behind enemy lines and to train foreign militaries.

(Gannett News Service Correspondent John Hanchette contributed to this report.)

LANGUAGE: ENGLISH

LOAD-DATE-MDC: May 15, 1995

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Los Angeles Times

May 29, 1995, Monday, Home Edition

SECTION: Part A; Page 1; National Desk

LENGTH: 2604 words

HEADLINE: USE OF TEAR GAS IN WACO RAID UNDER SCRUTINY;  
SIEGE: EXPERTS RAISE SAFETY QUESTIONS. RENO SAYS SHE WAS ASSURED SUBSTANCE WOULD  
NOT HARM CHILDREN.

BYLINE: By GLENN F. BUNTING, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

Since a government raid near Waco, Tex., turned into a fiery disaster two years ago, Atty. Gen. Janet Reno has steadfastly defended her decision to storm the besieged compound of the Branch Davidian religious sect and cited a need to rescue the 24 children inside from unsafe and worsening conditions.

But as the episode becomes the focus of renewed attention in the nation's capital and beyond, fresh questions are centering on certain tactics used by federal agents -- specifically the firing of hundreds of rounds of a military-style tear gas into the camp -- that may themselves have endangered the children.

At 6:02 a.m. on April 19, 1993, following a 51-day standoff, FBI agents in military tanks advanced from siege lines around the Branch Davidian compound and fired volleys of CS gas inside the buildings to immobilize the heavily armed occupants.

The wooden structures were filled with the gas over the next six hours before the building erupted into flames, leaving more than 80 people dead, including all of the children. Before giving the order to advance, Reno said, she was assured by military experts that CS gas would cause no serious harm or permanent damage to the children of the besieged cult members.

However, it is now clear that medical literature and manufacturers' warnings available at the time dispute that conclusion.

CS gas is potentially so hazardous when applied in confined spaces that California prison guards are cautioned against using it in the cells of unruly inmates. A Sherman Oaks company suspended sales of CS to the Israeli government in 1988 at the same time Amnesty International linked the gas to the deaths of Palestinians in homes and other buildings in the occupied territories.

Although adults can withstand CS exposure by wearing gas masks, and the Branch Davidian compound was well stocked with military equipment, no masks were available to properly fit children.

"All of those young children who breathed that gas for hours and didn't have masks would have been in intensive care if they had survived," said Dr. Alan

A. Stone, a Harvard University professor of law and psychiatry who was chosen by the Justice Department to review its performance at Waco and only recently began to speak out. "This seems so clear and apparent that it's hard for me to imagine how the attorney general, who I have great respect for, could have OK'd this."

The official cause of death for the children, whose bodies were badly burned in the blaze, could not be determined. Smoke inhalation was a leading possibility. However, autopsy records also show that some of the victim's bodies contained cyanide, a chemical emitted when CS gas -- and other substances such as plastic -- are heated in a fire. Many of the toddlers and infants may have been overcome by the gas before they died, some experts believe.

In contrast, a government specialist in riot-control agents who requested anonymity said scientific studies indicate that it would be "almost virtually impossible" for large quantities of CS to severely injure any of the Davidians, including the 17 children under age 10. And Justice Department officials say they doubt that many, if any, Davidians breathed significant amounts of CS because of strong winds that whipped through large holes knocked in the building by tank-mounted battering rams to insert the gas.

\*

Controversy surrounding the Branch Davidian incident has been fanned by the Oklahoma City bombing on April 19, the second anniversary of the Waco blaze. The leading suspect in the fatal attack on the federal building, Timothy J. McVeigh, reportedly considered the Waco siege an example of government's intention to crush individual liberties, particularly the right to bear arms.

He is not alone. Some conservatives and civil libertarians question whether the full story of the government's actions at Waco has come to light. At least two congressional committees plan to hold hearings into the Branch Davidian incident this summer.

Officials at the Bureau of Alcohol, Tobacco and Firearms, which conducted the initial raid at Waco to serve search warrants related to weapons violations, maintain they have learned painful lessons from their mistakes and adopted changes to ensure they are not repeated.

But the Justice Department has denied being at fault, instead blaming the loss of life solely on Branch Davidian leader David Koresh, who was suspected of stockpiling illegal weapons.

"There is much to be angry about when we talk about Waco, and the government's conduct is not the reason," Reno told a gathering of federal law enforcement officers this month. "David Koresh is the reason."

Henry Ruth, a former federal prosecutor who served on the independent board that reviewed the ATF's actions, said he found the Justice Department's review of Waco full of glowing appraisals.

"That is appalling to me when children die in a fire and there is a precedent for it," said Ruth, citing the five children who burned to death in 1985 when authorities dropped a bomb on the MOVE community building in West Philadelphia. "When they don't learn their lessons, are children going to die the next time?"

The FBI was called in on Feb. 28, 1993, to resolve an exceedingly difficult situation at the Branch Davidians' compound after the ATF raid there went awry. As ATF agents stormed the compound, armed cult members opened fire, killing four officers and five Branch Davidian members. After negotiating a cease-fire with Koresh, the FBI decided that its principal goal was gaining the release of the children inside, according to the Justice Department review of the incident.

Koresh sent out 21 children and 14 adults through March 23. But the releases stopped, and he showed no willingness to surrender.

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As weeks passed, the uncertainty about the outcome began to mount. The FBI's longest previous standoff had lasted four days. When the Waco encounter entered its second month, the situation became more "dangerous" because of the difficulty in maintaining security around such a large area and because the FBI's hostage rescue team was exhausted and in need of retraining, Reno said. The FBI had no backup unit.

On the 22nd day, FBI officials recommended using tear gas to clear the compound. Three weeks later, on April 12, the attorney general was briefed on the FBI's proposal to use CS gas.

In meetings with military experts, Reno was reassured that the plan to drive out the Branch Davidians with gradual applications of CS gas was safe. They referred to cases of children who had completely recovered within hours of being exposed to CS with no long-term effects.

Reno spent more time weighing the merits of the gassing strategy than any other issue at Waco, said Justice Department spokesman Carl Stern. Among those she consulted was Harry Salem, a toxicologist at the Army's Chemical and Biological Defense Command.

Reno was advised that although no laboratory tests measuring the effects of CS gas on children had been performed, "anecdotal evidence was convincing" that there would be no permanent injury, according to the Justice Department report. "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 report said.

Salem declined to be interviewed. In written responses to questions submitted by The Times, Salem wrote that CS can be used indoors as long as safety ratios are not exceeded. Achieving lethal concentrations of CS, Salem wrote, would be "extremely difficult."

After the Waco standoff's fiery end, Stone, one of the experts retained by the Justice Department to examine what happened, specifically requested the briefing materials Salem provided to Reno. Stone said he was furnished a copy of a 1971 report by the British government that advocated CS as a crowd-control agent in open-air settings.

"There was nothing the attorney general was given in her material and nothing I was ever given which addressed the problem of CS gas in a closed space," Stone said.



Stone issued a scathing 33-page report in November, 1993, which the Justice Department declined to make available, that criticized the decision to deploy CS gas. In the Justice Department report, Stone wrote, there is no mention during Reno's deliberations that young children do not have the lung capacity to use gas masks.

"I find it hard to accept a deliberate plan to insert CS gas . . . in a building with so many children," Stone wrote. "It certainly makes it more difficult to believe that the health and safety of the children was our primary concern."

Reno has discounted Stone's criticism, saying he lacks expertise in the field of toxicology.

The danger of applying CS in enclosed spaces is spelled out in an array of medical literature and manufacturers' reports, including the Army's guidelines on civil disturbances. Army Field Manual FM 19-15, published in 1985, warns that CS "is not to be used in buildings, near hospitals or in areas where lingering contamination could cause problems."

Kelly Donahue, spokeswoman for Federal Laboratories Inc., which produces CS gas, said the chemical is designed for use in a large, open area. "If you were to shoot too much in a building or enclosed area, you could suffocate individuals."

CS takes its name from two scientists, B.B. Corson and R.W. Stoughton, who invented it in 1928. The chemical, ortho-chlorobenzal malononitrile, is considered a "super tear gas" because it works instantly, causing burning eyes, coughing, breathing difficulty, stinging skin and vomiting. Though it is commonly referred to as a tear gas, CS is actually a white crystal that looks like talcum powder. In 1959, the Army adopted CS as its standard riot-control agent, and the chemical was used extensively in the Vietnam War.

The widespread use of CS by South Korea on hundreds of thousands of civilians in 1987 was researched by the Physicians for Human Rights group. After discovering that civilians suffered serious acute illnesses, sometimes with permanent injury, the group called for banning the use of CS on humans.

"Exposure to high concentrations of tear gas in small, enclosed spaces for 10 minutes is potentially lethal, particularly to infants and children. . . ." the organization concluded.

High levels of CS exposure have led to heart failure and death in adults, according to a 1989 report in the Journal of the American Medical Assn. The principal author of the study, Dr. Howard Hu of Harvard University Medical School, said he would have strongly recommended against firing CS into the Branch Davidian compound if there was any chance the occupants would remain inside.

In the days leading up to the assault, FBI officials told the attorney general they planned to introduce the CS gradually over two or three days.

They hoped to force the Davidians out the front door by using gas at opposite ends of the compound.

But the tear-gas raid on April 19 was anything but gradual.

Within minutes of the initial delivery of two bottles of CS, the Davidians fired automatic weapons at the military armored vehicle, according to the Justice Department report. Two M-60 tanks and four Bradley fighting vehicles responded by launching an all-out assault on all areas of the building. Under the plan approved by Reno, the FBI was authorized to escalate the gassing operation if the tanks encountered resistance.

By 6:31 a.m., half an hour after the mission began, the entire building had been filled with CS. The rest of the morning, the FBI continued to deliver gas volleys through all openings of the residential structure to increase the pressure on the occupants.

The attack was so rapid that the tanks quickly exhausted the supply of tear-gas canisters that was to last for several days. At 7:45 a.m., senior FBI officials requested additional rounds of CS from field offices around the country. By the time the final gas volleys were fired at 11:40 a.m., the Bradley tanks had fired at least 300 rounds at the building and the M-60 combat vehicles had made six gas injections.

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Clive Doyle was inside the chapel when an M-60 tank burst through the front door spraying CS and as additional so-called ferret rounds from the Bradley vehicles landed through the windows. While most Davidians in the chapel had gas masks, Doyle said, they only worked for about half an hour before the filters started to fail. He said there were screams as the gas burned the skin of some people and left others gasping.

"The ferret rounds were almost like rockets," said Doyle, 54, who lived at the compound off and on for nearly three decades and was acquitted of all charges at the Branch Davidian trial last year.

"They crashed through windows, came whistling past your head and embedded themselves in the wall," he said. "You could hear them hissing once they broke open. We were praying to God that somehow we would be delivered."

Doyle said there was "no doubt" the gas poured into an aboveground concrete bunker where the women and children had retreated. The 20-by-21-foot bunker, which had been used as a locked vault and food cooler, was waist-deep in stored ammunition.

"The children had no protection from (the gas) being sprayed because there were no windows or major holes," Doyle said. "I can imagine it was agonizing for them without gas masks and being in a cul-de-sac part of the building with no wind."

FBI officials offered a contrasting view. They say that any suggestion that CS could have worked its way through rooms into the bunker is highly improbable.

"They probably would not have had to don gas masks or shed one tear from the CS that would have entered that bunker," said the government specialist on tear gas.

The charred remains of children, including at least 10 who were younger than 3, were found in the bunker along with 13 women, seven men and a fetus. Coroner's investigators determined that mothers put wet blankets around the children and held them in their arms before they died.

Given the large quantities of CS pumped into the building, it would have been very difficult for children to have walked out to safety, as envisioned by the FBI plan, some experts say.

"The kids would never have made it," said George F. Uhlig, a retired Air Force lieutenant colonel and professor of chemistry at the College of Eastern Utah who has researched the use of CS at Waco. "Eventually you pump in enough gas and you exclude breathing."

An arson investigation team compiled by the Texas State Rangers found that the ensuing fire that engulfed the compound was deliberately set by one or more people inside the building. The team concluded that the fire was not caused or spread by any chemicals used in the gassing operation.

It is unclear how many Davidians inhaled the CS gas, according to the Justice Department report. The passage of at least an hour between the last gas attacks and the end of the fire would have allowed evidence of the gas to dissipate in the bodies.

"It is impossible to predict what role CS played in this case," said Dr. Nizam Peerwani, chief medical examiner of Tarrant County, Tex., whose office performed the toxicological tests on the bodies.

While the criticism has mounted, the Justice Department has held firm that the use of the CS was appropriate. Within the past two weeks, Reno went back to Salem to ask him about the safety of CS gas, according to Justice Department spokesman Stern.

"He hasn't changed his thinking at all," Stern said.

Times staff writer Ronald J. Ostrow contributed to this story.

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May 28, 1995, SUNDAYSUNDAY, 3XS3xs

SECTION: sns; Pg. 2428

LENGTH: 627 words

HEADLINE: Documents: Army Nixed Waco Role Senate Panel Approves Welfare Transfer to States;  
Dems: Plan Removes Poor Kids' Safety Net

BYLINE: BY KIRK SPITZER BY ELIZABETH SHOGREN WASHINGTON WASHINGTON

BODY:

WASHINGTON Federal agents began planning a massive, military-style assault on the Branch Davidian compound in Waco, Texas, more than a month before the initial, ill-fated raid took place in February, 1993, government documents show.

U.S. Army Special Forces were asked to help plan the operation and provide combat training, but resisted because of potential violations of federal law, according to military and law enforcement documents obtained by Gannett News Service through the Freedom of Information Act.

Military officials also expressed doubts about an alleged drug connection that provided the legal basis for furnishing military assistance.

That Feb. 28 raid triggered a deadly chain of events. Four Bureau of Alcohol, Tobacco and Firearms agents were killed in it. Two months later, at least 72 Branch Davidians, including 17 children, died in the final raid.

The incident has served as a rallying point for gun advocates and militia groups, who accuse the federal government of abusing authority and violating civil rights.

Federal agents say the Waco disaster was a particular sore point with Timothy J. McVeigh, who is charged in the April 19 bombing of the federal office building in Oklahoma City. The building was blown up on the second anniversary of the end of the 51-day siege.

According to the heavily censored documents, ATF requested training, equipment and other assistance from a military counternarcotics task force based at Fort Bliss, Texas, in early January, 1993.

According to the May 15 memo, the ATF told the military that military assistance was needed to help serve a federal search warrant involving "a dangerous extremist organization believed to be producing methamphetamine."

The commander of a 10-man Army special forces unit assigned to Joint Task

Chicago Sun-Times, May 28, 1995

Force-Six, at Fort Bliss, objected to the plan because of potential violations of the Posse Comitatus Act, which forbids direct involvement by the military in civil law enforcement.

Military commanders eventually agreed to a reduced request to provide communications and medical evacuation training and access to a shooting range at Fort Hood.

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\$ TEMP\$ PAPER:CHICAGO SUN-TIMES

WASHINGTON The Senate Finance Committee passed legislation Friday that would end the six-decade federal guarantee of support to every destitute American woman with children by transferring vast authority over the welfare system to states.

Only one Democrat, Sen. Max Baucus (D-Mont.), joined Republicans in the 12-8 vote, which set the stage for a floor debate next month on what is likely to be one of the most important decisions of the current Congress. The plan, although expected to pass largely intact, is sure to face attacks from both conservatives and liberals.

The bill, like a similar measure passed earlier in the House, would change the \$ 17 billion Aid to Families with Dependent Children (AFDC), the main cash welfare program for children, from a federal program to a state-designed and run program funded with lump-sum grants from the federal government, which might not cover all eligible families. Both measures set a five-year lifetime limit for receiving welfare.

"Children will be better served and welfare will be better run if the system is turned over to the state," said Sen. Bob Packwood (R-Ore.), committee chairman and chief author of the Senate plan. "The argument that we are abandoning our responsibilities does not wash."

Democrats criticized Republicans for removing the safety net from poor children that has been there since the New Deal.

Senate Majority Leader Bob Dole assured lawmakers that if the measure did have a negative impact, "we'll be back here in a year or two doing the opposite of what we're doing today."

GRAPHIC: GANNETT NEWS SERVICE LOS ANGELES TIMES

LANGUAGE: English

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LOAD-DATE: May 30, 1995

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GANNETT NEWS SERVICE

May 27, 1995, Saturday

LENGTH: 968 words

HEADLINE: DOCUMENTS:FEDS PLANNED WACO ASSAULT MONTH BEFORE FATAL RAID

BYLINE: KIRK SPITZER; Gannett News Service

DATELINE: WASHINGTON

BODY:

Federal agents began planning a massive, military-style assault on the Branch Davidian compound in Waco, Texas, more than a month before the initial, ill-fated raid in February 1993, government documents show.

U.S. Army Special Forces were asked to help plan the operation and provide combat training, but resisted because of potential violations of federal law, according to military and law enforcement documents Gannett News Service obtained this week through the Freedom of Information Act.

Military officials also expressed doubts about an alleged drug connection that provided the legal basis for furnishing military assistance.

That Feb. 28 raid triggered a deadly chain of events. Four Bureau of Alcohol, Tobacco and Firearms agents were killed in it. Two months later, at least 72 Branch Davidians, including 17 children, died during the final raid.

The incident has served as a rallying point for gun advocates and militia groups, who accuse the federal government of abusing authority and violating civil rights.

Federal agents say the Waco disaster was a particular sore point with Timothy J. McVeigh, who is charged in the April 19 bombing of the federal office building in Oklahoma City. The building was blown up on the second anniversary of the end of the 51-day siege.

According to the heavily censored documents, ATF requested training, equipment and other assistance from a military counternarcotics task force based at Fort Bliss, Texas, in early January 1993.

The ATF asked for close-quarters combat and special operations training, medical evacuation assistance and assistance in planning the operation, according to a May 15 after-action review prepared by the U.S. Special Operations Command, in Tampa, Fla.

The ATF also requested up to eight Bradley armored fighting vehicles, access to a military urban combat training facility and shooting ranges, trucks, tents, sleeping bags, smoke generators, gas masks, sand bags, light sets, heaters, field telephones, field rations and barracks space at Fort Hood, near Waco, for

## GANNETT NEWS SERVICE, May 27, 1995

97 federal agents.

The Army's FM 100-5 field manual defines "close" combat operations as "when soldiers close with and destroy the enemy."

According to the May 15 memo, the ATF told the military that military assistance was needed to help serve a federal search warrant involving "a dangerous extremist organization believed to be producing methamphetamine."

A Feb. 3 Special Forces written order noted that ATF intelligence indicated the Branch Davidians were "heavily armed with large caliber automatic weapons and are considered willing to use them."

Th (Be commander of a 10-man Army special forces unit assigned to Joint Task Force-Six, at Fort Bliss, objected to the plan because of potential violations of the Posse Comitatus Act, which forbids the military from becoming directly involvement in civil law enforcement.

"The (Special Forces) commander raised this issue to JTF-6. When told that he should continue to plan the op, he called (Special Forces) command," at Fort Bragg, N.C., for further guidance, according to a hand-written memo prepared by the Special Forces' legal affairs office. The unit commander, Maj. Mark Petree, declined to comment when contacted Friday.

Special Forces commanders at Fort Bragg rejected the initial ATF request.

According to the memo, dated March 5, 1993, Special Forces legal officers concluded "that there was a potential violation of the Posse Comitatus Act based on the way JTF-6 was planning (the) mission ... a major legal problem was developing with (the) JTF-6 mission."

Military commanders eventually agreed to a reduced request to provide communications and medical evacuation training and access to a shooting range at Fort Hood. Nonetheless, they gave explicit orders for the training team, known as a Rapid Support Unit (RSU), to avoid planning, taking part in or providing assistance directly related to the raid.

"RSU will not provide mission specific advice ... RSU teams will not accompany BATF teams on either the operation nor any site visit within the area of operation," commanders instructed in a Feb. 17, 1993, operation order.

The request for Bradleys and other equipment was filled by the Texas National Guard.

The previously classified documents were released this week only after a Freedom of Information request. Neither military nor ATF officials could be reached for comment Friday.

The Special Forces' role has received little public attention, despite continuing controversy over the Waco raid and congressional misgivings about the role of the military in domestic law enforcement.

There is no mention of the training mission in the texts of either the Treasury or Justice departments' official reports on the raid, and only a few



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passing references in the reports' voluminous appendixes.

Nor was there any mention of a drug connection to the case. The federal warrants served on the compound involved illegal weapons and explosives.

The Special Forces documents released this week contain a reference to the "possibility that (the) drug connection was overstated to secure cost-free training and assistance," but provide no other details. Military assistance in nondrug cases must be reimbursed by law enforcement agencies.

Joint Task Force-Six was established in 1989 to provide civilian law enforcement agencies with training and assistance in drug cases.

One independent reviewer said the Special Forces assistance in the Waco case was inappropriate, if not illegal.

"These were the wrong guys and this was the wrong way to go about it," said retired Army Col. Rod Paschall, who was hired by the Treasury Department to provide an independent assessment of the failed raid. Paschall is a former commander of the Army's Delta Force commando unit.

LANGUAGE: ENGLISH

LOAD-DATE: June 3, 1995

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GANNETT NEWS SERVICE

May 15, 1995, Monday

LENGTH: 776 words

HEADLINE: MILITARY ROLE IN WACO RAIDS SHOULD BE LOOKED AT, SENATOR SAYS

BYLINE: KIRK SPITZER; LARRY WHEELER; Gannett News Service

DATELINE: WASHINGTON

BODY:

Congress should investigate whether involving elite U.S. Army units and military commanders in the 1993 Waco, Texas, raids violated a federal ban on military participation in domestic law enforcement, a key senator said Monday.

"That is something that needs to be looked into ... this does underscore the need for hearings," said Sen. Arlen Specter, R-Pa., chairman of the Senate Intelligence Committee and Judiciary subcommittee on terrorism.

Specter is a sharp critic of the administration's handling of the Feb. 28 and April 19, 1993 raids on the Branch Davidian compound near Waco. But he was rebuffed last week in his bid to have early hearings into the Waco affair.

His remarks came after Gannett News Service revealed over the weekend that a team of Special Forces soldiers provided law enforcement agents with military training and other assistance in the days before the Feb. 28 raid, in which four federal agents were killed.

After that, Attorney General Janet Reno consulted with the commander of the Army's Delta Force anti-terrorist unit and a former commander of that unit in Washington five days before the standoff ended in an assault and fire that killed 72 Branch Davidians, including 17 children, on April 19.

The Delta Force commanders were asked for advice about hostage-rescue operations, but did not formulate the FBI's assault plan and did not participate in the raid, said Col. Bob Pilnacek, spokesman for U.S. Special Operations Command, in Tampa, Fla.

The 51-day siege has served as a rallying point for right-wing militia groups, who accuse the federal government of violating civil liberties. And in the wake of the Oklahoma City bombing on the second anniversary of the Waco conflagration, new questions have been raised about the government's handling of Waco.

Many militia members fear that the federal government will use the military to crack down on them and their right to bear arms.

There is no evidence any active-duty military personnel participated in the raid, which was initially mounted by the Bureau of Alcohol, Tobacco and Firearms

GANNETT NEWS SERVICE, May 15, 1995

and later directed by the FBI.

Federal law forbids the military from enforcing civil laws or planning civil law-enforcement operations except in cases involving drugs or nuclear weapons and technology.

The degree of military involvement at Waco remains unclear.

The Delta Force commandos, based at Fort Bragg, N.C., are among the Army's most highly trained soldiers, specializing in anti-terrorist, hostage-rescue and other specialized missions.

Pilnacek said the commander and former commander of Delta Force were brought to Washington at the Justice Department's request April 14, 1993.

*Cong. testimony* { "They were not asked to cast judgment on the adequacy of the plan or anything of that nature," Gen. Carl Stiner, then-commander of the U.S. Special Operations Command, told Congress on April 21, 1993.

But one week later, Reno told the House Judiciary Committee that she and other law enforcement officials met with the two Delta Force commanders specifically "to review the plan."

"We asked to meet with military officials, and the general who was the former commander of Delta Force and the colonel presently commanding the Delta Force came to Washington and met with us and FBI officials after they reviewed the plan, and we consulted very carefully about that," Reno told the committee.

"Their comments were instructive. While indicating that the plan appeared to be sound, one suggestion was that rather than an incremental approach ... as proposed by the FBI, (CS) gas should be inserted into all portions of the compound simultaneously," Reno told the committee.

Republican congressional leaders, reacting to the April 19, 1995, Oklahoma City bombing, have promised to hold hearings on the government tactics that led to civilian deaths at the Branch Davidian compound.

Justice Department spokesman Carl Stern said Monday that the military involvement did not violate the Posse Comitatus Act, which prohibits using the military to enforce civil laws.

"You take your experts where you find them," said Stern. "It is not uncommon to consult the military. It is not at all unusual, and certainly not improper, to get the advice of the military in such cases."

Stern noted that the attorney general also consulted with a civilian expert on the use of CS gas, Dr. Harry Salem of Fort Detrick.

"What the law talks about is employing them (military forces) in an operational role. She became convinced she couldn't. The record shows she was adhering to the restrictions of Posse Comitatus."

--- (GNS correspondent John Hanchette contributed to this report.)

LANGUAGE: ENGLISH

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## GANNETT NEWS SERVICE, May 12, 1995

The team provided "generic" training but did not take part in planning or executing the raid, said Lt. Col. Ken McGraw, spokesman for the U.S. Army Special Operations Command, at Fort Bragg, N.C.

Federal law forbids the military from enforcing civil law except in cases involving drugs, nuclear weapons or technology, and a few other special circumstances.

"Prior to ATF going into Waco, some (Special Forces) guys were sent to Fort Hood to provide communications training, medical training and opened a range which (ATF agents) used at Fort Hood," he said. "That was the extent of their involvement."

McGraw said he could not discuss details of the mission. Maj. Mark Petree, commander of the 10-man team, also declined to comment. An ATF spokesman declined to comment, as did the White House.

However, both Paschall and the Treasury report indicate the Green Beret team was more deeply involved in planning and preparing for the raid than McGraw indicated.

Paschall said the Special Forces trainers observed and gave advice to federal agents during detailed rehearsals for the raid at Fort Hood.

An addendum to the Treasury report said the Green Berets jointly developed the communications plan for the raid with ATF agents and assisted in duplicating the floor plan of the Branch Davidian compound at the Fort Hood rehearsal site.

A Special Operations officer who asked not to be named, said legal officers at first turned down the ATF's request for assistance. Participation was approved only after unproven allegations of drug violations were made.

"They wanted no part of it. The (legal affairs) guy said, 'Hey, we can't do this.' And they (ATF agents) said, 'OK, here's how we can get this done,'" the officer said. "They just invented a methamphetamine plant that didn't exist."

McGraw said the Special Forces team was assigned to Joint Task Force-6, a military counter-narcotics unit based at Fort Bliss, Texas. He said the team was directed to assist ATF agents at Fort Hood, near Waco, after ATF officials alleged that a methamphetamine plant was located at the Branch Davidian compound.

McGraw said he did not know whether there was any initial resistance to the training mission and said legal officers were not available for comment.

The Treasury Department investigation reported no evidence of a drug plant or drug use at the compound. An ATF spokesman said this week that no bureau officials were available to discuss military role in the preparations.

Paschall said ATF violated procedures by securing military assistance for the raid through the drug task force, rather than through law enforcement liaison offices in the Pentagon.

Paschall said the Green Berets, who do not specialize in combat assault

## GANNETT NEWS SERVICE, May 12, 1995

operations, were the wrong choice to assist in the mission, and that it may have been inappropriate for any military unit to be involved in the raid preparations.

"I'm not certain it was (illegal)," Paschall said. "But there's a right way to do it: You go to the top, through the proper legal authority, you get the right people to do the job. And those folks down in (Waco) didn't do it that way."

There is no indication the Special Forces soldiers took a direct role in the raid.

But Laura Murphy-Lee, legislative affairs director for the American Civil Liberties Union, said the military participation could present a bad precedent.

"They are not trained to deal with domestic policy issues - things like searches and seizures, Miranda warnings," she said. "They are not trained in national or local laws."

"If there was a misrepresentation of the use of military personnel in a civil incident, it's a very serious allegation that needs further investigation."

Republican congressional leaders, reacting to the April 19th Oklahoma City federal building bombing, have promised to hold hearings on the government tactics that led to civilian deaths at the Branch Davidian compound. Private militias and other citizen groups have expressed fears the federal government will use the military to trigger future Wacos.

The Special Forces are among the most highly trained soldiers in the world. Each 10- to 12-man team consists of specialists in weapons, explosives, intelligence, communications, medical care, foreign languages, civil affairs and other military specialties. They are trained to operate behind enemy lines and to train foreign militaries.

(Gannett News Service Correspondent John Hanchette contributed to this report.)

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The Washington Times

April 19, 1995, Wednesday, Final Edition

SECTION: Part A; COMMENTARY; Pg. A15

LENGTH: 1826 words

HEADLINE: Convoluted trail of Waco explanations

BYLINE: James Bovard

BODY:

At a time when much of the nation's media is frothing over possible CIA involvement in the murder of a leftist guerrilla in Guatemala a few years ago, the continuing silence on Waco, Texas, is ever more peculiar. Two years ago today, the FBI launched a tank assault on a compound holding almost 100 people. Within a few hours, more than 80 people were dead.

The federal action at Waco has become a symbol of government out of control. Most Americans recall the pictures of the tanks smashing holes in the compound occupied by scores of women and children and pumping that compound full of potentially lethal CS gas. Some Americans may recall the picture of the Bureau of Alcohol Tobacco and Firearms (BATF) flag proudly flying on the embers of the compound after almost all the people inside had perished. But, unfortunately, few people have followed subsequent developments.

Harvard University professor of law and psychiatry Alan Stone was one of the experts brought in by the Justice Department in 1993 to evaluate the agency's action at Waco. Mr. Stone authored a dissenting view to the expert panel review of the FBI's actions. In an interview last week, Mr. Stone observed, "I don't think that the Justice Department provided enough information about either what went on in Washington that day or what went on at the site that day of [the] holocaust."

According to Mr. Stone, "Some of the government's actions may have killed people before the fire started. I cannot tell whether the tanks knocked down places where people were already. I don't know if there were people in there crushed by the collapsing building" as a result of tanks plowing into the structure before the fire started.

Mr. Stone believes the public needs more information before final conclusions can be drawn on what the feds did at Waco, including such things as "who were the people in the tanks, what did they know about running tanks, how did we shift from the plan of breaking through to put gas in a couple places [in the compound] to tanks knocking down parts of the building" while women and children were still inside.

Other investigators are also raising questions about the government's

The Washington Times, April 19, 1995

possible role in killing the Davidians.

Michael McNulty, chairman of the Citizens Organization for Public Safety, of Fort Collins, Colo., has conducted an extensive analysis of videotapes on the final assault, as well as interviews with forensic scientists and Davidian survivors.

Mr. McNulty believes FBI snipers shot Davidians on the morning of April 19 as they were running out of the back of the compound to escape the CS gas. (During the FBI-Randy Weaver confrontation a few months before the Waco conflict, one FBI SWAT team member summarized the rules of engagement as "if you see 'em, shoot 'em," according to a confidential Justice Department report). Mr. McNulty argues that infrared videotape indicates that the tanks may have pushed the bodies of the slain Davidians back into the building before the fire began. (Mr. McNulty has portions of the tape, but there are significant gaps that the government has refused to release).

Mr. McNulty also believes the FBI intentionally ignited two fires in the compound the final day with pyrotechnic devices. He says that FBI pyrotechnic devices were fired into areas inundated with CS gas particulates at precisely the same time that fireballs exploded from the back of the gymnasium. According to Army manuals, there is a significant risk of flammability from CS gas particulates. For instance, Army field manual FM-21-27 states on page 21: "Warning: When using the dry agent CS-1, do not discharge indoors. Accumulating dust may explode when exposed to spark or open flame."

FBI may have thrown or fired flash bang grenades into the Davidian compound after the compound had been saturated with an explosive combination of CS gas. Col. Rex Applegate, the inventor of the ferret round and one of the nation's foremost experts on riot control, observed in an interview last week: "Any flash bang will start fires."

Col. Applegate noted that the carrying agent, methylene chloride, had probably been mixed with the CS particulates. Methylene chloride is highly combustible in heavy concentrations.

Col. Applegate has drawn no conclusions: "As to who started the fire, who knows? It could have been a lantern, it could have been a flash bang, or a pyrotechnic device that was shot in there."

Federal officials rushed to effectively destroy the scene practically as soon as the fire was out, thereby preventing independent investigators from examining the evidence.

Mr. Stone does not believe that the FBI intentionally started any fires in the Davidian compound. But, at the least, the government's claim that the gas the FBI used is relatively harmless has been debunked. Mr. Stone noted, "Case reports indicate that prolonged exposure to tear gas in closed quarters causes chemical pneumonia and lethal pulmonary edema. According to a 1978 report, a disturbed adult died after only a half-hour exposure to CS gas in closed quarters."

Carol Moore, author of a soon-to-be-published book on Waco, notes that a 1988 report by Amnesty International "claimed that CS gas contributed to or caused the deaths of more than 40 Palestinians - including 18 babies under 6



The Washington Times, April 19, 1995

months of age - who had been exposed to tear gas in enclosed spaces. American manufacturers of CS gas halted the export of the gas to Israel because of its misuse."

A 1975 Army publication on the effects of CS gas noted, "Generally, persons reacting to CS are incapable of executing organized and concerted actions and excessive exposure to CS may make them incapable of vacating the area." While Attorney General Janet Reno claimed that the FBI hoped that spraying the gas into the compound would have resulted in people fleeing outside, the gas itself may have prevented people from escaping.

The government's claim that the military was not involved in the attack on the Davidians has also been debunked.

James Pate, who has been on the cutting edge of Waco reporting, recently uncovered several confidential documents exposing military involvement in the attack on the Davidians.

Mr. Pate, who has written on Waco for the New York Daily News and the American Spectator, noted in the May issue of Soldier of Fortune that a memo by Army Maj. Philip Lindley, written three weeks before the BATF launched its raid on the Davidians, warned that "the degree of [Army] involvement proposed [by BATF] crossed the [legal] line and exposed the [Special Forces trainers] to criminal as well as civil liability." Maj. Lindley characterized BATF's plan for the raid as "an actual law enforcement mission with civilian targets ... to be attacked."

From his confidential military and law enforcement contacts, as well as from official documents which he acquired, Mr. Pate concluded: "In direct violation of their mission orders, Green Beret trainers wrote a specific assault scenario for the BATF and participated in rehearsals for that assault." Mr. Pate concluded that four Green Berets were on the scene on Feb. 28, 1993, when the BATF launched its original military-style attack on the Davidian compound.

The fig leaf under which the Army provided training to federal agents to attack American civilians was an allegation that the Davidians were involved in manufacturing drugs. Making this charge allowed BATF officials to call in military helicopters from the Texas National Guard to assist in their assault on the Davidians. Yet the drug charge vanished almost immediately after the raid. As Mr. Pate noted, "In almost two months of testimony in the criminal trial of 11 Branch Davidians in January-February 1994, federal prosecutors introduced not one shred of evidence about illegal drug activity."

From the time before the fire began in Waco, the federal government has been suppressing the truth. At the trial of the Davidian defendants last year, U.S. Judge Walter Smith proclaimed that "the government is not on trial," and then proceeded to rig the trial to try to guarantee that the defendants were found guilty. Judge Smith even prohibited defense counsel from introducing the official Treasury Department report on the BATF raid - chronicling the lies the agency had told - into evidence at the trial. The judge also prohibited the introduction of evidence showing the Davidians acted in self-defense.

Federal prosecutors were caught manipulating the evidence at the trial. Prosecutors presented a transcript of tapes made from electronic listening

The Washington Times, April 19, 1995

devices inside the compound in its last days, purportedly showing that the Davidians intended to commit suicide. But, under cross-examination, the government's audio expert admitted altering the transcripts after meeting with the chief prosecutor. As the New York Times reported, "Defense lawyer Mike DeGeurin, demonstrated that more than 100 hours of FBI tapes from the compound had been reduced to an hour of excerpts by the prosecution's audio expert. 'We didn't hear things today from the earlier transcripts, such as people praying as tanks were bashing in their homes, or children calling for their parents.' " The federal government continues to prohibit gun experts for the convicted Davidians from examining the allegedly illegal weapons the Davidians possessed. (A federal judge condemned federal agents in Pennsylvania a few years ago for tampering with seized weapons to frame defendants).

Col. Applegate complained: "There is a lot of material that has not been divulged to the public from the FBI's own internal investigations."

When contacted for a response to some of the allegations in this article, chief Justice Department spokesman Carl Stern said, "We normally do not get involved with multiple communications except with the press corps that covers us on a regular basis. We don't have enough staff to get into that pen-pal stuff" of answering more than one set of questions from a reporter. Regarding questions related to the origin of the fire that killed scores of Davidians, Mr. Stern said, "It is not reasonable at this stage of the game to be setting out these mischievous hypotheses" that the FBI may have been responsible.

As time passes, it will be increasingly difficult for the federal government to keep the lid on what really happened at Waco. In the meantime, American citizens ask the Justice Department, the president and members of Congress at every opportunity: When will the government stop lying about Waco?

James Bovard is the author of "Lost Rights: The Destruction of American Liberty" (St. Martin's Press, April, 1994).

LANGUAGE: ENGLISH

LOAD-DATE: April 19, 1995

94TH STORY of Level 1 printed in FULL format.

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February 10, 1994, Thursday, Late Edition - Final

SECTION: Section A; Page 18; Column 1; National Desk

LENGTH: 602 words

HEADLINE: F.B.I. Agent Tells Jury About Tanks in Sect Raid

BYLINE: Special to The New York Times

DATELINE: SAN ANTONIO, Feb. 10

BODY:

The commander of F.B.I. tank operations during the Government's 51-day standoff with the Branch Davidians testified today that his mission on the morning that fire engulfed the sect's compound was to block access to a buried bus where F.B.I. officials thought members of the sect might seek refuge.

The official, R. J. Craig, a nine-year veteran of the Federal Bureau of Investigation, commanded crews on three combat engineering vehicles, which were used initially to punch holes in the compound's walls and then pump in tear gas in an effort to end the standoff. Four other F.B.I. teams were simultaneously shooting an estimated 300 gas canisters through the compound's windows from Bradley tanks.

'Gas the Hallways'

"My assignment at first was to gas the hallways to prevent people from going down the hallways into the bus," Mr. Craig said.

Later that morning, he testified, his orders were changed to include "driving as far as we could into the building toward the main tower."

The sect's leader, David Koresh, and at least 80 of his followers died in the fire that day.

The day after the fire, Jeff Jamar, the F.B.I. tactical commander during the standoff, told reporters at a news conference that Mr. Koresh could have saved some followers from the fire and gas by hiding them in the bus.

'Prohibited by Law'

"Had Koresh wished those children to survive, that was one place they could have hidden safely when he had the fires started," Mr. Jamar said. "In that bus, the air was cool."

The testimony came in the fifth week of trial for 11 Branch Davidians accused of killing four Federal agents during a failed weapons raid on Feb. 28 at the sect's compound near Waco. Six sect members were also killed during the raid.

The New York Times, February 10, 1994

During cross-examination, Mike DeGeurin, a defense lawyer, questioned Mr. Craig about the use of Army personnel or equipment during the standoff. Mr. Craig said that such activity in civilian police actions was "prohibited by law" and that military maintenance crews for tanks used in the operation were kept away from the compound area.

#### Role of Special Forces?

Mr. DeGeurin asked Mr. Craig if he had seen five specific servicemen during the standoff: Maj. Mark Petrie, Sgt. Chris Dunn, Sgt. John Wilson, Sgt. Greg Handy and Staff Sgt. Cordell Ackley. Mr. Craig said he did not know any of them.

A Maj. Mark Petrie is currently executive officer of the 3d Battalion, 3d Special Forces Group, based in Fort Bragg, N.C., according to a spokesman for that command. Asked about the issue of military involvement in events at the Branch Davidian compound, the spokesman, Lieut. Col. Ken McGraw, referred questions to the Army Special Operations Group in Tampa, Fla., but he did say today that "there weren't any Special Forces present during the raid on Feb. 28."

#### Helped A.T.F. With Training

A spokesman for the Special Operations Group, Lieut. Col. Charles Merlo, reacted similarly, saying, "My understanding is that we helped the A.T.F. with some range assistance and medical training, but that we did not have anybody present during the raid."

Earlier trial testimony has shown that Special Forces members, better known as Green Berets, were present during training of Bureau of Alcohol, Tobacco and Firearms agents at Fort Hood, Tex., during preparations for the Feb. 28 raid.

Mr. Craig told jurors that military vehicles used by the F.B.I. in the Branch Davidian operation included seven Bradley armored personnel carriers, four 54-ton combat engineering vehicles, two M-1 Abrams battle tanks, and a tracked maintenance recovery vehicle.

LANGUAGE: ENGLISH

LOAD-DATE: February 10, 1994

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March 28, 1993, Sunday, Final Edition

SECTION: FIRST SECTION; PAGE A60

LENGTH: 1157 words

HEADLINE: Waiting for Koresh, Agents Mark Time by Revelations;  
Messianic Leader Holds Lawmen, Press at Bay

SERIES: Occasional

BYLINE: Howard Schneider, Washington Post Staff Writer

DATELINE: WACO, Tex., March 27, 1993

BODY:

The law has tried to force David Koresh out with guns, to shout him out with speeches, annoy him with bad music, shame him with insults and coax him with air time. Officials have appealed to his vanity as a leader, to his humanity as a father and to the insanity of the situation.

They might as well try to walk across the Brazos River. Four weeks into a standoff with federal agents, messianic cult leader Koresh and nearly 100 armed followers linger inside their complex of shabby buildings north of here, determined to remain actors in a Passion Play instead of succumbing like common criminals.

"He knows he holds a lot of the cards," barricaded in his home with automatic weapons, explosives and 17 children as the ultimate shield, said FBI spokesman Bob Ricks. "He has an agenda that the Seven Seals [of the biblical apocalypse] are slowly being opened," that he holds the key to their disclosure, and that nobody comes out until he and God are good and ready.

"None of this has been normal," Ricks said.

One month into the standoff, it is becoming clear just how abnormal the situation has been, beginning with the plans laid by the Bureau of Alcohol Tobacco and Firearms (ATF) to arrest Koresh, 33, on illegal weapons charges and search the compound of his Branch Davidian group for firearms, explosives and a suspected methamphetamine lab.

Although ATF planned down to the second how it would deploy the nearly 100 armed agents who descended on the complex Feb. 28, some internal critics say the agency failed to take adequate precautions to ensure the raid's secrecy, or respond to signs that its security had been breached, according to local and ATF sources. ATF officials say their precautions were adequate.

ATF special operations teams began practicing the raid at a "mock city" at the Army's nearby Fort Hood on Feb. 25, their tactical plan refined with help

The Washington Post, March 28, 1993

from military special forces advisers.

By the time of the raid, Koresh and his followers appeared to have been alerted.

ATF sources acknowledge trying to get the local newspaper to delay publication of a series of articles on Koresh's group, signaling that some sort of action was impending. An investigation by the Texas Rangers has pinpointed calls from the paper to the Davidian compound the day of the raid. The paper denies that any of its employees informed Koresh.

An ATF agent has sued the newspaper, the Waco Tribune-Herald, alleging that the presence of reporters tipped off Koresh.

The Rangers also are investigating whether a television reporter visited the complex the morning of the assault. ATF agents said they are investigating whether a Davidian, a mailman on his way to the compound that morning, talked to a reporter stationed about three-quarters of a mile from the complex. The mailman is believed now to be inside the compound.

In addition, at least one agent at the staging area raised concerns that Koresh knew the raid was coming, ATF sources said. Other ATF officials said the statement suggested Koresh's suspicions but not that he knew a raid was imminent. An agency source also said Koresh routinely used computers to monitor federal raids around the country, in apparent anticipation that someday he would be next.

The agency pressed ahead, convinced its well-rehearsed, and well-reviewed, strategy would take Koresh by surprise.

The Davidians apparently were ready, and met the squad of ATF agents with a fusillade that killed four agents, wounded 16 and forced down three helicopters, said David Troy, ATF head of intelligence.

The helicopters were hit early in the operation, and may have helped alert cult members, according to ATF sources who have privately questioned whether the raid should have been halted then.

Troy said such theories are wrong, and in either case the operation had to continue or agents would have been trapped under fire in the cattle trucks that were used to bring them to the compound.

Also, some supporting ATF agents complained they were not briefed until late in the planning and thought they might have been able to help the SWAT teams had they been better prepared. Troy said all agents were well-briefed about their roles.

But not all the possible problems involved planning and execution of the assault.

Interviews with cult experts suggest that the agency underestimated Koresh's group, which is without exact parallel among the thousands of religious, political, psychological and other cultic organizations in the country.

The Washington Post, March 28, 1993

Cult experts say there never before has been a combination of cult psychology, firepower and apocalyptic theology wrapped together as coherently and explosively as it has been with Koresh. The group is not only heavily armed, with automatic weapons, an estimated 200 grenades and maybe other explosives; members believe themselves to be the shock troops of the apocalypse. They believe their use of force is biblically determined, and the raid by federal officials is a fulfillment of Koresh's prophecy. For them to give up would be to deny what they have spent years preparing for and believing.

"There has been nothing like this," said Richard Ofshe, a professor of sociology at the University of California at Berkeley who helped uncover the Synanon cult in the 1970s.

"Koresh's future involves two and only two paths. He stays in the compound and continues to be important. Or he gives up and gets arrested and spends the rest of his life in prison."

Meanwhile, the waiting continues, without any hint when the Davidians will come out, how long their stockpile of food and water will last, whether a peaceful surrender can be negotiated, or when federal authorities might run out of patience and invade.

Most of the 14 adults who have left the compound are being held without charges as material witnesses, though one, Kathryn Schroeder, has been formally accused of conspiracy to murder federal agents.

If anything, events continue to turn more bizarre as Koresh holds hundreds of law enforcement agents and an international press corps in orbit around him.

FBI agents run to astrological charts, and debate what songs might most annoy Koresh, formerly Vernon Wayne Howell. Reporters rifle the Bible for clues. Frail old ladies -- "cult members" -- get led around the courthouse in shackles, while other followers say Koresh is angling for a debate with the pope, Billy Graham and Pat Robertson.

After all that, one person -- possibly two -- sneaked by snipers this week to get into the compound, which 21 children and 14 adults have left with the assistance of federal negotiators.

So far it appears that the FBI has failed to crack the leader's logic, or make much of a dent in his following.

If FBI exegetes are correct, the Koreshian clock is ticking at about Seal 5 right now: "I saw . . . the souls of them that were slain for the word of God."

Staff writer Pierre Thomas in Washington contributed to this report.

LANGUAGE: ENGLISH

LOAD-DATE: October 14, 1993



A LOOK AT...

# The Waco Dispute

## Why the ATF Had to Act

*Ignore the Myths; the Fact Is the Branch Davidians Were Dangerous*

By Steve Higgins

**I**T WAS probably inevitable that the tragic bombing of a federal building in Oklahoma City would get linked to the disastrous fire at the Branch Davidian compound. The events, as most everyone knows by now, occurred exactly two years apart, and the principal suspect in the Oklahoma bombing not only visited Waco but is known to have been greatly angered by what he saw there.

The link was reinforced when, a short time after the bombing, President Clinton was asked a question on "60 Minutes" that sought to imply the events of Waco contributed to or even justified what happened in Oklahoma. His reply was short and direct as he challenged the temerity of anyone who would suggest that Waco brought on the tragic bombing. That such a question could even be asked shows how deeply ingrained some of the Waco myths have become.

As the former director of the Bureau of Alcohol, Tobacco and Firearms (ATF), I have personally answered my share of similarly posed questions. And I continue to be surprised—even after five sets of congressional hearings and extensive government reviews—at how much misinformation still persists about the events surrounding Waco. It's probably evidence that what people hear first is what they remember longest, even when subsequent reviews may show the original reports to have been in error.

I am not so naive as to think that people will blindly accept my accounting of the events surrounding Waco, only hopeful that reasonable people will realize there are at least two sides to

judge in February 1993. So conspiracy theorists had best include the local sheriff's office and UPS as part of the collusion.

On the day before the warrants were served by ATF officials, the Waco Tribune-Herald began a series of articles on the Davidians, detailing the potential danger the group represented to the community as well as, somewhat ironically, the failure of local law enforcement agencies in addressing the threat. (The conspiracy now would have to include the local newspaper publisher!)

There are those who argue that the Davidians were a peaceful, law-abiding people who at worst may have merely been violating federal firearms laws in building their arsenal of automatic weapons and explosives. But those who would so easily counsel the government to ignore firearms violations should consider the potential consequences of such a policy. They should recall that Davidian leader David Koresh had told a social services worker from the Texas Department of Human Services that the world was coming to an end and that the riots in Los Angeles would pale in comparison to what was going to happen in Waco.

**W**hile it was never clear precisely what Koresh had in mind, during the later standoff he sent a letter out of the compound, according to the Justice Department report, indicating he may have been planning some type of operation to blow up the dam at Lake Waco. A former resident of the compound later told government officials, again according to Justice, that Koresh wanted to force an armed confrontation with ATF and reportedly at one point considered opening

they shot and killed four ATF agents and wounded numerous others on Feb. 28, 1993—the morning of the raid. While there have been some allegations that the agents were in fact killed inadvertently when other ATF officers opened fire, the Treasury report found this was not the case. Only one agent inside the compound may have been wounded by friendly fire, but even this was never clearly proven. Yet what possible excuse could there have been for the Davidians even taking up arms—let alone using them—upon learning inadvertently from a TV cameraman that ATF agents were on their way to serve warrants?

The law requires that when served a warrant, we comply with that warrant and let the judicial system determine our ultimate guilt or innocence. Had the Davidians done so, there would have been no subsequent loss of life on either side.

Instead, they armed themselves with automatic firearms, grenades and a semi-automatic .50 caliber rifle, opening fire when the agents arrived. To those who insist that ATF fired first, the Treasury report concluded it was the Davidians who had done so, and the Texas Ranger interviews of the only impartial observers who were there that morning—the media—all support the fact that it was the Davidians who opened fire. In fact, several witnesses reported agents being fired on even before they could exit the trucks.

As for those who insist ATF should have simply driven up to the compound and politely asked to conduct a search without displaying any firearms, I refer them again to the Treasury report, which said it best by claiming such an approach would have been "frivolous"



contending that they are not subject to the laws that bind this country, we allow these groups to pose a serious threat that far exceeds their relative numbers.

**W**ith all that has transpired, what will another round of hearings tell us?

I've heard a number of commentators and even some members of Congress suggest that another Waco hearing might help prevent more tragedies like Oklahoma City. If that were true, I would not hesitate to condone them.

Realistically, however, I find it hard to believe that the type of people who would kill hundreds of innocent people by bombing a downtown building truly care about Waco other than to possibly use it as an excuse for their behavior. What rational conclusion can there be between the event on April 19, 1993, in Waco—where an independent review concluded that the Davidians, including many in-

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A LOOK AT...

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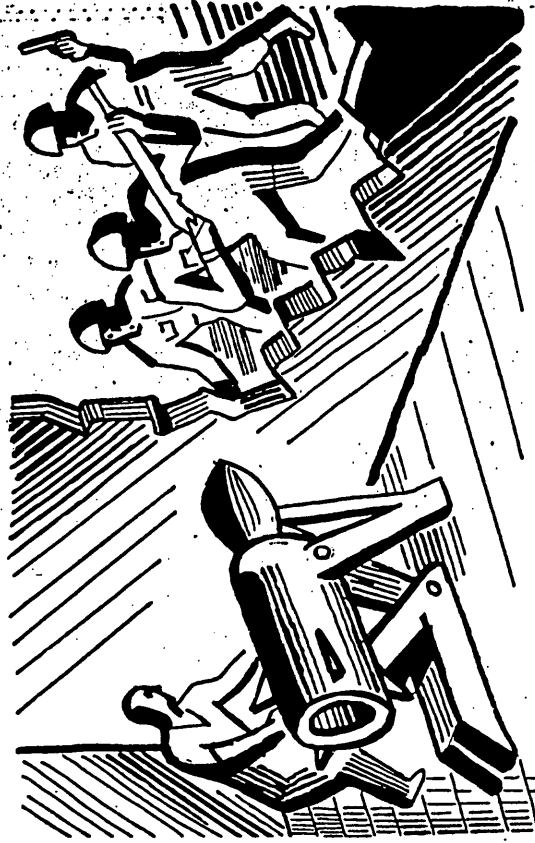
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ILLUSTRATIONS BY DAVID SUTER FOR THE WASHINGTON POST

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waters your plants and takes in your mail while you're away.

No one deserves to have their life placed in jeopardy simply because they work in, or happen to be passing by, a government office. And no one, not even law enforcement officers who get paid for risking their lives, deserves to be targeted by violent extremists threatening to kill them simply for doing their jobs.

As for people like Gordon Liddy who think words don't matter and see nothing wrong with advising listeners to shoot ATF agents in the head because they wear bulletproof vests, I doubt there's much hope. Liddy dismisses such comments as mere words, nothing to get stirred up over. ATF agents take little consolation in Liddy's response that he meant his advice to apply only in self defense, when his listeners probably include a number of potentially violent individuals who think any time an ATF agent comes on their property

to force an armed confrontation with ATF and reportedly at one point considered opening fire at a Waco fast-food restaurant just to do so.

To those who remain convinced that such information should have been ignored, or who believe that ATF was too concerned about the possibility of mass suicide if ATF conducted a lengthy siege of the compound rather than attempt a surprise entry, I can only say: Remember Jonestown. Or remember the members of the sect in Canada and Switzerland who committed mass suicide earlier this year. Or look at what happened in the subway in Japan, where a group whose presence was known and considered potentially dangerous by government officials allegedly uncorked a deadly nerve gas. The day has long passed when we can afford to ignore the threat posed by individuals who believe they are subject only to the laws of their god and not those of our government.

Most disturbing to me is the persistent claim by many Koresh sympathizers that the Davidians were only defending themselves when

reported that the Davidians, including many innocent men, women and children, died in a fire that was set by other residents of the compound—and the bombing in Oklahoma City where hundreds of innocent men, women and children were killed or injured by criminals in a vicious and cowardly act? Less than a day after the bombing, one individual told a television audience that, while the bombing was regrettable, the bomb itself was a "Rembrandt." Another person interviewed in Pennsylvania two weeks after the Oklahoma bombing said his reaction to the explosion was that it was a "damned good start."

Are these the kind of people who another hearing on Waco is intended to influence? I can only hope that, out of the tragedy in Oklahoma City there can in time come something positive. By seeing the faces of the survivors and reading their stories, maybe those who so vehemently rail against government authority in general, and government workers in particular, will come to understand better that those people they've been so quick to criticize have real faces and real families. They can pool to work. They coach Little League sports. They mow their lawns. They're the family next door that

concluded that the Davidians, including many innocent men, women and children, died in a fire that was set by other residents of the compound—and the bombing in Oklahoma City where hundreds of innocent men, women and children were killed or injured by criminals in a vicious and cowardly act? Less than a day after the bombing, one individual told a television audience that, while the bombing was regrettable, the bomb itself was a "Rembrandt." Another person interviewed in Pennsylvania two weeks after the Oklahoma bombing said his reaction to the explosion was that it was a "damned good start."

# Hearings May Tell Us Priorities Heed the Wrong 'Experts'?

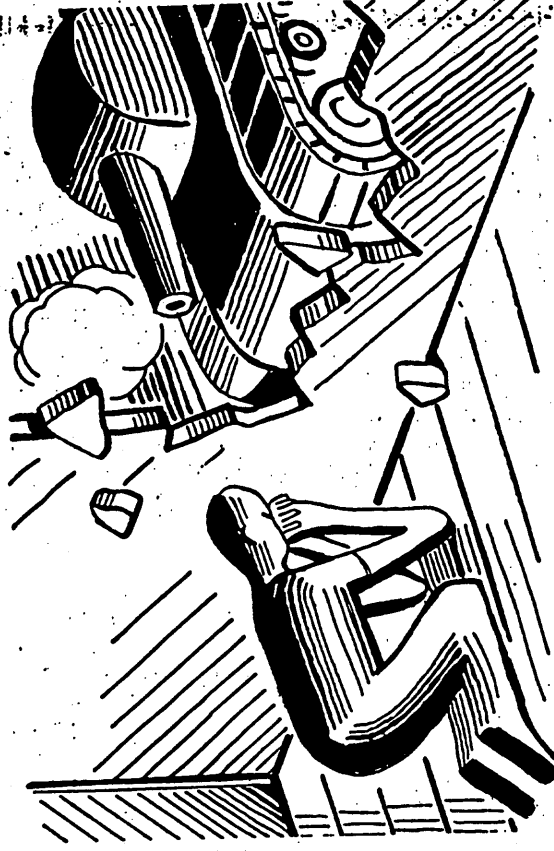
reported that the "attorney general had not yet made a final decision whether to approve the plan." No one at the meeting raised objections to the Waco solution. Now, according to a recent Washington Times article, we learn from FBI interviews with Foster's wife that he felt responsible for what happened in Waco, that it "was his fault." If this is so, Congress should try to determine Foster's role in Waco—as well as who else at that level might have been involved in the decision-making.

Janet Reno expressed concern about the "safety of the children." On April 14, at a large group meeting that included military personnel, Reno was persuaded by the information presented that the gas would not cause undue harm. But Allan Stone, a physician who studied the effects of CS gas during his evaluation of Waco for the Department of Justice, concluded the attorney general was "ill-advised" about the "potential harmful consequences" of CS gas. And in a hearing last week, Reno told Sen. Arlen Specter (R-Pa.), that she was unaware that in January 1993, at the Paris Chemical Weapons Convention, CS gas was banned for military use. "I subsequently heard . . . that there was a law enforcement exception," Reno said, accord-

number of potentially violent individuals who using any time an ATF agent comes on their property with a legal warrant they've somehow got a right to defend themselves. As someone who has been an occasional recipient of his invectives, I hope he's wrong than he does.

If nothing else, however, I think it's worth remembering that Waco was not the Alamo, and Davey Korresh was no Davy Crockett. By his violent actions both on Feb. 28 and April 19, 1993, he showed that he placed no more value on human life than did Charles Manson, the Son of Sam and those cowardly individuals who placed the bomb in Oklahoma City. To make him into something larger than that is to do a tremendous disservice to the young agents who lost their lives.

We can't change the outcome of what happened at Waco, but we have a responsibility not to ignore the simple fairness and compassion in our search for the truth. If there is to be another hearing on Waco, let's hope it's for the purpose of examining the facts and learning from that tragedy, not merely to please one more special interest group with an anti-government agenda.



ported being awakened at 1 a.m. on April 18, with a call from the Justice Department. The agents said they were going to move on the compound, but they were still looking for a reason to wait it out. "My counsel was that they should move sooner than later," Miron said. "If we waited longer, the chances of suicide or some other tragic end were more likely."

A nother person who played a role in the

bodied in the Cult Awareness Network (CAN) and the American Family Foundation (AFF).

For years, these organizations have presented their views on mind control and manipulation to anyone who would listen, including some within the FBI. Integral to this perspective is the charge of cult preparedness for mass suicide. During Waco, the FBI relied heavily on an anonymously written "white paper" that sum-

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blindly accept my accounting of the events surrounding Waco, only hopeful that reasonable people will realize there are at least two sides to every story. Here's mine.

First, let me say that, despite what fundraisers at the National Rifle Association would have us believe, the ATF is not part of some sinister federal plot to confiscate guns from innocent people. In fact, it is a matter of public record that the ATF did not go looking for the Davidians in the first place. A local deputy sheriff received a report from a United Parcel Services driver who said that a package had broken apart on delivery, revealing inert grenade casings inside. The driver also reported earlier suspicious deliveries of firearms parts, casings and black powder.

In May 1992 the deputy asked the ATF for assistance, thus triggering the extensive investigation that led to the issuance of search and arrest warrants by a federal magistrate.

*Steve Higgins served as director of the Bureau of Alcohol, Tobacco and Firearms for the past 11 years. He retired in the months after the Waco raid.*

to force an armed confrontation with ATF and reportedly at one point considered opening fire at a Waco fast-food restaurant just to do so.

To those who remain convinced that such information should have been ignored, or who believe that ATF was too concerned about the possibility of mass suicide if ATF conducted a lengthy siege of the compound rather than attempt a surprise entry, I can only say: Remember Jonestown. Or remember the members of the sect in Canada and Switzerland who committed mass suicide earlier this year. Or look at what happened in the subways in Japan, where a group whose presence was known and considered potentially dangerous by government officials allegedly uncocked a deadly nerve gas. The day has long passed when we can afford to ignore the threat posed by individuals who believe they are subject only to the laws of their god and not those of our government.

Most disturbing to me is the persistent claim by many Korosh sympathizers that the Davidians were only defending themselves when

sury report, which said it best by claiming such an approach would have been "foolhardy and irresponsible." To which I could only add dangerous and potentially suicidal.

Leave aside for the moment whether ATF commanders did in fact determine the morning of the raid that Korosh had been tipped off they were coming and tragically led the agents into an ambush, as the Treasury report concluded. Assume for the sake of argument that the raid commanders should have reached that conclusion and canceled the raid. The fact is, the raid wasn't canceled. By what perverted sense of logic or legality does it somehow follow, as some have argued, that because the ATF made a mistake in not aborting the raid, the Davidians were therefore entitled to offer armed resistance and kill the agents as they arrived to serve legal, court-ordered warrants?

In my view the Davidians reacted in a criminal and violent manner. Unfortunately, there is a small but perhaps growing number of groups that feel much the same way, though they may not cloak their beliefs in religion. By

number of any time with a leg to defend an occasion right, but wrong the If noth members Davey Ki lent action showed it than did those cow Oklahoma er than th young ag We ca at Waco, simple fa the truth, on, let's h facts and please on to-govern

concluded that the Davidians, including many innocent men, women and children, died in a fire that was set by other residents of the compound—and the bombing in Oklahoma City where hundreds of innocent men, women and children were killed or injured by criminals in a vicious and cowardly act? Less than a day after the bombing, one individual told a television audience that, while the bombing was regrettable, the bomb itself was a "Rembrandt." Another person interviewed in Pennsylvania two weeks after the Oklahoma bombing said his reaction to the explosion was that it was a "damned good start."

Are these the kind of people who another hearing on Waco is intended to influence? I can only hope that, out of the tragedy in Oklahoma City there can in time come something positive. By seeing the faces of the survivors and reading their stories, maybe those who so vehemently rail against government authority in general, and government workers in particular, will come to understand better that those people they've been so quick to criticize have real faces and real families. They can't go to work. They coach Little League sports. They know their laws. They're the family next door that

# What the Hearings May Tell Us

## Did the Federal Authorities Heed the Wrong 'Experts'?

By J. Gordon Melton and Lawrence Crimer

**R**IGHTLY OR wrongly, the fire that engulfed the Branch Davidian compound in Waco, Tex., continues to burn in the minds of many Americans. In the wake of the April 1993 federal raid that left 85 Branch Davidians dead, two substantial reports were prepared by the Departments of Treasury and Justice. They have been little read and, in addition, sidestepped important issues.

Unfortunately, these reports have also left the impression that federal agents, rather than learning from their errors and censuring those responsible, were merely trying to hide their mistakes. For example, Larry Potts, who presided over the siege at Waco as well as the botched incident with Randy Weaver at Ruby Ridge, Idaho, was recently appointed deputy director of the FBI.

Both the Senate and the House are preparing to reinvestigate the Waco tragedy; the House Subcommittee on Crime has scheduled hearings to begin on July 19. Already, however, some Democrats want to divert the hear-

agent-in-charge at Waco, sought to bring the Davidians into submission through "psychological warfare." In the Justice Department report, the negotiators state that the "aggressive tactics undermined their own efforts to gain [Davidian leader David] Korosh's trust as a prelude to a peaceful surrender."

Little wonder then that in late March, believing that the FBI's time-honored strategy—"talk them out, no matter what"—was hopeless, FBI Deputy Director Floyd Clark and Assistant Director Potts began to make plans for a gas attack on the compound. (The "talk-them-out" approach had worked well a few years previously with the Covenant the Sword and the Arm of the Lord, a right-wing survivalist group in the president's home state.) To Clark and Potts, unable to sort through the often absolutist element in religious rhetoric, Korosh became merely "a master manipulator," a sociopath who used religion to cover his criminal activities.

This strategy, though, misread the group's religious psychology. The idea of pressuring people who believe they are witnessing the apocalypse does not make sense—resistance was seen by them as a test of faith. But having

reported that the "attorney general had not yet made a final decision whether to approve the plan." No one at the meeting raised objections to the Waco solution. Now, according to a recent Washington Times article, we learn from FBI interviews with Foster's wife that he felt responsible for what happened in Waco, that it "was his fault." If this is so, Congress should try to determine Foster's role in Waco—as well as who else at that level might have been involved in the decision-making.

Janet Reno expressed concern about the "safety of the children." On April 14, at a large group meeting that included military personnel, Reno was persuaded by the information presented that the gas would not cause undue harm. But Allan Stone, a physician who studied the effects of CS gas during his evaluation of Waco for the Department of Justice, concluded the attorney general was "ill-advised" about the "potential harmful consequences" of CS gas. And in a hearing last week, Reno told Sen. Arlen Specter (R-Pa.), that she was unaware that in January 1993, at the Paris Chemical Weapons Convention, CS gas was banned for military use. "I subsequently heard . . . that there was a law enforcement exception," Reno said, accord-



ported by the Cult Awareness Network (CAN) and the American Family Foundation (AFF). For years, these organizations have presented their views on mind control and manipulation to anyone who would listen, including some within the FBI. Integral to this perspective is the charge of cult preparedness for mass suicide. During Waco, the FBI relied heavily on an anonymously written "white paper" that sum-

Both the Senate and the House are preparing to reinvestigate the Waco tragedy, the House Subcommittee on Crime has scheduled hearings to begin on July 19. Already, however, some Democrats want to divert the hearings to look into the threat of militia groups, and some Republicans are hoping for an opportunity to embarrass the Clinton administration. It will be disappointing if the purpose of the hearings is lost in the netherworld of Washington politics, especially as new information surfaces on what occurred behind the scenes before the Davidian compound went up in flames.

The sort of thing that needs to be known about Waco is this: What exactly was the rationale for the siege, and who helped to script it? Was there enough honest, open dialogue to effect a peaceful resolution to the standoff? Why wasn't a scholar of religion who knew the "foreign language" of Adventist biblical theology called to help establish a trusting rapport? Was Attorney General Janet Reno adequately briefed by the FBI? Did the White House play a role in the Waco calamity?

One could begin with the division that took place inside the FBI in the push for a Waco solution. During the standoff in March and April 1993, a deep conflict existed in the crisis-management team between the negotiators and the tactical people. Normally, the two sides work together; in Waco, they pursued different strategies. While the negotiators tried to establish communication with the Davidians, the tactical team "tightened the noose" around the compound.

By March 21, Jeffrey Jamar, the special J. Gordon Melton is the director of the Institute for the Study of American Religion, Santa Barbara, Calif., and the author of the "Encyclopedia of American Religions." Lawrence Crimer is a journalist who lives in Maryland.

used religion to cover his criminal activities. This strategy, though, misread the group's religious psychology. The idea of pressuring people who believe they are witnessing the apocalypse does not make sense—resistance was seen by them as a test of faith. But having given up on communicating, FBI negotiations became a chimera.

Peter Smerick, the FBI's leading criminal analyst and profiler of Koresh, counseled a cautious, non-confrontational approach, according to the Justice Department report. In one memo, dated March 5, 1993, Smerick, with agent Mark Young, wrote to those in charge at Waco, "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 counterproductive and could result in loss of life."

Not only was Smerick ignored, but he later told the Hearst newspapers he was pressured from above to support the more aggressive approach against the Davidians.

Throughout the entire week prior to the gas attack, a series of important meetings was held in Washington. On April 12, Attorney General Janet Reno, newly arrived on the job, learned about the plan to use gas; she was briefed in a meeting with Clark Potts, Acting Associate Attorney General Webster Hubbell and others. From the government's report, it appears Reno was uncomfortable with the proposal. She asked why it was necessary to do anything to change the status quo: Why now, why not wait? During that week, according to the Justice Department report, she recalled lying awake at night asking herself, "Oh my God, what if it blows the place up?"

On April 13, Hubbell, who communicated with the White House during the standoff, went to presidential counsel Bernard Nussbaum's office to meet with, among others, Vincent Foster to explain the FBI's plan of action. Hubbell

potential harmful consequences of CS gas. And in a hearing last week, Reno told Sen. Arlen Specter (R-Pa.), that she was unaware that in January 1993, at the Paris Chemical Weapons Convention, CS gas was banned for military use. "I subsequently heard . . . that there was a law enforcement exception," Reno said, according to press reports.

Over the next few days in March and April of 1993, more meetings were held. At one of those meetings, the government record states that Reno was told that Koresh was beating babies—a charge that has never been substantiated. She was told that the officers at the compound "were getting tired and their tempers fraying." Hubbell seemed frustrated with Reno's slow response. Reno repeatedly asked, "What are the arguments for waiting?"

Yet, Reno was evidently never told of a potential breakthrough in the standoff, namely, Koresh's April 14 letter in which he announced that he would "stand before man to answer any and all questions" once he wrote down his interpretation of the "seven seals" in the Book of Revelation. The letter was the direct result of negotiations between Koresh's lawyer, Richard DeGuerian, and two religious studies scholars, Philip Arnold of the Reunion Institute, in Houston, who tried to consult with the FBI, and James Tabor, a professor at the University of North Carolina.

Tabor, in a soon to be published book titled "Why Waco? Cults and the Battle for Religious Freedom in America," states that the FBI missed the significance of the letter and believed the FBI should have pursued the opening. But, having already given up on a negotiated solution, they joked about Koresh's "word from God" as nothing more than another "delaying tactic."

Another area for the hearings to explore is law enforcement's connection to outside "experts" with axes to grind. In this case, the FBI had been prepared for this moment by the anti-cult movement, whose ideals are em-

ed their views on mind control and manipulation to anyone who would listen, including some within the FBI. Integral to this perspective is the charge of cult preparedness for mass suicide. During Waco, the FBI relied heavily on an anonymously written "white paper" that summarized this view. Agent Jamar, in the first congressional hearings on Waco, emphasized its "usefulness" in the weeks before the fire.

Instead of turning to sources such as Tabor or Arnold, the FBI turned to Murray Miron for an analysis of the letters Koresh sent from the compound between April 9-14—letters that were mostly quotes from scripture. Miron, professor of psycholinguistics at Syracuse University, first became a consultant to the FBI 20 years ago during the Patty Hearst case. In 1975, Miron formed an anti-cult group in central New York called Abandoned Parents, in which parents were encouraged to "deprogram" their adult children.

On April 17, Reno was given a briefing book that included Miron's report. The letters bore, he claimed, "all the hallmarks of rampant, morbidly virulent paranoia." Miron may have misunderstood the April 14 letter. According to Tabor, Miron was under the impression that Koresh was trying to sell a book to two editors named Tabor and Arnold. Miron concluded that he did not believe "there is in these writings any better, or at least certain, hope for an early end to the standoff." Reno agreed to the CS gas plan and set what they dubbed "D-Day" for the morning of April 19.

Just days before the final siege in Waco, Miron published an article in the Syracuse New Times, a community weekly, titled "The Mark of a Cult." His essay echoed what many sociologists of religion see as the stereotypical view of new religious movements—that they exploit people mentally and socially and engage in "mind control."

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compound, but they were still looking for a reason to wait it out. "My counsel was that they should move sooner than later," Miron said. "If we waited longer, the chances of suicide or some other tragic end were more likely."

**A**nother person who played a role in the Davidian drama was Rick Ross, who is listed as a "cult expert" and self-described "deprogrammer" in the government's official report on Waco. Ross told the FBI he would willingly aid law enforcement in an attempt to destroy a cult.

Nancy Annermann, professor of sociology at Emory University, in her addendum to the government's report, says that Ross was "closely involved with both the ATF and FBI," supplying the ATF with the "name of an ex-member he believed would have important strategic information." Ross recently said in a deposition that he "acted as a liaison between ATF and David Block," a Davidian who turned against the group when he was "deprogrammed" by Ross in 1992. According to the Treasury report, the information Block provided was decisive in the ATF's decision to storm the Davidian complex instead of serving a warrant in the usual way. No one seems to have questioned whether Block was an objective or reliable witness.

Dean Kelley, counselor on religious liberty to the National Council of Churches, has written that it "is a mistake to insist that CAN did not contribute to the animus against Koresh and his followers when Ross and other cult opponents were doing their best to advance their views or the subject to the federal authorities, the media and anyone who would listen." In light of the course the FBI followed, why did the federal authorities tend to put more faith in "cult experts" than in credentialled authorities in religious studies?

These questions have not been fully investigated. The congressional hearings, if they are to be worthwhile and revealing, must focus on answering them.

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ABC NEWS

SHOW: This Week With David Brinkley (ABC 11:30 am ET)

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ANNOUNCER: From ABC News, This Week with David Brinkley. Now, from Washington, David Brinkley.

DAVID BRINKLEY, ABC News: February 28, 1993, Waco, Texas - four U.S. Treasury agents from the Alcohol, Tobacco and Firearms unit - ATF - were killed when they raided a compound held by the Branch Davidians. April 19, 1993 - the FBI raided a place with tear gas and other means, and the entire place went up in a ball of fire. Eighty Davidians died, including 25 children. July 1995 - next week, a joint House committee will ask questions about all of this. Did federal agents use excessive firepower? How was the U.S. military involved? Others might ask if there was some connection between Waco and the bombing in Oklahoma City.

[voice-over] Today's guests: Robert Rubin, who's Secretary of the Treasury; Representative Bill Zeff, Republican of New Hampshire, co-chairman of the joint committee holding the hearings; and John Trochmann, a member of the Montana Militia. And our discussion here with Sam Donaldson, Cokie Roberts and John Cochran, here on our This Week program.

[on camera] First, a little news. The U.N. reports as many as 15 peacekeepers have been seized and are held by the Serbs in what was supposed to be a safe haven.

An American tourist, John Childs from Connecticut, kidnapped by Muslim rebels in India. Apparently, he escaped during a storm. He says the Muslim still hold another American and two British citizens.

A London tabloid says that Hugh Grant, the movie actor, and his woman friend, a model named Liz Hurley, have separated. She put him out after his arrest for soliciting a prostitute in Los Angeles.

In the O.J. Simpson case, the prosecution rested last week, and the defense will begin its evidence on Monday. Simpson is spending his 48th birthday in jail.

Now, ABC's Lisa Stark lays out the background on our topic today - what happened and why in the Oklahoma City and what was involved, and other question. Lisa?



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LISA STARK, ABC News: [voice-over] David, the controversy and questions begin from day one - the botched raid by the Bureau of Alcohol, Tobacco and Firearms - and continue through the very end, when the FBI moved in with tanks and tear gas. From the start of the siege, Davidian leader David Koresh accused the government of sinister motives.

DAVID KORESH: You all are just going to march in here, move in here-

FBI OFFICIAL: No, no.

DAVID KORESH: -and wipe us out. That's what everyone here believes you're going to do.

FBI OFFICIAL: That's not going to happen.

LISA STARK: [voice-over] What was the government's intent? Why did it go after Koresh? Who fired the first shots? Who started the fatal fire? Many questions about the 51-day siege have been asked and answered. Administration officials believed they have already given a full accounting, but the co-chairman of this month's eight-day hearing says the answers so far are not good enough.

Rep. BILL McCOLLUM, (R), Crime Subcommittee Chairman: I think the public needs a full airing, and we need to understand what happened, and we need to get rid of some of the mystique, get rid of some of the conspiracy theories, and put blame where it does lie, there is some blame. There were some mistakes made. I don't doubt it for a minute.

LISA STARK: [voice-over] McCollum also doubts the American public has heard the full story about military investment in Waco. We have learned the hearings will focus on the role of the military - which provided everything from advisers to equipment - and whether that was legal; also whether the ATF misled the military into believing the Davidians were manufacturing drugs.

Rep. BILL McCOLLUM: We need to ask questions about that, and we need to get answers about it, because we don't want the military involved in the day-to-day civilian law enforcement of this nation.

LISA STARK: [voice-over] Committee Republicans also want to know who called the shots on the last horrible day - Attorney General Janet Reno, or was there White House pressure to end the long standoff? No way, according to the ranking Democrat on the Crime Subcommittee, who questions the need for these hearings.

Rep. CHARLES SCHUMER, (D), New York: I think the motivation for the hearings was much less the desire to get new information - there have been reams and reams of reports. The real motivation for these hearings is to sort of throw a bone to a small fringe group of paranoid people who believe that Waco was a conspiracy.

LISA STARK: [voice-over] Waco has become a symbol for militias and right-wing groups - a monument to what they see as a government plot to take away all guns. In a letter to reporters, Treasury Secretary Robert Rubin says those groups have spread misinformation about Waco, and that hearings may erode support for gun control laws. The hearings are likely to be highly-charged, coming after the Oklahoma City bombing, which prosecutors allege was in

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retaliation for the government's action at Waco. The right-wing groups, who conspiracies in both events, are going to be watching closely, and that leaves lawmakers walking a tightrope.

CHIP BERLET, Political Research Association: The danger of the hearing is that it could simply dismiss some of the real questions about police misconduct at Waco, and that would feed into the paranoia of this right-wing populist movement, or it could portray the government as some kind of venal, jack-booted monster for political partisan reasons - vote-getting - and that could also build the militia and patriot movement.

LISA STARK: Committee members say they hope these hearings will calm the waters, not stir them up, but with an issue as explosive as Waco, that may be impossible. David?

DAVID BRINKLEY: Lisa, thank you. We'll be back with John Trochmann, who sees our government as tyrannical, and says he is 'devastated' by it - in a moment.

[Commercial break]

DAVID BRINKLEY: Here with us now is John Trochmann, a member of the Montana Militia. He sees a United Nations conspiracy to bring about world government, and after a bloody battle. Mr. Trochmann, you're in Idaho, I believe?

JOHN TROCHMANN, Montana Militia: Yes sir, I am.

DAVID BRINKLEY: Thank you for coming in.

JOHN TROCHMANN: Thank you.

DAVID BRINKLEY: Now, you have- you and others in your group have been quoted as saying that there is a need for a militia of your kind because the U.S. government does not follow the law - if it did follow the law, there would be no need for a militia. Is that correct?

JOHN TROCHMANN: Well, Mr. Brinkley, it's not quite that way. We would like to go home and go fishing. We feel that the American public is being shortchanged on the information end, so at the present time, we are involved as an educational enterprise. That's all we're advocating, is to educate the public on what's been going on in our country and what they can do to prepare for what seems to be the inevitable.

DAVID BRINKLEY: You're educating people with a great many firearms. What- how does that-

JOHN TROCHMANN: No, no, no, no, no. You've been listening to your own media too much, Sir Dave. That's not true. We don't have as many guns in our home as most backwoodsmen do. This is- this is a hunting community back here in Montana. That's what you people pay thousands of dollars for to come see and do.

DAVID BRINKLEY: All right. So you do not use firearms. You're are strictly-

JOHN TROCHMANN: No, we don't go training. We strictly try to educate people, sir.

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DAVID BRINKLEY: Educate them- what? How? To what?

JOHN TROCHMANN: In the- in the evils of our public servants that have broken the law they swore an oath to uphold.

DAVID BRINKLEY: What law have they broken?

JOHN TROCHMANN: Well, first of all, our public servants take an oath to uphold the job description called the Constitution. It starts out with three words, called 'We, the People.' We believe that when these people take an oath, they should obey the law that they took, but the first thing they do after they raise their right hand and sign on the dotted line after they take our money is start changing that job description.

COKIE ROBERTS, ABC News: Mr. Trochmann, do you think the federal government blew up the Oklahoma City building?

JOHN TROCHMANN: Well, I've never said that. I question it. But I do believe the federal government destroyed the evidence before there was a chance to pour over it, and that looks pretty bad.

COKIE ROBERTS: Why do you believe that?

JOHN TROCHMANN: Why do I believe that they did it?

COKIE ROBERTS: Why do you believe they destroyed the- I mean, how- what's your evidence that they destroyed the evidence?

JOHN TROCHMANN: The time sequence and after it happened and how soon they removed it. They removed what was left of the building. It just wasn't fair, we believe. We tried to get a court injunction to stop it, but it didn't work.

COKIE ROBERTS: So you think that there is- you- you believe that it's possible that the federal government was behind the bombing of the Oklahoma City federal building?

JOHN TROCHMANN: Well, Cookie, I'm not saying that. What I'm saying is the federal government was certainly behind getting the building demolished to the ground so no one could pour over the evidence. We tried, through our attorney, Senator John DeCamp [sp?] from Nebraska, to get that stopped, but we were unsuccessful.

SAM DONALDSON, ABC News: Mr. Trochmann, what do you think happened at Waco?

JOHN TROCHMANN: Well, in regards to what, Sam?

SAM DONALDSON: Well, what is your version of what occurred there during that, what, 51-day siege? Was the federal government right in trying to serve a warrant on a man who was collecting, illegally, firearms?

JOHN TROCHMANN: Well, Sam. they would have been right if they had served a warrant, if they'd have knocked on the door like any civilized population should be allowed. But, instead, their form of knocking was through the roof with 500

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bullet holes from helicopters, was through the door with a hail of bullets. That's no way to serve a warrant. If they wanted to serve a warrant on Mr. Koresh, they should have done it the legal way. Besides, Mr. Koresh would go jogging practically every other day. He'd go into town for- for tea or coffee. Why wouldn't they serve the warrant then? Why did they have to go and take out the whole bunch of them?

SAM DONALDSON: Mr. Trochmann, the evidence appears to be that the first shots, when the agents did march on the building, were fired from within the compound, not by the agents.

JOHN TROCHMANN: Well, I'm not sure what you base that on, Sam, but I believe the first shots were fired by the helicopters from overhead. There were three people killed that we believe were killed from the helicopter shots from above, and three that came through the door- that were killed because of the firing through the door. Now, the bullet holes in the door or doors - based on the information we have - were fired from the outside in. There were no splinters around the holes, which would be common as it came from the inside out, Sam.

COKIE ROBERTS: Let me ask you something. We've heard from these politicians that they want to have these hearings to clear up all of the questions about Waco. Is there anything that can happen here in Washington that will convince you that- that the government's telling the truth?

JOHN TROCHMANN: Oh, certainly - a non-whitewashed education- or investigation, for starters, Cookie. That would be nice for a change. We've had a lot of problems, we feel, with the government's way of handling things. We love our government - I want you to get that straight right off the bat here. We love our three-party form of government - our executive, our judicial and the legislative. We feel that if it was properly handed- handled, it would serve the people well. That's what they're there for, to serve We the People.

COKIE ROBERTS: Do you consider law enforcement people- officials people that you should be paying attention to, including the ATF enforcement officials?

JOHN TROCHMANN: Well, certainly, Cokie. I think the news media - and I'm not going to point fingers at this time - has done a terrible job to portray us. We love our country and our fellow Americans, including those that are in law enforcement. We have nothing against them, in general. It's just those, in particular, that do scurrilous deeds against We the People. We have a lot of good friends in law enforcement, be they federal, state or local, and we cherish that friendship, and we don't want to see it eroded.

SAM DONALDSON: Well, Mr. Trochmann-

JOHN TROCHMANN: And because of what- well, because of what the media's done, it's made it real difficult to maintain a friendly relationship with these people.

SAM DONALDSON: Mr. Trochmann. when you look at something that happened at Waco, when you look at something that happened at Ruby Ridge, do you say to yourself, 'Awful mistakes were made by people who just blew it,' or do you say that there was some sort of a conspiracy, some sort government effort to oppress people?

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the military, and how extensive was that use?

Rep. BILL ZELIFF: Well, the military was really used- definitely used, and they certainly were brought in. They had Bradley tanks there, they had fire-throwing equipment, they had helicopters. They had a fair amount of force. Now, if that was brought under the pretense of a drug operation - manufacturing operation - then I believe that we need to ask the questions: what evidence was there that- that indicated that there was a drug-manufacturing operation going on, and a distribution operation? What was given to the magistrate to show probable cause in terms of the search warrant? I think these are all fair and open, honest questions that we need to present.

COKIE ROBERTS: Often, when hearings begin, the people who have called the hearings have their own theories, at least, about the answers to those questions. What are yours?

Rep. BILL ZELIFF: Well, I- I think- you know, I have responsibility, with Bill McCollum. Our committee has oversight for ATF, FBI, CIA and Department of Defense, and on February 6th, we presented our annual plan long before Oklahoma City that said that we would ask the questions on Waco and try to get some answers. So we want to do it in a fair and open process, and- you know, I think each of these agencies do have oversight. They need to be subjected to these questions, and I think that they need to be- have an opportunity to answer the questions, and then, hopefully, we can-

COKIE ROBERTS: You- you have heard- you have heard the criticism that- that you are doing this just to- as a political sop. You're from the State of New Hampshire, where gun owners are a very powerful force. Are you just playing to your own constituency here?

Rep. BILL ZELIFF: Cokie, I've been supported- there's 10 counties here, 10 sheriffs. I've gotten endorsed by all of them, Republican and Democrats. I get high marks from all our law enforcement, from the state police to the city chiefs of police. So this is not a witch hunt for Bill Zeliff - Bill McCollum, either. We're going to try to do a very fair, open process. We're going to try to put thing behind us. And hopefully- you know, if the agencies and- and everybody cooperated with us, including the White House and Treasury and everyone, it'll give an opportunity for those agencies to regain some credibility that I think is absolutely vital.

SAM DONALDSON: Mr. Zeliff, to what extent is the White House cooperating with your committee?

Rep. BILL ZELIFF: Sam, I wish they would be cooperating more. The problem that we have right now- the President, on national television, said he'd like to cooperate. I don't think that word has gone out into the trenches. I'm dealing- we're dealing with Judge Mikvah [sp?]. They haven't declared executive privilege on a lot of the papers, but they're not letting us see the papers, either. So we- we can sit in a room and they'll tell us who a letter was written to and- and by whom and the date, but they won't let us read is contained in that letter. Eventually, we're going to have to get at some of this information, particularly around those two dates.

SAM DONALDSON: Well, let's talk about some of the papers you've asked for.

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You've asked for all the personnel records of all the personnel that were even remotely involved going back seven years on potential misconduct of these personnel, even if it had nothing to do with Waco. Now, what would you call that?

Rep. BILL ZELIFF: Well, we're- we're lay- asking for personnel records of people involved at Waco, and the reason we're doing this, Sam- you know, there were two fellows there that were fired and then reinstated- their jobs reinstated with back pay. There's another fellow that was- he is now in the number-two position in the FBI who was involved with Waco. I don't think there was anything-

SAM DONALDSON: Well, but these were key people, Mr. Zeliff. These were key people. I don't think no one would challenge your desire to have those records, but why the records of even the remotest potential government employee who was there?

Rep. BILL ZELIFF: Well, let's start with some cooperation of getting the records of the key people. I mean, we've haven't gotten anything right now, and I think what we need to do is- you know, I- I think in the best interests of everybody involved, let's go- give us the information we need, let's get the questions answered, and I think that's what we need to do.

SAM DONALDSON: Do you think the Justice Department- do you think the White House has something to hide here?

Rep. BILL ZELIFF: I- I- it depends on whether Janet Reno, who was only attorney general for two or three weeks, really decided all by herself whether we should use C.A. gas, whether she took it upon herself to make all the decisions that added to all this tragedy, whether there were different alternatives. I have a feeling that there were other people who she went to for advice, and we'd like to find out who they are. And we- I just think that no one is about the law, and we do need to hold people accountable. There were different alternatives that could have been used in this particular case.

COKIE ROBERTS: By 'other people,' you mean the President?

Rep. BILL ZELIFF: It could include the President, but I- again, we won't know that until we have an open and a fair hearing.

COKIE ROBERTS: You've just heard the Montana Militia man talking about the conspiracies in this country. Do you and a lot of the people who ask about Waco seem to share those- those theories, that there is a government conspiracy going on here. Do- do you share those theories?

Rep. BILL ZELIFF: Cokie, I- I'm not looking at government conspiracies, and I'm not siding with militias or I'm not going against them. We have a very law-abiding militia in New Hampshire here - people who are dedicated- happen to be interested in Second Amendment rights. But they're law-abiding citizens, they haven't broken the law. I think all we're trying to do here is we are exercising our oversight responsibility to see if, in fact, laws were broken, mistakes were made, and if they are made, we want to make sure that they don't get made again. And I think what we're talking about is democracy, we're talking about freedom, we're talking about protection of individual rights balanced with the- the

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individual rights of the law enforcement side.

COKIE ROBERTS: But, Congressman, David made the point at the beginning that you- that there have already been hearings on this, and- and have been reports and people have been disciplined. Have you ever heard of a congressional hearing where people believe in a conspiracy where the people are satisfied at the end of that hearing that there's not a conspiracy?

Rep. BILL ZELIFF: Well, I'm just going to say, Cokie, that- that- and what I've said before. There's much information that has come out of this thing. We have had a criminal suit that's taken place, and information has come from that. We are in the middle of the civil suit now - information's coming out of that. We have former FBI agents, for ATF agents that are congress to us voluntarily. There is so much information floating around, I just think books are going to be- are in the process of being written on this thing. What's wrong? Why is everybody concerned about just presenting it in a fair and impartial way so that we can get on about our lives?

SAM DONALDSON: Well, Mr. Zeliff, as you know, Secretary Rubin worries - and is worried in a letter that he sent to many journalists - that the ability of law enforcement agents to enforce the firearms law will be damaged, that their credibility will be damaged by what you're going to do.

Rep. BILL ZELIFF: Sam. I- I'm glad you asked that question. I think their credibility is damaged now, and until we answer these questions, until we get it on and so that we present it in a fair and open way and give both sides an opportunity to explain their- what they did and their whole case- I think their credibility is damaged. I think we- in order to add credibility is let's get it out, let's get it behind us, and let's move on.

SAM DONALDSON: Mr. Zeliff, as you- at the time, as you know, when it all ended in that fiery explosion, the new attorney general, Janet Reno, said that she took responsibility for it. Is that where you think the responsibility should lie?

Rep. BILL ZELIFF: Well, I- I was glad that she took the responsibility, but I'm not so sure that it ended with her. I have a feeling that - and if we were allowed to review some of these documents - that there will be others that assisted her in that decision. I would hope that when she decided in two or three weeks into her career, at that point, she would have asked the effects of C.S. tear gas. Methyl chloride is a flammable agent when mixed with C.S. tear gas. Hopefully, someone advised her [as] to what would happen. I mean, these are big things that happened as a tragedy, and I think that we need to find out who made the decision - was it Janet Reno or was it people above her?

DAVID BRINKLEY: Mr. Zeliff, we're counting on you to find out all of that and let us know about it. In the meantime, thank you for being with us today.

Rep. BILL ZELIFF: David, great being with you. Thank you.

DAVID BRINKLEY: Good luck to you. Coming next, the secretary of the Treasury - Alcohol, Tobacco and Firearms unit is with the Treasury - the secretary of the Treasury, Robert Rubin, in a moment.

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[Commercial break]

DAVID BRINKLEY: We're back and here with us now is Robert Rubin, the secretary of the Treasury, and thank you for coming. Pleased to have you.

ROBERT RUBIN, U.S. Treasury Secretary: Nice to be back with you, David.

DAVID BRINKLEY: You know everybody here - Cokie, Sam.

Sec. ROBERT RUBIN: Certainly do.

DAVID BRINKLEY: Now, the President said he saw no need for another investigation or another hearing on the Waco question. Do you agree with that?

Sec. ROBERT RUBIN: The President's essential point, David, was that Treasury put out an extraordinary report after the Waco tragedy which went through everything that happened in a remarkable fashion. It was extremely well- well-reviewed in the press, and it thoroughly set forth, in objective fashion, the many problems that occurred at Waco. And so the President's point was this has been fully reviewed. There were also four hearings - hearings of four separate committees. An additional point I- I think that he was trying to make or was making was that if we were going to have extensive hearings- and we are very much in favor of the truth being known about Waco. The more the truth is known, the better it will be for law enforcement. But if there is going to be the enormous expenditure and effort involved in additional hearings, that the hearings might be better focused on extremist groups and those militias that are dangerous to our society. What Oklahoma did was to bring focus on those groups, and I do believe that a lot of those groups - and those affiliated with those groups - attempted to use Waco as a way of distracting attention from Oklahoma and from the extremist groups that Oklahoma brought to light.

DAVID BRINKLEY: In view of all that, why are we having another hearing or investigation in Congress?

Sec. ROBERT RUBIN: Well, we didn't call the hearing, as you know, but-

DAVID BRINKLEY: I know you didn't. I want your analysis of it.

Sec. ROBERT RUBIN: Well, I- I think that there are a lot of people of good faith who really believe- Republicans and Democrats who believe that we should, one more time, look at Waco, and are really and truly dedicated to having the truth be presented to the American people, and that, I think-

DAVID BRINKLEY: Is that what you think-

Sec. ROBERT RUBIN: And that, I think, is supportive of law enforcement. I do think, and I am concerned that there are others with a very different agenda.

COKIE ROBERTS: And does that include the chairman of the committee that's called the hearing?

Sec. ROBERT RUBIN: Oh, Cokie, I hope and trust not. I really do believe there are a lot of people of very good faith on the Republican side of the aisle involved with these hearings, but I do think there are people with a very



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different set of agendas. All you need to do is look at the extremist literature to get a sense of how these hearings could be used to distort Waco in such a way as to undermine law enforcement, attempt to roll back the Brady Bill, the assault weapons ban-

COKIE ROBERTS: But are you saying that that's-

Sec. ROBERT RUBIN: -take attention away from the militia and the extremist groups, and even feed the paranoia, and this is very, very dangerous in terms of public safety.

COKIE ROBERTS: But are you saying that's what Congress is doing, that by- by holding the hearings that members of Congress are doing that list of evils?

Sec. ROBERT RUBIN: Cokie, I'm- I'm saying that I think there are many people of good will in Congress that are involved in these hearings, and that I think all of us that are involved with these hearings have an enormous responsibility to make sure that the truth gets out, 'cause I do think the truth will- will strengthen law enforcement. I think the danger is that there are many who will try to misuse these hearings for the reasons I've just stated.

COKIE ROBERTS: But they're not in Congress.

Sec. ROBERT RUBIN: Cokie, I'm not going to speculate who is doing what for what reason.

COKIE ROBERTS: Okay.

Sec. ROBERT RUBIN: I'm not a psychoanalyst. I'm just- I am just addressing the dangers that exist if misinformation and distortion comes out of these hearings.

COKIE ROBERTS: All right. Congressman Zeliff made it clear that one of the areas that he is most interested in exploring, and which we have not read a great deal about in the previous reviews, is the role of the Defense Department in these hearings. From- from the descriptions that he has provided, it sounds like it was extensive and- and maybe illegal. Is that something that is worth examining?

Sec. ROBERT RUBIN: It- it- it was not illegal. It was thoroughly examined in the report that Treasury put after the Waco incident. That report took five months to prepare. The report was overseen by a former Pulitzer Prize-winning author, by the chief of the Los Angeles Police Department and by a former Watergate prosecutor. It was widely praised in newspapers around the country for its candor. If you look in that report, you'll find a complete discussion of the role of the military. But let me tell you why the military was involved. A deputy sheriff went to the ATF and, 'I suspect that there are illegal weapons in this compound.' After the investigation, the ATF agent to the U.S. Attorney's Office, the U.S. Attorney's Office reviewed the evidence. They then appeal- went to the magistrate. The magistrate issue search-and-arrest warrants, and ultimately, 46 machine guns and hand grenades were found on those premises. This was a very, very dangerous undertaking- undertaking that was undertaken to protect the safety of the American people. What the ATF wanted and got was training, training from the military so they could properly conduct themselves in order to better protect the American people. The other thing to remember, Cokie, and, I think, is essential to this whole- this whole matter is that four

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ATF agents were killed by David Koresh supporters, who knew they were coming with search warrants. Law-abiding people do not shoot at law enforcement officers when they come with warrants. If there are problems - and there were many problems here, as the report indicates, with respect to the raid - then what they do is they accept the warrants, they go to counsel and you have legal process. You do not shoot at the law enforcement officers.

SAM DONALDSON: Did- did President Clinton approve the plans to end the siege?

Sec. ROBERT RUBIN: Sam, I- I think that what happened at the end was that you had, at that point, over 50 days of siege against a compound in which David Koresh and his supporters were holed up. They had killed four ATF law enforcement officers, wounded more than 20 more, and, at the final analysis, the Justice Department and the FBI made what they deemed to be appropriate law enforcement decisions to go in and flush out the- David Koresh and his supporters in-

SAM DONALDSON: Did President Clinton approve that plan?

Sec. ROBERT RUBIN: -wait a minute- in the compound. There is no question, based on the evidence - including tapes that were shown on this very network the other night, although I didn't see them - that the fire that killed all those people was set by David Koresh and his supporters-

SAM DONALDSON: Mr. Secretary- excuse me, sir, it's a simple question. Did President Clinton approve the plan?

Sec. ROBERT RUBIN: I think, Sam, on the question of- of President Clinton's role, that truthfully something that you need to discuss with Attorney General Reno and President Clinton.

SAM DONALDSON: Well, is it a secret? I mean, will the President- isn't that an important part of the information?

Sec. ROBERT RUBIN: Sam- it- it is- it is relevant. I wasn't involved in that part of the operation, but I don't think- but I think every time you- you focus on that, you do exactly the wrong thing, which is to get away from this essence of what happened here. And the essence of what happened here is that David Koresh and his supporters killed four ATF agents-

SAM DONALDSON: I understand, sir, but you just heard the committee chairman-

Sec. ROBERT RUBIN: -wait a minute- killed four ATF agents-

SAM DONALDSON: -or one of the co-chairmen-

Sec. ROBERT RUBIN: -instead of accepting warrants.

SAM DONALDSON: -said that he's suggesting the White House isn't cooperating-

Sec. ROBERT RUBIN: No.

SAM DONALDSON: -and- and what you're saying now would tend to indicate that's correct.

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Sec. ROBERT RUBIN: No, it wasn't, Sam. What I'm saying is that I was not involved in Janet Reno's ultimate decision, and that's something you'd have to discuss with the attorney general and with the President-

SAM DONALDSON: Are you going to provide the material that they're asking for, particularly the personnel records of all the personnel involved?

Sec. ROBERT RUBIN: We have provided 15,000 documents-

SAM DONALDSON: Will you provide these, sir?

Sec. ROBERT RUBIN: The personnel records that go back seven years shouldn't be requested, and we should not provide. They have no relevance to what happened at Waco, but let me tell you what they do do, and-

SAM DONALDSON: So you won't provide them?

Sec. ROBERT RUBIN: I don't believe we should, Sam-

SAM DONALDSON: All right.

Sec. ROBERT RUBIN: -and let me tell you why. A lot of those agents are involved right now in the line, many of them involved in dangerous, very dangerous undercover operations.

SAM DONALDSON: Well, what happened in Boston? May I ask you about that, Friday night?

Sec. ROBERT RUBIN: No- no, wait a minute. Those personnel records should not get into the hands of people who can misuse them and put law enforcement agents at risk. That is precisely the point about this hearing. This hearing has to be conducted with enormous care if it is going to get the truth out to the American people, and not undermine law enforcement.

SAM DONALDSON: All right, the ATF raided a place in Boston Friday night. A man claimed, first of all, that he was a wrongful target - he is a sickle-cell anemia sufferer - and that the ATF used Gestapo-like tactics on him. What happened?

Sec. ROBERT RUBIN: Sam, there was a- a version of that printed in yesterday's Boston Globe - it was erroneous - and there was a new version printed in today's paper which accurately describes the circumstances of the raid. And I- I will leave this with you, if you like, so you can read it. But I think it's a good example what happens. There's an enormous amount of misinformation that takes place whenever these raids-

SAM DONALDSON: Well, tell us quickly, since I've raised the question-

COKIE ROBERTS: Yes.

SAM DONALDSON: Tell our audience your version of what happened, because they didn't read The Globe.

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Sec. ROBERT RUBIN: Sam, let me tell you something. Truthfully, Sam, I have not focused on this myself. I am told that what- what I was told yesterday, when this occurred, was that an erroneous version had been printed, and they were talking with The Boston Globe about printing a correction.

COKIE ROBERTS: But, see-

SAM DONALDSON: Well, may I just say that the paper says- says the- that, in fact, you were raiding another apartment. You weren't raiding this man's apartment, he was not a target at all, and that he was disruptive and that was why they had- had to restrain him.

Sec. ROBERT RUBIN: There may have been a disruptive problem with him, but- but the story itself, as printed yesterday, was inaccurate, and the correct version was printed today.

DAVID BRINKLEY: Cokie-

Sec. ROBERT RUBIN: Let me say there are enormous numbers of raids every year. There are problems from time to time. But the way you deal with that, Sam, is you deal with the problems. What you don't do is undermine law enforcement.

COKIE ROBERTS: But the- the two big raids-

DAVID BRINKLEY: Cokie, go ahead.

COKIE ROBERTS: -that have, obviously, gotten the attention of- of American people and these militia groups are Waco and- and the one in Montana. What do you- how do you explain, after Waco and after the Treasury and other agencies discipline people, someone from there now being the number two person at the FBI? Doesn't this just rile up all of the conspiracy theories?

Sec. ROBERT RUBIN: Cokie, I think that's something that you really need to address to Attorney General Reno. Let me- let me address the ATF, if I may, 'cause that's the agency I have responsibility for. After the raid, a five-month study was done. The five-month study resulted in the entire top leadership of ATF being replaced, and an enormous reform has taken place in the ATF, so you today have a much stronger ATF. But none of that- none of the problems that occurred in that raid justify killing four ATF officers when the people in the compound knew they were coming to- with search-and-arrest warrants.

DAVID BRINKLEY: Mr. Secretary, thank you.

Sec. ROBERT RUBIN: You're more than welcome.

DAVID BRINKLEY: Thanks very much.

Sec. ROBERT RUBIN: Nice to be with you.

DAVID BRINKLEY: You thought this would never come, did you?

Sec. ROBERT RUBIN: It wasn't the area that I originally thought I'd be in when I went to Treasury.

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DAVID BRINKLEY: Thank you very much.

Sec. ROBERT RUBIN: But it's a very important area.

DAVID BRINKLEY: I'm glad you came.

Sec. ROBERT RUBIN: Thank you.

DAVID BRINKLEY: Coming next, our discussion here about one thing or another or both, and joining us will be John Cochran of ABC News, in a moment.

[Commercial break]

DAVID BRINKLEY: Some may find it hard to believe, but the U.S. government does at times try to save a little money, even when it runs into serious opposition, as in this case, when it is trying to close a few military bases across the country that it says are no longer needed. Usually, the people involved - people who live there - want it kept open because it means jobs and money and so on. Cokie, you were telling me about- about one base that you happen to know about-

COKIE ROBERTS: In Myrtle Beach, South Carolina-

DAVID BRINKLEY: -in Myrtle Beach, South Carolina.

COKIE ROBERTS: -that has been closed for a few years, and nothing's- nothing's happened with it, even though it's prime oceanfront property. So that even once you close these bases, they often don't get used for anything, and you don't recover anything to the economy of the towns, which is what worries them a lot. But the- the- what the President's done her with this base closing is that normally- the whole reason a commission was established is because the politics are impossible. You have people from the states that want to close- that- that want to keep their base- bases open and fighting the people who, from the other states, who want to keep their bases open, and nobody believes that it's a military decision, everybody believes it's a political decision, and everybody starts fighting each other. So they created a commission, a bipartisan commission - one was headed by a Republican, this one's headed by a Democrat - and said, 'We'll just take it out of the hands of the politicians, make these recommendations, and you take it or leave it, Mr. President.' And, in the past, what presidents have done is take it, because it is such a difficult political thing.

SAM DONALDSON: Yeah, but, Cokie- but if-

COKIE ROBERTS: This President is not clear where he's taking it or leaving it-

SAM DONALDSON: If this President takes it-

COKIE ROBERTS: -you know, whatever.

SAM DONALDSON: If this President takes it, it'll cost him California.

COKIE ROBERTS: Maybe, maybe not.

SAM DONALDSON: Read 54 electoral votes. And therefore, he has decided maybe he

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The Military Involvement at Waco TR-813

**FORREST SAWYER:** The ATF said it was just trying to serve David Koresh with a warrant. But why was the military involved in planning and carrying out that first raid?

**JAMES PAIT:** The ATF had no intention of any peaceable resolution. They intended to attack Mount Carmel. They wanted to have a big raid on tv.

**SAWYER:** Tonight, the military involvement at Waco and reports about drugs at the Compound.

When federal agents stormed the Branch Davidian Compound in Waco, Texas, they had no idea of the forces they were turning loose. Groups, who would use the raid as proof that this government is out of control, willing to use law enforcement officials and even the military to subdue the very citizens they are supposed to protect.

Today, after long Congressional hearings and government reviews, those suspicions are stronger than ever. And, so, next week, House Republicans say they will launch, yet, another set of hearings to, as they put it, to restore the public's trust. The Clinton Administration said this is all unnecessary. All the questions have already been answered. But that appears not to be true. Nightline has obtained federal documents that show the military's involvement was much greater than we thought and that officers were worried that they were being asked to illegally assist a law enforcement operation.

Tonight, another piece of the puzzle beginning with correspondent Michel McQueen.

**MICHEL McQUEEN:** First, there was the raid. Then the recriminations.

**UNIDENTIFIED MAN:** Why did you do it at 10:00 Sunday morning, in broad daylight? And finally, the conspiracy theory.

**UNIDENTIFIED WOMAN:** Contrary to the Constitution, the military was involved in a police action.

**McQUEEN:** It's become an article of faith among anti-government militia groups that the

military was part of a conspiracy by the government to attack its own citizens at Waco. As equally an article of faith among some other Americans, that these groups, are at best, reflectively suspicious. At worst, paranoid. But according to documents released under the Freedom of Information Act, the conspiracy theorists may have a point about one thing: the military was formally involved in the ATF raid than was previously known, beginning months before the raid actually took place.

James Pait has followed the Waco story for Soldier of Fortune Magazine.

**PAIT:** The interaction between the Army and the Bureau of Alcohol, Tobacco and Firearms started in approximately in December 1992. That's when the ATF had already made a decision to use the dynamic entry re: assault type raid.

**McQUEEN:** Why would the ATF which routinely conducts search and seizure operations want the Army involved?

**PAIT:** The ATF was undertaking a mission larger than anything they'd ever done in their history. And they recognized that they really did not have the tactical expertise, they did not have the command and control expertise.

**McQUEEN:** But there was one problem: for more than a century, federal law has generally prohibited the Army from engaging in domestic law enforcement. The doctrine is called possecomitatus. There are only a few exceptions: Riots, disasters; of starting in the 1980s to combat illegal drugs. If drugs are involved, law enforcement agencies can have access to military training and equipment, all without charge.

**CONGRESSMAN STEVE BUHLER:** There was a greater involvement of the military in Waco than what I had ever known.

**McQUEEN:** Congressman Steve Buhler is a former Army lawyer.

**CONGRESSMAN BUHLER:** And when you have those cases of drugs, civilian law enforcement can make requests for the military. It almost becomes a treasure trove on what you can utilize for the military.

**McQUEEN:** And the ATF quickly reported drugs were suspected at the Branch Davidian Compound. This formerly secret Army chronology notes the military had received requests for assistance in serving a federal search warrant to "a dangerous extremist organization believed to be producing

methamphetamine." Assistance would be "in direct support of interdiction activities along the southwest border." And there was this Army cable authorizing the mission "intelligence indicates an active methamphetamine lab." But the federal search warrant for the Branch Davidian Compound made no mention of any drugs, let alone an active drug factory.

**DICK REAVIS [Author]:** There was no drug lab found in the ashes. There is no evidence that there had been a drug lab there since 1987 when David Koresh threw two guys out of Mount Carmel for operating one.

**McQUEEN:** And the Army, itself was suspicious. This declassified document raised "the possibility that the drug connection was overstated to secure cost-free training and assistance."

**SENATOR ARLEN SPECTER [R-PA]:** There was a concern that they were going too far and that they were using a drug issue, manufacture of drugs to try to bring in the military. And there is an issue as whether the Alcohol, Tobacco and Firearms Unit overstated the drug involvement.

**McQUEEN:** The ATF presented the Army with a long shopping list of military equipment such as tents, trucks, gas masks, and night vision goggles. They wanted to borrow seven Bradley fighting vehicles, like these and the training to operate them. They also wanted the Green Berets, the Army's elite special forces to critique their plans for the raid on the Branch Davidian Compound.

At first, the Army seemed eager to go along. But a Green Beret commander whose unit was selected to help the ATF became concerned about the scope of the request. He asked the Army's lawyer to take another look at it. In response to a request under the Freedom of Information Act, the Army released the lawyer's opinion, like this. Nightline has acquired an uncensored copy of the legal review by Major Phillip Lindlay. It notes first that "both bad guys and civilians, i.e. women and children were located at the drug production site. Major Lindlay goes on to say "I was under the opinion that the degree of involvement proposed crossed the line and exposed the unit to criminal as well as civil liability."

As a result of these objections, the Army approved a training session for the ATF but the Green Berets were supposed to avoid helping the agents refine plans for the raid.

**PAIT:** They helped them moonlight their communications plan, they played bad guys, they played Branch Davidians. When the ATF did their rehearsal attack on the mockup of Mount Carmel, that participation violated guidelines. They weren't supposed to get that involved.

**McQUEEN:** But others say Congress has blurred the line between what is permissible and what

is not.

**REPRESENTATIVE PAT SCHROEDER [D-CO]:** It's blurred because I think it's a time when people say we ought to get maximum use out of all of our resources. And it sounds so simple, soft crime. Okay, call in the military. That sounds great until you stop and think are they trained in the nuances of this and do we totally want to rip up the Bill of Rights.

**CONGRESSMAN BUHLER:** When I look at the Waco hearings, I'm going to be asking myself is it open to abuse. Can it be abused? And that's a legitimate question.

**McQUEEN:** Perhaps, most tragically of all, the raid itself was a fiasco. One Green Beret told ABC News of his horror of watching the raid on television and seeing agents die before his eyes. This soldier believes the limits placed on the mission caused it to fail saying we saw big problems with the ATF's plan right away but we couldn't help them fix it.

To others, especially lawmakers now debating even why the use of the military to combat domestic terrorism, the question is also one of limits. Did one branch of government go too far in carrying out its mission? Does anyone know what the lines are? And most importantly, did anyone ask the right questions before it was too late?

This is Michel McQueen for Nightline in Washington.

**SAWYER:** And when we come back we will be joined by the man who was the Director of the ATF during the Waco raid. And by the Congressman who is holding hearings to try to find out what really happened there.

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**SAWYER:** Joining us now from Rigby Island, Washington, Steve Higgins, he was the Director of the Bureau of Alcohol, Tobacco and Firearms during the time of the Waco raid. He was removed from his position in October of 1993, following a review of the ATF's role in Waco.

And joining us now from Capitol Hill, Congressman Bill McCollum is a Member of the House Judiciary Committee. And he will co-chair next week's hearings on Waco.

Mr. Higgins, it's quite clear that the ATF had an interest in seeking some assistance from the military very early on. Why so much interest?

**STEVE HIGGINS [ATF Director, 1982-1993]:** Well, I think early on from the standpoint when we first realized that it was going to be a major operation, there was the potential presence of a methamphetamine lab, there were certain guidelines that existed for cooperation among federal agencies, including the military through the Southwest Border Project. So, one of the things -- we had a liaison

person that worked with that group. That person contacted the raid planners and discussed the types of assistance that were available, given that nexus. And so I think that it was prudent move to take advantage to the extent possible under the legal guidelines of assistance from the military.

SAWYER: Well, actually under the legal guidelines, I mean that there had to be some sort of drug connection involved. And when the first went, according to the Treasury report and everybody else that we've talked to, when they first went to the military they did not mention anything about drug connections. They went and looked for drug connections after they were told that that's way they could be reimbursed for the money.

MR. HIGGINS: Well, I think we've got two questions. One is, was the drug connection somehow made up? Was this a lie told so that ATF could get the assistance? I think the Treasury report looked at that exhaustively and believe you me, the Treasury report doesn't make many apologies for ATF. They found that there was a legitimate information which indicated the potential presence of that drug lab.

SAWYER: Well, why didn't they say something to the military to begin with? I guess that's the first question. Why didn't you say we're worried about those drugs over there, come on in?

MR. HIGGINS: I don't know the answer to that question, myself, because I wasn't involved in that early part of the planning to that detail. I think if they want to explore that during the hearing, that's great. I also think that Treasury probably's already asked that same question. I don't know the specific answer to that.

SAWYER: Congressman, one thing that I hear Mr. Higgins saying is that Treasury has looked at this exhaustively, they've gone through all of this, they have asked all the questions. What are you looking at now?

REPRESENTATIVE BILL McCOLLUM [(R), Judiciary Crime Subcommittee]: Well, we're looking at the overview, first of all. We think that the American public really hasn't had a chance to chronologically look at everything that happened from the beginning of why ATF went after David Koresh and his cult all the way through to the not only the dynamic entry but the FBI seize and, of course, the big day of the fire. And that is very necessary to have that look for the public in order for us to restore some confidence in fellow law enforcement and also for the American public to feel that we've done our job. That they've really seen this. But if you're talking specifically about this question of the use of the military...:

SAWYER: Well, let me ask you a broader question before we go to that.

REPRESENTATIVE McCOLLUM: Sure.

SAWYER: Do you believe that to the Treasury under which the ATF resides, do you believe that the Treasury Department has exhaustively looked through this or are things still being held from the American people?

REPRESENTATIVE McCOLLUM: Well, I think the Treasury's done a very good job on the surface, at least of putting a chronicle on it. I think that they put their own spin out there and I believe that when you see the hearings unfold over the next few days, you're going to see quite a bit of information come out that is not in the Treasury report. That is, not to say, that they didn't work very hard at it. They were critical of some folks that maybe they shouldn't have been and there's probably some people back at Treasury that should be criticized. Our objective is going to be multi-faceted when we hold these hearings to try to bring out all of these facts.

And the primary concern that I have beyond the question of simply bringing the facts out is assessing who is at fault is to look at the question of when do we put our law enforcement men and women at risk, under what conditions. Was this justifiable under these circumstances to do the so-called dynamic entry? I question that and I think the public has a right to have that kind of question asked. And then the question of the civil liberties of the many people who were inside that Compound who were not accused of a crime.

David Koresh was potentially somebody who deserved to have an arrest warrant on him and potentially somebody the search warrant could be directed at. But you put at risk those folks very early on with some potentially poor judgment.

SAWYER: Congressman, the United States laws keep a fire wall between the military and law enforcement. They do not allow the military to become law enforcement -- become involved in law enforcement operations except for some very specific exceptions. One of them is a drug connection of some kind. Do you suspect that this drug connection was jimmied so that the ATF could have military assistance?

REPRESENTATIVE McCOLLUM: Well, I'm suspicious that the drug connection was, if you call it, jimmied up, at least emphasized in order to get the military to pay the cost of it. I believe, technically speaking, the military can't be involved in enforcing civilian law but they can give the ATF and other law enforcement agencies training without having the drug connection. They can give them some equipment but they can't be forced to pay for these costs unless there is a drug connection. The methamphetamine lab apparently, some portion of it, or some indication, may have existed pre-Koresh



before he took over the cult several years before the raid. I've seen, so far, no indication from what we've unearthed, that there was any real foundation for concluding that it still existed at the time other than dynamic entry at the time the ATF was really looking at. But that's why we're holding the hearings. We may, yet, find that there is such a connection.

**SAWYER:** Mr. Higgins, Tom Cash is a former special agent in charge of the Miami office of the DEA. He was on World News Tonight talking about this. He said if there'd been a methamphetamine lab, the chemicals that are there could have been exploded by the kind of attack you did. So, even there were a methamphetamine lab there, you went about it in a disastrously stupid way.

**MR. HIGGINS:** Well, I know Tom Cash and I'd be very surprised if he said it exactly that way. First of all, Tom doesn't know what the entire raid plan was. Secondly, I think that was factored in and the fact that DEA was notified. Because if there had been a methamphetamine lab there, they would have been called on for assistance because those are dangerous sites in terms of gathering evidence. So I -- that I coordinated with DEA. I don't know whether Tom knows that or not. I'd be very surprised if he made those kinds of statements.

**SAWYER:** Can you understand, Mr. Higgins, why so many American people look at this and listen to this and they say let me get this straight. The reason that you went to the military is because you had some infra-red photos that suggested there might be something burning down there. It could be an oven, it could be a Bunsen Burner, it could be anything. And you've got some bad reports, not very reliable reports, that some of people inside there might have been involved in drug activities at some time. Let's pretty thin gruel.

**MR. HIGGINS:** Well, it started the other way around, Forrest, in all fairness. It started with the indication from a former resident of somebody who was familiar with that Compound that there had been a lab in there. He thought that that lab had never been brought out. That it was still there. Later, they did the flyovers and spotted something that could potentially indicate that. That was -- you know -- I think what we're doing now is making that a major focus of the investigation and of the raid and it was, for lack of a better word, a very minor focus.

**SAWYER:** Is it going to be a major focus at your hearings, Congressman?

**REPRESENTATIVE McCOLLUM:** Well, we're going to bring it up. But I don't know that it's going to be the major focus. I think the real focus here, as far as ATF is concerned, is why did they go in there in the first place and make this dynamic entry or siege. Why didn't they wait longer? What was

the urgency? What was the threat? I don't see a shred of evidence that I can find so far that shows that there was some threat to the American public or the people outside that Compound that David Koresh and his group posed at the time they went in and made this particular raid plan, this huge assault with all this training of the Green Berets and so forth. It just -- right now to me, in perspective, it doesn't make sense.

**SAWYER:** Congressman, that's an awfully good question. We're going to leave it right there. When I come back, I'm going to ask Mr. Higgins that question.

**SAWYER:** Former ATF Director, Steve Higgins, the question that was on the table before we went to a break just a moment ago is why in the world did you have to do all of this in the first place. Couldn't you have found an easier way to go about what you had to do?

**MR. HIGGINS:** Believe me, I fear a lot of people think, including myself, obviously we tried to develop the safest way to do. Now, I know in retrospect, seeing what happened, the fact that the raid tipped, it didn't happen that way. But we thought this was the safest way to do it given Koresh's predictability about how he would react to service of the warrant by ATF. And for Bill McCollum to ride, then, on the same side of an issue and on a different side of an issue before in the past, for him to say he does not see anything which indicates this group posed any danger to society, I think just ignores a very long hearing that his committee had. And also the Treasury report. These were potentially dangerous, violent people. And I think their actions that day show that. So to say that there was no evidence that these were going to be dangerous people, I think is simply not the fact.

**SAWYER:** Congressman?

**REPRESENTATIVE McCOLLUM:** Well, let me respond by saying that I don't doubt for a minute Mr. Higgins' comments about there being potentially dangerous people. But not at that moment, not in the sense that you had to have the dynamic entry or you had to have the assault at the particular time that it was conducted, even within days or perhaps, even weeks. The question that I'm raising is not one that I have the answer for and I think that's why we're having the hearings...

But the question, in part, is that the public is asking and has a right to an answer when we put at risk the law enforcement officials we put at risk in the ATF and the innocent people, and there were some people in that Compound, why did we do that instead of waiting Koresh out? There's some question as to whether or not he was going to go outside the Compound, or how often he did... What

made it so important to do this in a matter of three or four days, three or four weeks, or even a month?

SAWYER: You know, Congressman, there are a lot of people who are saying look, there have been all of these hearings, yours among them, there have been all of these government reviews. The kinds of questions you are asking are good questions, but really they're not going to be found by sifting through the facts once again. That what you are doing, at least according to Treasury Secretary Robert Rubin, could be used to distort what happened in Waco in order to undermine the law enforcement officials.

REPRESENTATIVE McCOLLUM: Well, just the opposite is the intent and the purpose. We need to find a way to be sure the American public does not lose confidence in this law enforcement at the federal level. And the only way we can do that is to have an open hearing and have the process of several days of hearings where the public can understand we really exhausted -- we went through all of the questions that's been raised. Now, you're not going to satisfy every kook or wayout group that may be out there thinking about this with a conspiracy theory, but I'm talking about the vast majority of the American public who gets bits and pieces of this at one time. ABC's one Nightline segment, maybe sees one other show, maybe he reads an excerpt from one of these books. But it nicks the idea that it is distorted.

I think it's important to law enforcement. I think it's important to law enforcement, I think it's important to management of our law enforcement community which my Crime Subcommittee's involved with, and very important. I think, in the long run, for our institutions as far making sure we have the safety and soundness we want to have in this system.

SAWYER: Mr. Higgins, are you worried that these hearings might undermine the work of law enforcement officials?

MR. HIGGINS: Well, no. My biggest worry is that people who want to believe in the conspiracy will continue to believe in it. I think we've opened up a lot of old wounds and I know that there were a lot of innocent people who died the day of the fire. And there were four ATF agents who died the day of the raid and a lot more injured. I think we reopens those wounds that have trying to heal over a period of time. But I don't want to indicate that -- the American public, obviously, has a right to know and I hope that they'll learn something from the hearings. I'm just a little skeptical in terms of the timing, that's all.

SAWYER: Congressman, we began this talking about the military involvement in the Waco operation which now appears to be more extensive than we had thought. There is a counter-terrorism

bill which is before Congress right now in which the military's involvement in law enforcement operations could be expanded to deal with terrorism. Is this an appropriate role for the military.

REPRESENTATIVE McCOLLUM: A very minor expansion, if any at all. We already had the military involved in an advisory capacity with regard to nuclear weapons. This would involve chemical and biological and that's very much an important aspect when it comes to terrorism. They would not be given any law enforcement authority. They would not be given any authority greater, really, than they already have.

SAWYER: I've got about 10 seconds. You think they should have no more authority than they have?

REPRESENTATIVE McCOLLUM: No, I don't think they should have more authority than they have. Not for domestic law enforcement.

SAWYER: Gentlemen, I thank you very much for talking to us.

Mr. Higgins, Congressman McCollum, we'll talk to you again, I'm sure.

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██████████: First of all, we have to see what comes out of this London meeting, what the chiefs of Defense staff decide. They're going to come out with a plan to make a real strength in the ground force. It's going to involve a reinforcement of the ground troops -- not the U.S. ground troops; British and French. They may require assistance from the U.S. in transporting those troops. And it's going to involve a much more vigorous use of air.

Depending on what comes out of that and depending on the extent of U.S. resources, U.S. commitments involved, the president may feel obliged to go to Congress to get permission. In any event, we will go to Congress and consult with them about what we're doing.

MR. BRINKLEY: One thing is not clear to me, maybe not to some of our listeners. We are told that if we lift the arms embargo, the European countries already there will pull out. Why? Because they think then the Bosnians will not need their help? What's the -- what is this?

② ██████████ The forces are there today in a peacekeeping role. They're there to keep the combatants separated, not as part -- one side of the war. If we start sending arms into Bosnia, we are taking sides, we have taken sides with the Bosnian government, and we have therefore defeated the basic premise on which the peacekeeping force is there. In that case, the peacekeeping forces will pull out.

MS. ROBERTS: But, Mr. Secretary, haven't we already said -- I mean, I know that the U.M. ambassador, Madeleine Albright, has said that we now do see the Serbs as the aggressor, so to some degree, we have already taken sides. And while this whole conversation is going on, the Serbs are apparently, according to all reports, committing atrocities in what were safe havens that the United Nations, with our support, said would be safe and people would be safe in. I mean, can the United States continue having the Serbs just thumb their noses at U.S. policy?

③ ██████████ The United States has to consider what its real alternatives are. The one alternative which I mentioned is fixing that problem, correcting the injustice. That truly involves sending

few hundred thousand U.S. ground forces in there.

The other alternative is just get out and turn our backs and pretend that the problem doesn't exist. I think that is morally indefensible.

And that takes us with the other -- the third alternative, which is fixing the UNPROFOR, making it work, making it be a

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protection force. I believe that is achievable, and that's what the chiefs of the Defense staff are meeting in London as we speak to determine, how best to do that.

MR. DONALDSON: Mr. Secretary --

MR. BRINKLEY: Sam, we have only a few seconds left.

MR. DONALDSON: -- one other subject. As you know, Waco hearings are beginning in Congress this week into the assault at Waco. And one of the questions is to what extent the Defense Department participated in helping the other law enforcement agencies create the assault, the original assault at Waco?

1A: The military forces, under the Posse Comitatus Act, which dates back to the 19th century, are not permitted to be part of a law enforcement operation. We have, though, for decades provided equipment, provided advice to the law enforcement agencies and --

MR. DONALDSON: Did you provide advice in this case?

SEC. PERRY: And we did in this one, yes, we did.

MR. DONALDSON: What was your advice?

2: Well, we provided equipment and we reviewed the plans they had and commented on it.

MR. DONALDSON: Which plans? If I could just be clear, the original plans that led to the death of the four agents, or the final plans, which ended in such a fiery assault?

3: The original plans.

MR. DONALDSON: And not the final one?

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MR. DONALDSON: So in the original sense, you approved of the plan to --

5: We did not approve of plans. That's not our position, to approve. We had a few consultants who reviewed their

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plans, gave them reconstruction help to deal with the equipment which was made available --

MR. DONALDSON: But these consultants did not say, "All right, we think this is a good plan, you should go in?"

① [REDACTED] No, that wasn't our job.

MR. BRINKLEY: Mr. Secretary, thank you. Thanks very much for coming. Come again.

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③ [REDACTED]: Thank you.

MR. BRINKLEY: Coming next, as we explore whatever options this country has in the only real war the world has at the moment, our guest will be the majority leader, Senator Bob Dole, Republican of Kansas. In a moment.

(Announcements.)

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PERRY: The United States has to consider what it's real alternatives are. The one alternative which I mentioned is fixing that problem, correcting the injustice, that truly involves sending massive U.S. ground forces in.

We have decided not to do that, and I am perfectly willing to debate anybody that thinks we ought to send a few hundred thousand U.S. ground forces in there. The other alternative is just get out and turn our backs, and pretend that the problem doesn't exist. I think that is morally indefensible, and that takes us with the other, the third alternative, which is fixing the UNPROFOR, making it work, making it be a protection force. I believe that is achievable, and that's what the Chiefs of Defense staff are meeting in London, as we speak, to determine how best to do

that.

DONALDSON: Mr. Secretary, one other subject. As you know, Waco hearings are beginning in Congress this week, into the assault at Waco, and one of the questions is to what extent did the Defense Department participated in helping the other law enforcement agencies create the assault, the original assault, at Waco?

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PERRY: The original plans.

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DONALDSON: So in the original sense, you approved of the plan.

PERRY: We did not approve a plan. That's not our position to approve. We had a few consultants who reviewed their plans, gave them recommendations how to best use the equipment which was made available to them.

DONALDSON: But these consultants did not say, all right, we think this is a good plan, you should go in?

PERRY: No, that wasn't our job.

BRINKLEY: Mr. Secretary, thank you,

PERRY: Thank you.

BRINKLEY: Thanks very much for coming. Come again. Coming next, as we explore whatever options this country this has, in the only real war the world has at the moment, our guest will be the Majority Leader, Senator Bob Dole, Republican of Kansas, in a moment.

BRINKLEY: Senator Dole, thanks for coming. You haven't been in that chair for a while?

DOLE: No, those flowers always stay the same. It's remarkable.

BRINKLEY: They're real flowers. They are not waxed. Anyway thanks for coming. Now, you've

# As Germany Enters the Fray, Two Pilots Reflect an Altered Military

By ALAN COWELL

LECHFELD, Germany — Beyond their training as pilots of the Luftwaffe, Hans-Georg Bätcher and First Lieut. Peter-Georg Stütz have little in common — and much history dividing them.

Mr. Bätcher, 81, was a bomber pilot in World War II, a hero of the Third Reich decorated personally by Hitler. He flew a staggering 658 combat missions — a world record — and was shot down twice, but survived to fly his last mission in February 1945, attacking a column of Allied troops entering the near-defeated Germany from the Netherlands.

Lieutenant Stütz, 40, is from a newer school. Although he was trained to fly advanced Tornado fighter-bombers, he is a stranger to combat. He has been taught to embrace as allies the same forces Mr. Bätcher once bombed, and he is insistent that his flying be interpreted as a vehicle of peace, not war.

Yet as Germany prepares to send warplanes over Bosnia to support United Nations forces there, the experiences of the two men show how Germany has evolved from an aggressor to an uncertain enforcer of an elusive peace.

When eight Tornados from his squadron deploy to an Italian air base for operations over Bosnia, possibly later this month, Lieutenant Stütz could be among the first Germans to engage in aerial combat since World War II.

And though the two men have never met, the legacy of Mr. Bätcher's

wartime generation — stamped by Hitler's militarism and expansionism — casts its long shadow over Germany's cautious revival as a nation prepared to use force to influence world affairs.

Throughout the cold war, when Germany stood at the fulcrum of East-West confrontation, a German deployment outside the area protected by the North Atlantic Treaty Organization would have been unthinkable. And since the collapse of the Berlin wall in 1989, it has taken years of psychological preparation for German soldiers and civilians to get used to the idea that German forces can again deploy in troubled areas of Europe, particularly the Balkans, where Nazi troops committed countless atrocities.

During the crisis in the Persian Gulf in 1990-91, Germany balked at a closer commitment to the American-led coalition against Iraq. Even now, the German commitment to support the new United Nations Rapid Reaction Force in the Balkans — with Tornados, transport planes, headquarters staff in Italy and a military field hospital in Croatia — is cautious and limited.

"We will never play a leading military role," Defense Minister Volker Rühe said when he visited the Tornado pilots at this Bavarian air base south of Augsburg recently. "We will be in the mid-field to play whatever role we can usefully play."

Nonetheless, the deployment of 1,500 German troops to the region — though not to Bosnia itself — represents a turning point after a tumultu-

ous period for the military. With the cold war over, the former West German army has absorbed the former East German army, and the total number of troops has been cut by one-third, to 340,000.

Germany's military aims have also been redefined after a ruling by the Constitutional Court last year permitting German soldiers to be deployed outside the NATO area.

"Germany is no longer a front-line state, but a state surrounded by allies and partners," the Defense Ministry in Bonn said in a study released last month that described Germany's strategic aims not only as defense but also as "participation in international crisis-management and the prevention of conflict."

That does not seem to be interpreted here or abroad as a resurgence of militarism. "Quite the contrary," said Col. Andrew Duncan of the International Institute for Strategic Studies in London. "People would like Germany to take a bigger role."

Still, the shift does not go unchallenged. An opinion survey by the private polling institute Infas in Bonn said about two-thirds of respondents opposed sending German combat troops to Bosnia and opposed the idea of Tornados' attacking Serbian missile sites, reflecting a fear of casualties and of being drawn into war.

The German Tornados' primary mission in the Balkans will be to use advanced detection equipment to pinpoint hostile radar tracking American and other NATO planes

flying close-support missions for United Nations troops. The equipment includes weapons that can destroy radar-guided missile batteries.

More hazardously, the German Tornados would form part of the NATO mission to extricate the United Nations peacekeepers, if that became necessary — an operation that would be fraught with greater risks of being drawn into direct hostilities.

While two-thirds of the German Parliament voted in favor of the deployment, some opposition Social Democrats and Greens opposed it. German officials often stress that the deployment is locked into the broader strategies of NATO and the United Nations and represents a modest step toward shedding the inhibitions over use of the military.

The German deployment to the Balkans has angered the Serbs, who harbor bitter memories of World War II, when the Nazis set up the puppet Ustashe regime in Croatia.

The German pilots see things in a different light. "It's absurd to talk of the Second World War," Lieutenant Stütz said. "We are supporting a peace mission. We are not supporting any aggressive act."

The circumstances under which the Germans would fire is still unclear, some German pilots said, speaking on condition of anonymity.

"If shooting can be avoided, I'm in favor," one pilot said. "But if I'm threatened, I'm threatened."

And Lieutenant Stütz said, "If we

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Chirac acknowledged France's role in assisting German occupation forces in the deportation of Jews to Nazi death camps during World War II, becoming the first postwar French head of state to do so. Chirac delivered his speech at a ceremony marking a 1942 roundup of Parisian Jews by the collaborationist Vichy regime.

## ALLIES...from Pg. 2

Serbs. But the rapid reaction force is only now beginning to assemble in Bosnia, and Perry suggested yesterday that additional troops alone may not provide a sufficient deterrent or counterpunch to Serb aggression.

"I think that the combination of those 12,000 forces, plus a really vigorous use of NATO air, can do it," he said. "But it takes the will to use the NATO air."

Perry did not elaborate on what a more vigorous air campaign would entail. So far, NATO aircraft have engaged in limited attacks on Serb targets, as the Serbs have been quick to take U.N. troops hostage to

block further strikes. U.N. authorities have been reluctant to approve more extensive attacks out of fear of endangering U.N. peacekeepers.

Perry reiterated the administration's opposition to sending U.S. ground combat troops to help strengthen the U.N. force, but he left open the possibility that U.S. helicopters and other aircraft with U.S. crews would be used to ferry French and British reinforcements into the threatened enclaves.

"If this fails, if we cannot determine a plan, if we do not have the will to take the action necessary to strengthen UNPROFOR, then the U.N. force will pull out," the secretary said.

Barbash reported from London, Graham from Washington.

# Military gave ATF suggestions during deadly Davidian siege

THE WASHINGTON TIMES

U.S. military officials advised federal authorities during the siege of the Branch Davidians but were not involved in the decision to storm the compound near Waco, Texas, Defense Secretary William Perry said yesterday.

Mr. Perry, speaking on ABC's "This Week," said U.S. military forces provided equipment and advice to law enforcement authorities during the 1993 standoff, but under law were not allowed to be part of the operation.

"We provided equipment, and we reviewed the plans they had and commented on it," Mr. Perry said.

He said the military reviewed and commented only on plans for the first raid by Bureau of Alcohol, Tobacco and Firearms agents, in which four agents were killed. The military had no input on the FBI-led assault that

led to the fatal conflagration, he said.

"We did not approve of plans. That's not our position, to approve," Mr. Perry said. "We had a few consultants who reviewed their plans, gave them recommendations how to best use the equipment which was made available."

Federal agents used special tanks fitted with battering rams, instead of cannon, on their turrets to break holes in the compound's buildings. The vehicles then were able to shoot CS anti-rif gas into the buildings in an effort to drive out the occupants.

Several armored vehicles and three National Guard helicopters also were used during the siege.

The military's role at Waco is expected to be the subject of congressional hearings set to begin tomorrow.

— Bill Gertz

The Washington Times

NATION

*July*

# WACO HEARINGS: A SPECIAL REPORT



Photos by David Rosenbaum/The Washington Times



## Tasty pie or spicy stew, hearings find Democrats with no appetite

By Laurie Kellman  
THE WASHINGTON TIMES

The Whitewater and Waco hearings, which open this week, are two pieces of a pie Republicans

### NEWS ANALYSIS

are counting on serving to voters next year in their bid to reclaim the White House and strengthen control of Congress. For Democrats, it's some-

thing of a stew. But whatever it's called, it's likely to be served up hot and spicy.

The hearings, expected to stretch into fall, will reprise in the news several of the most damaging moments of President Clinton's administration, and perhaps offer new ones.

The Waco and Whitewater hearings, says Nelson Warfield, spokesman for Senate Majority

see HEARINGS, page A10

## HEARINGS

From page A1

Leader Bob Dole's presidential campaign, "point to a pattern of failure that goes to poor performance in office, bad judgment by key administration officials, and more important, they stoke concern about this man's character."

Others agree. "Both of them point to abuses of power by government, which tends to work to Mr. Clinton's disadvantage because his party is seen as the party of government," says Craig Shirley, a Republican consultant.

The hearings aren't without risk to the Republicans. Democrats say voters will see the hearings as political dog-and-pony shows designed to bring down a Democratic president whose 1992 election interrupted a string of Republican victories.

"You need to look at the president's record; it's not a pattern of failure, it's a pattern of success," says White House spokeswoman Mary Ellen Glynn. "The president has worked very hard to make the economy grow, to create jobs, to promote education and training, and to pass a very tough crime bill. Those are the kinds of things Americans care about."

Undisputed is the advantage the

prolonged publicity will give the Republicans. Following the Senate Whitewater hearings, which begin tomorrow, the House will open similar sessions in August.

The House Waco hearings, which open Wednesday, will be followed by Senate hearings on the siege in September.

Moreover, Sen. Orrin G. Hatch on Friday announced that the Judiciary Committee would begin hearings on allegations, first reported in The Washington Times, that Bureau of Alcohol, Tobacco and Firearms agents, among others, have long held whites-only recreational retreats.

The House leadership plans to hold hearings on the future of the ATF in the fall. Both chambers also plan to hold fall hearings on the ATF's botched siege of white separatist Randall Weaver's family in Ruby Ridge, Idaho. His unarmed wife was slain as she stood in the doorway of their home.

Larry Potts, the No. 2 official at the FBI, who oversaw the Ruby Ridge and Waco disasters, was transferred from his job on Friday. He is expected to testify this month before the House joint committee investigating the Waco raid.

The Clinton administration has, at times, scolded Republicans for holding hearings into the 1993 raid on the Branch Davidian compound

near Waco, Texas.

The 51-day siege began with a botched raid in which four federal agents and six Branch Davidians were killed. It ended April 19 with the deaths of more than 80 Branch Davidians, including several small children, who were in the compound when it burned to the ground.

Treasury Secretary Robert E. Rubin earlier this month predicted the hearings on Waco would amount to a witch hunt, orchestrated by the gun lobby, and would encourage "right-wing extremists" who condemn the raid.

Attorney General Janet Reno disagreed, saying she believed the Waco hearings, which begin in the House on Wednesday, would be "fair and thorough."

Tomorrow, a special Whitewater committee opens three days of hearings on the failure of an Arkansas savings and loan linked to President and Hillary Rodham Clinton. The facts, dealing with the fine print of loans and the workings of the banking industry, are likely to be far less understandable to the public than the blood and fire of Waco, but Republicans think Whitewater is more likely to taint the Clintons personally once the episode is fully understood.

"We are talking about their

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7/10



Attorney General Janet Reno believes the hearings will be fair.

probe of Madison Guaranty Savings and Loan Association.

Federal regulators closed Madison in 1989 at a cost to taxpayers of \$50 million. The thrift was owned by James B. McDougal, partner with the Clintons in Whitewater Development Corp., an Ozarks vacation resort project that also failed. Madison and Whitewater have since become key focuses of an investigation by independent counsel Kenneth W. Starr.

Key questions to be asked by the panel include:

• Who removed Whitewater papers from the office of White House Counsel Vincent W. Foster Jr. on the night he was found in Fort Marcy Park in suburban Virginia, dead of a gunshot wound which the Park Police say was self-inflicted.

• Did two senior White House aides — George Stephanopoulos and Harold Ickes — lie during hearings in August about what they did when they learned the Resolution Trust Corp. would appoint Jay B. Stephens, former Republican U.S. attorney for the District of Columbia, as outside counsel on Madison?

• Was former Associate Attorney General Webster L. Hubbell, who was sentenced last month to 21 months in prison for

mail fraud and tax evasion, involved in the leak of confidential information on the government probe? Did he obstruct the investigation to protect the Clintons?

Translating that into campaign sound bites will be no easy task, consultants acknowledge.

"Whitewater is a complex issue and more difficult to use politically — although people do understand grand juries and subpoenas and indictments," says Mr. Shirley. "For Clinton, Waco is a tougher issue to fight ... because it's easily understood. It is about an over-zealous agency that really grossly abused its power, and as a result 22 children died at the hands of the government."

Under particular fire this week will be the ATF, which executed the original raid despite evidence that it had lost the element of surprise. In addition to questioning the supervisor who made that decision, Republicans also will try to elicit testimony on who gave the order to flood the compound with tear gas, of a type forbidden by international agreement for use in war, that could have been lethal to children.

Rep. Bill Zeliff, New Hampshire Republican and co-chairman of the committee holding the hearings, has said he believes the order may have come from Hubbell.

character and the propensity for truth-telling of the people they surround themselves with," says one Democratic consultant. "Our best hope is that the public doesn't focus on it because it's banking and it's boring."

Led by Sen. Alfonse M. D'Amato, New York Republican, the committee will focus on suspected "contradictions" in testimony concerning information leaked to the White House on a government



Smoke and flames engulf the Branch Davidian compound near Waco, Texas, after the FBI launched its attack.

Hearings  
page 2 of 2

## WACO QUESTIONS

The special House panel probing the Waco siege and raids is expected to ask:

- Did the affidavit the Bureau of Alcohol, Tobacco and Firearms used to justify a search of the Branch Davidian compound outside Waco, Texas, contain false statements? A Washington lawyer and weapons expert said a review of the affidavit, written by agent Davy Aguilar, shows no probable cause to arrest cult leader David Koresh or search the property.
- Why did ATF agents initiate a confrontation instead of waiting to arrest Koresh outside the compound? Local sheriff's deputies previously confronted Koresh on criminal complaints and never reported a problem.
- Why did ATF supervisors order the Feb. 28, 1993, raid to continue despite warnings that Koresh and his followers knew it was coming? An ATF undercover agent in the compound told supervisors the raid was compromised when a sect member told Koresh the agents were coming.
- Who was responsible for starting the gunfight when 100 ATF agents stormed the compound to arrest Koresh? Agent Rolland Ballesteros told Texas Rangers the first shots came from agents who shot dogs at the compound, but he testified during the trial of the nine Davidians that sect members fired first.
- Why did the FBI insert tear gas into the compound and demolish the buildings after negotiating for 51 days, and who made the decision? Although tanks were used to push in the wooded buildings, Attorney General Janet Reno has described the FBI plan not as an attack, but as an effort to safely extricate the Davidians.
- Did any government actions during the April, 19, 1993 FBI raid result in the death of civilians — including children — as suggested by Dr. Alan A. Stone, a Harvard University professor of psychiatry and law hired by the Justice Department to review the raid?
- What was the impact of the CS gas on the Davidians, especially the children, and what justifications were given to Miss Reno and by whom that it would be safe? Some chemical experts have said the gas — banned for military use — would have created a "final hell" for the children.
- Did the CS gas contribute to the spread of the flames, even if the fire was started by the Davidians? Chemical experts, including those writing for Army manuals, believe there is a significant risk of flammability from CS particulates.
- Why did Miss Reno decide April 19 was the day the Davidians needed to be flushed from the compound and that further negotiations would not work? She has given different reasons the past two years to justify the raid, including claims of child abuse and concerns that the FBI's hostage rescue team was tired.
- Were federal authorities aware that allegations of child abuse against Koresh had been investigated and dismissed by state authorities?
- Did the FBI find illegal weapons at the Davidian compound, and, if so, why were they not presented during the Davidians' trial? Miss Reno has said 48 machine guns were found at the compound, but 16 have vanished and the others were not introduced as evidence or given to the defense to examine.
- What role did President Clinton play in the decision to allow the FBI raid to proceed? The White House has said the president was briefed but that the decision to go ahead was Miss Reno's. Others have suggested Mr. Clinton played a much more active role and was briefed by Associate Attorney General Webster L. Hubbell, a longtime friend.
- Did the FBI dismiss Koresh's religious beliefs as "Bible babble" and order the raid despite being told he was "within a few days" of surrendering? James D. Tabor, associate professor of religious studies at the University of North Carolina, said the raid came after FBI officials were told by their own negotiators that continued pressure tactics would be counterproductive.
- Why has the White House refused to give the special House panel many of the documents relating to its involvement in the raid?

The Washington Times

17 July 95

## WACO CHRONOLOGY

**May 1992:** The Sheriff's Department of McLennan County, Texas, informs the Bureau of Alcohol, Tobacco and Firearms that United Parcel Service has reported delivering dummy grenades, explosive powder and suspicious firearms to members of the Branch Davidian religious sect outside of Waco. ATF begins an investigation.

**Feb. 28, 1993:** Four federal agents are killed and 16 injured in a 5-minute shootout as police and federal agents attempt to serve arrest and search warrants on David Koresh, leader of a religious sect called the Branch Davidians — a group of about 130 men, women and children said to have stockpiled illegal weapons and explosives. Koresh promises to release two children every time radio stations play his religious messages. Four children leave the compound.

**March 1:** Authorities negotiate but bring in a convoy of Bradley fighting vehicles, armored personnel carriers, helicopters and heavily armed officers to the road to the compound. Six more children are released.

**March 2:** In a 58-minute taped message broadcast on several radio and TV stations, Koresh says: "I, David Koresh, agree upon the broadcasting of this tape to come out peacefully with all the people immediately." A total of 18 children and two adults have been released.

**March 4:** Two more children are released, for a total of 20 children and two adults released. Eighteen children, 47 women and 43 men remain in the compound.

**March 7:** Koresh refuses a compromise that would have ended the stalemate.

**March 16:** Koresh's top lieutenants — Steve Schneider and Wayne Martin — meet with government negotiators for the first time.

**March 19:** Koresh asks for "a little more time."

**March 20:** The FBI says negotiations have improved, and the standoff will end soon.

**March 28:** The FBI says it fears sect members have signed suicide pacts.

**March 31:** The FBI shuts down all negotiations with the Branch Davidian sect.

**April 4:** Koresh says he will end the standoff after Passover.

**April 9:** Koresh says they have no plans to come out after Passover. An aide says six sect members were killed in the raid.

**April 14:** Koresh promises to surrender after decoding the seven seals for the Bible's Book of Revelation.

**April 19:** FBI agents in an armored vehicle smash the compound's buildings and pump in tear gas. The Justice Department says cult members set fires, causing the compound to burn to the ground.

**April 20:** President Clinton calls for an investigation into the federal raid on the Branch Davidian compound.

**April 28:** Attorney General Janet Reno testifies at a House Judiciary hearing, defending her role in the Waco affair.

**Sept. 28:** Stephen Higgins resigns as ATF director.

**Sept. 30:** Treasury Secretary Lloyd Bentsen announces the results of a five-month Treasury Department probe into the raid. It says the raid was doomed from the start because of the failure of key field supervisors.

**Oct. 8:** The Justice Department issues a report defending the FBI handling of the siege at Mount Carmel and blaming the fatal fire on the Davidians themselves.

**July 19, 1995:** Two House subcommittees begin investigatory hearings into Waco incident.

The Washington Tim

## COUNTDOWN

The federal Bureau of Alcohol, Tobacco and Firearms and the FBI on April 19, 1993, ended the 51-day standoff with David Koresh and members of his Branch Davidian cult. What follows is a chronology of the final hours of the standoff at the Branch Davidian compound outside Waco, Texas. Times are CDT, local time in Waco.

### Sunday, April 18:

Attorney General Janet Reno has a 15-minute telephone conversation with President Clinton, giving him a detailed presentation of the plan for ending the standoff. She also tells the president that negotiators had given up hope of ending the siege by talking.

The president signs off on the plan, and Miss Reno gives the FBI the go-ahead.

### Monday, April 19:

**About 5:50 a.m.** — Federal agents call the compound and inform cult members to give up or they will be gassed. A person inside the compound reportedly hangs up.

**About 6:04 a.m.** — An armored vehicle smashes through a front wall of the compound just left of the front door, leaving a hole about 8 feet high and 10 feet wide.

**6:30 a.m.** — Miss Reno goes to FBI headquarters to monitor events in Waco.

**6:55 a.m.** — Authorities call Hillcrest Baptist Medical Center in Waco to be on alert.

**About 8 a.m.** — An armored vehicle with a large battering arm rips into the second floor of compound, and minutes later another hole is punched into the back of the compound. Armored vehicles then withdraw.

**About 9:20 a.m.** — An armored vehicle returns to the compound and bashes another hole in the front wall, taking out the front door.

**About 10 a.m.** — A chemical irritant is sprayed into the compound.

**10:30 a.m.** — FBI agent Bob Ricks says the ramming of building and use of the irritant was intended as the "next logical step" to end the standoff. Mr. Ricks says the agents in the armored vehicles were met with shots from inside the compound but did not return fire and says no one was injured.

**About 11:30 a.m.** — Armored vehicles continue battering cult buildings.

**12:15 p.m.** — Flames and smoke pour from compound. A person is seen on the roof. Strong winds fan the fire.

**12:28 p.m.** — A person with hands raised walks to an armored vehicle and appears to surrender. A second person appears to come out of compound, dragging something — possibly another person — toward the armored vehicle. Fire has destroyed much of the compound.

**12:30 p.m.** — Parts of the roof collapse.

**12:38 p.m.** — Firetrucks arrive at the compound.

**4 p.m.** — Federal authorities say eight survived and presume a "massive loss of life" among the remaining cult members. Cult leader Koresh is among those believed dead.

The Washington Tim

ARTICLE  
17 JULY THE WASHINGTON TIMES

# Whitewater, Waco hearings to get TV coverage

By Joyce Price  
THE WASHINGTON TIMES

Those looking for live gavel-to-gavel televised coverage of the Senate Whitewater hearings, which get under way tomorrow, will find it on public television.

Viewers in the Washington area will be able to watch the hearings on WETA, Channel 26.

WETA announced it will also be providing live afternoon coverage of the House Waco oversight hearings, starting Wednesday. The station will provide full-day coverage of the Waco hearings when there are no Whitewater hearings.

The Whitewater hearings are slated to run Tuesdays, Wednesdays and Thursdays from 9:30 a.m. to 1 p.m. The Waco hearings will last eight days, beginning

Wednesday, from 9 a.m. to 5 p.m.

WETA will provide live coverage of the Whitewater hearings on the days they occur. It will then show taped highlights of the morning's Waco hearings before starting live coverage of the afternoon proceedings.

C-SPAN, the network that provides viewers with live and complete coverage of House and Senate sessions, will not offer much in the way of live coverage of the Whitewater hearings.

"We'll run the hearings live until the House comes in... everything depends on when the House comes in, since we're committed to covering the House," said C-SPAN spokeswoman Monique Llanos.

That means there will be no live coverage of the hearings tomorrow, C-SPAN spokesman David

Roscow said, since House proceedings begin at 9 a.m. — half an hour before the Whitewater hearings.

However, C-SPAN will tape the hearings, to be aired in full when the House adjourns, Ms. Llanos said.

Since adjournment time is a big unknown, Ms. Llanos acknowledged viewers could be forced to stay up till the wee hours of the morning to watch the hearings on C-SPAN. Last week some House sessions didn't break until midnight.

On Wednesday and Thursday, the House does not meet until 10 a.m., which would allow C-SPAN to provide live coverage of the first 30 minutes of the Whitewater hearings.

CNN "won't be covering the hearings live," said network spokeswoman Paige Prill. Nevertheless, she said, "We definitely will be cutting into" regular programming for big developments in the hearings. "We'll also be providing news updates during the news hour," she said.

As for the other networks, NBC spokeswoman Heidi Pokorny said NBC will "not be going live" with the hearings. "We'll be covering them as a news item" on the evening news, she said.

CBS, ABC and Fox also will follow that path, officials said. "There will be no live coverage or regularly-scheduled cut-ins," said ABC spokeswoman Terry Everett. "However, as news warrants, we will break in" with updates.

WASHINGTON, D.C., MONDAY, JULY 17, 1995 \*\*

# Waco slaughter comes under scrutiny of House

By Jerry Seper  
and Laurie Kellman  
THE WASHINGTON TIMES

The House, led by Republicans, takes a closer look this week at the deadly raid on the Branch Davidian compound near Waco, Texas.

A 51-day standoff ended in death by fire for 80 members of the cult, including 22 children.

Hearings begin Wednesday before joint subcommittees of the Judiciary and Government Reform and Oversight committees—amid charges by critics that agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) began an unprovoked assault on the compound, and that the FBI used unnecessary lethal force.

“This will be an exhaustive ex-

## Reno is called to explain use of CS tear gas

amination of the Waco tragedy so that at the conclusion of the hearings, the American public will feel they have all the answers,” says Rep. Bill McCollum, Florida Republican, chairman of the Judiciary crime subcommittee.

Says Rep. Bill Zelliff, New Hampshire Republican, chairman of the Government Reform and Oversight national security subcommittee: “We will come to these hearings with an open mind, yet we intend to be tough, credible and

fair.”

The hearings, which will be broadcast nationally, will focus on an array of high-profile witnesses, including:

- Attorney General Janet Reno, who approved an FBI plan to use tanks and tear gas in an unsuccessful attempt to end the siege.

- Former Associate Attorney General Webster L. Hubbell, who was sentenced last month to 21 months in federal prison on unrelated charges as part of the Whitewater probe, and who was assigned to oversee the government strategy from the White House.

- Former White House Counsel Bernard W. Nussbaum, who was

see WACO, page A11

# WACO

From page A1

briefed on the standoff and met with President Clinton concerning it.

• Stephen Higgins, former ATF director, who was forced to resign after the ATF raid, and John Magaw, his successor.

• Ronald K. Noble, Treasury undersecretary who oversees ATF and was responsible for much of the government's review of the ATF raid.

The hearings come at a time when public-opinion polls show that approval of government's action at Waco is down, plummeting from 80 percent just after the final FBI assault on April 19, 1993, to barely 40 percent now.

Agents investigating the April 19 bombing of the Alfred P. Murrah Federal Building in Oklahoma City say the blast was retaliation for the FBI raid at Waco two years to the day earlier. The suggested linkage has prompted a furious campaign for Waco hearings by critics who say the two events indicate growing fear and loathing of federal law-enforcement.

Undisputed is the role the Oklahoma City bombing played in the timing of the hearings. In January, Mr. Zeliff and Mr. McCollum separately proposed to House leaders that Waco hearings be held sometime in the future, but the bombing "sped up the process," senior Republican sources say.

Still, senior Republican members are "moving mountains" to ensure that the Waco hearings not be taken as rationalization of the Oklahoma City bombing, or appear as pandering to radical militia members. Senior Republican leaders say that a cool examination of the facts will nevertheless expose Waco as a debacle to the satisfaction of nearly everyone.

The government's presence at the Branch Davidian compound began Feb. 28, 1993, when ATF agents sought a "dynamic entry" — the term for breaking down the doors or walls — to serve an arrest warrant on cult leader David Koresh for weapons violations. Instead, a gunfight erupted and four agents and six Davidians were killed.

The FBI was called in and over the next 51 days attempted to negotiate a peaceful surrender. Although some Davidians, including several children, did leave the compound, most chose to stay.

On April 19, 1993, the FBI pumped tear gas into the compound and began knocking down some of the buildings. The compound erupted into flames.

Miss Reno says the fire was started by the Davidians, and recently released tapes of conversations inside the compound which she says appear to corroborate that charge. Miss Reno has said, however, that she would not have agreed to the plan if she had known it would lead to so many deaths.

Separate investigations by the Justice and Treasury departments found that the FBI's actions during the standoff and resulting raid were flawless, while the ATF raid was badly mishandled and should have been called off when supervisors learned the element of surprise had been lost.

A 348-page report, written by Justice Department and FBI executives, concluded that the introduction of tear gas, of a sort forbidden in warfare, into the compound was justified and that the fire was deliberately set by Davidians.

An accompanying report by former Justice official Edward S.G. Denis Jr., who was asked to evaluate the federal government's handling of the Branch Davidian standoff, said the FBI exhibited "extraordinary restraint and handled the crisis with great professionalism."

Later, a Treasury Department report said the ATF raid was doomed from the start because of the failure of key field supervisors

*Miss Reno has said that she would not have agreed to the plan if she had known it would lead to so many deaths.*

and five ATF officials, including three top executives in Washington, were removed from their posts. Two later were reinstated.

Sixty-one of the ATF's 76 agents involved in the raid — aware they were outgunned — knew the Davidians had been alerted they were coming but followed the orders of field supervisors Charles D. Sarabyn, who ran the Branch Davidian probe, and Phillip J. Chojancki, who headed the Houston ATF office.

Agents Sarabyn and Chojancki have been called to testify before the joint subcommittee.

A key issue will be the impact of the use of CS tear gas on the Davidians, mainly the children, and what justifications were given to Miss Reno and by whom that it would be safe. Some chemical experts have said the gas would have created "a final hell" for the children and they would not have been able to escape the flames.

During recent hearings before the Senate Judiciary Committee, Miss Reno said she asked specifically before the FBI raid what the impact of the CS gas would be on the children and was told by [redacted] a civilian scientist with the Army, there would be no permanent effect.

"Prior to its use . . . I said, 'What about the children? What about elderly people? What effect could it have? Could it have a permanent effect on anyone?' The FBI made arrangements for me to meet with [redacted]

. . . and he concluded that it would not have a permanent effect." She said inquiries with other experts are continuing.

Asked by Sen. Arlen Specter, Pennsylvania Republican, if she would use CS gas again, she replied: "No, sir. What I would do would be to see what the latest information is, look at it all over again, and make the best judgment that I could based on the inquiries that we have made."

WACO  
2 07 2

OPINION USA

# Government hasn't yet come clean on Waco

Hearings should look into the fabrication of drug charges to get military's help and whether ATF agents fired on Mount Carmel from the air, says author.

Congress begins lengthy hearings Wednesday into the 51-day siege on followers of David Koresh in Waco, Texas, that cost the lives of four federal agents and 52 men, women and children, most of them in a horrific inferno witnessed by millions of TV viewers around the world.

Why hold hearings now? Because even two years after the initial Feb. 28, 1993, assault that culminated in the celebrated conflagration, questions remain about the veracity of the government's version of events.



By the Associated Press

Questions about the entire episode include why the military assisted in preparations for the initial assault, who fired the first shots in that assault and whether claims of child abuse, drug use and the existence of a methamphetamine lab at Mount Carmel, where Koresh's followers lived, were trumped up by the government.

Members of the committee should put these very questions to the Clinton administration, including Attorney General Janet Reno.

Did the Bureau of Alcohol, Tobacco and Firearms fabricate drug allegations against followers of Koresh to get the military's help? As I understand it, federal law prevents the use of military forces against civilians except in cases of drug interdiction. That was a problem for ATF because it wanted the military's help in planning, as well as equipment and armaments to execute the assault.

So it found a solution. In its request for help from the military, the ATF claimed that Koresh's followers were operating a methamphetamine lab at Mount Carmel and that 11 of its residents had records of drug involvement.

It is probably true that five of those named had used drugs prior to residing at Mount Carmel, and that one of the five had been arrested for pot possession in 1983, five years before the truth stops there.

The names of Danny Joe Harvey and Roy Lee Wells appear on the ATF's list of 11, published in the Congressional Record. But Koresh, upon assuming leadership in 1989, expelled the pair because he suspected them of operating a drug lab on the premises. And the ATF knew they



INFERNO: Fire engulfs Mount Carmel in Waco, Texas, on April 19, 1993.

were long gone because Marie Brenull, a former Koresh cult member and subsequent informant on the drug issue, had told the agency so.

The ATF also charged that another follower, Margaret Lawson, had been arrested in Los Angeles in 1988 while attempting to smuggle 10 pounds of cocaine into the country. L.A. police and Customs authorities say they've never heard of her. And she is an unlikely suspect. Lawson would have been 71 years old at the

time of the supposed offense. But the drug allegations worked. Green Berets trained ATF agents for the raid, and the Texas National Guard loaned the agency three helicopters, with pilots. When the raid

burned to a siege, the Army supplied the FBI with tanks, rebuilding facilities and personnel, as well as the soldiers who reloaded tear-gas charges on April 19.

What role did three National Guard helicopters play in the initial Feb. 28 assault, and was Mount Carmel fired upon from the air? The ATF has said that the three helicopters — carrying ATF agents — were to serve as a diversion by arriving simultaneously with the ground troops in the cattle trailers, but that the helicopters were late. As the helicopters got close to Mount Carmel, they were fired upon, forcing them to pull back, according to the ATF. The bureau says that ATF agents on board carried only 8-mm shotguns and did not return fire.

That doesn't square with some eyewitness accounts. For instance, two Waco TV newsmen, Dan Mulloy and John McClamore, were about half a mile south of Mount Carmel when the helicopters came into view. They moved quickly enough to film what they said was the third of three passes by the helicopters at close range over the building. As the personnel were reloading their gear, two cattle trailers carrying the ATF assault teams drove past. McClamore and Mulloy followed them into Mount Carmel and produced the memorable combat footage that millions of Americans have seen.

Contrary to ATF claims that the helicopters arrived late, their film and sworn testimony during the 1994 San Antonio murder trial of several Koresh followers demonstrated that the ground troops reached Mount Carmel after the helicopters had left.

In addition, Jack Zimmerman and Dick DeGuerri, who were allowed into Mount Carmel during the siege

as attorney for Koresh and his co-defendant Steven Schneider, cast doubt on the ATF's claim that no one fired from the helicopters. They say they examined bullet holes in the building's ceiling. Debris around the holes convinced them that bullets had entered from above. (Zimmerman is a Marine Corps Reserve colonel and former combat artillery officer.)

Also, former residents, who are willing to testify under oath, say that the helicopters strafed Mount Carmel first and that its vinyl water tanks were punctured by aerial fire. They also say that one of their number, Winston Blake, whose bedroom window shattered the tanks, was killed by the barrage.

A lot of time has passed since the events at Mount Carmel, yet the public has not been fully informed. The justification for the use of the military and whether or not shots were fired from the helicopters are only two of several controversial areas that must be scrutinized.

The final account of what happened in the Waco tragedy cannot be written until our government comes clean. Let's hope that it finally tells us this week — through Congress inquiries. If in no other way — all that it can. Only full disclosure will put lingering myths to rest.

Dick Reno, who is scheduled to testify at the congressional hearings, is a former editor of *Journalism*, a former senior editor at *Texas Monthly* and former reporter for the *Dallas Observer*.

Smoking is deadlier than violence on TV



# In Ruins of a Raid, Questions Smolder

By Richard Leiby  
Washington Post Staff Writer

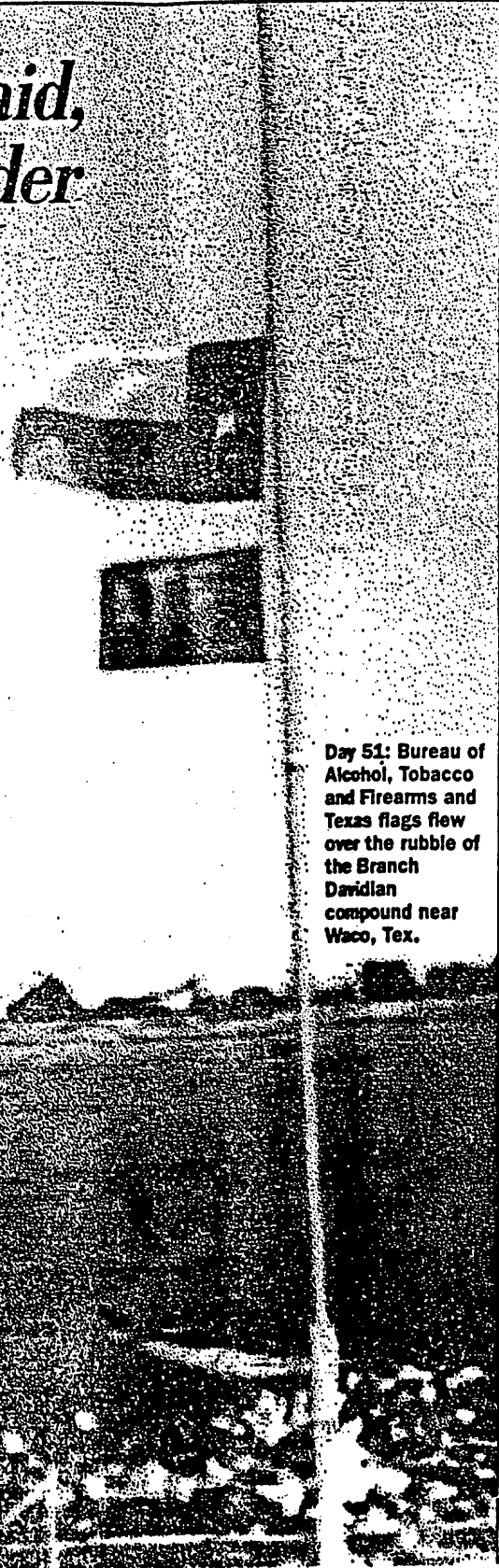
In the FBI situation room on April 19, 1993, the nation's top federal law enforcement officials watched their television sets in horror as flames tore through Mount Carmel Center near Waco, Tex. A high-ranking agent summarized the FBI's reaction this way: "Oh my God, they're killing themselves!"

When it comes to the siege of Waco, federal officials have long held that they did the best they could under difficult circumstances, but that the tragic result—more than 80 Branch Davidians died in the conflagration—was inevitable.

"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 those inside had no intention of leaving," the Justice Department's final report states.

But volumes of new evidence—including the accounts of witnesses in the 8,000-page court record established during the trial of 11 survivors, three new books, and more than 14,000 pages of documents released under the Freedom of Information Act—suggest that there remain many unanswered questions about the government's conduct during one of the largest, longest and deadliest law enforcement operations in the nation's history.

See WACO, A6, Col. 1



Day 51: Bureau of Alcohol, Tobacco and Firearms and Texas flags flew over the rubble of the Branch Davidian compound near Waco, Tex.

# Treasury Conduct

More Found to Ho

By John Mintz  
Washington Post Staff Writer

Treasury Secretary Robert Rubin yesterday announced internal investigation of law enforcement participation in the "Good Ol' Boys Roundups" in Tennessee, and officials suggested that the Bureau of Alcohol, Tobacco and Firearms was only federal agency whose top officials attended the gatherings.

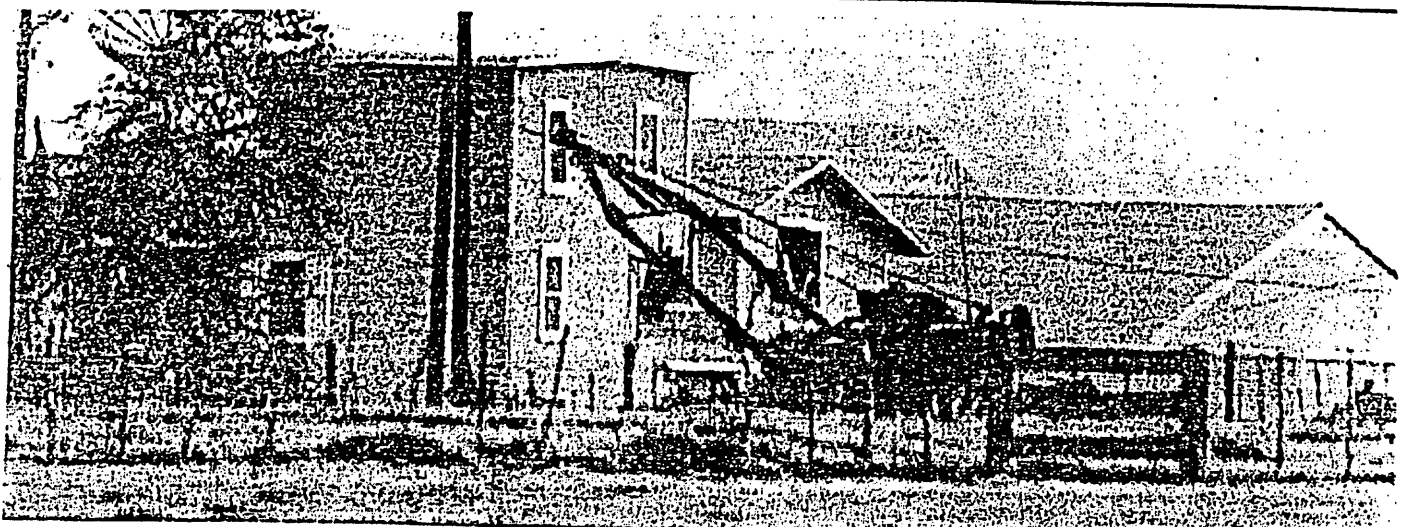
Officials said they also would examine participation at the meeting by a limited number of Customs Service, Internal Revenue Service and Secret Service employees, harshly warning that federal officials prohibits employees from engaging in discriminatory conduct.

Videotapes of the event at the mountain town of Ocoee, Ga., have touched off national controversy. They show vendors selling T-shirts depicting the Rev. Martin Luther King Jr. in gun-sight, and others, with the slogan "Boyz on the Hood," showing

# Monument New Battle City Divides Over

By Peter Baker  
Washington Post Staff Writer

RICHMOND, July 17—A monument seemed historic. The commission of the former Confederate states had just decided to erect the first statue of an African American on Monument Avenue.



Before the fire: During the April 1993 federal assault on the Branch Davidian compound, a specially rigged Army vehicle prepares to punch holes in a building and to pump tear gas inside.

# In the Ruins of a Failed Federal Raid, Questions Smolder

WACO, From A1

The siege has become a symbol of government abuse for a wide range of citizens—from clergy members and civil libertarians to gun owners—and a rallying cry for far-right paramilitary groups, including the men who allegedly were responsible for the Oklahoma City bombing. Administration officials contend the congressional hearings beginning Wednesday, chaired by two Republicans, are politically motivated and could undermine federal law enforcement.

But beyond the politics of Waco, these fundamental questions remain: Did federal officials pursue the safest course in dealing with this well-armed group of Bible believers? Did they fully meet their obligation to avert David Koresh's long-prophesied fiery ending?

Among the disputed issues the hearings will confront: U.S. military forces may have been improperly involved in planning the initial Feb. 28, 1993, raid on Koresh's compound. To obtain military assistance, the Bureau of Alcohol, Tobacco and Firearms described Mount Carmel as the site of an active meth-

amphetamine lab, but never turned to religious experts for advice on group's scriptural views, apocalyptic or otherwise.

In late 1992, ATF officials turned to military commanders for help with surveillance of what they described as a "cult/survivalist group." They said a six-month investigation had turned up serious weapons violations.

"What about drugs?" an officer scrawled on a Dec. 14 request submitted by the ATF. The question had to be asked because of complex Defense Department regulations and federal laws that guide the use of troops against civilians. Primarily, the establishment of a "drug nexus" meant that the military would be required to help for free.

"At this residence, the individual is suspected of unlawfully being in the possession of firearms and possibly narcotics," states a Dec. 18 follow-up letter from the ATF's Austin office, signed by the agent in charge.

By Jan. 6, the Texas National Guard was enlisted in the operation, sending radar planes over Mount Carmel, scanning for heat sources—"hot spots"—that might indicate a methamphetamine lab. The military

scaled back, but the documents show that it still included Green Berets helping to build a mock-up of the site to be raided, installing windows to be smashed during a "dynamic entry," offering tactical advice on "dismounting" from vehicles and giving classes in communications and field medical drills. At some point, Green Berets also posed as "suspects," according to one soldier's handwritten statement.

Lindley and other military officials are expected to testify on whether such activities constitute a "rehearsal" and whether military equipment and personnel were engaged in an "active" mode at Waco, congressional sources said.

Ronald K. Noble, assistant secretary of the Treasury for enforcement, said the military role was entirely appropriate. "The kind of support that the ATF received from the military in this case was the kind of support you'd want them to receive," he said. "Lives were saved because of the assistance they got from the military."

But critics contend the military approach helped foment the confrontation. "The Davidians, other than Koresh, were not even charged with a crime," said Rep. Phil

original attack [on Mount Carmel]. She thought it was unnecessary."

## The Prophet

David Koresh: "Zachariah said he saw a candle, lamp with seven lamps. And there's two witnesses & the olive tree, right?"

FBI agent: "Um-hum."

Koresh: "Now, we know that Christ is the light of the world according to the New Testament. 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 as one."

Agent: "Um-hum."

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

Agent: "Um-hum."

It went on like this for hours, days, weeks. The failures of the FBI and the Branch Davidians to communicate the months before the assault on the compound

questions remain: Did federal officials pursue the correct course in dealing with this well-armed group of Bible believers? Did they fully meet their obligation to avert David Koresh's long-prophesied fiery ending?

Among the disputed issues the hearings will confront: U.S. military forces may have been improperly involved in planning the initial Feb. 28, 1993, raid on Koresh's compound. To obtain military assistance, the Bureau of Alcohol, Tobacco and Firearms described Mount Carmel as the site of an "active methamphetamine lab," a charge supported by no substantive evidence. Army Special Forces briefing papers indicate the ATF fully expected "civilian casualties" in "taking down" the alleged drug lab.

The FBI commanders dealt with Koresh as a "psychotic criminal" spewing "Bible babble," and used military-style intimidation tactics. This approach contravened the advice of some of the bureau's behavioral experts, who warned that pressuring and belittling Koresh could lead to mass suicide. The FBI also spurned offers of mediation assistance from various theologians and refused the Branch Davidians' pleas to talk with religious scholars.

Despite Attorney General Janet Reno's expressed concern for protecting children—more than 20 were inside Mount Carmel—400 rounds of controversial CS tear gas were fired into the enclosed compound on the morning of the final showdown. The manufacturer of the gas warned it should never be used in enclosed areas because of its potentially harmful health effects. Officials now concede that Reno was not provided with background material linking CS to deaths of Palestinians and South Koreans, nor given the only available medical study on CS's deleterious effect on an infant.

ATF, FBI and Justice Department leaders will be asked to defend their decision-making: Branch Davidians and their advocates, who were not summoned to previous hearings, also will testify. Federal officials no doubt will invoke the voluminous reports prepared by the Treasury and Justice departments as evidence of government soul-searching and housecleaning. But two years later, many issues surrounding Waco fall into the unsatisfying category: disputed.

It is still not clear who fired the first shot during the ATF's original raid on Feb. 28, 1993, when four agents and five sect members were killed, nor exactly how the fire that consumed the compound April 19 got started. More than 80 Branch Davidians. As in other conspiracy-plagued historical events, evidence is missing that has been destroyed.

No major material facts are being hidden by the government, insisted Richard Scruggs, the Justice Department's point man on Waco. "If there is a dirty little secret, I don't know what it is," he said.

#### The Training

ATF agents first became interested in David Koresh in May 1992. A suspicious UPS man told the local sheriff about making several deliveries of weapons, black powder and empty grenade casings to the compound. The sheriff contacted federal authorities, and by tracing purchase records, an ATF agent developed a case alleging that Koresh—a self-proclaimed holy man previously known as Vernon Howell—was converting legal semiautomatic rifles into a stockpile of illegal fully automatic weapons and attempting to make live grenades. The ATF investigators debriefed some sect defectors and detractors about Koresh's shooting and sexual hab-

its means that the military would be required to help for free.

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By Jan. 6, the Texas National Guard was enlisted in the operation, sending radar planes over Mount Carmel, scanning for heat sources—or "hot spots"—that might indicate a methamphetamine or "speed" lab. The infrared videos picked up something that looked like a hot spot, but no expert from the Drug Enforcement Administration or any other agency was asked to render an opinion.

About the same time, the ATF approached the Army's Special Forces Command, saying 85 agents required training for a confrontation with armed extremists suspected of running a speed-making lab near the Mexican border.

An action "scenario," drawn up by Special Forces officers, outlined the plan. It was described as coming from a "DLEA," military jargon for "Drug Law Enforcement Agency." "DLEA wants to 'take down' lab," it states. "DLEA recognizes that casualties are probable. Casualties will be DLEA, bad guys and civilians."

Military memos, some of which were obtained by the nonprofit National Security News Service under the Freedom of Information Act, show the ATF sought the Green Berets' assistance in the form of seven Bradley Fighting Vehicles, "close quarter battle" training and rehearsal, medical evacuation and overall planning. It also sought three Texas National Guard helicopters, to create a "diversion" when the ground assault began.

Military assistance has been common since the "war on drugs" was expanded by Congress in the late 1980s, and the ATF's request moved up the lines routinely until it reached Maj. Philip Lindley, an Army lawyer. He immediately raised red flags. Lindley's five-page memo, dated Feb. 3, says the ATF's plan violated federal law and exposed the Army to "criminal as well as civil liability." He asked that the Special Forces training mission be modified to eliminate "active" elements, including "rehearsal of the take down."

The three-day training session at Fort Hood was

Ronald K. Noble, assistant secretary of the Treasury for enforcement, said the military role was entirely appropriate. "The kind of support that the ATF received from the military in this case was the kind of support you'd want them to receive," he said. "Lives were saved because of the assistance they got from the military."

But critics contend the military approach helped foment the confrontation. "The Davidians, other than Koresh, were not even charged with a crime," said Joe Phillips, a defense attorney representing several estates and family members of dead sect members. "The risk of death or serious bodily harm to innocent persons from this assault was very high."

There was never any credible evidence that the Branch Davidians—many of them former Seventh Day Adventists who observed dietary and physical fitness regimens—were involved with drugs. The ATF's search warrant made no mention of drugs. The undercover ATF agent who was sent into Mount Carmel eight times found no drug evidence.

The drug connection theory rested with the fact that George Roden, the sect's previous leader, had allowed speed dealers to operate on the property five years earlier, before Koresh took over the site. Koresh ejected the dopers and called the local sheriff to ask that the drug lab's remnants be carted away.

"The ATF's allegation about the methamphetamine was fabricated from the shreds of a misconstrued and bygone incident," veteran Texas journalist Dick J. Reavis wrote in his book, "The Ashes of Waco: An Investigation."

To gain military assistance for drug sweeps, however, all a police agency need do is concoct a theory. No prosecutor or judge has to rule on probable cause. "There is no formal standard by which the military defines a drug nexus," says the Treasury report.

Aides say then-Gov. Ann Richards (D) was livid when she discovered, the day of the botched ATF raid, that the Texas National Guard had lent surveillance aircraft to federal authorities based on the shaky drug allegations. Richards will not comment because of pending litigation against her, but former spokesman Bill Cryer said, "She was surprised, and she was furious about the

God died with Christ standing on the mount. Moses and Elijah standing by him, and they all three are one."

Agent: "Um-hum."

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

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It went on like this for hours, days, weeks. The failures of the FBI and the Branch Davidians to communicate are manifestly evident in thousands of pages of transcripts released by the Justice Department last week.

Critics who have studied the papers contend that the FBI, which took over the siege after the initial ATF raid, pushed Koresh into a corner, knowing full well he had the fuel and motive for a fiery martyrdom.

Richard Scruggs, who wrote the Justice Department's report on Waco, concedes the argument. "I think we did deliver the option he desired," Scruggs said.

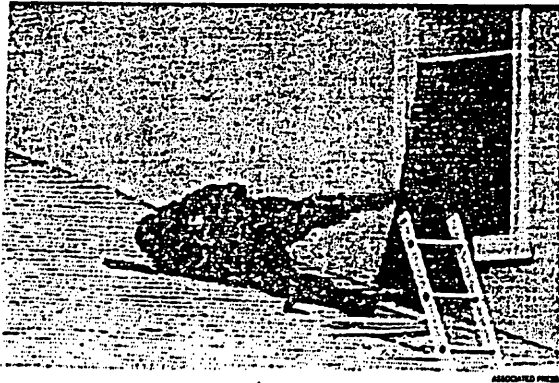
"The key element in any negotiations—shared values—wasn't present," said author Reavis, who is the only independent analyst to have read the complete transcripts. Given the transcripts' frequent references to death by fire, Reavis concludes that the FBI did not exercise "due diligence" in preparing for and preventing a catastrophe.

Throughout the tapes there are references to suicide—and to the Davidians' frustrations about not having their beliefs understood. In mid-March, the local sheriff, whom Koresh liked, was brought in to help make progress.

"I know you don't want to talk religion," Koresh told him. "But that's all I am about is religion." He also warned: "We are not afraid of the government. Like I say, if we have to die for what we stand for, we will. We're not going to commit suicide."

In retrospect, it is clear that Koresh did not have much to gain by surrender. He could end up in prison for murdering four federal agents. He would no longer have access to his many wives. He would be proved a phony prophet. He had much to gain by death: He would validate his Christ complex. Dead at 33, a former carpenter hung on the cross by an evil government he called "the beast."

Several religion experts say the government failed to See WACO, A7, Col. 1



Confrontations: A federal agent, left, falls amid gunfire in the February 1993 raid. At right, Ruth Riddle, a survivor of the FBI's April raid, is wheeled from the federal courthouse.



# Tough Approach Could Backfire, FBI's Behavioral Experts Warned

WACO, From A6

pursue what was probably the only viable strategy—engaging Koresh at his own level. To do this, the government would have needed a third-party negotiator, an expert in the prophetic, "end time" passages that Koresh knew by heart.

A high school dropout, Koresh possessed a savant-like ability, from an early age, to memorize the Bible. Seekers came to Waco from around the world—Britons, Jamaicans, Hawaiians, Canadians—because he was the one man who could bring it all together, from Genesis to Revelation. "There isn't another preacher on this Earth who could make the Bible live like David did," says Edna Doyle, 80, a former Seventh Day Adventist who joined the Davidian sect in 1964.

The FBI consulted various theologians early in the siege, mainly because its agents were befuddled by Koresh's continual invocation of the "Seven Seals" of the biblical Book of Revelation. But no outside expert was given a direct role in the mediation; none ever listened in.

Early on, the FBI decreed that any contact with theologians would only feed Koresh's ego. "We would have had to bring in hundreds," Jeff Jamar, the chief agent on the scene, told a House hearing on April 28, 1993. "How do you convince someone they are not the Messiah? This was his primary position."

The FBI's secular psychological consultants construed Koresh's writings—largely quoting the Bible—to be lunatic and paranoid ravings. Some officials now contend that Koresh's references to "earthquakes" and a "broken dam" indicated that he was planning to blow up parts of Waco. Such references abound, however, in Armageddon-oriented writings by mainstream fundamentalist preachers. Christ himself warned ominously of coming earthquakes in Matthew 24:7.

"David wanted respect," said James Tabor, co-author of the forthcoming book "Why Waco?" Tabor, a professor of religious studies at the University of North Carolina, and Phillip Arnold, head of the Reunion Institute, a Houston religion think tank, went through Koresh's lawyers to get a tape to Koresh. "We took him seriously enough to listen. We said, 'We may not share your view, but it has an internal consistency.' It gave him self-worth."

Initially, the FBI negotiators played to Koresh's need for validation, praising his biblical knowledge. Through March 21, 35 Davidians and their children left the compound. After the FBI dropped this warm and fuzzy approach in favor of psychological warfare and pressure tactics, nobody else came out.

The bureau's behavioral experts warned in memos written in early March that a tough approach could backfire. One states: "It would appear that we may unintentionally make his prophecy come true, if we take what he perceives to be hostile or aggressive action... a mass suicide by Koresh cannot be discounted."

But the tactical team prevailed, taking over the negotiators' loudspeakers to play annoying music and making demands, such as the surrendering of the compound.

body—to this day the Justice Department has never publicly identified who—remarked that inside the compound, "Koresh was beating babies."

Reno also was told that Koresh had previously had sex with minors, girls as young as 14. This was something the prophet had never denied, but justified on various religious grounds.

The new attorney general finally approved the FBI plan on April 17, but did not read all the documentation she had demanded. A footnote in the Justice Department's report states: "She read only a chronology, gave the rest of the materials a cursory review, and satisfied herself that the documentation was there."

Reno was certain that the gassing would be a phased-in operation, played out over two days, using specially rigged Combat Engineering Vehicles to spray the CS gas from booms. Monday, April 19, would not be "D-Day," she said. But on that morning, the 48-hour plan lasted roughly five minutes.

Shortly after 6 a.m., Branch Davidians fired on the tanks, kicking in an FBI "escalation" clause that allowed the tank commanders to start punching down walls, ostensibly to aid the escape of the "hostages," and deploying the Bradley Fighting Vehicles—from which agents fired football-sized plastic gas rounds, called "ferrets," from M-79 grenade launchers. They fired 400 rounds, depleting the stock, and 48 more were rushed in from Houston.

Reno recently testified in the Senate that she was not aware the United States was a signatory to the January 1993 Chemical Weapons Treaty banning wartime use of CS, which causes intense eye and skin irritation, choking and an acute sensation of suffocation. She said she knew at the time that millions of healthy military trainees had been exposed to CS as part of routine "gas mask confidence" tests. She was briefed orally and given one study by the British government that said CS exposure had caused babies to cry, but never resulted in hospitalization.

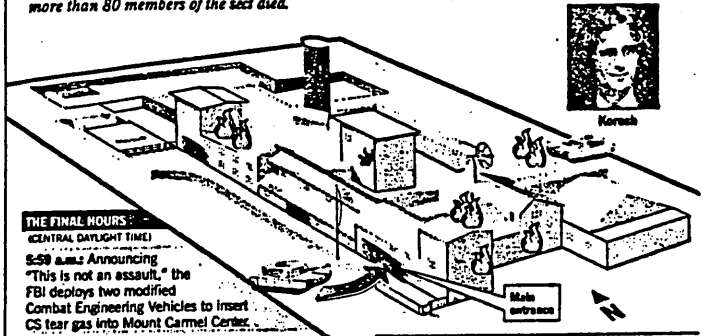
She was not given a 1989 medical journal report on the case of an infant who developed "severe chemical pneumonia" and was hospitalized for 28 days after being exposed to the gas in a closed room for two hours.

Administration officials point out that CS is regularly used by law enforcement agencies, outdoors, against civilian populations. However, Amnesty International and the Physicians for Human Rights condemn its use. Military field manuals say CS should not be inserted indoors—or used near children outdoors or near hospitals—except in "extreme emergencies." One warns: "In enclosed places, prolonged exposure to high dosages of riot control agents can kill or disable personnel and cause serious psychological reactions."

Manufacturers' warnings amplify those cautions: "Under no circumstances should [CS] grenades, cartridges or projectiles designed for use in riots be used in confined areas," states literature from Federal Laboratories, the supplier of the FBI's CS rounds. "A hazardous over-lease could be created by the release of... even one full-size grenade in a closed room."

## THE FINAL DAY

The 51-day siege of David Koresh's Branch Davidian compound near Waco, Tex., ended on April 19, 1993, when FBI agents injected tear gas into the buildings. Four fires erupted and more than 80 members of the sect died.



### THE FINAL HOURS

(CENTRAL DAYLIGHT TIME)

**8:59 a.m.:** Announcing "This is not an assault," the FBI deploys two modified Combat Engineering Vehicles to insert CS tear gas into Mount Carmel Center.

**6:04 a.m.:** FBI sniper reports that shots are being fired by Branch Davidians, prompting escalation of plan to include use of four Bradley Fighting Vehicles firing 400 rounds of tear gas.

**9:45 a.m.:** Davidians unfurl banner saying "We want our phone fixed." A tank had run over the line. It was never reconnected.

**11:30-45 a.m.:** Right rear of building, including gymnasium, collapses due to CEVs breaching walls.

**12:01 p.m.:** Negotiators announce over loudspeakers: "David, you have had your 15 minutes of fame... Vernon [Howell, aka Koresh] is no longer the Messiah. Leave the building now."

**12:06 p.m.:** Last tank rams building and fire detected on second floor.

**12:08-09 p.m.:** Three more fires detected.

**12:15 p.m.:** Fire department ordered to respond.

**12:25 p.m.:** Entire compound in flames.

**12:34 p.m.:** First fire vehicles arrive but do not approach remains of building until 12:41.

### HOW TEAR GAS WAS INJECTED

The tip of battering ram released tear gas after breaking through structure.

CEV (or M-728)

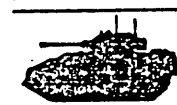


Combat Engineering Vehicle (CEV)

Based on M-60 battle tank.

Weight: 58 tons.

Purpose: CEV clears obstructions and can be used for close-in bombardment of hostile strong points.



Bradley Fighting Vehicle

Weight: 23 tons.

Federal agents inside used M-79 grenade launchers to fire 40mm rounds of CS gas.

### THE SEVEN WEEK SIEGE

**Feb. 25-27:** Green Berets at Fort Hood, Tex., assist 85 Bureau of Alcohol, Tobacco and Firearms agents in training for raid.

**Feb. 28**

**9:30-9:45 a.m.:** ATF agents arrive in helicopters and cattle cars, hoping to seize weapons stored in Mount Carmel Center. Gun battle begins.

**9:48 a.m.:** Branch Davidian lawyer Wayne Martin calls 911 and says, "There are 75 men around our building and they're snooting at us.... Tell them there's a gas leak and they'll leave and call 911."

**March 22:** FBI plays loud chants of Tibetan monks as part of sleep-deprivation strategy. No further Davidians exit after these tactics begin.

**April 12:** FBI brings tear gas plan—first considered as an option on March 22—to Attorney General Janet Reno.

**April 14:** Koresh says siege will end when he complete manuscript on "Seven Seals" of the biblical apocalypse.

**April 16-17:** FBI negotiators attempt to persuade Koresh to surrender.

...for validation, praising the biblical knowledge. Through March 21, 35 Davidians and their children left the compound. After the FBI dropped this warm and fuzzy approach in favor of psychological warfare and pressure tactics, nobody else came out.

The bureau's behavioral experts warned in memos written in early March that a tough approach could backfire. One states: "It would appear that we may unintentionally make his prophecy come true, if we take what he perceives to be hostile or aggressive action... a mass suicide by Koresh cannot be discounted."

But the tactical team prevailed, taking over the negotiators' loudspeakers to play annoying music and horrific sounds, such as the slaughtering of rabbits. Morning-shift FBI negotiators would arrive and realize that their progress had been undermined by the night shift's decision to wage "psy-ops."

Acting Attorney General Stuart Gerson, a Bush administration holdover, monitored the early days of the siege. He allowed one major escalation tactic: moving military armored vehicles onto the area. However, he said he followed a strategy of non-provocation. "I felt there was no need to force a change in the status quo," Gerson said. "We were getting people out."

Gerson left office on March 11. The following day, field commander Jamar ordered the electricity in Mount Carmel cut off. Three days later, FBI negotiators began to characterize Koresh's endless preaching over the telephone as a put-on, telling him to deal with them on a secular level; they said they wouldn't tolerate any more "Bible babble."

"It was not wise at all to do that, especially in a situation that tense," said Glenn Hilburn, chairman of Baylor University's Department of Religion, and the expert most consulted by the FBI. "It was unprofessional."

Prodded by an April 1 radio appeal by Tabor and Arkold, Koresh promised that after Passover, he would be in work on a manuscript interpreting the Book of Revelation's mysterious Seven Seals. Assuming the Branch Davidians observed a one-day Passover, agents irately accused him of further stalling for several days. In fact, the Davidians, who used lunar divination, Passover extended for eight days—until April 14.

Afterward, Koresh assured negotiators that he was seriously writing and would furnish the results to his attorney. "I'm coming out," he said on April 16. "I never intended to die in here."

Whether he meant it or not is unknowable—Koresh did renege on earlier promises. But by April, the FBI lost all patience. Its hostage rescue team was tired, hungry, eager to go home. There were 719 law enforcement personnel deployed on any given day at Waco. "Empires were fraying," says the Justice Department port.

#### Tear Gas

When FBI leaders first submitted the tear gas plan to let Reno on April 12, she was not an eager customer. "By now?" she kept asking, and fretted about the potential harm to pregnant women (there were two in Mount Carmel) and especially children. She demanded documentation on the progress of negotiations and conditions within the compound. She sought assurances from Army toxicologist Harry Salem that the gas would be harmful. In briefings over the next few days, the day-to-day manager of the siege, Larry Potts, the stage rescue team leaders and others pushed the plan. Negotiations were at a hopeless impasse. Some-

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Salem had assured Reno that CS levels would never reach the danger zone inside Mount Carmel, mainly because tanks would be creating exits for the people inside. He has refused further interviews on the subject. An arson report prepared for the Justice Department maintains that the gassing operation on April 19 was a "failure" because high winds and openings in the compound dispersed the CS before it could take effect.

Alan Stone, a Harvard Law School professor who was asked by the Justice Department to review the siege, holds a medical degree and was trained as a resident in pediatrics. He said he believes that the gas-exposed children in Mount Carmel were vomiting uncontrollably and suffering from the onset of chemical pneumonia.

"The military is in denial about this reality," he said in an interview. "It may still be appropriate to use CS gas in prison situations, but to use it with babies, I continue to believe it was like holding a gun to the parents' head and saying if you don't take these children out, they'll die."

In an interview last week with The Washington Post, Reno said: "I don't feel I was misled.... After over two years of review, nothing has given me any indication that the FBI has misled me."

The survivors of Mount Carmel said the tanks and flying ferret rounds created havoc. Stairways and hallways were blocked, and rubble covered a trapdoor to an underground tornado shelter that some hoped would be a safe refuge. Many headed to a concrete room, where they huddled under wet blankets.

Meanwhile, the loyalists started spreading fuel—whether as a means of committing suicide or as a way of stopping the tanks remains unclear. Others milled around with gas masks, intent on their regular chores. Many prayed, consulting key texts such as the Book of Daniel: "If it be so, our God whom we serve is able to deliver us from the burning fiery furnace...."

Seventeen people, including Koresh, either shot themselves or were shot by others in the compound.

A pudgy, 29-year-old Bible student named Ruth Riddle was one of the last to escape alive. Shortly before 12:30 p.m., she jumped out a second-story window, broke her ankle, saw a tank and hobbled away in fear. A hostage rescue team agent braved the flames to save her—she was the only Branch Davidian actually rescued that day.

In her pocket was a computer disk, a manuscript she had typed in for Koresh the night before. It contained a poem titled "Eden to Eden" and his exegesis on the first of the Seven Seals.

#### The Trial

In a federal trial nearly a year later, the jury found all 11 Branch Davidian defendants not guilty of murder and conspiracy accusations, and three of

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9:48 a.m.: Branch Davidian lawyer Wayne Martin calls 911 and says, "There are 75 men around our building and they're shooting at us.... Tell them there are women and children in here and to call it off!"

Casualties: Four agents killed, 20 wounded; five sect members killed, four wounded.

March 1-21: Thirty-five men, women and children leave the compound.

SOURCES: Justice Department report on Waco, Treasury Department report, Washington Post research, Los Angeles Times

March 22: FBI plays loud chants of Tibetan monks as part of sleep-deprivation strategy. No further Davidians exit after these tactics begin.

April 12: FBI brings tear gas plan—first considered as an option on March 22—to Attorney General Janet Reno.

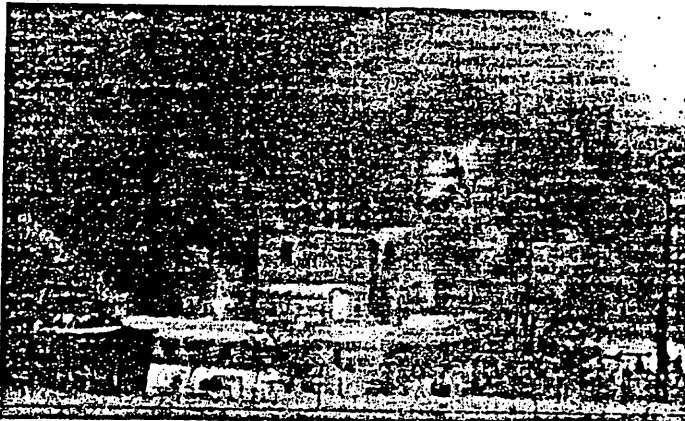
April 14: Koresh says siege will end when he completes manuscript on "Seven Seals" of the biblical apocalypse.

April 16-18: FBI agents clear ground around compound, removing and apparently damaging Koresh's Camaro.

April 19: FBI injects tear gas into buildings. Bugging devices pick up discussions of Davidians spreading fuel. One Davidian is also heard saying, "We asked that we could finish... the manuscript. It was worked on all last night."

—Compiled by Richard Ledy

BY JOHN ANDERSON FOR THE WASHINGTON POST



Engulfed: The Branch Davidian compound near Waco, Tex., burns out of control on April 19, 1993, after the military-style tear gas assault by the FBI that ended a 51-day siege.

them not guilty of all other charges. It found seven guilty of "aiding and abetting voluntary manslaughter," which the judge had described as "committed when a human being is killed unlawfully in the sudden heat of passion caused by adequate provocation." Five of the seven were also found guilty of carrying firearms during the commission of a violent crime and two others were convicted of other arms violations.

U.S. District Judge Walter S. Smith Jr., in a controversial action, sentenced five of the defendants to

40-year terms. But the forewoman of the jury, schoolteacher Sarah Bain, said she believes others should have been in the dock: "Absolutely, government officials should stand trial, not only for the injuries and deaths of the ATF agents but also for the Branch Davidians killed on February 28."

Ruth Riddle, whose husband died inside Mount Carmel, got five years. "I'd just like to say these terrible things need not have happened," she told the court. "I'd just like to say that I feel it's all been based on a misunderstanding."

from what he calls "exhaustive" hearings on the Waco disaster.

A New Hampshire lawmaker believes the truth will emerge from what he calls "exhaustive" hearings on the Waco disaster.

# Waco prober talks of 'impeachment'

By Sean Piccoli  
THE WASHINGTON TIMES

"Impeachment" is a nasty word in politics, but Rep. Bill Zeiliff, New Hampshire Republican, doesn't hesitate to use it in discussing the congressional probe he will gavel open Wednesday morning.

Mr. Zeiliff, 59, is one of two congressmen presiding jointly over Capitol Hill hearings into the first and last assaults on the Branch Davidian compound outside Waco, Texas, which left more than 80 people dead.

And while he says there's no predicting what might come out of such an inquiry, the innkeeper from Jackson, N.H., talks in his genial, gravelly New England dialect about the possibility of high-level reprimands, firings — "even impeachment," he says, alluding to President Clinton. "We don't know."

It all depends, as they say, on what people knew and when they knew it.

Mr. Zeiliff and Rep. Bill McCollum of Florida, two tough-on-crime Republicans from opposite ends of the country, are co-chairing what could be the most eagerly awaited and alternately dreaded hearing since the 1987 Iran-Contra probe.

Viewers in the Washington area will be able to watch the hearings on WETA, Channel 26. WETA will provide live coverage of the White-water hearings on the days they occur. It will then show taped highlights of the morning's Waco hearings before starting live coverage of the afternoon proceedings.

The probe is expected to run eight days and feature testimony by U.S. Attorney General Janet Reno, who has said she alone ap-

## Military gave ATF suggestions during deadly Davidian siege

THE WASHINGTON TIMES

U.S. military officials advised federal authorities during the siege of the Branch Davidians but were not involved in the decision to storm the compound near Waco, Texas, yesterday.

"This week," said U.S. military forces provided equipment and advice to law enforcement authorities during the 1993 standoff, but under law were not allowed to be part of the operation.

"We provided equipment, and we reviewed the plans they had and commented on it."

He said the military reviewed and commented only on plans for the first raid by Bureau of Alcohol, Tobacco and Firearms agents, in which four agents were killed. The military had no input on the FBI-led assault that

proved the Waco raid, without White House clearance.

Told his colleague has mentioned impeachment — something rarely discussed in Congress since President Nixon resigned to avoid it in 1974 — Mr. McCollum, 44, a lawyer and former Seminole County, Fla., GOP chairman,

chooses to be circumspect.

"This is not our job," he says, "Our job is to get it [information] all out, let it all hang out."

That done, Mr. McCollum says, he expects this "exhaustive" in-

led to the fatal conflagration, he said.

"We did not approve of plans. That's not our position, to approve."

They said, "We had a few consultants who reviewed their plans, gave them recommendations how to best use the equipment which was made available."

Federal agents used special tanks fitted with battering rams, instead of cannon, on their efforts to break holes in the compound's buildings. The vehicles then were able to shoot CS anti-riot gas into the buildings in an effort to drive out the occupants.

Several armored vehicles and three National Guard helicopters also were used during the siege.

The military's role at Waco is expected to be the subject of congressional hearings set to begin tomorrow.

— Bill Gertz

sight subcommittee on criminal justice, both intended to probe Waco before the Oklahoma City bombing.

"Oklahoma sped it up," says a congressional source familiar with the proceedings, "and [GOP House] leadership came in and said, 'OK, you can both do Waco. Work it out.'"

The co-parenting arrangement has produced some backstage squabbles: Mr. McCollum and Mr. Zeiliff wrangled early over everything from gavel time to who signs the subpoenas, says the source.

But in separate interviews, the lawmakers say their differences are settled and the inquiry is ready to roll.

Mr. Zeiliff will open the hearings; Mr. McCollum will close them.

As Mr. Zeiliff puts it, "How high did this go?"

Few episodes in modern law enforcement have provoked as much national anguish as the 1993 Waco siege, which started and ended in bloodshed.

In February, four ATF agents on a team sent to arrest Branch Davidian cult leader David Koresh were shot dead attempting to storm his headquaters. In April, tanks dispatched by the FBI flooded the compound with a caustic powder banned for military use in a 1993 chemical weapons treaty signed by the United States.

The compound burned down, killing some 80 people, including 22 children. Miss Reno said it was the Davidians who set the fire, and that she authorized the assault, fearing for the safety of the children inside.

The congressmen want to see how that story holds up through eight days of testimony.

• Laurie Kellman contributed to this report.



Bureau of Alcohol, Tobacco & Firearms  
Public Affairs Branch

## NEWS SUMMARY

Thursday, July 20, 1995

Washington Post 7/20/95 p. 1 of 3

### Teenager Tells Waco Panel of Koresh's Lust

*Divergent Views on Sect  
Featured as Hearings Open*

By Sue Anne Pressley  
Washington Post Staff Writer

House hearings opened yesterday into the 1993 siege of the Branch Davidian compound with conflicting portraits of sect leader David Koresh. Witnesses depicted him both as a misunderstood preacher who intended to surrender to authorities and as a maniacal child molester who had long prepared for the fatal confrontation with agents of "Babylon" and the eventual mass suicide of his followers.

The Republican-led hearings, viewed as a potential embarrassment to the Clinton administration, opened with a rancorous partisan debate among lawmakers over the National Rifle Association's involvement in the preparation for the eight-day airing of the events in which more than 80 Branch Davidians and four federal agents were killed. But the most graphic testimony of the day came from a young girl who described her sexual initiation by Koresh when she was 10 years old and the instructions she received on the most efficient way to end her life.

As her father sat at her side, 14-year-old Kiri Jewell read from a statement describing in chilling detail the day she found herself alone with Koresh in a Waco, Tex., motel room. He kissed her and rubbed his private parts against hers, she recalled, saying she "had known this would happen sometime, so I just laid there and stared at the ceiling. I didn't know how to kiss him back."

"I was all freaked out," said Kiri, who also recounted Koresh's graphic description of sex acts with other women and children.

Later, Kiri, who had lived with her divorced mother, Sherri, at Koresh's com-

point near Waco from the time she was 5 or 6 until shortly before the Feb. 28, 1993, raid by federal agents, described the group's plan for suicide. "It was also accepted that the best way to shoot yourself if necessary in this battle with Babylon was to put the gun into your mouth back to the soft spot above your throat before pulling the trigger," recalled Kiri, whose mother died in the April 19 fire that ended Koresh's standoff with federal authorities.

Koresh's character—and the nature of his hold over his band of followers—is crucial to understanding what happened at Mount Carmel Center in the late winter and early spring of 1993. Reaching such an understanding is the stated goal of the politicians who began hearing testimony from an estimated 90 sworn witnesses on the actions not only of the Branch Davidians, but of agents of the federal Bureau of Alcohol, Tobacco and Firearms and the FBI.



# House Hearings on Siege of Waco Begin With Divergent Testimony

In his opening statement, Rep. Bill McCollum (R-Fla.), chairman of the House Judiciary subcommittee on crime, began by reading the names of the four ATF agents who were slain in the initial raid on the compound. Six Davidians were also killed that day, and more than 80 others died in the April 19 conflagration. Altogether, McCollum called the siege "the single most fatal episode in the history of federal law enforcement."

"The disturbing truth is that all of these deaths were the direct result of federal government action," said McCollum, who is leading the hearings along with Rep. Bill Zeliff (R-N.H.), chairman of the Government Reform and Oversight subcommittee on national security, international affairs and criminal justice. "This tragic incident has added to the distrust of the federal government, and specifically federal law enforcement. And we still don't have the truth."

But the conflicting testimony at yesterday's opening session suggested that discerning the truth about the Waco catastrophe may prove a complex task. A variety of witnesses—including an academican, a journalist, a federal prosecutor and a survivor of the final fire—offered often divergent accounts of what happened, while Branch Davidians roamed the hearing room during breaks, wearing pink buttons that said, "Waco, Never Again."

Critics of the NRA took every opportunity to blast the group for its involvement in the hearings, a point of controversy after it came to light that an NRA consultant may have misrepresented herself as a committee staff member to a Texas social worker who will testify later this week.

"These hearings have gone from folly to farce," said Rep. John Conyers Jr. (D-Mich.). "Plain and simple, this hearing is not for the American people. It is by, for and about the National Rifle Association. This hearing is an attempt to repeal the

assault weapons ban by tearing down the agencies that enforce the ban."

But Co-chairman Zeliff suggested Democrats were among those trying "to take these hearings off track." He declared, "I make no apology for seeking the truth."

The hearings are designed to follow the events of Feb. 28 to April 19, 1993, in chronological order. Thus, the first four days are devoted to the planning and execution of the ill-fated Feb. 28 raid on Koresh and his group, and the actions of the ATF—which already had been sharply criticized in a 1993 report prepared by its parent agency, the Treasury Department. The final

four days will focus on the FBI, which assumed control of the controversial negotiations with Koresh after the initial shootout and staged the April 19 assault of tanks and tear gas that culminated in the fatal fire.

Attorney General Janet Reno, who testified during 1993 congressional hearings about her decision-making, will be the final, day-long witness.

The first witness was journalist Dick J. Reavis, whose newly published book, "The Ashes of Waco," offers a sympathetic view of the Branch Davidians.

"Whatever David Koresh was, his followers were rational people," testified Reavis, who described Koresh



Randy Weaver's 1992 trial that he fired the shots he did because of the special rules of engagement. He said he shot Vicki Weaver accidentally while aiming at a man fleeing into the cabin. The second shot hit her as she held open the cabin door, and then struck the man, Kevin Harris, wounding him.

Because of the discrepancy between headquarters and on-scene commanders about the rules, Justice Department officials say they must resolve the conflict, particularly because Kahoe's immediate superiors were Potts and his highest-ranking aide at the time, Danny O. Coulson.

Coulson was the headquarters official in charge of hostage team activities at Ruby Ridge when Potts was off duty.

Coulson was on the job Aug. 22, 1992, when the operations plan, including the rules of engagement, were sent to FBI headquarters from the agents at Ruby Ridge.

He told investigators last year that he rejected the plan because it did not provide for "a negotiations option" and that he stopped reading it at that point.

In addition to interviews and polygraphs, Justice Department investigators plan to conduct a "paper trail" analysis of what FBI records would normally have been produced in a crisis like Ruby Ridge and try to pinpoint what records are missing. Officials likely to be asked to take polygraph tests, sources said, include Potts, Coulson, Glenn and Rogers.

Specter said the Senate hearings will cover all the issues raised by the Ruby Ridge controversy, including whether a Bureau of Alcohol, Tobacco and Firearms informant's dealings with Weaver amounted to entrapment.

It was Weaver's sale of two sawed-off shotguns to the informant in 1989 that led to his indictment and then to the 1992 siege of his cabin.

# Taking Waco On Its Own Terms

For the Hearings, Some Useful Words on the Lexicon

By Richard Leiby  
Washington Post Staff Writer

It might help, if you're trying to follow the Waco hearings, to have a Bible in one hand and a standard chemical reference manual in the other. The witnesses have their own insider's language, acronyms and key references that might befuddle novices. Why is methylene chloride important? What is the Guitar nebula? Here's a Waco primer:



DAVID KORESH

The April 14th Letter. Also called "the surrender letter." David Koresh handwrote this missive to his attorney, spelling out his intention to leave Mount Carmel after finishing his interpretation of the Book of Revelation's mysterious "Seven Seals." "I hope to finish this as soon as possible and to stand before man to answer any and all questions regarding my actions," Koresh wrote.

The Bunker. A concrete room near the complex's cafeteria. More than 40 Branch Davidians died inside or near the bunker on April 19, 1993, apparently while seeking a fireproof haven. Tons of concrete collapsed, burying, crushing and suffocating about 13 people. Investigators say vibrations from the dozen tanks on the scene or falling fire debris—or both—contributed to the bunker's collapse.

CS gas. Named for the initials of the two Harvard chemists (B.B. Corson and R.W. Stoughton) who invented it in 1928, CS is a controversial riot-control agent that the U.S. military has agreed not to use in wartime under the January 1993 Chemical Weapons Treaty. But law enforcement agencies still use CS as a tear gas. Its full name is orthochlorobenzalmalonitrile; it is actually a powder.

Death toll. Four agents of the Bureau of Alcohol, Tobacco and Firearms died Feb. 28, 1993, in the raid on Mount Carmel; five Branch Davidians were fatally shot inside and one was killed trying get there from another location (see "Mag Bag"). The toll in the April 19 fire is less clear. The Justice Department report says 75 died, including 25 children. The Branch Davidians count 77, including two nearly full-term fetuses. They count 21 chil-

dren age 15 and under. The local medical examiner's "final tally" of Branch Davidians killed in the entire incident is 83, not including the fetuses.

Ferrets. 40mm plastic rounds containing CS powder in a solution of methylene chloride (see below). At least 400 Ferrets were fired from Bradley Fighting Vehicles on April 19.

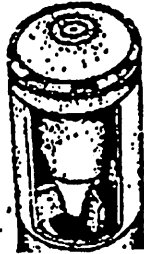
Flash-bangs. Stun grenades used by agents on Feb. 28 and throughout the 51-day siege. A flash-bang explodes and can cause fires, but the government says it is only used to startle people, not hurt them.

FLIR. Forward-Looking Infrared Video. Shot from the air, FLIR was used to provide the government with a record of the April 19 events. Controversy has arisen over why a FLIR helicopter or plane was on standby, but not fire-fighting equipment. Also, conspiracy theorists want to know why there's a 4-minute 51-second gap in the FLIR tape.

Guitar nebula. A shooting star comet, reported on Paul Harvey's radio show March 11, that Koresh took as a sign from the heavens. Koresh played the electric guitar. He also was fascinated by Old Testament references to "chariots of God" that might be interpreted to be spacecraft or angels.

JTF-6. Joint Task Force Six. Based in Fort Bliss, Tex., it is a component of the military's counter-drug operations. The brass at JTF-6 authorized the use of Green Berets to train ATF agents for their initial raid.

**Mag Bag.** What federal agents called the garage where Branch Davidians restored and souped up cars, about four miles from Mount Carmel. Also a term for ammunition vests, which the Branch Davidians sold at gun shows as part of their "David Koresh Survival Wear" clothing line.



FERRET CARTRIDGE

**Malamutes.** The first casualties of the Feb. 28 shootout at Mount Carmel weren't human. They were Fawn, Bear, Bandit, Wolfe and Rascal—the Davidians'

pet Alaskan malamutes. The first ATF agents on the scene were authorized to "secure" the dogs with fire extinguishers or bullets. They were housed in a pen near the compound's front door; all were killed.

**Methylene chloride.** Once widely used in paint strippers, this solvent can cause nausea, dizziness and "drunken behavior" and should be used in well-ventilated areas, according to various chemical manuals. It also forms flammable vapor-air mixtures. Experts say its role in fires has not been fully studied, but it emits highly toxic fumes when burned.

**Mighty Men.** The phrase occurs frequently in the Bible (e.g., Daniel 3:20), and Davidians say Koresh used it to refer to followers, even weak ones, who were strong in faith. Federal agents say these men constituted Koresh's fanatical, murderous inner circle.

**The Missing Door.** The right side of the compound's metal front double door was never recovered from the



MALAMUTE

fire, although its left twin was. Branch Davidians claim this door would have proved that ATF agents fired into the compound, in violation of rules about shoot-

ing into enclosed areas where targets are not clearly identified or threatening.

**Mount Zion.** The site in Jerusalem where, according to Koresh's reading of the Book of Revelation, 144,000 of God's chosen people would gather during the apocalypse. Some of his followers began securing passports in the early '90s for the trip to Israel.

**Seven Seals.** The Branch Davidians believed the Bible to be a sealed book (Revelation 5:1), whose deeper meanings had to be opened by a prophet. Koresh claimed to be one of history's Christ figures and the "Lamb" who could open the seals, one by one, through intense study and action guided by prophecy. One of his followers brought his interpretation of the first seal out of the April 19 fire.

**The Sinful Messiah.** The title of the series in the Waco Tribune-Herald that exposed Koresh's sexual habits. But to some Davidians' thinking, Koresh was supposed to be sinful, because he was taking on their sins as his own.

**Song of Solomon.** The Bible's most sensuous book ("I rose up to open to my beloved"), and one of the texts invoked by Koresh to excuse his lustful behavior, including sex with underage girls.

## Waco, Whitewater figures tell disturbing tales

# ATF knew surprise was lost

By Laurie Kellman  
THE WASHINGTON TIMES

The federal agent in charge of the botched raid of the Branch Davidian compound near Waco, Texas, told a House panel yesterday that Treasury Department officials had issued false reports of the event, closing the dramatic first day of hearings on the disastrous 1993 siege.

Dan Hartnett, former deputy director of enforcement for the Bureau of Alcohol, Tobacco and Firearms (ATF), gave dramatic testimony in the 12th hour of hearings, saying he never gave or received an order to abort the mission should his agents lose the element of surprise.

He noted that his testimony conflicted sharply with a recent claim by Treasury Undersecretary Ronald K. Noble that agents at the scene had been instructed to abort the raid on Feb. 28, 1993, if the element of surprise had been lost.

"I was the only one who was giving principally direct orders to those commanders," Mr. Hartnett said. "I never gave those orders and I never received such an order."

But Davy Aguilera, an ATF agent at the scene, said former ATF Director Stephen Higgins, who was forced to resign after the siege, did give that order during a meeting roughly two weeks before the raid.

"I do believe that the element of surprise was asked by Mr Hig-

gins," Mr. Aguilera told the joint committee. He quoted Mr. Higgins, saying, "If the element of surprise was to be lost, don't continue on the raid."

The apparent communication gap is crucial to critics' contention the Feb. 28 raid should have been called off after federal officials learned the Davidians had been tipped to the impending invasion.

Four ATF agents and six Davidians died in the shootout resulting from the raid. Fifty-one days later, the compound burned to the ground after the FBI used tanks to punch holes in building walls and inserted tear gas. More than 80 sect members, including 22 children, were killed.

Before Mr. Hartnett and other agents testified last night on what happened outside the compound, former and current Davidians described life on the inside before and during the standoff.

The most powerful testimony came from a witness for the House Democrats, 14-year-old Kiri Jewell, who said sect leader David Koresh molested her in a hotel room when she was 10.

Like the Democrats' earlier hourlong protest that interest groups had tainted the hearings, Kiri's testimony was deemed irrelevant to the proceedings by Republicans mainly interested in seeking facts that focus on whether the federal raid was justified.

"No one doubts that David Koresh was a not-very-nice guy," said Rep. Bill McCollum, Florida Republican and co-chairman of the hearings. "And there was some show biz going on from the other side [of the aisle], but that doesn't relate to the purpose of these hearings. We're just looking for the facts on the siege."

The testimony and a dose of partisan bickering kicked off the first of eight days of joint House hearings on the raid.

Yesterday began the long-awaited look at whether federal authorities unjustly responded to accusations that Davidians hoarded

illegal weapons, operated a drug lab and abused children.

After the GOP takeover of Congress in November, the new leadership promised to reopen hearings on the matter. Jointly held by the a Government Reform and Oversight subcommittee on criminal justice and the House Judiciary subcommittee on crime, the proceedings are expected to include more than 90 witnesses and culminate July 31 with the testimony that day of Attorney General Janet Reno.

Yesterday, ATF agents at the scene testified that before the raid, law-enforcement officials were told by an informant that the Davidians had learned of the impending invasion. Evidence uncovered in subsequent reports revealed that reporters aware of the planned assault had asked directions to the compound from a mailman who turned out to be a Davidian.

"Ten seconds before the raid, I felt that the element of secrecy had been compromised," Earl Dunagan, an ATF mission supervisor, told the House members.

Forty-five minutes after the cult members received the information, Koresh entered the compound's cafeteria and announced, "They're coming," according to David Thibodeau, one of nine Davidians who survived the April 19 fire.

The initial raid was further flawed by "inflammatory" information included on the ATF's search warrant issued for Koresh's arrest, a legal expert testified.

The warrant included as a justification for the raid, the charge

that children were being molested inside the compound. Child sexual abuse is a state matter, one over which ATF had no jurisdiction.

"It's not just that it's irrelevant. It's inflammatory," Gerald Goldstein, president of the National Association of Criminal Defense Lawyers, told the lawmakers.

Democrats countered with powerful testimony from Kiri, a 10th-grade cheerleader who testified to an environment where an eventual federal raid was expected, sect members "built up an army for David" and were taught how to commit suicide.

"He taught that there would be a big battle between the forces of the world and David and his people," she said. "The world would win and we would be killed, but we'd come back in a cloud and smite the wicked."

Koresh taught children that he was "real father," talked about sex "a lot," humiliated women and dictated their behavior, she added.

During Passover 1991, Koresh took Kiri, her mother and another woman to a motel for "two or three days," she said. Once, when her mother and the other woman went shopping, Koresh masturbated against her genitals, she said.

She said her mother "wasn't mad or anything" when Kiri later acknowledged she had been molested.

Kiri's father, David Jewell, said he concluded from conversations with his daughter, his ex-wife and Koresh himself that the sect leader embodied "absolutely evil intent." Mr. Jewell was not a Davidian.

His ex-wife perished in the April 19 fire.

## The NRA connection

This, it seems, is investigate the Clinton Administration Week, with congressional and administrative hearings on the Waco massacre, the Bureau of Alcohol, Tobacco and Firearms, and Whitewater all kicking off and with the Clinton administration and its friends kicking and screaming about it. No sooner had the week started than those friends tried to scuttle the Waco hearings with some fake mud about the committee and the National Rifle Association.

The committee reached an agreement with an engineering firm to conduct tests on firearms recovered from the ruins of the Branch Davidian compound near Waco to find out whether the weapons were really illegally converted machine guns. The firm, it turns out, had been paid \$25,000 by the NRA, and that fact is being used by some to try to discredit the objectivity of the hearing. Everybody knows, you see, that a firm hired by the NRA, as opposed to the government agencies under scrutiny, cannot possibly conduct objective tests. But since the Justice Department had refused to conduct such tests, somebody had to, and the firm appears to be fully qualified to do so.

Second, an investigator named Fran Haga went out to interview a social worker, Joyce Sparks, who had looked into the compound and had alleged that sexual abuse of children was occurring there and reportedly claimed that David Koresh had told her of his forthcoming violent "self-revelation," an indication of the potential for violence of the cult and its leader. Those claims were supposedly a principal reason for the original raid on the compound. Miss Sparks says that Miss Haga left the distinct impression that she worked for the committee but later acknowledged that she really worked for an NRA investigating team.

As a result of these rather vague links between the NRA and the House investigation, people who don't want any investigation at all have reared up to denounce the whole business. Rep. Charles Schumer, a die-hard foe of the investigation, announced that the link "raises a very serious question about whether these hearings are being conducted in an impartial manner or even in accord with House ethics." White House press secretary Michael McCurry claimed the committee's integrity has been "subverted" by a "very extreme organization like" the NRA.

In the first place, the NRA is not a "very extreme organization." It is, in fact, a politically mainstream organization with several million members, and

there are a number of Second Amendment rights groups well to its right — boo! — and rather critical of it. Moreover, it has a good deal of expertise about firearms, and it is hardly unusual for congressional committees to make use of outside groups for investigative and research purposes. Indeed, during the Clarence Thomas hearings a few years ago, congressional opponents of Mr. Thomas worked hand-in-glove with outside groups that strongly opposed his confirmation.

In the second place, while the interviewing tactics of Miss Haga are the focus of the controversy, the incident defects from some questions about Miss Sparks herself and the Bureau of Alcohol, Tobacco, and Firearms. In the affidavit filed by the ATF to support its search warrant for the original raid on the compound, an interview with Miss Sparks was cited that claims she told an ATF investigator that when she interviewed David Koresh at the compound on April 6, 1992, he told her that "the world was coming to an end, and that when he 'reveals' himself the riots in Los Angeles would pale in comparison to what was going to happen in Waco, Texas." The ATF used this information to justify an imminent raid on the compound before Koresh could carry out the violent threat.

There's just one little problem. The interview between Miss Sparks and Koresh took place on April 6, 1992, and the Los Angeles riots did not occur until April 29, 1992. Koresh could not have compared whatever violence he was contemplating to the riots because the riots hadn't happened yet. The conclusion must be one of two things: Either Miss Sparks got it wrong when she reported to the ATF or the ATF misrepresented it in its affidavit. The discrepancy calls into question the whole rationale for the ATF raid in the first place, and it is essential for opponents of the hearings to distract attention from it.

The NRA connection with the hearings is a tempest in a teapot, a deliberate and unconvincing effort by the hearing's enemies to discredit the whole proceeding. Though there is nothing wrong with the NRA's role as far as it's now known, it was probably not a good idea to make use of it and thereby lend its enemies a stick to beat the hearings with. The committee has since severed the agreement with the NRA, and that's the prudent thing to do. Now that this lame attempt to obscure the larger purposes of the investigation has flopped, the committee and the administration and the nation need to get on with finding out what really caused the bloodshed at Waco and why it happened that way.

# CURRENT NEWS EARLY BIRD

FRIDAY, July 21, 1995

GUARDIAN(U.K.) July 21, 1995 Pg. 1

## Russia holds key to action by allies

Ian Traynor in Vienna and Ian Black in London

**A** LAST-DITCH US drive for mass bombing raids to halt Serbian attacks and salvage the UN mission in Bosnia depended last night on Russia's agreement to back the Western allies, and on the UN in effect surrendering its veto over Nato air attacks.

Amid frantic diplomatic efforts to secure a credible deal at today's London conference, calls by the US defence secretary, William Perry, for a "disproportionate" and wide-ranging air campaign were strongly opposed by Russia's foreign minister, Andrei Kozyrev.

Ten days of diplomacy aimed at keeping the UN in Bosnia while restraining the Serbian frenzy of ethnic cleansing in UN safe havens culminate today at the Lancaster House conference of world leaders. But diplomats said the run-up to the conference has merely

deepened divisions within Nato and with Russia that have paralysed international policy on Bosnia for three years.

Jacques Chirac, the French president, last night agreed to the US plan for air strikes in and around Gorazde and Sarajevo. A White House spokesman said he expected the US, France and Britain would be able to present a unified proposal today.

The Bosnian Serbs showed no sign of being intimidated yesterday, resuming their shelling of Zepa after a deadline for its surrender expired in the afternoon. The town's defenders rejected Serbian conditions for the detention of most males, who, it was feared, might be executed.

In western Bosnia, the rebel Serb army in Croatia pushed across the Bosnian border towards the safe haven of Bihac, seizing a small border town and driving another 1,000 civilians into flight.

RUSSIA...Pg. 2

NEW YORK TIMES July 21, 1995 Pg. 1

## U.S. GAINS SUPPORT FOR PLAN TO BOMB BOSNIA SERB UNITS

### FRANCE STILL HOLDS OUT

### NATO and U.N. Officials Meet in London to Forge Policy on Balkan Fighting

By JOHN DARTON

LONDON, July 20 — On the eve of a critical allied meeting on Bosnia, the United States won support from Britain today for a plan to threaten the Bosnian Serbs with widespread NATO air strikes if the Serbs continue attacks on "safe areas" in eastern Bosnia even if the Bosnian Serbs retaliate against Western hostages.

But France, which like Britain has thousands of troops among the United Nations peacekeeping force there, still had not signed onto the plan only hours before the multinational conference here was to start. Active efforts to win over the

French were under way. President Clinton spoke by phone this afternoon with President Jacques Chirac, who is on a state visit to Morocco, and the American Defense Secretary, William Perry, met for hours in a London hotel this evening with his French counterpart, Charles Millon.

The French, who for the past week have called upon the allies to use strong military measures to stop further Bosnian Serb attacks, apparently still favored their own plan of sending up to 1,000 troops to reinforce Gorazde, the last enclave in eastern Bosnian still under control of the Muslim-led Bosnian Government forces. With about 60,000 residents, the city is defended by about 3,000 Bosnian Government troops and is the base for more than 300 lightly armed British and Ukrainian troops in the United Nations force.

To put teeth in the ultimatum to the Bosnian Serbs to refrain from attacking Gorazde or other "safe areas" and to stop shelling Sarajevo, the besieged Bosnian capital, American officials said the air attacks would be "major and sustained," unlike previous retaliatory strikes against single targets.

Mr. Perry told reporters en route to the meeting that targets that could be hit over a series of days could include not just anti-aircraft batteries and defense systems, but also ammunition dumps, communi-

SUPPORT...Pg. 3

WASHINGTON POST

July 21, 1995

Pg. 1

## Clinton Joins Democratic Offensive on Waco

### At Hearing, GOP Panel Members Suggest ATF Deceived Military to Obtain Help

By Sue Anne Pressley and John F. Harris  
Washington Post Staff Writers

President Clinton, resuming the Democratic offensive against congressional hearings on the siege of Waco, yesterday accused Republicans of suggesting that the mistakes made by federal law enforcement agents during the siege somehow excused "the depravity that took place inside that compound."

Citing Wednesday's testimony by 14-year-old Kiri Jewell, who told lawmakers she was forced to have sex with Branch Davidian leader David Koresh, Clinton

said "there is no moral equivalency" between Koresh's actions and the efforts of FBI and Bureau of Alcohol, Tobacco and Firearms agents to enforce the law. He said "people in elected office" who portrayed federal law enforcers as "some sort of armed bureaucracy, acting on private grudges and hidden agendas... ought to be ashamed of themselves."

The hearings resumed with some Republican House members suggesting that ATF officials deliberately deceived the U.S. military about illegal drug activity at the Mount Carmel compound in order to

receive helicopters, armored vehicles and special training for the ill-fated 1993 raid.

"No law was violated, but BATF was in such a hurry to get military support they created a drug connection," charged Rep. Steven Schiff (R-N.M.). Fellow Republican Ileana Ros-Lehtinen of Florida flatly accused ATF officials of "lying about the drug."

Another Republican, Steve Buyer of Indiana, said the issue of the military's role

WACO...Pg. 15



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NEW YORK TIMES  
July 21, 1995 Pg. 25

Abroad at Home  
ANTHONY LEWIS

# What Should We Do?

More and more Americans are coming to believe that this country must act to stop the horror in Bosnia. Some who long opposed involvement find it unbearable to see the latest victims of Serbian aggression and know that the world's greatest power is doing nothing about it — nothing about nationalist fanatics, in Europe, who hang young boys because they are of a different religion.

What should we do? The only serious answer is to supply elements of force to resist the aggressors. Force is the one thing the Bosnian Serb leaders respect. All along they have attacked only when they were confident that the West, especially the United States, would not intervene.

The need in Bosnia today is for a multinational force, as the French have proposed, free of U.N. hamstrings. That will not happen unless the U.S. participates: a big enough contribution in helicopters or strike units or whatever to give this country the voice that only comes with shared risk.

The new force must first protect Gorazde, the last "safe area" in eastern Bosnia not yet gobbled up by the

## The U.S. must use force in Bosnia.

Serbs. Its loss would be not only a humanitarian disaster but a decisive humiliation for the West. Then the multinational force must make the other "safe areas," Sarajevo and Bi-hac, truly that: ending Serbian sniping and shelling, securing access routes.

The United States is already committed to supplying up to 25,000 troops to help protect a withdrawal of the U.N. Protection Force. If the allies do not agree to stop the Bosnian Serbs' genocidal campaign, France has said it will pull its troops out of Unprofor, forcing a withdrawal. Would we rather put American soldiers' lives at risk in an ignominious Unprofor withdrawal or in a meaningful stand against the aggressors? In any event we must share some of the risk with the French and any other participating ally.

The risk would be bearable, I think, because the Bosnian Serb leaders do not like to engage armies that can fight back. They prefer shelling civilians. The multinational force would make clear the price of continued aggression: One more shell into Sarajevo, and your headquarters will be destroyed.

There is no other way to stop what is happening. Senator Bob Dole's proposal simply to lift the arms embargo on Bosnia unilaterally would leave Sarajevo and the rest unprotected for many months, while arms were secured and Bosnians trained.

This country has an enormous defense establishment. What is it for, if not to be used in a conflict that threatens our great alliance and our standing in the world? Former Ambassador Robert Oakley told The Boston Globe last week that he had always opposed U.S. involvement, but we have so humiliated ourselves in the eyes of the world that I've changed my mind.

The credibility of American power and purpose is national interest enough. But we have an interest of another kind in Bosnia. President

Chirac of France mentioned it when he called for action against the Serbs, who have been traditional French allies. He spoke of "national honor."

As the genocidal tactics of the Bosnian Serbs have been brought home to us — literally home, on television — all kinds of groups in this country have started to speak out. A particularly compelling statement came to me from the advisory board on Holocaust studies at the University of Vermont. I wish I could quote more than a few sentences.

"It is clear to even a casual observer that Serbs will continue to 'cleanse' Bosnia until they are forced to stop," the statement said. "We know what's going on. We all know. This is a war against humanity, and for this nation to do nothing is unthinkable and unacceptable.

"We call on the world's leaders to reckon not only the cost of acting, but the cost of not acting. The ethnic cleansers of the future will conclude that genocide is a workable policy so long as one doesn't threaten the material resources of a power with the potential to complain.

"Involvement will be costly and risky. The only riskier course is our present one — pretending and doing nothing."

The issue for America is not just those fellow human beings in Bosnia. It is who we are. □

### WACO...from Pg. 1

was important because Americans historically have believed in the separation of the military from civilian affairs. "More than any other, the image of Bradley Fighting Vehicles and M-1 tanks set against the burning Mount Carmel compound calls into question the role of the military at Waco," Buyer said.

The hearings, conducted jointly by two House subcommittees, first took testimony from a team of experts who reviewed the mistakes made by

the ATF in its planning of the original Feb. 28 raid and helped write the Treasury Department's scathing report on the operation.

They cited the lack of a strategy for retreat when agents were met with gunfire, the communication breakdowns and the faulty intelligence reports that left the agents in the position of being ambushed by the awaiting Branch Davidians. Four federal agents and six Branch Davidians were killed during the opening assault, which resulted in the 51-day standoff before the final conflagra-

tion that took more than 80 lives on April 19.

"I find no conspiracy in my review," said review panel member Wade Ishimoto, a former military intelligence officer. "Perhaps some inexperience, but no criminal negligence."

Lawmakers then heard from mili-

tary officials who described the process by which they reviewed and ultimately accepted the ATF's request for military assistance.

The Posse Comitatus Act, passed in 1878, bars military forces from di-

### WACO...Pg. 16

China insisted that its missile test near Taiwan, starting today, is nothing more than a normal exercise that poses no threat to the Taiwanese. Taiwan's parliament approved a law governing the country's first presidential vote in 1996.

### WALL STREET JOURNAL July 21, 1995 Pg. 1

Army Lt. Col. Philip Lindley, former deputy staff judge advocate for U.S. Army Special Forces Command

Army Maj. Mark Petree, formerly of the 3/3d Special Forces Group

Army Staff Sgt. Steve Fritts, formerly of 3/3d Special Forces Group

Army Staff Sgt. Robert W. Moreland, formerly of 3/3d Special Forces Group

Army Sgt. 1st Class Chris Dunn, formerly of 3/3d Special Forces Group

Panel C — Tactical Planning of "Dynamic Entry"

Philip Chojnacki, former ATF special agent in charge in Houston

Chuck Sarabyn

William Bulford, ATF resident agent in charge in Little Rock

Lewis Merletti, deputy director of the Treasury Department review team

Panel D — ATF and Treasury Department Approval of "Dynamic Entry"

Steve Higgins, former ATF director

John Simpson, former acting assistant Treasury secretary

Christopher Cuyler, ATF liaison for the assistant secretary

Roger C. Altman, former deputy Treasury secretary

Michael Langan, former acting deputy assistant Treasury secretary

Lloyd M. Bentsen, former Treasury secretary

### WASHINGTON TIMES July 20, 1995 Pg. 14

## WACO WITNESSES

Below is the witness list for Day 2 of the House hearings on the government's raids on the Branch Davidians. The new round of questioning will focus on the planning of the raids and the Defense Department's involvement.

#### Panel A

Robert Sanders, former deputy director for enforcement for the Bureau of Alcohol, Tobacco and Firearms (ATF)

Wade Ishimoto of Sandia National Laboratories

George Morrison of the Los Angeles Police Department

John Koonce of the Drug Enforcement Administration

Donald A. Bassett, former crisis management specialist for the FBI

#### Panel B — Defense Department Assistance

H. Allen Holmes, assistant secretary of defense for special operations/low-intensity conflict

Army Maj. Gen. John M. Pickler, commander of Joint Task Force 6

Army Brig. Gen. Michael Huffman, assistant judge advocate general for civil law

Chris Crane of the Special Forces Group

The Washington Times



WACO... from Pg. 15

rect enforcement of civil law as a protection to citizens. But in 1989, after then-Defense Secretary Richard B. Cheney declared illegal drugs a threat to national security, Congress approved a measure allowing the Pentagon to assist law enforcement agencies in their fight against drugs. In the Waco case, the "drug nexus" has become a hotly disputed matter.

ATF agents investigating Koresh before the February raid requested military assistance based on their contention that the compound housed an illegal methamphetamine lab and that as many as 11 of Koresh's followers had histories of drug violations.

Then-Gov. Ann Richards (D) authorized the use of Texas Air National Guard radar planes to fly over Mount Carmel in early January 1993 as part of the ATF's surveillance, based on the drug allegations, and ATF secured assistance from the Army's Special Forces Command using the same information. ATF agents spent three days before the Feb. 28 raid training at Fort Hood near Killeen, Tex., and on the morning of the raid, three military helicopters were used to fly over the compound as cattle trailers bearing 75 agents approached the buildings.

But none of the autopsies of Branch Davidians showed any traces of illegal drugs. Nor was there any mention of illegal drug activity at Mount Carmel in the affidavit prepared by ATF special agent Davy Aguilera to support his request for a search warrant.

Nonetheless, Republicans were not able to elicit testimony that confirmed allegations that ATF officials purposely lied about the drug connection. The Army generals and members of the Special Forces who assisted the ATF testified that they saw no reason to doubt the allegations made by the ATF and largely played down the question of whether they were misled.

Rep. Charles E. Schumer (D-N.Y.) charged that some Republican members were apparently incited to question the military involvement because of an article in the May is-

sue of Soldier of Fortune magazine offering "documented proof that ATF commandos—aided by U.S. Special Forces—planned [the] 'attack' on Branch Davidians." Schumer pointed out that the article was inaccurate in its statements that Staff Sgt. Robert Moreland and Sgt. 1st Class Chris Dunn, then with the Special Forces, were present at the Mount Carmel site on the morning of the raid.

"Soldier of Fortune is not known for its veracity," Schumer said.

All in all, it was another frustrating day for Republicans. They have found their efforts to draw attention to the failings at Waco overshadowed by Democratic charges that the National Rifle Association is orchestrating the hearings and by Wednesday's dramatic testimony by Kiri Jewell, who was called as a witness by Democrats.

"These hearings are not just about the NRA and 14-year-old girls," complained Rep. Bill Zeliff (R-N.H.), one of the co-chairmen.

Clinton, appearing before federal law enforcement officers gathered at Blair House, said he did not object to the House holding hearings and acknowledged that federal agents had made mistakes at Waco. Nonetheless, he cited Kiri Jewell's testimony of how Koresh abused his followers and their children as providing justification for federal action against the self-styled messiah.

"Here was a man who was molesting young girls and paddling children with boat oars," Clinton said. "A man who was laying up supplies and illegal weapons for Armageddon; a man who was instructing women and children about how to commit suicide; a man who took the trust of young children and twisted it, who told people that if they wanted to do the will of God they had to be willing to kill for God."

Gladys Ottman, 70, a Koresh follower who is attending the hearings, disputed allegations of child abuse and said they were part of a continuing campaign to demonize the sect. "We would be the first ones to rise up against child abuse and drugs and murder," said Ottman, clasping her Bible. "They keep having this big coverup, bringing up things that are not relevant."

WASHINGTON TIMES July 21, 1995 Pg. 16

**Cuba threatens force if exiles encroach**

HAVANA — The Cuban government said yesterday fresh violations by Cuban exiles of its air space or territorial waters would be a "fatal mistake" because it is ready to use military force to repulse them.

In the toughest warning so far to the government's exile opponents in Miami, a Cuban Foreign

Ministry spokesman told them not to try to repeat an incursion last week by a flotilla of boats and planes that was blocked by Cuban naval forces.

"These anti-Cubans should not confuse a sense of responsibility and restraint with weakness. If they do confuse these terms, I think they will be making a fatal mistake," the spokesman, Rafael Dausa, told a news conference in Havana.

**At Presstime**

**Britain sets out stakes, allies wrestle on Bosnia**

LONDON, July 21 (Reuter) - Britain said today the U.N. mission in Bosnia would collapse if the "safe area" of Gorazde fell to the Serbs, raising the stakes as Western allies argued over how to end the humiliation and chaos on the ground.

Foreign Secretary Malcolm Rifkind said there was "a very good prospect of general agreement" at a major international conference in London, called after the Bosnian Serbs overran the Moslem enclave of Srebrenica last week.

The U.S., Russia, key European allies and other countries with troops in Bosnia are meeting top U.N. and NATO officials in talks that are widely seen as a last chance to save the crumbling U.N. mission.

"I believe there is a common desire to see the United Nations continue in Bosnia," Rifkind told BBC radio.

"I think there's a common realization that the fall of Gorazde would make that for all practical purposes impossible.

"...we must not just rely on fine words, if warnings are given then it must be quite clear that we mean what we say when these warnings are issued."

**N. Korea Condemns Japan's Defense Paper**

PYONGYANG, July 21 (Xinhua) — N. Korea today lashed out at Japan's 1995 white paper on national defense which listed it as the nation posing the biggest threat to Japan.

An article in the N. Korean newspaper *Rodong Sinmun* said Japan's allegation that Pyongyang

may possess biochemical weapons and is stepping up research on nuclear weapons and ballistic missiles is totally groundless.

Japan is using such accusations as an excuse for its first step of overseas expansion, the newspaper added.

**Sri Lankan rebels take fight to east and west**

COLOMBO, July 21 (Reuter) - Sri Lankan Tiger rebels, extending the theater of war from the northern Jaffna peninsula, ambushed an army foot patrol in the east today, military sources said.

The soliders were attacked just as they were about to re-enter their camp at Pallikuduaruppu, near Muttur, eight miles south of Trincomalee, after a night's sortie, the sources said. Four soldiers were killed.

Last evening, five police were killed when a landmine planted by the Liberation Tigers of Tamil Eelam exploded under their truck on the western island of Mannar, the military said.

**Cambodian army captures key Khmer Rouge base**

PHNOM PENH, July 21 (Reuter) - The Cambodian army has driven Khmer Rouge guerrillas out of a village named Dead Tiger, a battlefield victory it hopes will protect the lucrative border trade with Thailand.

Col. Prak Sakhoeun, deputy commander of the Battambang provincial army in the northwest, said 2,700 government troops backed by eight tanks and four armoured personnel carriers overran the guerrilla base at Klar Ngap (Dead Tiger) last Tuesday afternoon.

(Complete wire copy available at CNARS, Room 4C881)

**NOTICE**

The Current News Early Bird, Supplement, and Radio-TV Defense Dialog are now available at [www.dtic.dla.mil/ebird](http://www.dtic.dla.mil/ebird). Read detailed instructions on the Early Bird "home page" or call the Defense Technical Information Center for information (703-274-7251, DSN 284-7251). These electronic publications cannot be made available to any addresses other than DoD and .mil sites.

# Clinton gives OK to bomb Bosnia

Clinton wants to threaten Serbs

By J. Jennings Moss and Martin Sief <sup>21 Jul 95</sup>  
THE WASHINGTON TIMES

President Clinton won the consent of French President Jacques Chirac yesterday to threaten the Bosnian Serbs with massive air strikes in a bid to deter them from seizing the "safe area" of Gorazde, the last enclave in eastern Bosnia-Herzegovina still under firm government control.

The French president's acquiescence removes a major obstacle in the path of agreement today at a scheduled meeting in London on a response to the Serbian offensive against the "safe areas" under U.N. protection.

The Serbian attacks and allied disputes also threatened the stability of NATO.

In Congress, leaders threatening to force a lifting of the embargo against the Bosnian government postponed a vote until next week.

"We believe the British, the French and the U.S. will present some consensus at the meeting,"

see CLINTON, page A16

• Government forces won't surrender Zepa to Bosnian Serbs. A15.

# House eyes squeeze on Beijing

Wu's release aim of parley boycott

By George Archibald  
THE WASHINGTON TIMES

The House is expected to vote



No cooperation: Park Police Maj. Robert Hines (left), Sgt. Cheryl A. Braun and Detective John

# ATF accused of inventing

Democrats' Waco tactics frustrate GOP

By Laurie Kellman  
THE WASHINGTON TIMES

The Bureau of Alcohol, Tobacco and Firearms fabricated drug charges against Branch Davidians, possessed no "sophisticated" backup plan for their raid that killed four ATF agents and six sect members, and even doctored records to protect supervisors, according to testimony yesterday before a House panel.

The second day of hearings before a panel made up of two House subcommittees revealed that ATF's raid — which led to the government's 51-day standoff with the sect near Waco, Texas — was badly planned, and military aid was acquired for the raid by the agency's false charge that the Davidians operated a drug lab.

Despite the information long sought by GOP lawmakers, some Republicans remained frustrated that Democrats have gained considerable attention by demanding subpoenas of National Rifle Association members and calling a 14-year-old girl who accused cult leader David Koresh of sexual abuse.

"These hearings are not just about the NRA and 14-year-old girls," complained Rep. Bill Zeliff, New Hampshire Republican and chairman of one of the two subcommittees conducting the hearings.

"This is about Waco, Waco, Waco, not the NRA," fumed Judiciary Committee Chairman Henry J. Hyde, Illinois Republican, who

see WACO, page A13



Defending G-me Reno prepare to bl.



# Dade Fred The

By John Mercurio  
THE WASHINGTON TIMES

Prince George's chief Wayne Curry inated John S. F chief in Dade Cou the 1,200-officer force, thus ending search and waves

Mr. Curry also police and county ing Fred Thomas, D.C. police chief widely expecte

From page A1

is no friend of the pro-gun lobby. Democrats, he said, "are a bunch of legislators in search of a problem."

"The NRA bought and paid for the congressional investigation that's under way here," countered White House spokesman Michael McCurry.

The panel also released documents indicating the Justice Department attempted to thwart the first investigation of the Waco disaster out of fear that it would be used in court later against the federal agencies.

ATF was preparing a detailed internal probe soon after the botched Feb. 28, 1993, raid, but an internal Treasury Department memo dated April 14, 1993 — five days before the final fiery assault by FBI agents that killed more than 80 people inside the Davidian compound — said the Justice Department "does not want us to make any findings or draw any conclusions from what we review; the prosecutors are concerned that anything negative, even preliminary, could be grist for the defense mill."

Another memo states: "DOJ [Department of Justice] does not want Treasury to conduct any interviews or have discussions with any of the participants who may be potential witnesses."

For the second day in a row, Republicans refused to grant Democrats' subpoena request, and moved ahead with testimony from tactical experts and military officials involved in ATF's botched Feb. 28 raid.

Agents knew armed sect members had learned of the planned assault 45 minutes before it was launched but did not abort it.

After testimony Wednesday night that the commander on the scene had not been told to abort the raid if the element of surprise had been lost, a tactical expert testified yesterday that ATF possessed an "unsophisticated" backup plan should the raid go awry.

"They didn't address the right things to look for to make it a go," said the expert, former Greet Beret Wade Ishimoto of Sandia National Laboratories. He said he recommended in his technical report for the Treasury Department that ATF step up its training on "go/no-go" decisions.

Another expert, George Morrison of the Los Angeles Police Department, said ATF in 1993 possessed a "shell of a plan" for communications between agents on the ground, their commanders in the area and officials in Washington.

"At the time of the raid, communications were not adequately tested," Mr. Morrison said.



Rep. Bill Zellitt, Waco hearings, co-chairs phone log on the 1993 siege yesterday.

### *Even without proof of a drug lab, the military legally could have assisted ATF.*

The experts' testimony helps explain why Dan Hartnett, the ATF commander at the site, told the panel Wednesday night that he had never received or given the order to abort.

But Davy Agullera, the agent deeply involved in investigating the charges against Koresh, said he recalled ATF Director Stephen Higgins giving the instruction to call off the raid if the Davidians learned of it.

Later, Lewis Merletti, deputy director of the Treasury Department review team testified, disparaging what he called the ATF's "continually revolving story about the element of surprise."

Treasury and Justice department officials maintain the tactical and systematic errors made at Waco have been corrected.

At one point, Rep. Steve Chabot, Ohio Republican, asked Mr. Merletti whether, after the raid occurred, the original records were changed later on not to make the raid look as bad?

"I would say to not make the raid commanders look as bad," Mr. Merletti replied.

Meanwhile, the military involvement in the raid took center stage last night as Republicans charged that ATF lied about the Davidians operating drug labs to acquire military aid to support the impending raid.

The image of Bradley fighting vehicles and M1 tanks set against



Photo by Kenneth Lambert/The Washington Times  
 Alman, holds aloft former Associate Attorney General Webster Hubbell's copy. Hops, Bill McCollum and Charles Schumer are at Mr. Zelliff's right.

# JUSTICE tried to halt Waco probe

By Peter Conrad  
 Staff Writer

The Justice Department tried to block the first investigation of the Waco tragedy, fearing it would play into the hands of the Branch Davidians, according to government documents.

Internal memos from the Treasury Department show that the Bureau of Alcohol, Tobacco and Firearms was preparing a detailed internal probe soon after the botched Feb. 28, 1993, raid that cost the lives of four agents and six Davidians.

But the Justice Department does not want to make any findings or draw any conclusions from what it reviews, the prosecutors are concerned that anything negative, even preliminary, could be grist for the defense mill, according to one memo dated April 14, 1993.

That was just days before the April 19 assault on the Waco compound, which ended in a fire and the deaths of 60 sect members, including 22 children.

"It seems to me that the government was trying to cover up something here," said Rep. Bob Barr, Georgia Republican.

One memo, stamped "CLOSE HOLD," is from Robert McNamara, the assistant general counsel for enforcement at the Treasury Department, to other officials from Treasury, which oversees ATF.

The April 14 memo details how the department should begin investigating the Feb. 28 raid by collecting relevant documents and interviews, including tapes of ATF radio traffic during the raid.

But under a section marked "constraints," the memo states: "DOJ [Department of Justice] does not want Treasury to conduct any interviews or have discussions with any of the participants, who may be potential witnesses."

"At some point we are going to have to interview the crucial witnesses and perhaps may have to take statements; while we may be able to wait for some of them to have testified in the criminal trial, the passage of time will dim memories," the memo states.

In a memo dated April 9, 1993, Mr. McNamara states: "Justice prosecutors in Washington and Waco said that any words which could be interpreted as being critical of ATF must be avoided since it would play into the defense attorneys' hands."

## WACO WITNESSES

The witness list for Day 3 of the House Waco hearings:

<b>Panel A</b> ATF and Treasury Department Approval of "Dynamic Entry"
Steve Higgins, former ATF director
John Simpson, former acting assistant Treasury secretary
Christopher Cuyler, ATF liaison for the assistant secretary
Roger C. Altman, former deputy Treasury secretary
Michael Langari, former acting deputy assistant Treasury secretary
Lloyd M. Bentsen, former Treasury secretary
<b>Panel B</b>
Ira Glasser, executive director of the American Civil Liberties Union
Joyce Sparks, Texas Department of Child Protective Services
George Morrison, Los Angeles Police Department
Tim Evans, lawyer
John Kolman, formerly with the Los Angeles County Sheriff's Department
<b>Panel C</b>
Robert Rodriguez, ATF special agent
Chuck Sarabyn, former ATF supervisor in Houston
Phillip Chojnacki, former ATF special agent in charge in Houston
Sharon Wheeler, ATF special agent
Dan Hartnett, former ATF deputy director of enforcement
Daniel Black, ATF personnel office
Lewis C. Merletti, deputy director of the Treasury Department review team
ATF special agents to be determined
James Cadigan, FBI firearms expert

The Washington Times

the burning Mount Carmel compound calls into question the role of the military at Waco," said Rep. Steve Buyer, Indiana Republican.

The GOP produced an unsigned Treasury memo that said: "The use of the National Guard was a scam... initiated by Bureau headquarters, in my opinion, to obtain the additional resources of the National Guard, air support assistance, et cetera."

Even without proof of a drug

lab, the military legally could have assisted ATF, testified Allen Holmes, assistant secretary of defense. However, by including "drug nexus" in the warrants, ATF did not have to reimburse the Pentagon for the assistance.

Army Staff Sgt. Steve Fitts, who provided backup support for the deadly "dynamic entry," said ATF agents seemed unconcerned about the dangers of raiding a methamphetamine lab.

# Reno denies knowing of ban on Waco gas

## U.S. signed treaty months before raid

By Laurie Kellman  
THE WASHINGTON TIMES

Attorney General Janet Reno conceded yesterday she had been unaware that the United States in 1993 signed an international agreement to ban the chemical weapon federal officials used in the final assault on the Branch Davidian compound near Waco, Texas.

Miss Reno also said the civilian Army scientist she consulted before authorizing use of the gas told her it would have "no permanent effect" on children — advice hotly contested by other chemical-

weapons experts.

"Were you aware at the time that the authorized use of the CS gas had been banned by the Paris Chemical Weapons Convention?" Sen. Arlen Specter, Pennsylvania Republican, asked Miss Reno during a Judiciary Committee oversight hearing.

"I had not heard that," Miss Reno said. "I subsequently heard that the treaty may not be ratified and that there was a law enforcement exception."

The Chemical Weapons Convention (CWC), signed in January 1993 by 159 nations, including the United States, prohibits the devel-



Photo by Karen Ballard/The Washington Times

**'No, sir':** Attorney General Janet Reno tells senators she would not employ CS gas again.

opment, production, stockpiling or use of chemical weapons. It has been ratified by 29 countries but see RENO, page A16

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By Jerry  
THE WASHING

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# Mubarak blames Sudan for attack

By Siona Jenkins  
SPECIAL TO THE WASHINGTON TIMES

CAIRO — President Hosni Mubarak yesterday accused Sudan's radical Muslim leaders of trying to kill him, and President Clinton offered U.S. help to find out who was behind Monday's attempted assassination.

Mr. Mubarak, whose government has been battling a fundamentalist Muslim insurgency, said Egypt sent investigators to Ethiopia, where gunmen fired on his limousine Monday as he headed to

## U.S. offers to help investigate ambush

a meeting of African leaders.

Egypt wants to check the fingerprints of the two slain attackers against records of radicals in Egypt, Sudan and elsewhere, Cairo newspapers said yesterday. They speculated that the attackers were Egyptians with backing from Sudan, which borders Egypt to the south.

"Either this was under organi-

zation of the Sudanese government — and I think that it is unlikely — or by Turabi and his group," Mr. Mubarak told a rally of 5,000 people at Qubba Palace yesterday.

He was referring to Islamic cleric Hassan Turabi, believed to be the power behind the Sudanese government of Lt. Gen. Omar Bashir. The general took power in a 1989 coup, and Egypt's relations with Sudan have since soured.

Mr. Turabi denied any role in the see MUBARAK, page A16

## INSIDE

Wednesday, June 28, 1995  
Volume 14, Number 179  
5 Sections, 66 Pages

**TWO DIE IN PG ARSON** — An Arlington man is charged with murdering his grandfather and aunt in a blaze at their Prince George's County home early yesterday. C4

Beltway / A6 Lotteries / C3

# House, Senate bills aim to guard parents' rights

By Cheryl Wetzstein  
THE WASHINGTON TIMES

A national push to affirm parents' rights to raise their children will get a boost today when mem-

bers of the House and Senate introduce the bill today with nearly 60 co-sponsors.

Sen. Charles E. Grassley, Iowa Republican, will introduce a Senate version of the bill, which would seek to balance parental rights with society's interest in protect-



FROM PAGE ONE



Mr. Mubarak at his appearance before about 5,000 people at the Qubba Palace yesterday.

on "offered any assistance the United States might have to help find who did it.

Officials have said 100 persons killed by security forces appeared to be Arabs. But the information about nationalities or affiliation.

said the attack on the president was part of a network of fundamentalist groups.

As from early reports that the attackers could be "Islamic fundamentalists" from Islamists, many of whom are living in Sudan and are serving escape sentences of the courts that try terrorist suspects.

Mustafa Said, a professional scientist at Cairo, said the main organizations in Egypt are the Gama'at Islamiyya (Islamic Group) and the (Holy War) movement.

attack. "It is difficult to be certain," Mr. Said said. "Both Jihad and the Gama'a al-Islamiyya are possible candidates, and both have carried out attacks before."

But many said Jihad is more likely to have carried out the attack.

"This is the same group that assassinated Anwar Sadat" in 1981, said Hala Mustafa, the author of two books about political Islam in Egypt. "They are living abroad, and so it is much easier for them to plan such an operation, especially given the tightened security in Egypt in recent months."

Hundreds of Egyptian militants are believed to be training at camps in Sudan. Last year 300 were arrested trying to cross the border. Hundreds more are believed to be in Yemen and Pakistan.

Mr. Mubarak raised the possibility of Sudanese involvement after he returned to Cairo on Monday, leaving the gunmen who shot

including Hamza Fatah, one of the leaders of the fundamentalist Vanguard of the Conquest. Egypt has long accused Sudan of harboring convicted terrorists.

Sudanese opposition leaders in Cairo said the government in Khartoum could have played a part in the attack.

"Sudan is a center for the more militant Islamic movements," said Haidar Ibrahim, head of the Sudan Studies Center and a former professor of sociology at the University of Khartoum. "It is likely and probable that the assassination attempt was funded by the Sudanese."

"Because Sudan has relatively good relations with the Ethiopian government, the Sudanese Embassy in Addis Ababa is very strategic. Some of its employees are known members of the Muslim Brotherhood, and others are highly respected intelligence officials who could have helped facilitate

RENO

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needs ratification by 65 nations to take effect, a U.N. spokesman said yesterday.

In a letter to the Senate on June 23, 1994, President Clinton said the treaty's prohibition on using chemical weapons as a "method of warfare" should be interpreted to mean that it "applies only to the use of RCAs [riot-control agents] in international or internal armed conflict."

"Other peacetime uses of RCAs such as law enforcement operations, are unaffected by the Convention," the letter said.

The letter came 14 months after the Davidians' 51-day standoff with federal authorities ended April 19, 1993, with a raid and a fire that killed more than 80 people, including 22 children. Sixteen of those killed were under the age of 10.

Three days after the conflagration, The Washington Times reported that the FBI used a compound called O-chlorobenzalmononitrile, or CS, in an effort to drive the Davidians from the compound.

Armored vehicles driven by FBI agents shot the chemical into the compound as a fine powder in compressed-air canisters. The resulting gas flooded the buildings for six hours before the compound erupted into flames and burned to the ground.

Having previously refused to answer questions on the CWC or the consequences of CS gas, Miss Reno yesterday shed light on those issues as Senate investigators prepare to hold Waco hearings after similar House proceedings that begin July 12.

Mr. Specter asked Miss Reno a second time about the treaty. "Were you aware that the United States had in fact signed the Chemical Weapons Convention agreement banning the use of CS gas?"

"As I indicated previously, I was not aware of it at the time, nor was I advised of the treaty," Miss Reno said.

"To what extent, Attorney General Reno, had you made an inquiry of the effect of this gas on people generally or infants specifically prior to its use?" Mr. Specter asked.

Miss Reno said she had asked her adviser about the effects on children and the elderly, then met with an Army civilian scientist she

afa Said, a professor of science at Cairo University. He said the organizations are the Gamal Abdel Nasser War Movement and the Muslim Brotherhood, which is active in Sudan.

camps in Sudan. Last year 300 were arrested trying to cross the border. Hundreds more are believed to be in Yemen and Pakistan. Mr. Mubarak raised the possibility of a Sudanese involvement after he returned to Cairo Monday, saying the communists who shot him very possibly went to Ethiopia from Sudan. Many members of outlawed Islamic groups are thought to be in Sudan. Sudan's capital, Khartoum,

"Because Sudan has relatively good relations with the Ethiopian government, the Sudanese Embassy in Addis Ababa is very strategic. Some of its employees are known members of the Muslim Brotherhood and others are highly respected intelligence officers who could have helped facilitate such an attack." This article is based in part on wire service reports.

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ing it does not alter, amend or repeal current child abuse protection laws that serve to protect America's children. Other criticism has come from the National Right to Life Committee Inc., which says it cannot support legislation that would give parents uncontroverted control over their children's medical decisions. Citing examples of minor teens being "strongly pressured" by their parents to get abortions, "we would like to see a simple, explicit amendment" saying that minors could not be compelled to get an abortion, legislative director Douglas Johnson said yesterday. Meanwhile, an effort to ratify a United Nations agreement about

the rights of children has stalled in the Senate. Earlier this year, U.S. Ambassador to the United Nations Madeleine K. Albright signed the U.N. Convention on the Rights of the Child. The treaty strives to end "the many abuses committed against children around the world," including use of children in prostitution, in forced labor or as "human shields" in war, Ms. Albright said in a statement in February. But critics of the treaty, including Focus on the Family, the Christian Coalition and Concerned Women for America, have warned that the treaty would supersede both U.S. law and American parents' rights to raise their children.

**"The existing medical literature of CS gas convinced me that CS gas posed a lethal threat to babies."**

studies that there would be no permanent effect" of CS on children and the elderly, Miss Reno said. An Army spokesman did not return a call about the scientist. Other experts said the assessment Miss Reno reported was wrong. "My study of the existing medical literature of CS gas convinced me that CS gas posed a lethal threat to babies," said Dr. Alan Stone, a Harvard University professor of psychiatry and law hired by the Justice Department to review the Waco raid. "Babies do not breathe hard enough to use a gas mask." Dr. Stone and other experts previously told The Times that such a substance would cause young children's eyes to shut, bring on severe respiratory distress and overwhelm them with vomiting. The White House has called the use of CS gas on the Davidians "appropriate" and said it would be used again if necessary. But Miss Reno declined to endorse its use yesterday. "If the question were to come up today, you would still use CS gas?" Mr. Specter asked her. "No, sir," Miss Reno said, noting that she is studying the matter. "What I would do is to see what the latest information is, look at it all over again, make the best judgment I could based on the inquiries that we have made."

Miss Reno denied making the decision to promote the man who oversaw two botched raids, including the one in Waco, conducted by the FBI. Larry Potts, now deputy director of the FBI, also supervised the 1992 raid on the mountain cabin of white separatist Randall Weaver in Idaho, in which Mr. Weaver's wife and son were killed. "I did not make the promotion" but signed off on it, Miss Reno said, noting that she does "everything I can to defer to the person



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grams, requiring agencies to justify every instance of reverse discrimination. But some House Republicans think they can win black voters who feel disenfranchised from the Democratic Party and who, as the black middle class grows, share the conservative values that Republicans espoused in the sweep last November. "If we shift the discussion to equal opportunity and economic growth in a way that many in the African-American community will respond positively to, we can make gains among those voters," the aide said. Rep. Charles T. Canady, Florida Republican, has drafted a sweeping reform of affirmative action that would repeal all government set-asides, preferences and quotas based on race or sex but permit affirmative action based on economic status and allow the government to recruit in areas with high minority populations. Mr. Canady said yesterday that he will introduce the bill "in the near future." He said minor modifications are being made. House leadership aides said the bill would be introduced even without the sanction of leadership endorsement. Mr. Canady said federal affirmative-action policies are divisive

**House leaders are more interested in "empowerment" legislation.**

with Republican leaders on his bill. "I understand the perspective that this would not come to the floor this year." Still, he said, the system of race and sex preferences that has been put in place over the past 25 years has not helped women or blacks. "It has reinforced prejudice and had meager results for members of the minority community," he said. Mr. Canady said his subcommittee on the Constitution will hold hearings soon on "the impact of race and gender preferences." House leaders are more interested in an "empowerment package" of legislation being put together by the House Minority Outreach Task Force. Mr. Gingrich chose Rep. J.C. Watts of Oklahoma, who is black, to work with fellow Republican Rep. James M. Talent of Missouri to head a task force on minority outreach. They are charged with producing a package of legislation beneficial to the inner city, including empowerment zones, school choice and expansion of the earned income tax credit. Even the White House is reviewing federal affirmative-action pro-

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said, noting that she does "every-  
thing I can to defer to the person  
who is responsible for that agency  
and the staffing."

In the Potts case, "I did not go  
into the details," she said.

"Isn't there some limit to that  
deference, find a person who's not  
really qualified for some reason or  
another, exercise your authority?"  
Mr. Specter asked.

"There is," Miss Reno said.



But the defense has been unable to challenge Fuhrman directly with that material. As compensation, it was prepared to settle for Ito's jury instruction. With that out, the war's back on.

Among options Cochran is considering for Ito to consider:

► Granting Fuhrman immunity from prosecution. That might force Fuhrman to answer questions because his re-

Chief among them: the threat of more delays. Given his increasingly impatient jury, Ito says his "biggest concern is finishing... with an intact jury."

He also faces another major legal battle over the scope and size of the prosecution's rebuttal case, technically still scheduled to start today. Originally billed by prosecutors as a five-day affair, it now includes a whopping witness

detail Simpson's Bronco freeway chase to show "consciousness of guilt." The defense says prosecutors never broached this issue in their case, making it ineligible for rebuttal.

"Some of things are absolutely incredible," Cochran says. "They're just trying to throw a lot of stuff up and see if they can get a few things in."

A. J. S. JACOBI, AND OTHERS HAD begun legal action seeking records related to Fuhrman's previous arrests. Defense lawyers' goal: To show he planted evidence or lied in other cases. To do that, they would seek testimony from other police officers who worked with or around Fuhrman.

# Federal agents' image taking a beating

By Sam Vincent Meddis  
USA TODAY

Senate hearings into the bloody Ruby Ridge case are taking a toll on the image of federal law enforcement agents.

With disturbing questions being raised each day, agencies will have to do "some very serious work... some very serious public relations" to dispel the cloud, said Joseph diGenova, former U.S. attorney in Washington, D.C.

Hearings resume Tuesday, possibly with testimony from former officials of the U.S. Marshals Service.

Crucial testimony is expected to come later in the hearings from the FBI sniper who killed Idaho white separatist Randy Weaver's wife, Vicki. A Justice Department report criticized the sniper, Lon Horiuchi, for firing the shot.

Federal authorities have denied that agents instigated the Ruby Ridge confrontation with Weaver or improperly targeted him on a gun charge.

"It was Mr. Weaver's actions that set this into play," Bureau of Alcohol, Tobacco and Firearms Director John Magaw told a Senate panel.

But three days of hearings last week by a Senate Judiciary subcommittee heightened suspicions of government wrongdoing in the 1992 raid that cost the lives of two members of Weaver's family and a deputy marshal.

Weaver kicked off the hearings by accusing federal agents of fabricating firearms violations against him and of firing on his wife while she was holding their 10-month-old girl.

"I think he came across as a very credible witness, with all his faults," said Rep. Bob Barr, R-Ga., a member of the House committee that earlier this summer examined the 1993 federal assault on the Branch Davidian religious compound near Waco, Texas.

Barr said he sees an alarming pattern in the Ruby Ridge hearings, "pieces of the same cloth we saw in Waco: a tremendous arrogance among federal law enforcement."

The FBI's legislative agenda also is being hurt, particularly a pending counterterrorism bill that would give the bureau stronger powers and more resources. "There's very serious questions about it" passing, said Barr.

Pro-gun activists, who have long charged that federal law enforcement



By Richard Ellis, Agence France-Presse  
MAGAW: Says Weaver's actions instigated Ruby Ridge, Idaho, shootout



By Joe Marquette, AP  
HEARINGS: Sen. Arlen Specter, R-Pa., left, chairman of the Senate Judiciary Committee, listens to separatist Randy Weaver testify.

## Raids at issue: Subject of Senate hearings

► **RUBY RIDGE:** A federal agent and two family members of white separatist Randy Weaver were killed in 1992 during a failed raid on Weaver's remote home in northern Idaho. Weaver says the raid, sparked by agents conducting surveillance near his home, was unnecessary and that his wife was targeted by a FBI sniper who had orders to shoot on sight. Government officials say Weaver was wanted in

connection with a weapons charge, and his actions led to the gunfire.

► **WACO:** Four federal agents and more than 80 members of the Branch Davidian religious cult, whose compound was near Waco, Texas, were killed when a Bureau of Alcohol, Tobacco and Firearms raid went awry in 1993. Congressional hearings this summer found examples of government bungling, but little evidence of criminal wrongdoing.

agents employ excessive force in firearms cases, say they see growing public support for their complaints.

"The hearings are exposing to greater and greater public view the abrogation of civil rights by federal law enforcement agencies," said John Snyder of the Citizens' Committee for the Right to Keep and Bear Arms. "They've gotten a black eye as a result."

The damage to the agencies is likely to increase over the coming two weeks of hearings as the panel probes more deeply into the controversial shoot-on-sight orders given by the FBI in the 11-

day standoff with the Weavers.

The hearings could have an adverse effect on law enforcers if committee members try to pin blame on individuals rather than trying to correct the system, warned Bill Geller, author of *And Justice for All: Understanding and Controlling Police Abuse of Force*.

Geller advised senators not to concentrate on finding "rotten apples" among federal law enforcement agents. "The problem is a rotten barrel."

DiGenova's advice to federal officials was to be candid: "There isn't any question some things are wrong that have to

be fixed," he said. "It's important to admit mistakes."

But claims that Weaver provoked the incident have been met with skepticism from many members of the panel.

Several senators, while quick to say they abhor the racist views held by Weaver, appeared sympathetic to his claim that he was set up by an informant because the ATF wanted him to "snitch" on white supremacist groups.

Weaver's refusal to snitch led to his arrest on a charge of selling two sawed-off shotguns to an ATF informant. And his failure to appear in court on the charge brought marshals on a reconnaissance mission to his remote cabin site in August 1992.

It was then that a shootout erupted, killing Deputy Marshal William Degan and Weaver's 14-year-old son, Samuel. Vicki Weaver was killed the next day.

The ATF informant, Kenneth Fadelley, Friday denied luring Weaver into crime. "I did not at any time coerce, bribe, or sway Mr. Weaver into doing a criminal act," he told the Senate panel.

But senators continued to press Magaw about whether Weaver was set up, resulting in a heated exchange in which an impassioned Magaw said he believed his agents.

"I do not believe Weaver," he said.

USA Today  
11 Sept. 1995