

TREASURY

INTEROFFICE MEMORANDUM

Date: 26-Feb-1993 02:27pm EST  
From: Christopher Cuyler  
CUYLERC  
Dept: Asst Sec Enforcement  
Tel No:

TO: Michael D. Langan

( LANGAN )

Subject: ATF Special Operation

Mike, be advised that ATF will be executing both arrest warrants and search warrants on Sunday, February 28, 1993, at the compound of the Branch Davidian Seventh-day Adventists, a religious cult near Waco, Texas. The leader of this cult is Vernon Wayne Howell and they are housed on a 70 acre compound in rural Waco. It is believed there are approximately 75 people (men, women and children) currently on the compound.

ATF has an arrest warrant for Howell and search warrants for the main compound and a second storage site about two miles from the compound. Howell has a history of violence and has been acquitted of attempted murder in the past. Members of this cult come from all over the world and it is believed that many are aliens unlawfully in this country. INS will participate in this raid.

Automatic weapons fire has been heard from this compound and ATF has undercover agents that have gained access to the compound. It is known that UPS has delivered enough firearms parts to convert 200 AR-15's (semi-auto) to M-16's (full auto). Howell has an unknown quantity of explosives on site and in the past has been involved in a shootout with a rival religious cult.

When a member joins the Branch Davidian, he turns over all possessions, including his wife and any daughters. Howell is the only male allowed to have sexual relations with any of the women, and in general the women are not allowed outside the main compound. Howell strips these people of all dignity and his treatment of them is atrocious across the board - from eating habits to sanitary deprivation.

On Sunday, February 28, 1993, at 11 AM, ATF, assisted by State, local and military authorities, will raid this compound. Our Special Response Teams from Houston, Dallas and New Orleans will be used, along with a host of other law enforcement officers. A well-reasoned, comprehensive plan has been approved which allows for all contingencies. ATF's National Command Center at Bureau Headquarters will be on-line for this operation at 9 AM Sunday morning.

It is felt this operation will generate considerable media attention, both locally (Texas) and nationally. If necessary, I can be contacted over the weekend at my residence or on my pager (1-800-759-7243 -- PIN 595-3161).

End of message.

# UNITED STATES CODE

## TITLE 18

# CRIMES AND CRIMINAL PROCEDURE

## PART I—CRIMES

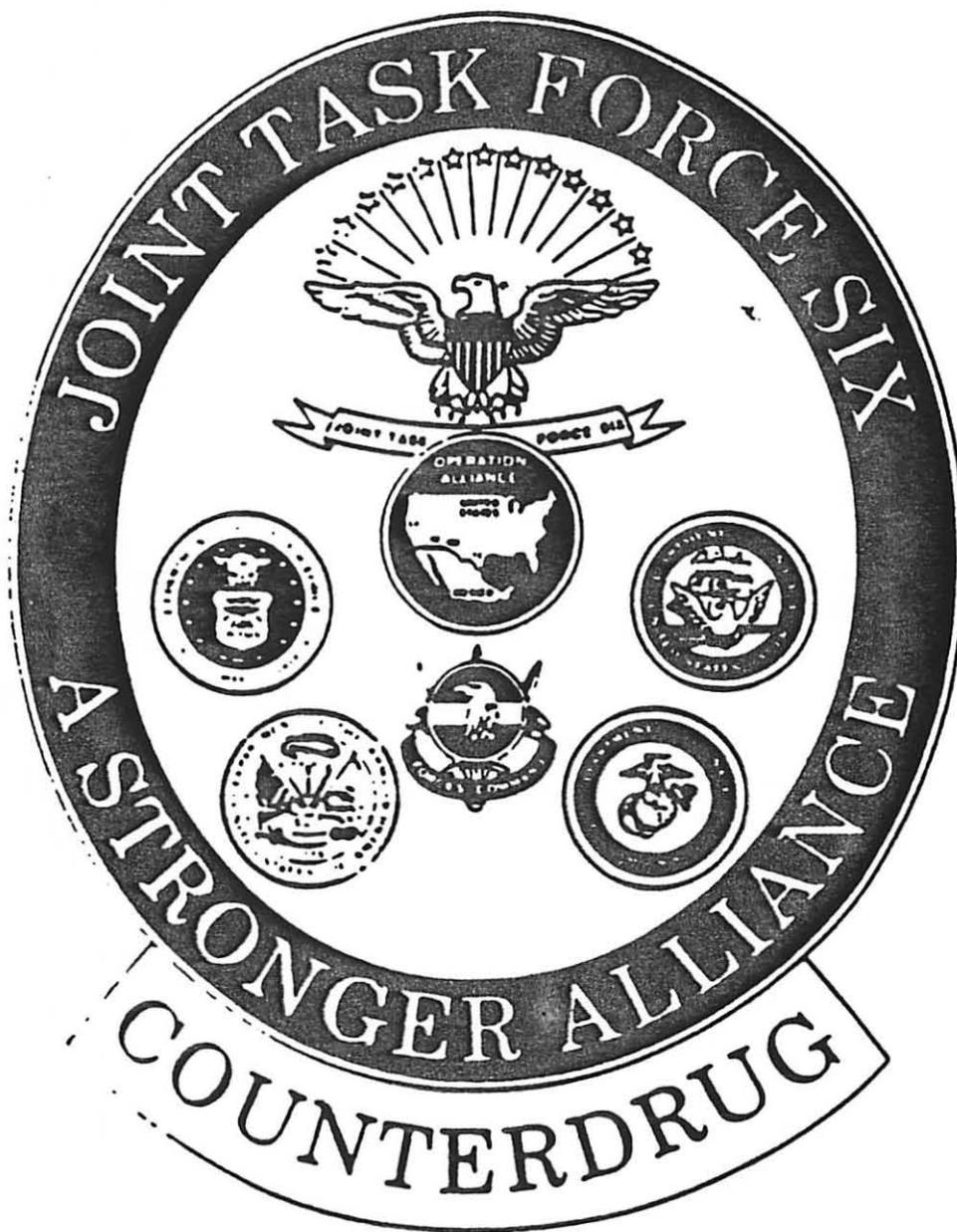
### CHAPTER 67—MILITARY AND NAVY

**Sec.**

#### **§ 1385. Use of Army and Air Force as posse comitatus**

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

# JOINT TASK FORCE SIX



## OPERATIONAL SUPPORT PLANNING GUIDE

00009786

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00008787

# JOINT TASK FORCE SIX

J3 PLANS	(915) 568-8415
J3 OPERATIONS	(915) 568-8843
J3 ENGINEER	(915) 568-8209
J2 INTEL	(915) 568-8133/9183
J2 IMAGERY	(915) 568-8788
JOINT OPERATIONS CENTER (TOLL FREE)	(800) 525-8864
JOINT OPERATIONS CENTER (NON-SECURE FAX)	(915) 568-8322
JOINT OPERATIONS CENTER (SECURE FAX)	(915) 568-8713

## ON-SIGHT LIAISON OFFICERS

LNO CALIFORNIA	(916) 854-3665
LNO ARIZONA	(602) 746-4401
LNO NEW MEXICO	(505) 846-4507/4473
LNO TEXAS	(512) 465-5592

REGIONAL LOGISTICS SUPPORT OFFICE	(915) 568-9088
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18

## OPERATION ALLIANCE

OPERATION ALLIANCE	(915) 540-6130
OPERATION ALLIANCE FAX	(915) 540-7532
NG LNO to OPALL	(915) 568-9082
JTF-6 LNO to OPALL	(915) 568-9083

DEA LNO to JTF-6	(915) 568-8994
USCS AVN LNO to JTF-6	(915) 568-8159
USBP LNO to JTF-6	(915) 568-8663

## NORTH AMERICAN AEROSPACE DEFENSE COMMAND

NORAD J3 (OPERATIONS)	(719) 554-3423
NORAD J2 (INTELLIGENCE)	(719) 554-2329

00008806 19

**ANNEX A:**

**JOINT TASK FORCE SIX  
SUPPORT CAPABILITIES**

***Aviation Operations***

Avn Recon by Military Units Only  
Avn Recon with LEAs on Board  
Avn Trans of Contraband/Vehicles  
Avn Trans of LEAs outside CONUS  
Avn Trans of LEAs to Bust Site

***Engineer Operations***

Construction of Buildings  
Heliport Construction  
Range Construct/Repair (Rifle/Pistol)  
Build/Repair Border Roads/Fences  
Installation of Border Lights  
Erect Rappelling Towers

***General Support***

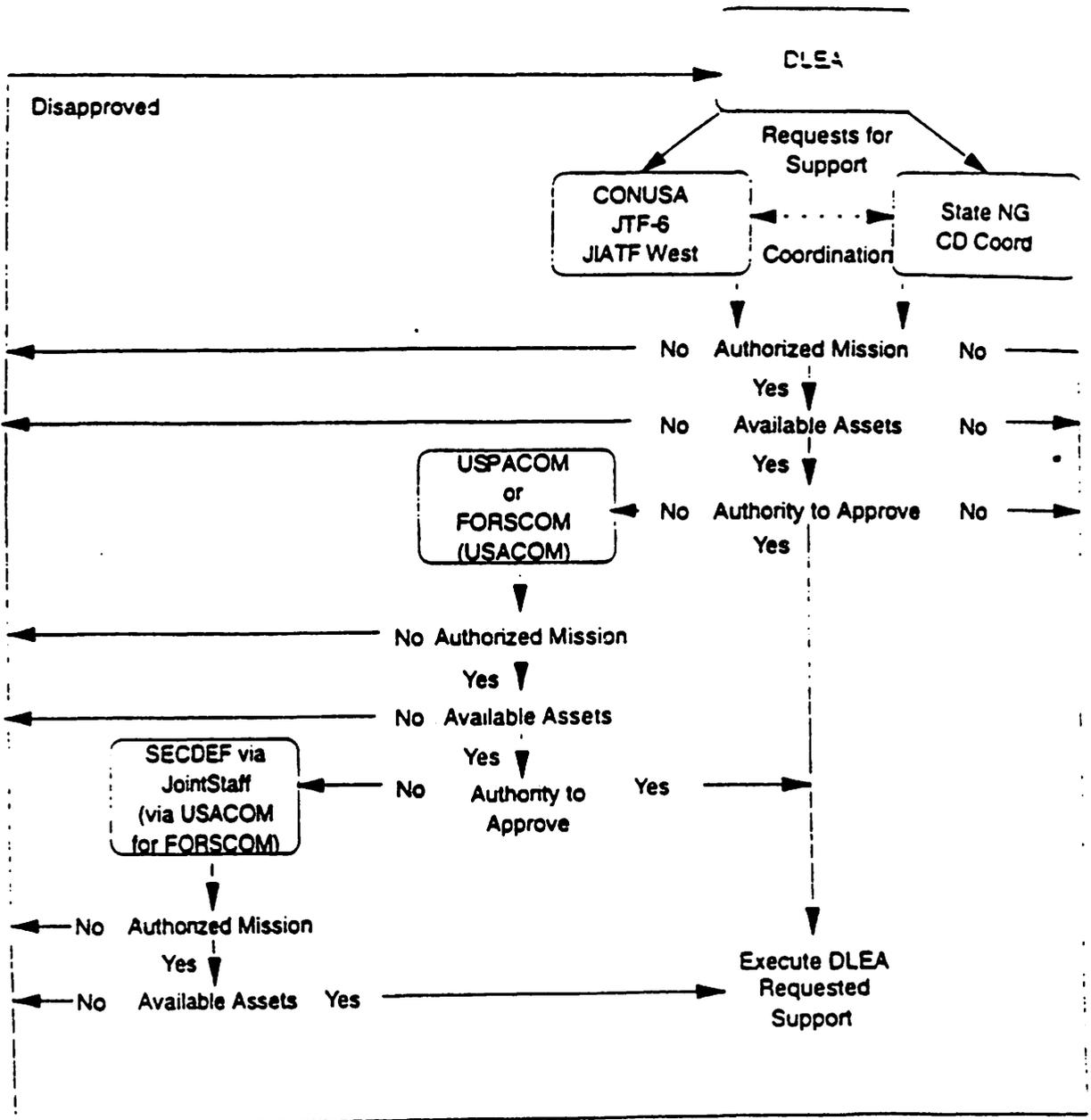
Mobile Training Teams  
Canine Support  
Maintenance & Repair of Equipment  
Air/Ground Transportation

***General Support INTEL***

Intel Analyst Support  
On-Site Transcription/Translation  
Data Base Construction

0008807

# Approval Process Operational Support to Domestic DLEAs



Note, although coordination should be an ongoing process among approval authorities, when either the CONUSAs, JTF6, and JIATF-West or the state NG CD coordinators cannot source a request for support, they MUST coordinate with each other.

Thur [redacted] (58)  
To Mc Davis,

Lesley, the only question I  
have is related to how we got involved.  
Was the "metamphetamine" lab a subterfuge  
to get our (military) (SOF) (?) involvement?  
Seems to me we need to be sure what  
the ground rules are. Reasonable man  
rule applies.

V/L

[redacted] (59)

OPERATION ALLIANCE SUPPORT REQUEST FORM

1/22/93

Date Request Rec'd at Operation Alliance: 1-22-93

LEA: ATF Controlling HQ: WASHINGTON DC (requestor) (LWED)

LOCATION OF SUPPORT: WACO TX  
 O/A POC: PAUL Date of Ltr? 1-21-93  
 Support Needed? APV'S, SPT EQUIP, AVR TNG, SPT Personnel?

PRTY: Multi-Agency   
 Intel Based   
 Case Spec.

Request Approved? Yes / No / Hold  
 Reason:

(1) Name of POC: Phillip Lewis / Chuck Swabey (2) Phone: 713 449-2073

(3) Address: 15355 Van Stange Pkwy, Waco, TX 77037

(4) Prior Coord) DODK YES NO  
 Unit/Agency: DOJ / LIAISON OFFICERS  
 POC & Phone: LOW / 202 977-8020

(5) Time Frame:  
 Start: 2/1/93  
 Stop: ?

(6) Engineer:  
 Material Avail? Y / N / Na  
 E.I.S.? Y / N / Na

(7) LEA coord:  
 Higher HQ?  / N / Na  
 Adjacent?  / N / Na

(8) Translation Center:  
 Transcription? Y / N / Na  
 Translation? Y / N / Na

(9) RLSO: (Equipment)  
 POC Equip P/U? \_\_\_\_\_  
 DRMO visit? Y / N / Na

(10) Dissemination:  
 Limited?  / N / Na  
 Need to Know?  / N / Na  
 Federal? Y / N / Na

(11) DoD Parameters met:  
 Posse Comitatus?  / N / Na  
 Economy Act?  / N / Na  
 Clerk/Legal Spt?  / N / Na  
 LEA Present?  / N / Na  
 (Avn) 3 Na rule? Y / N / Na  
 Fed sponsor req?  / N / Na  
 Use of FLIR?  / N / Na  
 LEA resp. Team?  / N / Na  
 Confrnt. possible?  / N / Na  
 Wpns Required?  / N / Na  
 Mil. Intel Pers? Y / N / Na

(12) Sensitivities:  
 Political?  / N / Na  
 Legal?  / N / Na

Remarks:

(13) Pvt Lands?  / N / Na  
 Public Lands?  / N / Na  
 Access Rights?  / N / Na  
(WARRANT)

(15) OAC #:

(14) Management Cell:  
 Cont. w/ SR? Yes / No  
 Date:

(16) Remarks  
POSSIBLE MEET. LAB. W/ LANS - PROLONGED URGENT RESPONSE  
300 FT CLEARED AREA - EQUIP USED BY SRT. TEL  
EXECUTE WARRANT - DRIVE SHOT DISTANCE TO WITHIN  
PROTECT UP TO 50 CM 3 40mm GRENADS - DRIVE SHOT DISTANCE TO WITHIN  
TO PROT SHIPERS - 4 ME SHIPERS / 4 FOR SRT TEAM. BASE CAMP 1 KM TO REH  
LOCAL SHERIFF IN SUPPORT. DISCS LIMITED SUPPLY A

005703



# OPERATION ALLIANCE

P.O. BOX 8051  
EL PASO, TEXAS 79908

February 2, 1993  
OAC# 25.2.139.6293

Office of the Adjutant General  
ATTN: AGTX-CD  
P. O. Box 5218  
Austin, Texas 78763-5218

The Bureau of Alcohol, Tobacco and Firearms, (ATF) Washington, DC requests the assistance of the Department of Defense in acquiring the following support:

1. A "Joint Military Planning Cell" with representatives from the Texas National Guard and Joint Task Force-Six (JTF-6) to assist ATF in planning, training, equipping and command and control in serving a federal search warrant no earlier than 22 February 1993, to a dangerous extremist organization believed to be producing methamphetamine.
2. Due to the private land concerns, request this support be joint Texas National Guard and JTF-6. The specifics are to be worked out at a meeting to be held 4 Feb 93.
3. Special assistance is needed in medical evacuation contingency planning and on site trauma medical support.
4. There will be no Title 18 personnel in direct support of this operation. Direct involvement of Title 32 personnel will be at the discretion of the Texas National Guard.
5. Direct liaison between JTF-6, the Texas National Guard and the Bureau of Alcohol, Tobacco and Firearms is authorized.

This assistance is in direct support of interdiction activities along the southwest border. POC for this request will be LTC Lon Walker at [REDACTED] SKYPAGE [REDACTED] or FAX [REDACTED]

Thank you for your assistance in this matter.

  
James E. Bowen  
Deputy Senior Tactical  
Coordinator-Operations  
Operation Alliance

005551



**DESCRIPTION** The Rapid Support Unit (RSU) is comprised of a Special Forces Company with attached aviation assets from 160th SOAR. The RSU is collocated with JTF-6 at Ft Bliss, Texas and is under the tactical control (TACON) of CG, JTF-6. The RSU provides the capability to provide rapid, responsive support to immediate LEA needs based on perishable intelligence. The RSU is capable of conducting Special Reconnaissance (LP/OP, Ground Recon, Dive Operations); Mobile Training Teams; and Aviation Support Operations. Requests for the RSU must be sent through Operation Alliance. The RSU can be used to augment or cover flanks of other ongoing operational missions. With the RSU's enhanced low visibility insertion techniques, these elements are ideal for drug smuggling corridors only sparsely covered by law enforcement. Additionally they can be used as low-visibility stay-behind teams after another operation departs.

**MISSION PARAMETERS** RSU missions are characterized by small, short duration, interdiction missions normally limited to border areas. Support normally ranges 1-14 days in duration with the requesting LEA determining the number of days. Utilization is based on the priority assigned by Operation Alliance. The mission must be related to the Special Operations Mission Essential Task List (wartime tasks) and should be intel-promoted.

**ORGANIZATION & EQUIPMENT** The RSU is composed of a Special Forces B Detachment which consists of 6 Special Forces A-teams that can be deployed simultaneously. Each team can be deployed independently and averages 8 to 9 specially trained personnel. Individuals skills consist of advanced medical, communications, weapons, and demolitions. All personnel are cross-trained and are capable of providing instruction in these skills. The RSU is augmented with a Special Operations communications team to facilitate long-range, immediate secure comms via satellite and burst transmission. Teams are outfitted with advanced communications, night vision, and long-range optics. The aviation augmentation consists of 2 MH60 Blackhawks capable of extended range and navigation under limited visibility. These aircraft are rigged for fast rope and repelling.

#### **CONSIDERATIONS**

- a. Lead time for request. The RSU can be activated for insertion with 72 hours telephonic notice to Operation Alliance. (Some missions have been done with only 24 hours notice.) If aviation operations are anticipated within 3 nautical miles of the border, or ground elements/positions are planned within 3 km of the border, 72 hours notification is desired.
- b. Missions should be planned for short duration as the RSU constitutes a reusable asset.
- c. RSU assets are limited, hence Operation Alliance will determine priorities when conflicts occur.
- d. Operation must be conducted on public land or private land-use agreements must be obtained.
- e. Aviation assets may be requested to support other JTF-6 missions supported by Special Operations Forces. The availability of aircraft and priority will be determined by the CG, JTF-6.
- f. In high-risk operations where close proximity (LEA with RSU elements) is in effect, cross-training of both the RSU and LEA agents is imperative.
- g. Interdiction operations where the RSU is used as an initial detection force requires a reaction force by the LEA.



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
15355 Vantage Parkway West, Suite 210  
Houston, TX 77032-1965

February 5, 1993

LE:TX:HA:CDW  
3310

MEMORANDUM TO: Chief, Special Operations Division

FROM: Special Agent in Charge  
Houston Field Division

SUBJECT: Request for Authorization to Use  
Diversionsary Devices for SRT Operation

It is requested that authorization be granted for the use of diversionsary devices during the execution of a Federal Search Warrant by the Houston and New Orleans Special Response Teams. The devices will not be used to make entry, but will be used for safety purposes while clearing the building if the situation dictates. Information concerning the operation is provided as follows:

DATE OF OPERATION: MARCH 1, 1993 (approximately)

LOCATION: Route 7, Box 471B, Waco, Texas

INVESTIGATION NO.: 53110-92-1065 x

SUBJECT: Vernon Wayne Howell, aka David Koresh, et al.

BACKGROUND:

Vernon Howell, W/M, DOB 081759, is the leader of a religious cult known as the Branch Dividian Seventh-Day Adventists. Howell and his followers (which number approximately 75 to 80 men, women, and children) reside in an expansive structure located on 77 acres of land; address Route 7, Box 471 B, Waco, McLennan County, Texas.

Information has been developed during this investigation which has identified Howell as a mentally deranged individual who believes himself to be the reincarnated "Jesus Christ." He controls his followers with the assistance of approximately eight close male associates through means of fear and intimidation as part of a "brain washing" process. Howell has a history of violence. In 1988, he was tried for attempted murder along with seven associates; however, they were all acquitted. Within the past year, Howell and his



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

HOUSTON, TX 77032-1965

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Request for Authorization to Use  
Diversiory Devices for SRT Operation

-2-

followers have acquired approximately 100 firearms, many of which are believed to have been assembled from purchased parts. The firearms include 9 MM pistols, AK-47 type assault rifles, and AR-15 assault rifles. Some of the rifles are reported to be modified as machineguns. They have also acquired components and chemicals for explosives to manufacture hand grenades. Large quantities of ammunition have also been acquired.

The cult members have regular firearms training in order to defend their property. Howell has prophesied, "authorities" will attempt to take their children and that they will resist with their firearms.

The quarters for the women and children are segregated from the men's living areas. The children are not permitted in the men's area. The Dallas SRT will be responsible for securing the areas assigned to the women and children and will not use diversory devices.

The Houston and New Orleans SRT's will be responsible for securing the rest of the complex. No children, handicapped, or elderly persons are expected to be in those areas. However, prior to the use of any diversory device, visual inspection will be made of threat areas in compliance with ATF directives.

There are no indications of explosives or flammable materials in the area to be secured by the Houston team. There may be some in the area to be cleared by the New Orleans team. The devices will not be used in the area identified with explosives and/or flammable materials.

OPERATIONAL PLAN:

The Houston, New Orleans, and Dallas SRT's will be exclusively responsible for entry of the location. Other ATF personnel assigned to those three divisions will be responsible for the perimeter.

Phillip J. Chojnacki

**Request for Authorization to Use  
Diversionary Devices for SRT Operation**

**-2-**

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Phillip J. Chojnacki

008214

MEMORANDUMS 06-04-96 , at 9:24 AM

PAGE 1

LOCATION INFORMATION			ITEM DESCRIPTION	REFERENCE NUMBERS	
CABINET	DRAYER	INDEX#	DESCRIPTION	BASE STAMP NUMBER	OLD DATE STAMP
2	1	193	Memorandum - "Not Dated", To: Chief, Special Operations Division, from SAC, Houston Field Division, Subject: "Request for Authorization to Use Diversionsary Devices for SRT Operation"		AIF-1022-1
4	2	363	Memorandum - 02/05/95, To: Chief, Special Operations Division, from: SAC, Houston Field Division, Subject: "Request for Authorization to Use Diversionsary Devices for SRT Operation"	000613-003214	681-1350 1
6	2	102	Memorandum - "Not Dated", To: Chief, Special Operations Division, from: SAC, Houston Field Division, Subject: "Request for Authorization to the Diversionsary Devices for SRT Operations"		681-1155
6	2	110	Document - Diversionsary Devices Users Course	009127-009534	681-1155
7	2	137	Memorandum - from Chojacki RE: Use of diversionsary devices.	00661-007662	

**UNITED STATES CODE**

**TITLE 18**

**CRIMES AND CRIMINAL PROCEDURE**

**PART I—CRIMES**

**CHAPTER 109—SEARCHES AND SEIZURES**

**Sec.**

**§ 2235. Search warrant procured maliciously**

Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be fined not more than \$1,000 or imprisoned not more than one year.

FILED

FEB 26 1993

# United States District Court

CLERK, U. S. DIST. COURT  
BY M.B. [Signature] DEPUTY

WESTERN DISTRICT OF TEXAS

W93-15M

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)  
residence of Vernon Wayne Howell, and others, **APPLICATION AND AFFIDAVIT**  
Rt 7, Box 471-B, also known as the Mount Carmel **FOR SEARCH WARRANT**  
Center, Waco, McLennan County, Texas, its appurtenances, vehicles  
and underground structures located on the **CASE NUMBER:**  
entire premises of the 77 acre compound. See attached photos and property  
descriptions, Attachments A, B and C.

I Davy Aguilera being duly sworn depose and say:  
Special Agent with the Bureau of Alcohol,  
I am a Tobacco and Firearms and have reason to believe  
Official Title

that  on the person of or  on the property or premises known as (name, description and/or location)  
**SEE ATTACHED "DESCRIPTION OF PREMISES" WHICH IS INCORPORATED BY REFERENCE HEREIN AS THOUGH FULLY SET FORTH**

in the WESTERN District of TEXAS  
there is now concealed a certain person or property, namely (describe the person or property to be seized)  
**SEE ATTACHED "DESCRIPTION OF PROPERTY" WHICH IS INCORPORATED BY REFERENCE HEREIN THOUGH FULLY SET FORTH. SEE ATTACHMENT D.**

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)  
contraband, evidence of the commission of a criminal offense, and things otherwise  
criminally possessed

concerning a violation of Title 18 & 26 United States code, Section(s) 922(o), 5845(f).

The facts to support a finding of Probable Cause are as follows:

**SEE ATTACHED "AFFIDAVIT" OF SPECIAL AGENT DAVY AGUILERA, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE AS THOUGH FULLY SET FORTH.**

Continued on the attached sheet and made a part hereof.

Yes  No

[Signature]  
Signature of Affiant Davy Aguilera  
Special Agent, Bureau of ATF

Sworn to before me, and subscribed in my presence

February 25, 1993  
Date

at

Waco, TX

City and State

Dennis G. Green, U.S. Magistrate Judge  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

AFFIDAVIT

Affiant alleges the following grounds for search and seizure:

I, Davy Aguilera, being duly sworn, depose and state that:

I am a Special Agent with the U. S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms, Austin, Texas, and I have been so employed for approximately 5 years. This affidavit is based on my own investigation as well as information furnished to me by other law enforcement officers and concerned citizens.

As a result of my training and experience as a Special Agent for the Bureau of Alcohol, Tobacco and Firearms, I am familiar with the Federal firearm and explosive laws and know that it is unlawful for a person to manufacture, possess, transfer, or to transport or ship in interstate commerce machineguns, machinegun conversion parts, or explosives which are classified, by Federal law, as machineguns, and/or destructive devices, including any combination of parts either designed or intended for use in converting any firearm into a machinegun, or into a destructive device as defined by Federal law, and from which a destructive device may be readily assembled, without them being lawfully registered in the National Firearms Registration and Transfer Record, U.S. Treasury Department, Washington, D.C.

During my 5 years experience with the Bureau of Alcohol, Tobacco and Firearms, I have investigated persons who have unlawfully possessed, transferred or shipped in interstate or foreign commerce firearms and/or explosive devices which were not registered to them with the National Firearms Registration and Transfer Record, and have successfully participated in the prosecution of several of these individuals.

On June 4, 1992, I met with Lieutenant Gene Barber, McLennan County Sheriff's Department, Waco, Texas, who has received extensive training in explosives classification, identification and the rendering safe of explosive devices and has been recognized in Federal Court as an expert witness in this field. Lt. Barber stated that he had received information in May 1992, from an employee of United Parcel Service, Waco, Texas, that from April through June of 1992, several deliveries had been made to a place known as the "Mag-Bag", Route 7, Box 555-B, Waco, Texas, 76705, located on Farm Road number 2491, in the names of Mike Schroeder and David Koresh, which the UPS employee believed to be firearms components and explosives. Through my investigation, I know that the place known as the "Mag-Bag" is a small tract of land located at the above address which has two metal buildings located on it.

The name "Mag-Bag" comes from the shipping label which is accompanied many items shipped to the above address. I and other agents have personally observed vehicles consistently over the past six months at the "Mag-Bag" location which are registered to Vernon Wayne Howell, aka: David Koresh. Lieutenant Barber further stated that the UPS employee, Larry Gilbreath, became suspicious and concerned about the deliveries, most of which were shipped Cash On Delivery, (C.O.D.) because of their frequency and because of the method used by the recipient to receive the shipments and to pay for them.

Lieutenant Barber explained that David Koresh was an alias name used by Vernon Wayne Howell who operated a religious cult commune near Waco, Texas, at a place commonly known as the Mount Carmel Center, which is one of the premises to be searched and more specifically described above. I have learned from my investigation, particularly from my discussions with former cult members that Vernon Howell adopted the name David Koresh more than a year ago. The name "David Koresh" was chosen by Howell because Howell believed that the name helped designate him as the messiah or the anointed one of God. Lieutenant Barber further related that he was told by Gilbreath that he has been making deliveries to the "Mag Bag" and the Mount Carmel Center on Double EE Ranch Road, Waco, Texas, for several years, but he had never been suspicious of any of the deliveries until 1992. Gilbreath became concerned because he made several C.O.D. deliveries addressed to the "Mag-Bag", but when he would stop at that location he was instructed to wait while a telephone call was made to the Mount Carmel Center by the person at the "Mag-Bag", usually Woodrow Kendrick or Mike Schroeder, notifying the person who answered the phone at the Mount Carmel Center that UPS was coming there with a C.O.D. delivery, after which Gilbreath would be instructed to drive to the Mount Carmel Center to deliver the package and collect for it. That on those occasions when he was at the Mount Carmel Center to deliver and collect for the C.O.D. packages. He saw several manned observation posts, and believed that the observers were armed.

Lieutenant Barber stated that he was told by Larry Gilbreath (UPS) that in May of 1992 two cases of inert hand grenades and a quantity of black gun powder were delivered by him to the "Mag-Bag." The source of these shipments was unknown to Gilbreath.

On June 9, 1992, I was contacted by Lieutenant Barber who told me that he had learned from Larry Gilbreath that in June of 1992, the United Parcel Service delivered ninety (90) pounds of powdered aluminum metal and 30 to 40 cardboard tubes, 24 inches in length and 1 1/4 to 1 1/2 inches in diameter, which were shipped from the Fox Fire Company, Pocatella, Idaho, to "Mag-Bag." From another shipper whose identity is unknown, two parcels containing a total of sixty (60), M-16/AR-15 ammunition magazines were delivered by UPS to the "Mag-Bag" on June 8, 1992. I know based upon my training and experience that an AR-15 is a semi-automatic rifle

practically identical to the M-16 rifle carried by United States Armed Forces. The AR-15 rifle fires .223 caliber ammunition and, just like the M-16, can carry magazines of ammunition ranging from 30 to 60 rounds of ammunition. I have been involved in many cases where defendants, following a relatively simple process, convert AR-15 semi-automatic rifles to fully automatic rifles of the nature of the M-16. This conversion process can often be accomplished by an individual purchasing certain parts which will quickly transform the rifle to fire fully automatic. Often times templates, milling machines, lathes and instruction guides are utilized by the converter.

Lieutenant Barber related to me the following background information about the Mount Carmel Center commune, which is located at Rt. 7, Box 471-B, Waco, Texas, and consists of some seventy (70) acres of land, occupied by Vernon W. Howell, a/k/a David Koresh and others.

The property was once owned and occupied by George Buchanan Roden, who once was an unannounced candidate for the office of President of the United States. Roden inherited the property sometime in the 1950's, and beginning about January 1986 established and led a religious cult group with about twenty (20) followers. He claimed to be the Prophet of the group. The property at that time was known as the "Elk Property/Mt. Carmel Center." About this same time, Roden was in jeopardy of losing the property by foreclosure due to delinquent taxes which had not been paid since 1968.

About this same time, Vernon Wayne Howell, had established a similar group in Palestine, Texas, known as the Branch Davidian Seventh-Day Adventists. Sometime in 1987, Howell, laid claim to ownership of the Mr. Carmel Center property and wanted to acquire it by any means possible. On November 3, 1987, Howell led an armed group of eight men into Roden's camp and a 45-minute gun battle ensued. Roden was shot in the finger and was the only person injured.

Eight people, including Vernon W. Howell and Paul Gordon Fatta were arrested by the McLennan County Sheriff's Department, Waco, Texas, and were indicted for attempted murder by a McLennan County Grand Jury. All eight subjects were tried in State court at Waco, Texas, and were acquitted of the charges of attempted murder by a jury.

After the armed assault by Howell and his followers, George Roden vacated the property. In 1987, the property was taken over by Howell and his cult group. The taxes owed on the Mt. Carmel Center have been paid by Howell's group. His cult has grown to about seventy (70) to eighty (80) people which includes men, women and children who now live on the Mount Carmel Center property.

Lieutenant Barber furnished me with recently taken aerial photographs of the Mount Carmel Center which had been taken by

Captain Dan Weyenberg of the McLennan County Sheriff's Department, Waco, Texas. Among the things noted in the photographs was a buried bus near the main structure and an observation tower, approximately three or four stories tall with windows on all four sides enabling a view from the structure of 360 degrees.

I was also advised by Lieutenant Barber that Robert Cervenka, a known long time McLennan County citizen, who lives near the Mount Carmel Center compound, had, on several occasions, from January through February of 1992, heard machinegun fire coming from the compound property. Mr. Cervenka offered law enforcement authorities his residence to be used as a surveillance post.

On July 21, 1992, I met with Robert L. Cervenka, Route 7, Box 103, Riesel, Texas. Mr. Cervenka farms the property surrounding the east side of the Mount Carmel property. Mr. Cervenka stated that he has farmed that area since 1948. From about January and February of 1992 he has heard machinegun fire on the Vernon Howell property during the night hours. He is familiar with and knows the sound of machinegun fire because he did a tour overseas with the U.S. Army. He believes that some of the gunfire he heard was being done with 50 caliber machineguns and possibly M-16 machineguns.

On November 13, 1992, I spoke with Lieutenant Gene Barber who told me that Mr. Cervenka, whose ranch is adjacent to the Mount Carmel Property, had reported hearing bursts of gunfire from the Mount Carmel compound on November 8, 1992, at approximately 2:45 p.m.

On June 8, 1992, based on information gained from Gilbreath by Lieutenant Barber, I interviewed Dave Hauptert, Olympic Arms Inc., Olympia, Washington, a company which had shipped several parcels to David Koresh at the "Mag-Bag", Route 7, Box 555-B, Waco, Texas. Mr. Hauptert told me that the records of Olympic Arms Inc., indicated that approximately forty-five (45) AR-15/M16 rifle upper receiver units, with barrels of various calibers, had been shipped from March through April of 1992 to the Mag-Bag Corporation for a total cost of \$11,107.31, cash on delivery.

On January 13, 1993, I interviewed Larry Gilbreath in Waco, Texas, and confirmed the information which had previously been related to me by Lieutenant Barber. Mr. Gilbreath told me that although he had been making deliveries at the "Mag Bag" and the Mount Carmel Center for quite some time, his suspicion about the packages being delivered to those places never was aroused until about February 1992. At that time the invoices accompanying a number of packages reflected that they contained firearm parts and accessories as well as various chemicals. He stated that in May 1992, a package which was addressed to the "Mag Bag" accidentally broke open while it was being loaded on his delivery truck. He saw that it contained three other boxes the contents of which were "pineapple" type hand grenades which he believed to be inert. He stated that there were about fifty of the grenades and that he later delivered them to the

Mount Carmel Center. The Mount Carmel Center is that tract of land depicted in the photograph labeled "Attachment B", with the main residential structure being depicted in "Attachment C."

Mr. Gilbreath stated that these suspicious packages were usually addressed to the "Mag Bag" or to David Koresh. When he would stop to deliver them to the "Mag Bag", he was met most of the time by Woodrow Kendrick, and on other occasions by Steve Schneider. They would have him wait while they telephoned the Mount Carmel Center to tell them that UPS was coming with a C.O.D. package. He would be instructed to take the package(s) to the Mount Carmel Center. Upon arriving at the Mount Carmel Center, he was usually met by Perry Jones or, on occasion, by Steve Schneider, who would pay the C.O.D. charges in cash and would accept delivery of the shipments.

On this same date, June 8, 1992, I interviewed Glen Deruiter, Manager, Sarco Inc., Stirling, New Jersey, and learned from him that in May of 1992, their company shipped one M-16 parts set kit with a sling and magazine to the "Mag-Bag" in the name of David Koresh. The total value of these items was \$284.95.

Also on June 8, 1992, I interviewed Cynthia Aleo, Owner/Manager, Nesard Gun Parts Company, Barrington, Illinois, and learned from her that in May of 1992, her company shipped to the "Mag-Bag", two (2) M-16 machinegun car kits and two (2) M-16 machinegun EZ kits. These kits contain all the parts of an M-16 machinegun, except for the lower receiver unit which is the "firearm" by lawful definition. Ms. Aleo stated that the total amount of sales to the Mag-Bag was \$1227.00. Within the past month, I have spoken with Curtis Bartlett, Firearms Technician with BATF and have learned that Nesard Company has been under investigation in the past by ATF for engaging in a scheme to supply parts which would enable individuals to construct illegal weapons from various component parts.

On June 9, 1992, I requested that a search of the records of the National Firearms Registration and Transfer Record, Washington, D.C., to determine if Vernon W. Howell and/or Paul G. Fatta, one of Howell's closest followers, had any machineguns or other NFA weapons registered to them. The result of the search was negative.

On this same date, June 9, 1992, I requested a search of the records of the Firearms Licensing Section of the Bureau of Alcohol, Tobacco and Firearms, Atlanta, Georgia, to determine if Howell, Fatta or the "Mag-Bag" Corporation were licensed as Firearms dealers or manufacturers. The result of this search was negative.

On June 10, 1992, I requested a search of the records of the Firearms Licensing Section of the Bureau of Alcohol, Tobacco and Firearms, Atlanta, Georgia, to determine if David Koresh, Howell's alias name, or David M. Jones, a known associate of Howell, were licensed as Firearms dealers or manufacturers. The result of this

search was negative.

On June 23, 1992, I spoke with ATF compliance Inspector Robert Souza, Seattle, Washington, who inquired about the Mag Bag Corporation, Route 7, Box 555, Waco, Texas. He had received some invoices reflecting a large quantity of upper receivers and AR-15 parts being shipped to "Mag Bag", Waco, Texas, from Olympic Arms Inc., 624 Old Pacific Hwy., S.E. Olympia, Washington. Inspector Souza faxed me copies of invoices, reflecting purchases of twenty (20) AR-15 upper receiver units with barrels by the "Mag Bag" on March 26th and 30th, 1992. These items are in addition to the items referred to above.

As a result of my investigation of shipments to Howell/Koresh and Mike Schroeder at the "Mag-Bag" Corporation, Waco, Texas, through the United Parcel Service, and the inspection of the firearms records of Henry McMahon, dba, Hewitt Hand Guns, Hewitt, Texas, I have learned that they acquired during 1992, the following firearms and related explosive paraphernalia:

- One hundred four (104), AR-15/M-16, upper receiver groups with barrels.
- Eight thousand, one hundred (8,100) rounds of 9mm and .223 caliber ammunition for AR-15/M-16.
- Twenty (20), one hundred round capacity drum magazines for AK-47 rifles.
- Two hundred sixty (260), M-16/AR-15, magazines.
- Thirty (30) M-14, magazines.
- Two (2) M-16 EZ kits.
- Two (2) M-16 Car Kits.
- One M-76 grenade launcher.
- Two hundred (200) M-31, practice rifle grenades.
- Four (4) M-16 parts set Kits "A".
- Two (2) flare launchers.
- Two cases, (approximately 50) inert practice hand grenades.
- 40-50 pounds of black gun powder.
- Thirty (30) pounds of Potassium Nitrate.
- Five (5) pounds of Magnesium metal powder.
- One pound of Igniter cord. (A class C explosive)
- Ninety-one (91) AR/15 lower receiver units.
- Twenty-six (26) various calibers and brands of hand guns and long guns.
- 90 pounds of aluminum metal powder.
- 30-40 cardboard tubes.

The amount of expenditures for the above listed firearm paraphernalia, excluding the (91) AR-15 lower receiver units and the (26) complete firearms, was in excess of \$44,300.

From my investigation, I have learned that a number of shipments to the "Mag-Bag" have been from vendors with questionable trade practices. One is presently under investigation by the Bureau of

Alcohol, Tobacco and Firearms, for violations of the National Firearms Act, which prohibits unlawful possession of machineguns, silencers, destructive devices, and machinegun conversion kits.

Because of the sensitivity of this investigation, these vendors have not been contacted by me for copies of invoices indicating the exact items shipped to the Mag-Bag.

On November 13, 1992, I interviewed Lieutenant Coy Jones, McLennan County Sheriff's Department, Waco, Texas, and learned from him that he had spoken with an employee of the United Parcel Service, Waco, Texas, who wished to remain anonymous. This person told Jones that Marshal Keith Butler, a relative of the person who wishes to remain anonymous, is a machinist by trade, and is associated with Vernon Howell.

The records of the Texas Department of Public Safety reflect that Butler has been arrested on seven (7) occasions since 1984 for unlawful possession of drugs. Two of the arrests resulted in convictions for possession of a controlled substance. Butler's latest arrest and conviction was in January 1992. Butler received a sentence of three (3) years in the Texas Department of Corrections. In April 1992 Butler was paroled to McLennan County, Texas.

On November 13, 1992, I interviewed Terry Fuller, a deputy sheriff for the McLennan County Sheriff's Department, Waco, Texas, and learned from him that on November 6, 1992, at approximately 1:25 p.m., while on routine patrol in the area of the Mount Carmel Center, the property controlled by Vernon Howell, he heard a loud explosion in the area of the north part of the Mount Carmel property. As he drove toward the area where he thought the explosion had occurred, he observed a large cloud of grey smoke dissipating from ground level on the north end of the Mount Carmel property.

On December 7, 1992, I spoke with Special Agent Carlos Torres, Bureau of Alcohol, Tobacco and Firearms, Houston, Texas, who had been assisting me in a portion of this investigation. He related to me the results of his interview on December 4, 1992, with Joyce Sparks, Texas Department of Human Services, Waco, Texas. Special Agent Torres told me that Ms. Sparks received a complaint from outside the State of Texas, that David Koresh was operating a commune type compound, and that he was sexually abusing young girls. Ms. Sparks stated that on February 27, 1992, she along with two other employees of the Texas Department of Human Services and two McLennan County Sheriff's Deputies responded to the complaint. They went to the Mount Carmel Center compound located east of Waco in McLennan County. When they arrived at the compound, they were met by a lady who identified herself as Rachel Koresh, the wife of David Koresh.

Mrs. Koresh was reluctant to talk with Ms. Sparks because David Koresh was not there. She had strict orders from him not to talk with anyone unless he was present. Ms. Sparks finally was able to convince Mrs. Koresh to allow her to talk with some of the children who were present. She talked to a young boy about 7 or 8 years old. The child said that he could not wait to grow up and be a man. When Ms. Sparks asked him why he was in such a hurry to grow up, he replied that when he grew up he would get a "long gun" just like all the other men there. When Ms. Sparks pursued the subject, the boy told her that all the adults had guns and that they were always practicing with them.

Ms. Sparks also told Special Agent Torres that she was escorted thorough part of the building where she noted a lot of construction being performed. She also said that she could not determine how many people were in the group, but estimated about sixty (60) to seventy (70) people there including men, women and children. She stated that she saw about 15 to 20 adult males there.

Ms. Sparks also said that on April 6, 1992, she visited the compound again. On this occasion she talked with David Koresh. She asked Koresh about the firearms which she had been told by the small child. Koresh admitted that there were a few firearms there, but said that most of the adults did not know of them, and that there were too few to be of any significance. Ms. Sparks said that when she pressed Koresh about the firearms and their location at the compound, he offered to show her around. He requested that she wait about 30 minutes until he could get the other residents out of the building so they would not see where he had the firearms stored. After a period of time, Ms. Sparks was escorted through part of the building by Koresh. She noted that there was more construction activity and that the inside of the structure looked quite different from her previous visit. Each time Ms. Sparks asked Koresh about the location of the firearms, he would tell her that they were in a safe place where the children could not get to them. He then would change the subject.

Ms. Sparks said that she noticed a trap door in the floor at one end of the building. When she inquired about it, Koresh allowed her to look into the trap door. She could see a ladder leading down into a buried school bus from which all the seats had been removed. At one end of the bus she could see a very large refrigerator with numerous bullet holes. She also saw three long guns lying on the floor of the bus, however, she did not know the make or caliber of them. She stated that there was no electricity in the bus. Everything she saw was with the aid of a pen light. When questioned by Ms. Sparks, Koresh said that the bus was where he practiced his target shooting in order not to disturb his neighbors.

Ms. Sparks felt the entire walk through the compound was staged for her by Koresh. When she asked to speak with some of the children

and other residents, Koresh refused, stating they were not available. She said that during her conversation with Koresh, he told her that he was the "Messenger" from God, 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. Koresh stated that it would be a "military type operation" and that all the "non-believers" would have to suffer.

On December 11, 1992, I interviewed Robyn Bunds in LaVerne, California. Robyn Bunds is a former member and resident of Vernon Howell's commune in Waco, Texas. She told me that in 1988, at the age of 19, she gave birth to a son who was fathered by Vernon Howell. Her departure from the commune in 1990 was a result of Howell becoming progressively more violent and abusive.

While she was there, she and the other residents were subjected to watching extremely violent movies of the Vietnam war which Howell would refer to as training films. Howell forced members to stand guard of the commune 24 hours a day with loaded weapons. Howell always was in possession of firearms and kept one under his bed while sleeping. Robyn stated that her present residence in California belonged to her parents. For a period of several years Howell had exclusive control of the residence and used it for other members of his cult when they were in California. It was later relinquished by Howell to Robyn's mother. In June 1992, while she was cleaning one of the bedrooms of the residence she found a plastic bag containing gun parts. She showed them to her brother, David Bunds, who has some knowledge of firearms. He told her that it was a machinegun conversion kit. She stored the gun parts in her garage because she felt certain that Howell would send some of his followers to pick them up. Subsequent to her discovery of the conversion kit, Paul Fatta, Jimmy Riddle, and Neal Vaega, all members of Howell's cult and residents of the commune in Waco, came from Waco, Texas, to California and picked up the conversion kit.

On December 12, 1992, I interviewed Jeannine Bunds, the mother of Robyn and David Bunds. She told me that she was a former member of Howell's group in Waco, Texas, having left there in September 1991. She is a registered nurse and was working in that capacity at the Good Samaritan Hospital, Los Angeles, California. While at Howell's commune in Waco, she participated in live fire shooting exercises conducted by Howell. She saw several long guns there, some of which she described as AK-47 rifles. Mrs. Bunds described the weapon to me and was able to identify an AK-47 from among a number of photographs of firearms shown to her by me. I believe that she is well able to identify an AK-47. In July of 1991, she saw Howell shooting a machinegun on the back portion of the commune property. She knew it was a machinegun because it functioned with a very rapid fire and would tear up the ground when Howell shot it. Mrs. Bunds also told me that Howell had fathered at least fifteen (15) children from various women and young girls at the compound. Some of the girls who had babies fathered by Howell were as young as 12

years old. She had personally delivered seven (7) of these children.

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

On January 6, 1993, I interviewed Jeannine Bunds again in Los Angeles, California. I showed her several photographs of firearms and explosives devices. She identified an AR-15 rifle and a pineapple type hand grenade as being items which she had seen at the Mount Carmel Center while she was there. She stated that she saw several of the AR-15 rifles and at least one of the hand grenades.

On January 7, 1993, I interviewed Deborah Sue Bunds in Los Angeles, California. She was the wife of David Bunds, and she had been a member of the "Branch Davidian" since birth. She stated she first met Vernon Wayne Howell in July 1980. When Howell assumed leadership of the "Branch" in Waco, Texas, in 1987, he began to change the context of their Doctrine. While she was at the Mount Carmel compound in Waco, Texas, she was assigned, under Howell's direction, to guard duty with a loaded weapon. About February 1989, she observed Howell shooting a machinegun behind the main structure of the compound. She is sure the firearm was a machinegun because of the rapid rate of fire and the rate of fire was much different from that which was usually conducted during practice exercises on the compound. After describing the firing of this weapon to me, I believe that Ms. Bunds was describing the firing of an automatic weapon.

Mrs. Deborah Bunds also told me that during an evening meal a short time after having seen Howell shoot the machinegun, she overheard Howell and his closest associates discussing machineguns. Howell was very excited about having a machinegun. He voiced a desire to acquire additional machineguns, specifically AK-47 type machineguns.

During this investigation I made inquiries of a number of law enforcement data bases for information about those commune residents who I have been able to identify. Through TECS I learned that some forty (40) foreign nationals from Jamaica, United Kingdom, Israel, Australia and New Zealand have entered the United States at various times in the past and have used the address of the Mount Carmel Center, Waco, Texas, as their point of contact while here. According to INS records most of these foreign nationals have overstayed their entry permits or visas and are therefore illegally in the United States. I know that it is a violation of Title 18, United States Code, Section 922 for an illegal alien to receive a firearm.

On January 1, and January 3, 1993, Mrs. Poia Vaega of Mangere, Auckland, New Zealand, was interviewed telephonically by Resident Agent in Charge Bill Buford, Bureau of Alcohol, Tobacco and Firearms, Little Rock, Arkansas, who also is assisting me in this investigation. The results of Special Agent Buford's interview on January 1, 1993, was reduced to writing and furnished to me. Special Agent Buford's interview on January 3, 1993, was tape recorded with the permission of Poia Vaega and has since been transcribed and typewritten. Both the tape recording and the transcription was furnished to me by Special Agent Buford. Both interviews with Poia Vaega revealed a false imprisonment for a term of three and one half (3 1/2) months which began in June of 1991 and physical and sexual abuse of one of Mrs. Vaega's sisters, Doreen Saipaia. This was while she was a member of the "Branch Davidian" at the Mount Carmel Center, Waco, Texas. The physical and sexual abuse was done by Vernon Wayne Howell and Stanley Sylvia, a close follower of Howell, on several occasions.

It was learned from Mrs. Vaega that she and her husband, Leslie, were also members of Howell's group in Waco for a short period of time in March 1990. Upon their arrival at Mount Carmel Center, she and her husband were separated and not allowed to sleep together or have any sexual contact.

According to Mrs. Vaega, all the girls and women at the compound were exclusively reserved for Howell. She stated that Howell would preach his philosophy, which did not always coincide with the Bible, for hours at a time. She and her husband left the compound after ten (10) days because her husband did not agree with Howell's doctrine, but that her two sisters stayed behind.

Mrs. Vaega also related that she was present at one of the study periods held by Howell when Howell passed his personal AK-47 machinegun around for the group to handle and look over.

On January 6, 1993, I received the results of an examination conducted by Jerry A. Taylor, Explosives Enforcement Officer, Bureau of Alcohol, Tobacco and Firearms, Walnut Creek, California, in response to a request from me to render an opinion on device design, construction, functioning, effects, and classification of explosives materials which have been accumulated by Howell and his followers. Mr. Taylor has received extensive training in Explosives Classification, Identification and rendering safe of explosive devices and has been recognized on numerous occasions as an expert witness in Federal Court. Mr. Taylor stated that the chemicals Potassium Nitrate, Aluminum, and Magnesium, when mixed in the proper proportions, do constitute an explosive as defined by Federal law. He further stated that Igniter cord is an explosive. Also Mr. Taylor stated that the inert practice rifle grenades and hand grenades would, if modified as weapons with the parts available to Howell, become explosives devices as defined by Federal law. Finally he stated that black powder, is routinely

used as the main charge when manufacturing improvised explosive weapons such as grenades and pipe bombs. I know that Title 26, United States Code, Section 5845 makes it unlawful for a person to possess any combination of parts designed or intended for use in converting any device into a destructive device. The definition of "firearm" includes any combination of parts, either designed or intended for use in converting any device into a destructive device such as a grenade, and from which a destructive device may be readily assembled. See United States v. Price, 877 F.2d 334 (5th Cir. 1989). So long as an individual possesses all of the component parts, item constitutes a destructive device even though it is not assembled, so long as it can be readily assembled. United States v. Russell, 468 F.Supp. 322 (D.C. Tex. 1979).

On January 8, 1993, I interviewed Marc Breault in Los Angeles, California. He is an American citizen who lives in Australia with his wife Elizabeth. He was once a member of the "Branch Davidian" in Waco, Texas. He lived at the Mount Carmel Center from early 1988 until September 1989. While there he participated in physical training and firearm shooting exercises conducted by Howell. He stood guard armed with a loaded weapon. Guard duty was maintained twenty-four (24) hours a day seven (7) days a week. Those who stood guard duty were instructed by Howell to "shoot to kill" anyone who attempted to come through the entrance gate of the Mount Carmel property. On one occasion, Howell told him that he wanted to obtain and/or manufacture machineguns, grenades and explosive devices. Howell stated he thought that the gun control laws were ludicrous, because an individual could easily acquire a firearm and the necessary parts to convert it to a machinegun, but if a person had the gun and the parts together they would be in violation of the law. On another occasion, Howell told him that he was interested in acquiring the "Anarchist's Cook Book", which I know is a publication outlining clandestine operations to include instructions and formulas for manufacturing improvised explosive devices.

On January 12, 1993, I spoke with Special Agent Earl Dunagan, Bureau of Alcohol, Tobacco and Firearms, Austin, Texas, who is assisting me in this investigation. He related the results of his inquiry to the ATF Firearms Technology Branch, Washington, D.C., for an opinion concerning the firearms parts which have been accumulated by Howell and his group. Special Agent Dunagan stated that he had spoken with Curtis Bartlett, Firearms Enforcement Officer, Washington, D.C., and was told by Officer Bartlett that the firearms parts which Howell has received and the method by which he has received them, is consistent with activities in other ATF investigations in various parts of the United States, which have resulted in the discovery and seizure of machineguns. Mr. Bartlett stated that the firearms parts received by Howell could be used to assemble both semi-automatic firearms and machineguns. He has examined many firearms which had been assembled as machineguns which included these type parts.

Mr. Bartlett also told Special Agent Dunagan that one of the vendors of supplies to Howell has been the subject of several ATF investigations in the past. ATF executed a search warrant at this Company and had seized a number of illegal machineguns and silencers.

Special Agent Dunagan told me that on January 12, 1993, he spoke with Special Agent Mark Mutz, ATF, Washington, D.C., who was the case agent on the above ongoing investigation dealing with the illicit supplier who has provided gun parts to Howell. Special Agent Mutz stated that during the execution of the Federal search warrant at the company's office in South Carolina, he saw large quantities of M-16 machinegun and AK-47 machinegun parts. The company maintained their inventory of these parts as "replacement parts" so they fell easily within a loophole in the Federal law which prohibited ATF from seizing the parts. Special Agent Mutz stated that the company had all the necessary parts to convert AR-15 rifles and semi-automatic AK-47 rifles into machineguns if their customers had the upper and lower receivers for those firearms. Based on my investigation, as stated above in the description of gun parts shipped to Howell, I know that Howell possesses the upper and lower receivers for the firearms which he is apparently trying to convert to fully automatic.

Mr. Bartlett told me that another one of the vendors of supplies to Howell, Nesard Gun Parts Co., 27 W. 990 Industrial Rd., Barrington, Ill., has also been the subject of an ATF investigation. Officer of that company, Gerald Graysen Cynthia Aleo and Anthony Aleo all pled guilty to ATF charges. The Nesard Co., which owned Sendra Corporation, was shipping AR-15 receivers through the Sendra Corp., along with part kits from the Nesard Co. When these parts are assembled it resulted in the manufacture of a short barrelled rifle. Even though the above subjects are convicted felons they continue to conduct business because the Nesard Gun Parts Co., distributes gun parts and not firearms.

On January 25, 1993, I interviewed David Block in Los Angeles, California. He stated that he was a member of Howell's cult at the Mount Carmel Center, Waco, Texas, from March 1992, until June 13, 1992. During the time he was there, he attended two Gun Shows with Vernon Howell, Mike Schroeder, Paul Fatta, and Henry McMahon who is a Federally licensed firearms dealer. The gun shows were in Houston and San Antonio, Texas.

While at the Mount Carmel Center he saw a metal lathe and a metal milling machine which were normally operated by Donald Bunds and Jeff Little. Donald Bunds, a mechanical engineer, has the capability to fabricate firearm parts, according to Block. On one occasion at the Mount Carmel Center, he observed Bunds designing, what Bunds described as a "grease gun/sten gun" on an Auto Cad Computer located at the residence building at the compound. The computer has the capability of displaying a three dimensional

rendering of objects on a computer monitor screen. The object appeared to be a cylindrical tube with a slot cut into the side of it for a bolt cocking lever. Bunds told him that Howell wanted Bunds to design a "grease gun" which they could manufacture. Mr. Block told me that on another occasion at the Mount Carmel Center he saw Donald Bunds designing a template which Bunds explained was to fit around the "grease gun" tubes indicating where the bolt lever slots were to be milled out. This was another step in manufacturing "grease guns" which had been requested by Howell. I know that a "grease gun" is a machinegun following after the design of a World War II era military weapon.

During his time at the Mount Carmel Center Mr. Block was present several occasions when Howell would ask if anyone had any knowledge about making hand grenades or converting semi-automatic rifles to machineguns. At one point he also heard discussion about a shipment of inert hand grenades and Howell's intent to reactivate them. Mr. Block stated that he observed at the compound published magazines such as, the "Shotgun News" and other related clandestine magazines. He heard extensive talk of the existence of the "Anarchist Cook Book".

Mr. Block told me that he observed a .50 caliber rifle mounted on a bi-pod along with .50 caliber ammunition. However, what Mr. Block described to ATF Agents, was a British Boys, .52 caliber, anti-tank rifle (a destructive device). Mr. Block further stated that he also heard talk of the existence of two additional .50 caliber rifles on the compound. There was also extensive talk about converting the .50 caliber rifles and other rifles to machineguns.

Mr. Block also told me that he met James Paul Jones from Redding, California, who was visiting the Mount Carmel Center in April or May of 1992. According to Howell, Jones was a firearms and explosives expert.

On February 22, 1993, ATF Special Agent Robert Rodriguez told me that on February 21, 1993, while acting in an undercover capacity, he was contacted by David Koresh and was invited to the Mount Carmel compound. Special Agent Rodriguez accepted the invitation and met with David Koresh inside the compound. Vernon Howell, also known as David Koresh played music on a guitar for 30 minutes and then began to read the Bible to Special Agent Rodriguez. During this session, Special Agent Rodriguez was asked numerous questions about his life. After answering all the questions Special Agent Rodriguez was asked to attend a two week Bible session with David Koresh. This was for Special Agent Rodriguez to learn the 7 Seals and become a member of the group. Special Agent Rodriguez was told that by becoming a member he (Rodriguez) was going to be watched and disliked. David Koresh stated that Special Agent Rodriguez would be disliked because the Government did not consider the group religious and that he (Koresh) did not pay taxes or local taxes

because he felt he did not have to. David Koresh told Special Agent Rodriguez that he believed in the right to bear arms but that the U.S. Government was going to take away that right. David Koresh asked Special Agent Rodriguez if he knew that if he (Rodriguez) purchased a drop-in-Sear for an AR-15 rifle it would not be illegal, but if he (Rodriguez) had an AR-15 rifle with the Sear that it would be against the law. David Koresh stated that the Sear could be purchased legally. David Koresh stated that the Bible gave him the right to bear arms. David Koresh then advised Special Agent Rodriguez that he had something he wanted Special Agent Rodriguez to see. At that point he showed Special Agent Rodriguez a video tape on ATF which was made by the Gun Owners Association (G.O.A.). This film portrayed ATF as an agency who violated the rights of Gun Owners by threats and lies.

I believe that Vernon Howell, also known as David Koresh and/or his followers who reside at the compound known locally as the Mount Carmel Center are unlawfully manufacturing and possessing machineguns and explosive devices.

It has been my experience over the five years that I have been a Special Agent for the Bureau of Alcohol, Tobacco and Firearms, and that of other Special Agents of the Bureau of Alcohol, Tobacco and Firearms, some of whom have the experience of twenty (20) years or more, who have assisted in this investigation that it is a common practice for persons engaged in the unlawful manufacture and possession of machineguns and explosive devices to employ surreptitious methods and means to acquire the products necessary to produce such items, and the production, use and storage of those items are usually in a protected or secret environment. It is also my experience that persons who acquire firearms, firearm parts, and explosive materials maintain records of receipt and ownership of such items and instruction manuals or other documents explaining the methods of construction of such unlawful weaponry.

  
Davy Aquilera, Special Agent  
Bureau of ATF

Subscribed and sworn to before me this 25<sup>th</sup> day of February, 1993.

  
Dennis G. Green,  
United States Magistrate Judge  
Western District of Texas - Waco

# UNITED STATES CODE

## TITLE 18

### CRIMES AND CRIMINAL PROCEDURE

#### PART I—CRIMES

##### CHAPTER 44—FIREARMS

Sec.

#### § 922. Unlawful acts

(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

—(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term “firearm” does not include the frame or receiver of any such weapon;

(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Secretary, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors:

*Provided, however,* That at the close of such 12-month period, and at appropriate times thereafter the Secretary shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a “Security Exemplar” which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Secretary shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Secretary shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

(4) The Secretary shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Secretary and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.

# UNITED STATES CODE

## TITLE 26

### INTERNAL REVENUE CODE

#### CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

##### Subchapter B—General Provisions and Exemptions

###### Part I—General Provisions

Sec.

#### § 5845. Definitions

For the purpose of this chapter—

(f) **Destructive device.**—The term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

# UNITED STATES CODE

## TITLE 26

### INTERNAL REVENUE CODE

#### CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

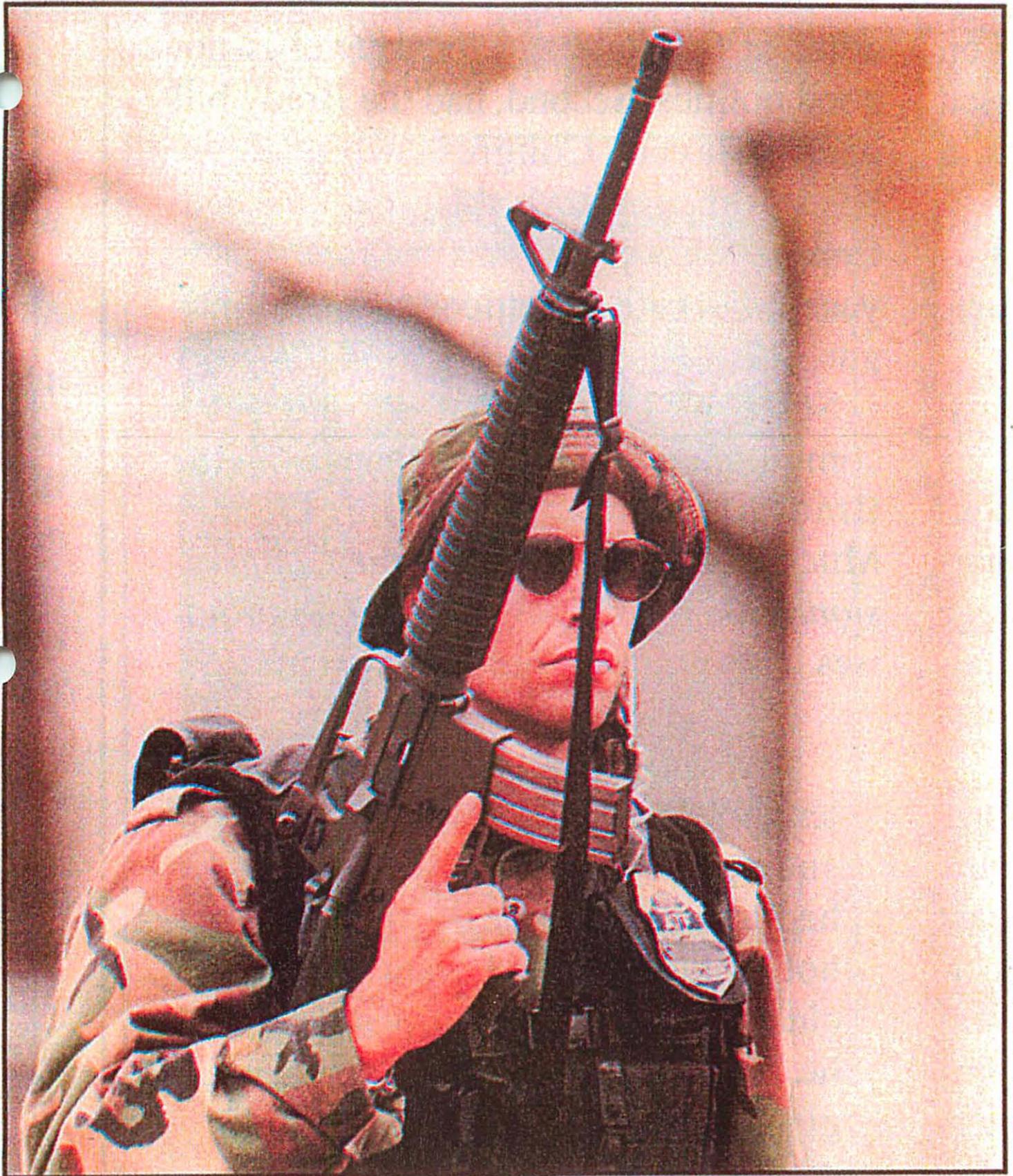
##### Subchapter C—Prohibited Acts

**Sec.**

#### **§ 5861. Prohibited acts**

It shall be unlawful for any person—

(f) to make a firearm in violation of the provisions of this chapter; or



AP/Wide World photo

● Notice the agent's badge I.D. numbers are covered with black tape, to conceal agent's identity and to protect agent from civil-suit liabilities

## NATIONAL RESPONSE PLAN (NRP)

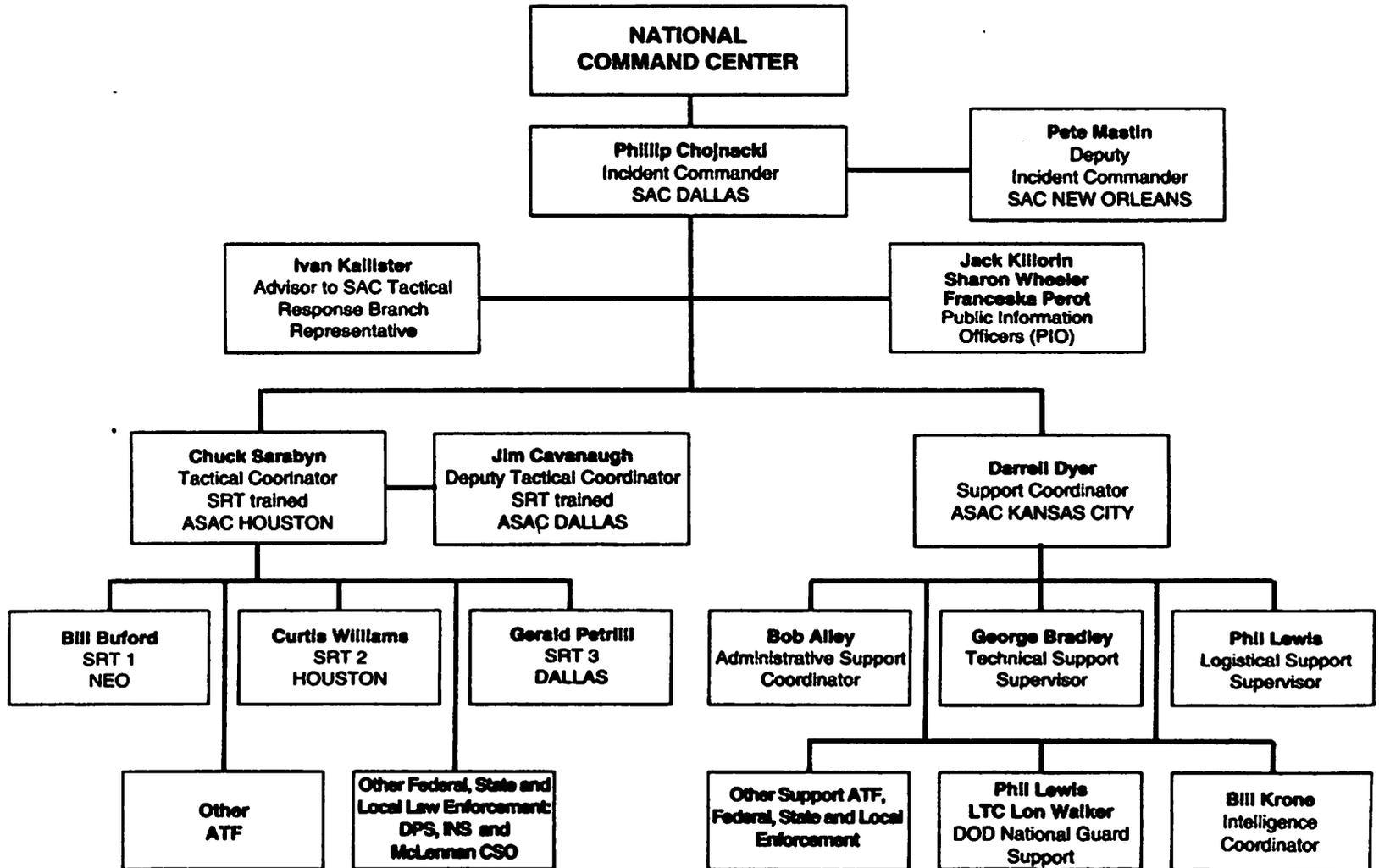


Figure 26: Organizational chart of National Response Plan structure and specific assignments for the Waco operation.

HOUSTON SRT

TEAM "A"

[REDACTED]

[REDACTED]

TEAM "B"

[REDACTED]

A/B team would form up in vehicle in a single file, alternating A/B team members. Upon entering premise A team members would leap frog down the left side of hall clearing rooms. Members from team B would leap frog down the right side of the hall clearing rooms, breaking off bunker team #3 to clear the kitchen/dining area. Any stairways encountered would be held and communicated with DALLAS SRT. Houston and Dallas SRT, would make a decision as to clearing the stairways. Upon clearing the first floor hallway/structure and finding the trap door, team A/B would enter and clear the tunnel.

All communication/clearances between teams will be coordinated by [REDACTED] Any use of diversionary devices would be advised by [REDACTED] prior to using the devices.

00010608

TEAM A/ LEFT SIDE OF FIRST FLOOR

- BUNKER #1 [REDACTED] BUNKER  
[REDACTED] FLASHBANGS/SHOOTER  
[REDACTED] -MP5
- BUNKER #2 [REDACTED] BUNKER  
[REDACTED] MP5  
[REDACTED] SHOOTER
- BUNKER #3 [REDACTED]  
[REDACTED] -MP5  
[REDACTED] -MP5

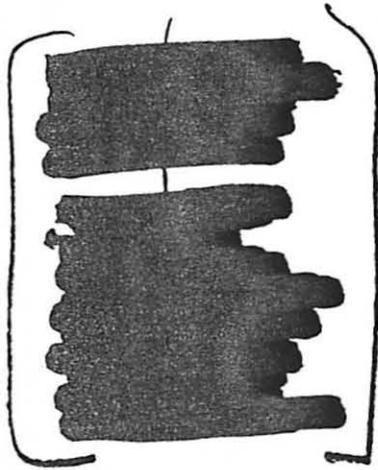
TEAM B/RIGHT SIDE OF FIRST FLOOR

- BUNKER #1 [REDACTED] BUNKER  
[REDACTED] -FLASHBANGS/SHOOTER
- BUNKER #2 [REDACTED] BUNKER  
[REDACTED] FLASHBANGS/SHOOTER
- BUNKER #3 [REDACTED] BUNKER  
[REDACTED] SHOOTER  
[REDACTED] -MP5

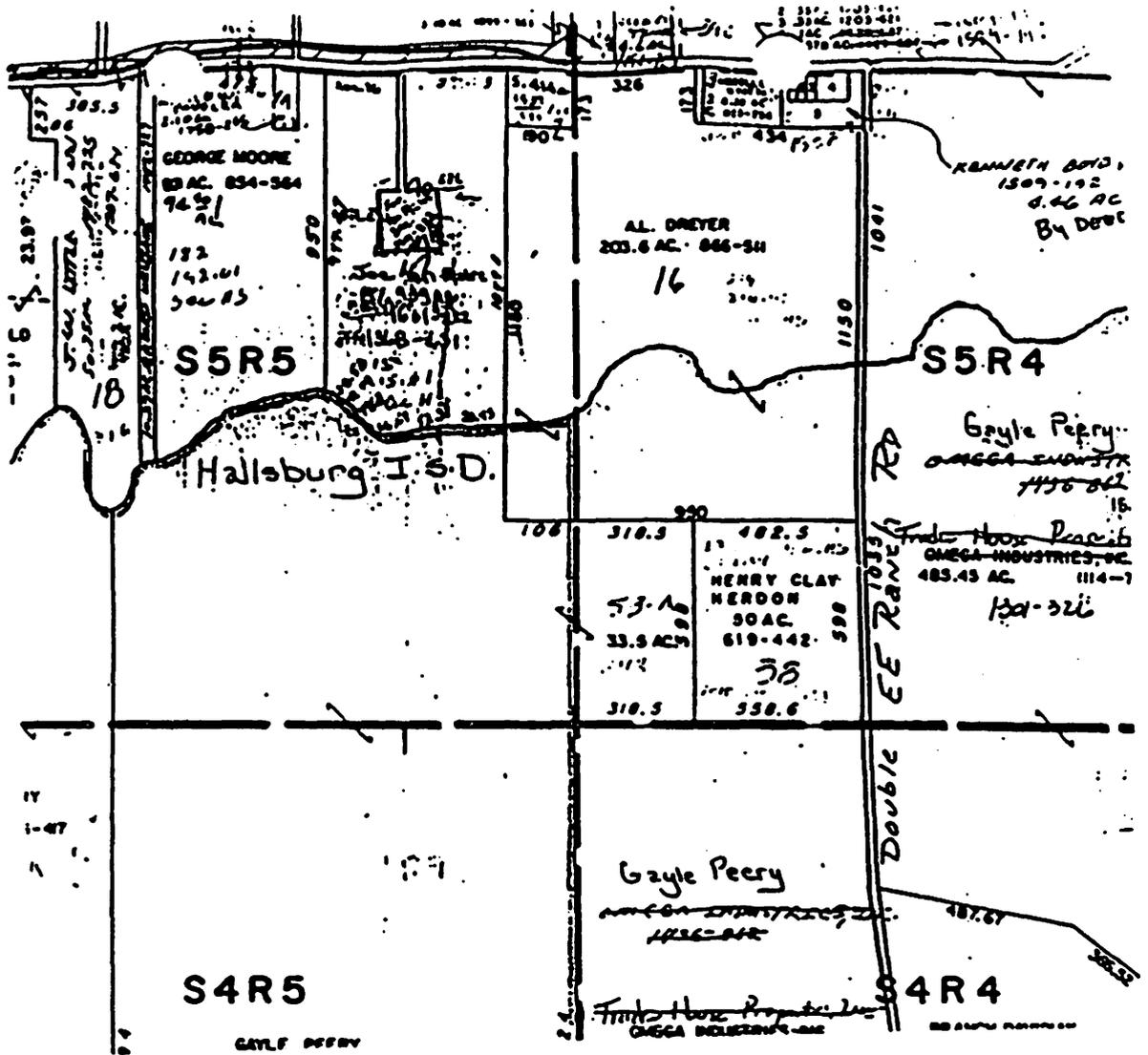
TUNNEL RATS- [REDACTED] FLASHBANGS  
[REDACTED] MP5  
[REDACTED] BUNKER

00010609

PERIMETER AGENTS



00010610



00010611

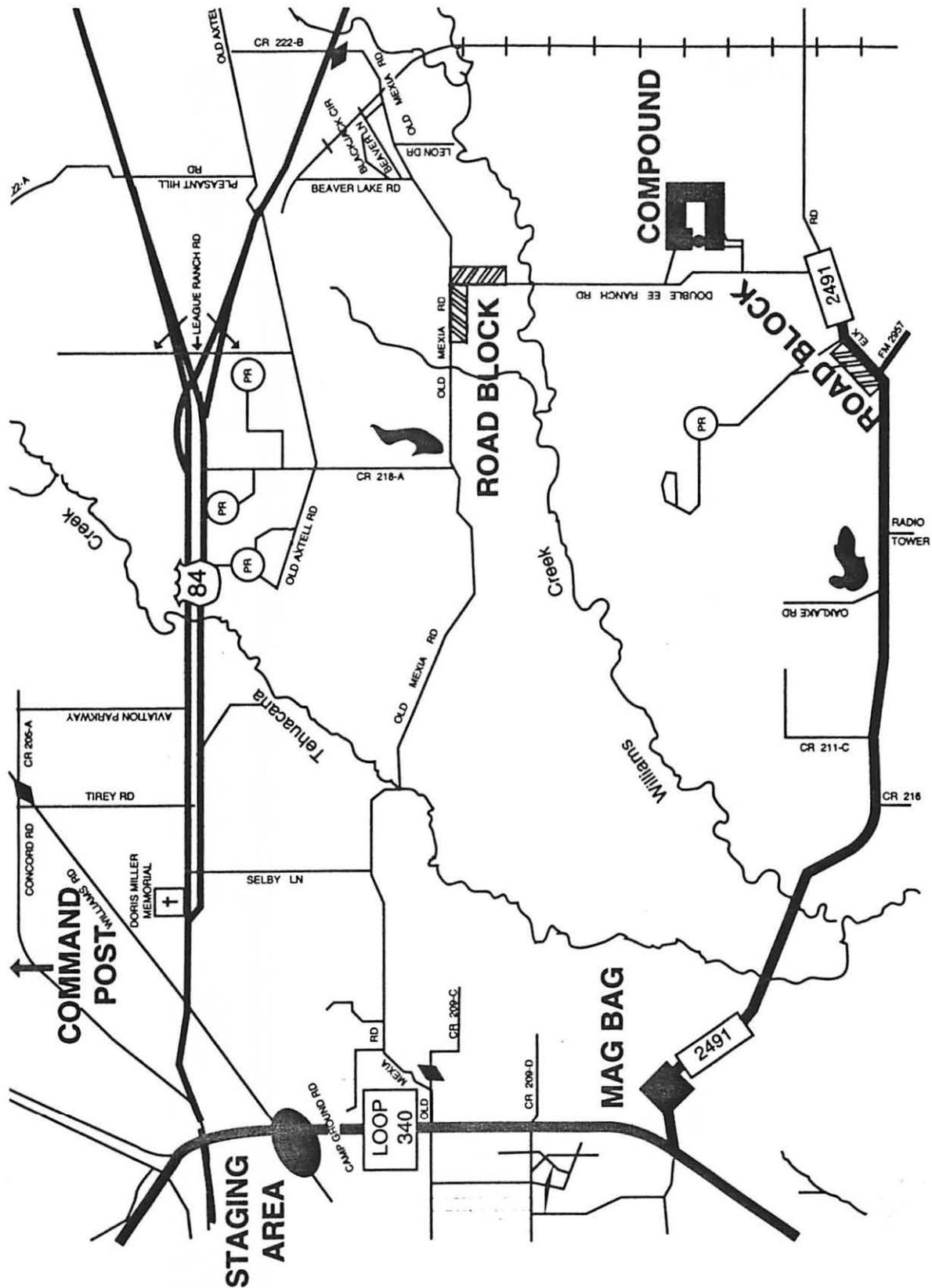


Figure 27: Map depicting staging area, Mag Bag, Compound, and road blocks.

BRANCH DAVIDSON - Waco, Texas

**ROADBLOCKS:**

Three roadblocks will be necessary once the operation is initiated. One will be placed on the first road south of the EE Ranch house on Elk Road. One will be placed about one mile north of EE Ranch Road on the Elk Road. One will be placed at the west end of EE Ranch Road at the "T" with the next road west. These will be manned 24 hours a day in 12 hour shifts.

Two Special Agents should man each roadblock along with at least one marked police unit. No one except persons living within the roadblocks or with legitimate business will be allowed to pass and they will be escorted to their destination. All persons living within these roadblocks will be asked to leave during the operation, however they cannot be required to leave unless they pose a threat to the operation.

**FAA ASSISTANCE:**

FAA will see to it that all air traffic will be prohibited from entering any air space within 5 miles of the compound. The only exception will be aircraft assigned to assist in the operation.

**FORWARD OBSERVERS:**

Six teams of Forward Observers will be needed for the operation. They will work in 12 hour shifts with three teams on duty at a time. They will be put into location prior to notification of occupants that a search warrant is to be executed. FO Team #1 will take up an observation point on the pond dam southwest of the camp and will cover sides 1 & 2. FO Team #2 will take a location on the high ground directly behind (north) of the tower. This team will need good camouflage and a minimum of six sandbags. They will cover side #3, the rear, of the camp. FO Team #3 will take up an observation point behind the block house southeast of the camp. They will cover sides #1 & #4.

**GENERAL RAID PLAN:**

If possible a ruse of some sort will be used to lure Vernon Howell and as many leaders from the camp as possible prior to the execution of the warrant.

At this time the search warrant will be executed using Non-SRT Special Agents on "Mag Bag". This location could be used for the operation as it is said to have a radio to contact the main camp.

00010612

A phone call will then be made to the camp and inform them of the warrant and that Howell is being detained. If Howell agrees and cooperates he will be allowed to make the call to the camp and enlist their cooperation. Prior to the call being made, SRT #1 will take a position in the barn owned by EE Ranch located northeast of the camp. At the same time that the call is being made, SRT Team #1 will move out of the barn and secure the building on the northeast corner of the property. This appears to be some sort of warehouse or work shop and does not appear to have anyone living in it. Once this building is secured it may be used as a Forward Command Post (FCP).

Half of SRT #1 will then move and take up a location with FO Team #1 at the pond dam.

SRT #2 will then move to join FO Team #2. It will be necessary for this team to take with them sufficient sandbags to set up a secure fighting position. If possible a Customs Blackhawk helicopter and/or an Armored Personnel Carrier (APC) will be used to insert this team. Due to large quantity of sandbags that will be necessary to build this position they will need to be transported to the location using some sort of vehicle. Once this position is set up, half of this team will move to a position below the pond dam located northwest of the compound.

SRT #3 will then move to join FO Team #3. This team will also be transported by helicopter and/or APC.

Each SRT should take with them two military field phones. Once a command post is established these teams will be connected to each other and to the command post by field phone. When these teams are in place the wire for the field phones will be laid connecting all the SRT positions to the FCP.

Once these positions are established these teams can then be split and work in 12 hour shifts.

00010613

NEW ORLEANS SRT RAID PLAN: Mt. CARMEL, TEXAS

SRT Personnel:

[REDACTED]

Forward Observers:

[REDACTED]

Other New Orleans Personnel:

[REDACTED]

Entry to main building:

The New Orleans SRT will be the first team through the door having the responsibility for clearing the Church area, rooms to the immediate right of front door, Vernon Howell's quarters, and the warehouse at the rear of the compound.

A team of four agents; [REDACTED] and [REDACTED] will lead the NO team and will go directly to the stairway on the stage of the church leading up to Vernon Howell's room.

A team of three agents; [REDACTED] will enter the building and clear any rooms to the immediate right of the front door.

A team of four agents will move to side 4 of the building with a ladder. Three agents; [REDACTED] will use the ladder to gain access to the roof adjacent to Howell's quarters and will take up positions at the two windows. [REDACTED] will be prepared to break the north window and cover the room. [REDACTED] will cover the south window. [REDACTED] will also be prepared to deploy a diversionary device. The fourth agent; [REDACTED] will cover the door leading into the warehouse.

00010614

Once the team of [REDACTED] have cleared their rooms [REDACTED] will go back out the front door and assist Bonaventure where they will make limited penetration through the warehouse door and hold/cover.

Once [REDACTED] are in place they will communicate and [REDACTED] will give the go ahead for [REDACTED] team to go up the stairs and clear the room. If needed a diversionary devise will be deployed by [REDACTED] [REDACTED] team will move upon the detonation of the devise.

After the room(s) are cleared [REDACTED] will cover down the hall leading to the warehouse. The remainder of the team will move out through the front door and will link up with the outside team. [REDACTED] team will get off the roof. They will then make entry into the warehouse and clear it.

Once the warehouse is cleared [REDACTED] [REDACTED] will move around the rear of the building and go the machine shop located just west of Howell's quarters and will clear that room.

00010615

# DALLAS TACTICAL PLAN

THE DALLAS SRT AREA of RESPONSIBILITY  
WILL BE - ENTRY THRU THE FRONT DOOR  
TURN LEFT AND ASCEND STAIRCASE  
TO SECOND FLOOR -

① A THREE MAN TEAM WILL THEN  
CLEAR LANDING AND TOWER #1

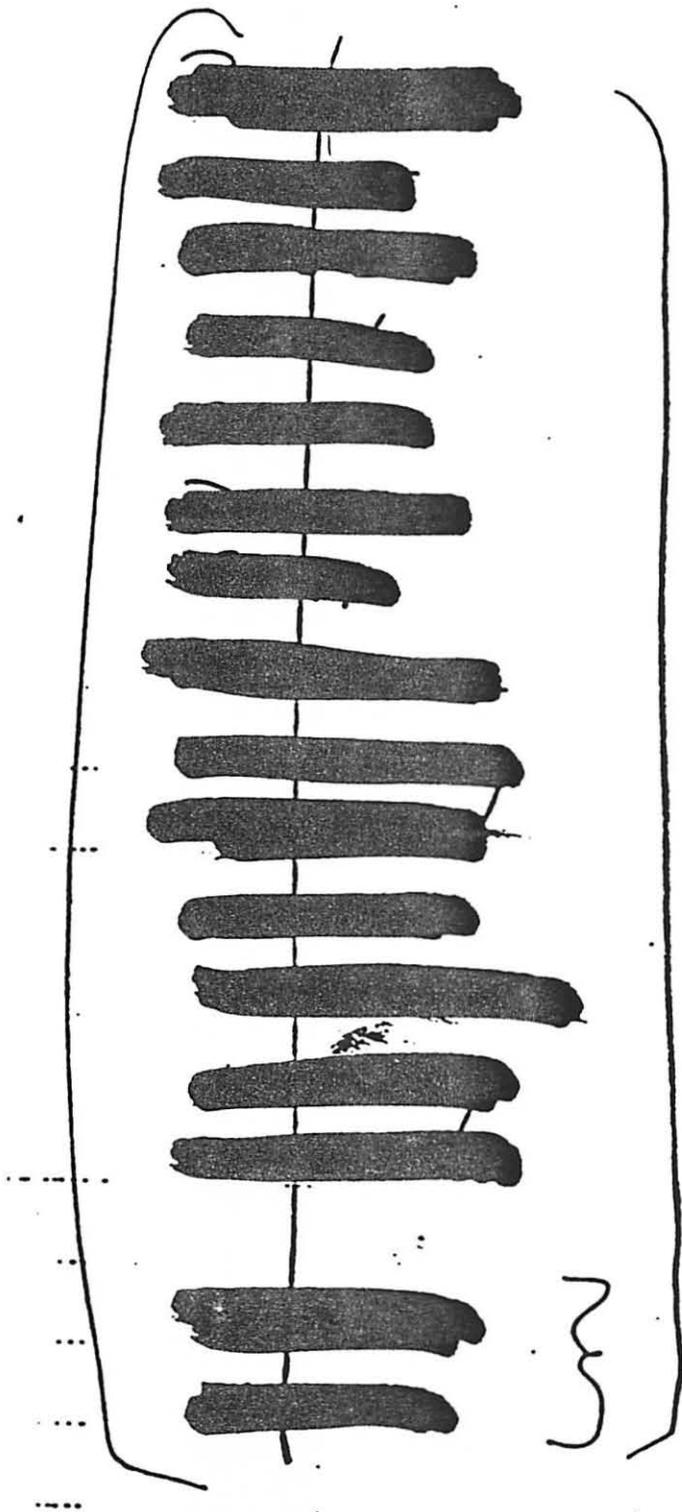
② A SIX MAN TEAM WILL CLEAR  
DOWN THE HALLWAY UP TO  
TOWER #2 THEN A 5 MAN  
TEAM WILL CLEAR TOWER #2

③ THE SIX MAN TEAM WILL THEN  
CONTINUE TO CLEAR OR HOLD  
DEPENDING ON CIRCUMSTANCES  
AND WILL THEN CLEAR REMAINING  
HALL AND TOWER #3.

NOTE - ① DETAINES WILL BE SENT  
TOWARDS TOWER #1 AND PASSED  
DOWN STAIRCASE TO SUPPORT  
PERSONNEL.

00010616 ② ALL DOWNWARD STAIRCASES WILL  
BE HELD AND CLEARED IN  
COORDINATION WITH HOUSTON/NOVOR

DALLAS SRT



T/L  
A/T/L

F.O.



AP/Wide World photo

A.T.F. Special Agent: [REDACTED]

DALLAS SUPPORT

- |      |              |                              |
|------|--------------|------------------------------|
| 1.   | [REDACTED]   | } SRT Trained - Not certifie |
| 2.   | [REDACTED]   |                              |
| 3.   | [REDACTED]   |                              |
| 4.   | [REDACTED]   |                              |
| 5.   | [REDACTED]   | - EMT                        |
| 6.   | [REDACTED]   | - Driver                     |
| 7.   | [REDACTED]   |                              |
| 8.   | [REDACTED]   |                              |
| 9.   | [REDACTED]   | - Female                     |
| 10.  | [REDACTED] 0 | - Female                     |
| 11.  | [REDACTED]   |                              |
| 12.  | [REDACTED]   |                              |
| ALT. |              |                              |
| 1.   | [REDACTED]   |                              |
| 2.   | [REDACTED]   | - Female                     |

00010618

5/18/11

OUTSIDE COVER RAID PLAN - MT. CARMEL, TEXAS

The outside cover team will consist of twenty Special Agents. The Team Leader will be SA [REDACTED]

This team will approach the property in the two cattle trailers and will work as agent teams.

Team # 1 will be the two drivers of the truck carrying the SRTs. They will cover the front of the building from a position of cover at their respective vehicles. These agents should be armed with AR15 rifles.

Team # 2 will consist of two agents (one a female) who will proceed to the small camper trailer located on the east side of the building. (Intelligence is that there is one older woman only living in this trailer). They will clear this trailer and secure anyone encountered. They will then act as security for side 4 (east) of the main building.

Team # 3 will consist of two agents who will proceed to a white van usually parked on the back side of the parking lot directly in front of the building. They will clear this vehicle. Occasionally Steve Schnieder sleeps in this vehicle. After this van is cleared this team will continue to clear the other vehicles parked in front of the building.

Team # 4 will consist of two agents armed with AR15 rifles who will move to a chicken coop located at the northwest corner of the property. They will cover side 2 and 3 from that location.

Team # 5 will consist of two agents armed with AR15 rifles who will move to the far north end of a dirt pile located on the northeast corner of the property. They will be responsible for covering side 3 (rear) of the building.

Team # 6 will consist of six agents who will go immediately to the construction area on the west side of the building. Their responsibility will be to secure anyone who is working in the excavation site or in that general area.

Team # 7 will consist of four agents who will accompany the Forward Observer Team that will be setting up on the far northwest corner of the property. This FO team and Team # 7 will remain in a barn located off the property until given a pre-arranged signal to move up to the building located on that corner. (This is //

00010619

believed to be a storage area or possible an area used to work on cars and is not normally occupied). This team will clear the building and then proceed down the road to the main compound clearing any vehicles along the way. Team # 7 will not travel to the location in the cattle trailers but will move with the FO Team to that location. A 4-wheel drive vehicle may want to be used to move down the road once the building is secured and the cattle trailers have arrived on the compound.

00010620

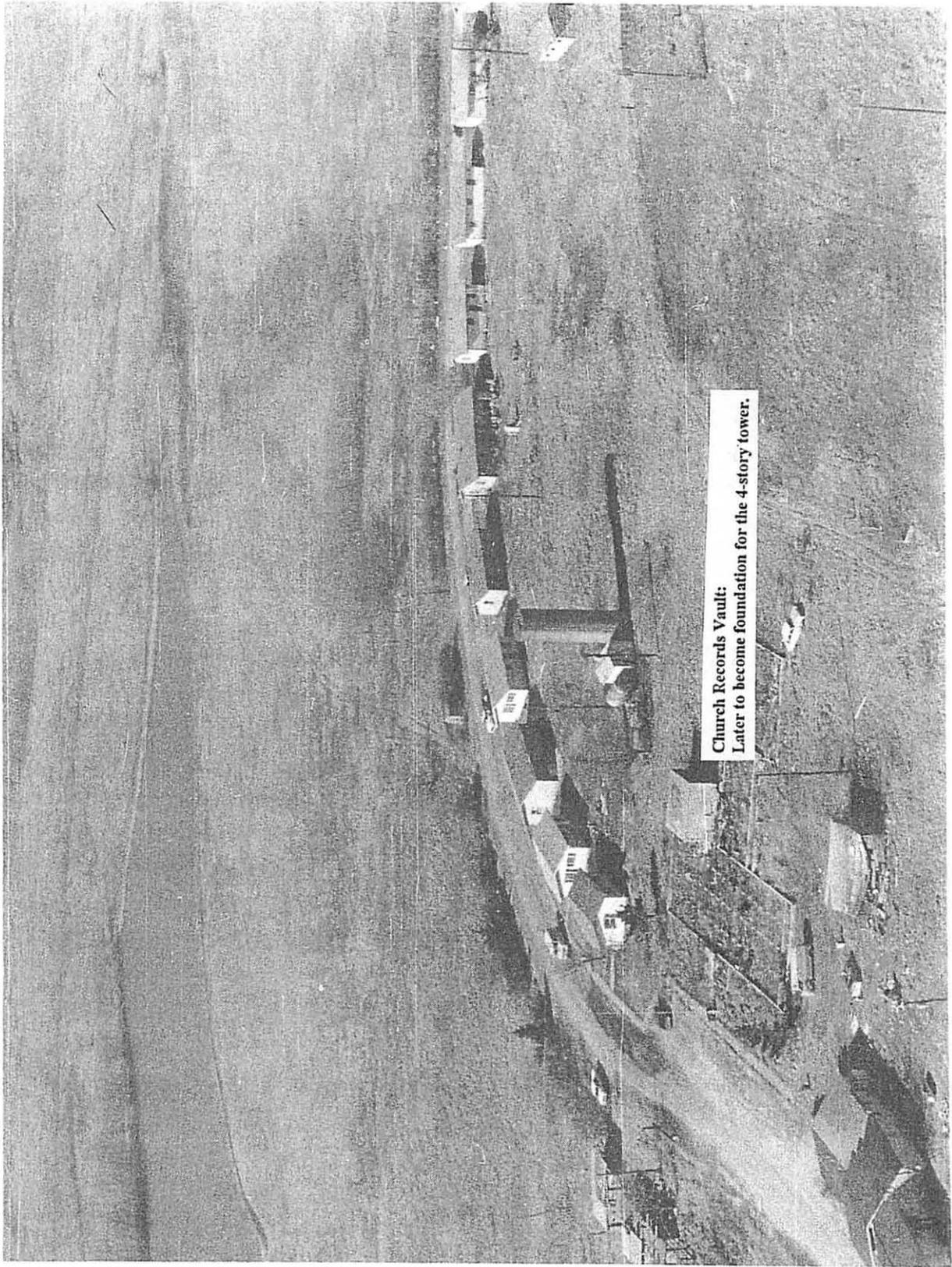


Figure 13: Houses on Mt. Carmel site before construction of Compound.

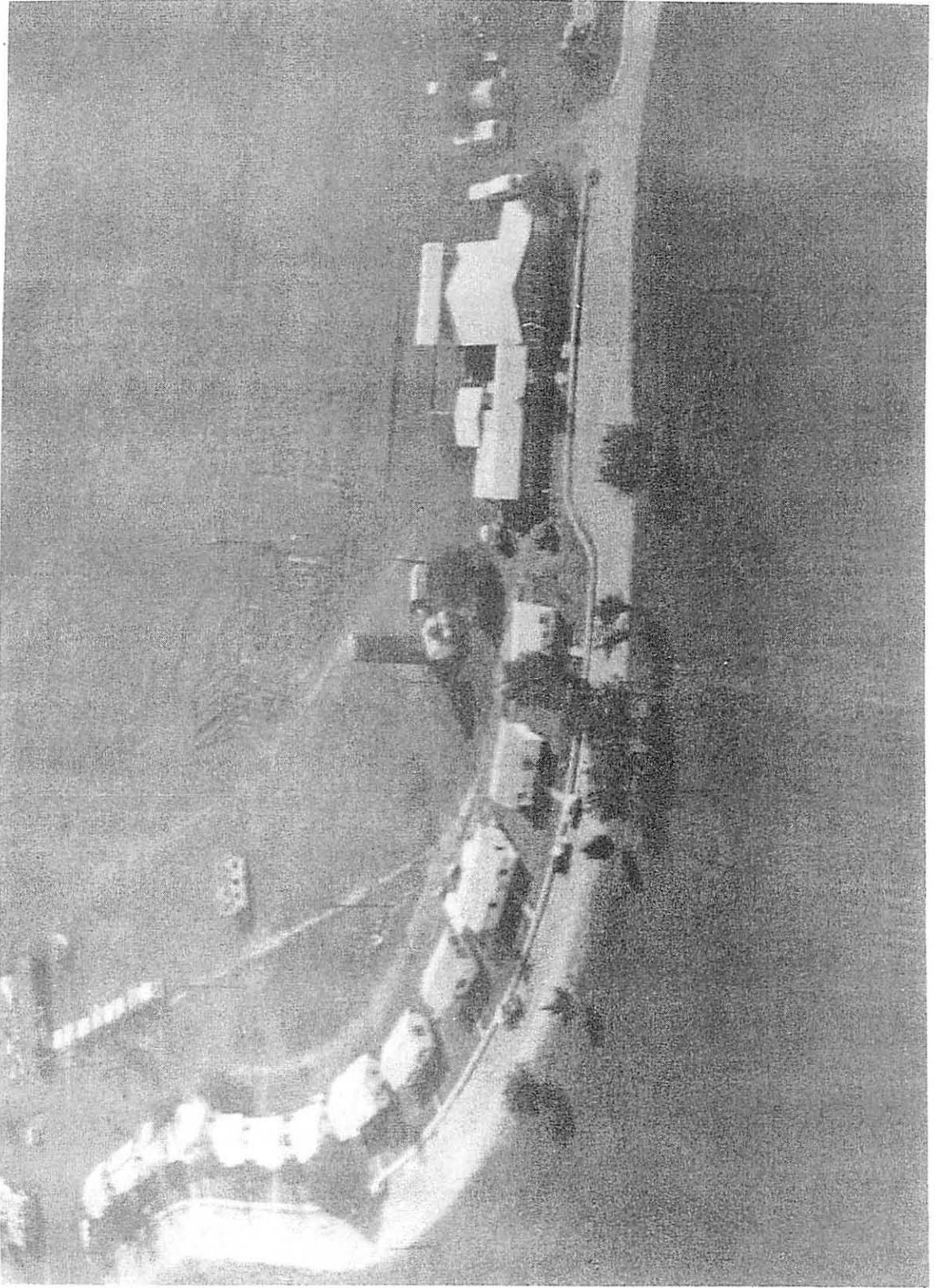


Figure 14: Mt. Carmel site after construction of Compound before houses were dismantled.

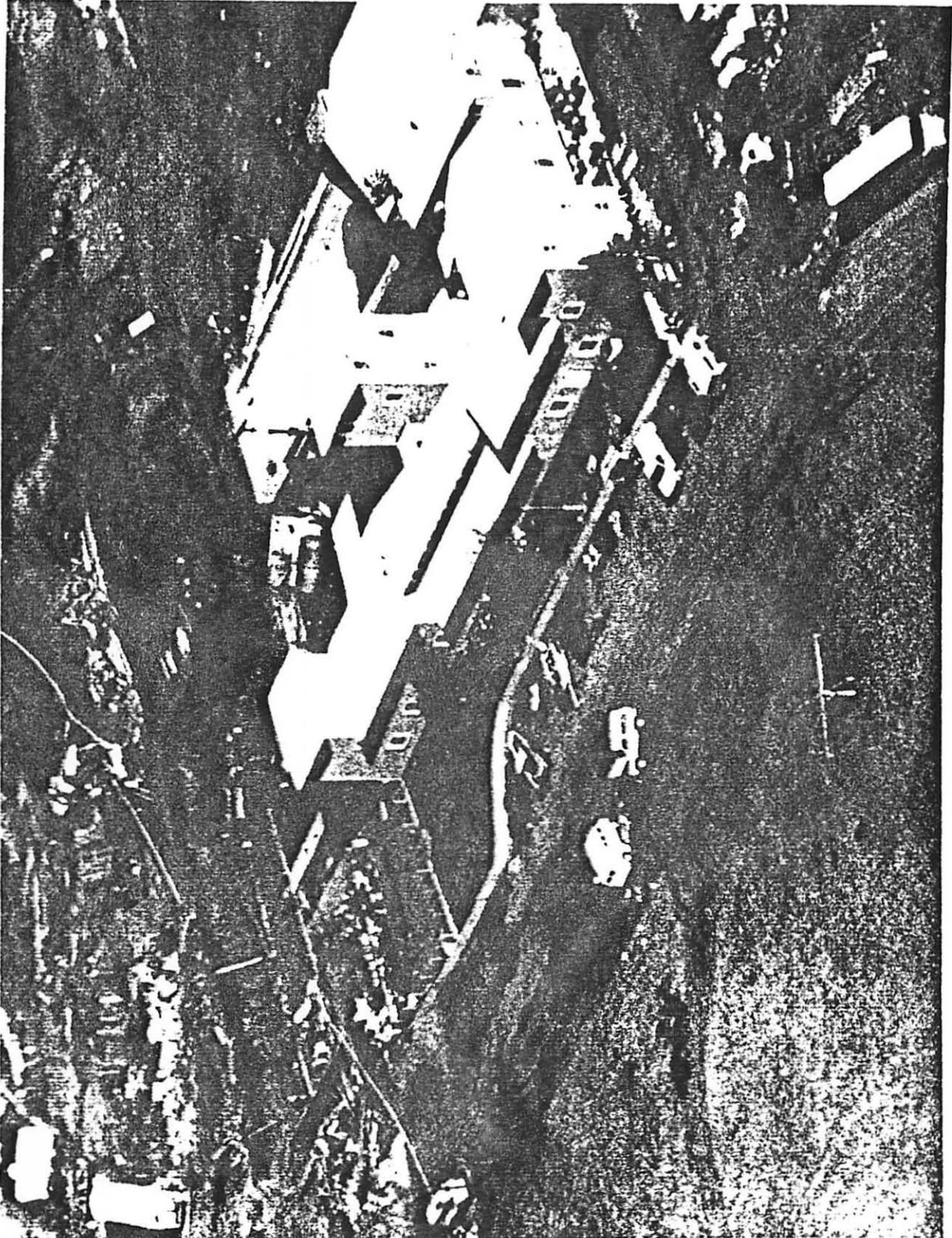
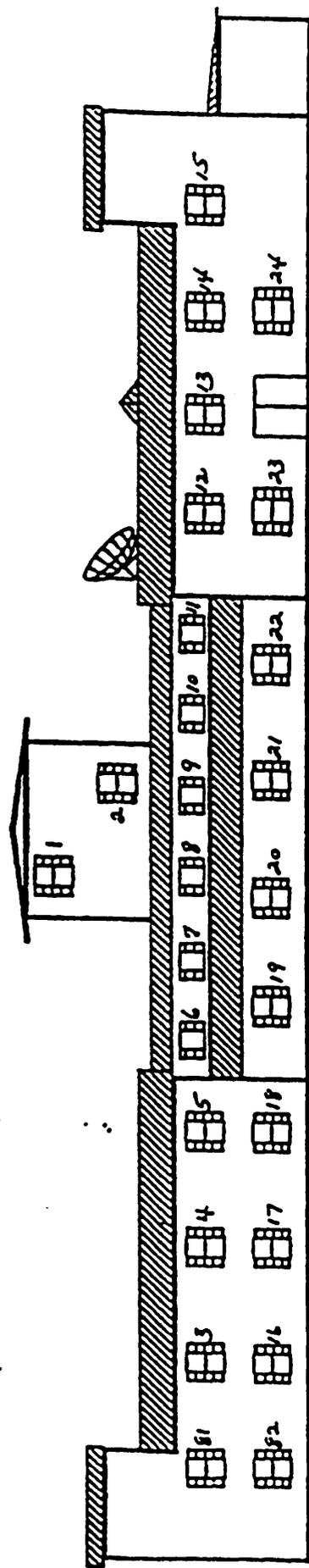
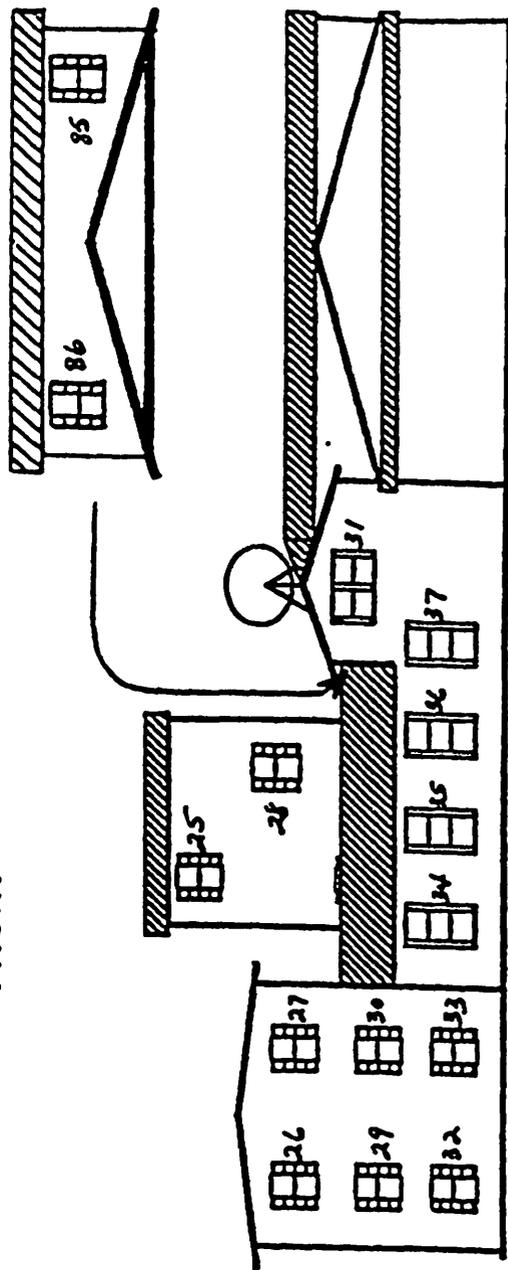


Figure 11: Main Compound building (front side).



FRONT



RIGHT

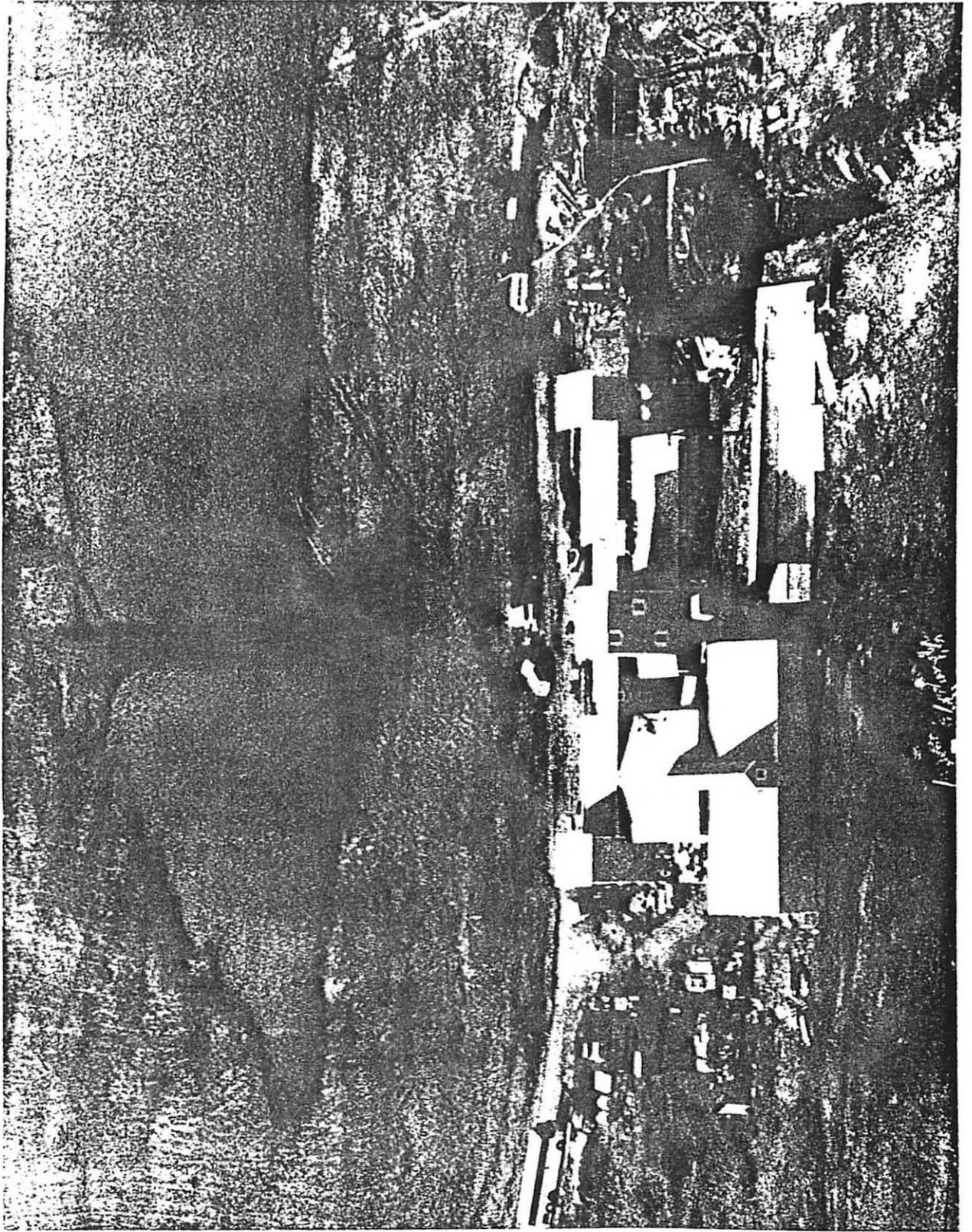
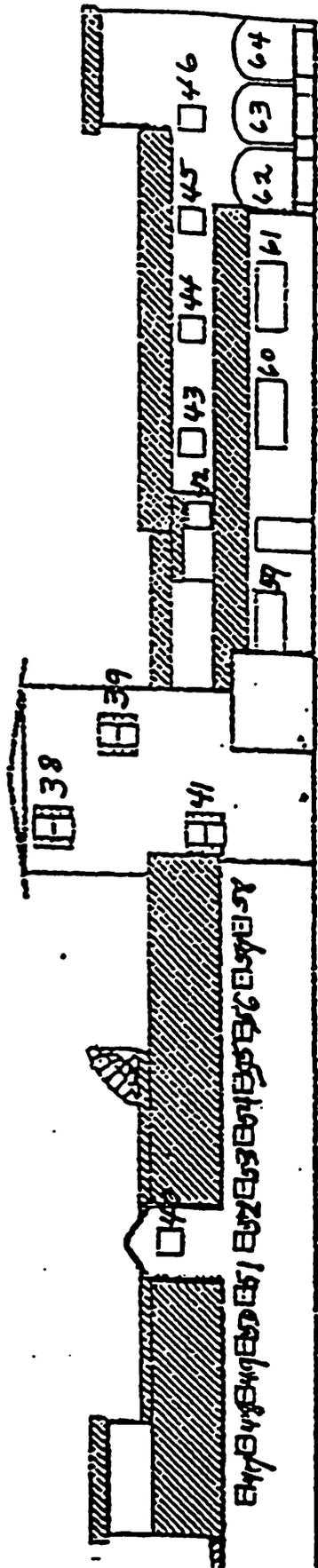
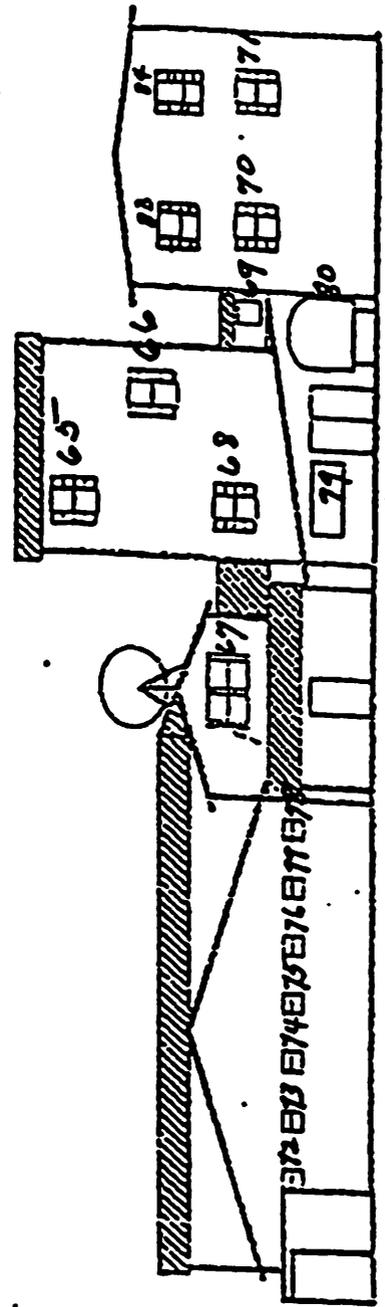


Figure 12: Rear of Compound.

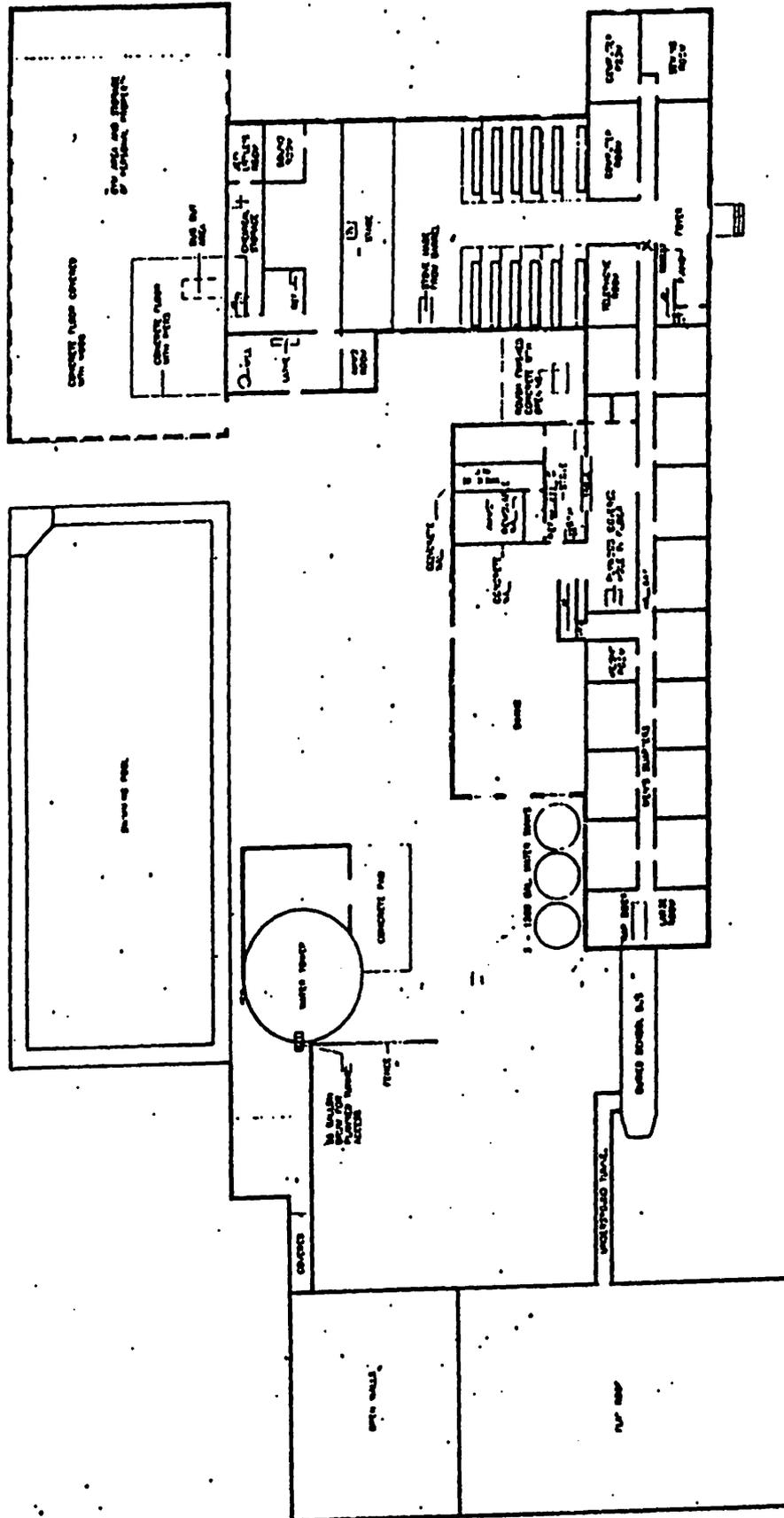


BACK



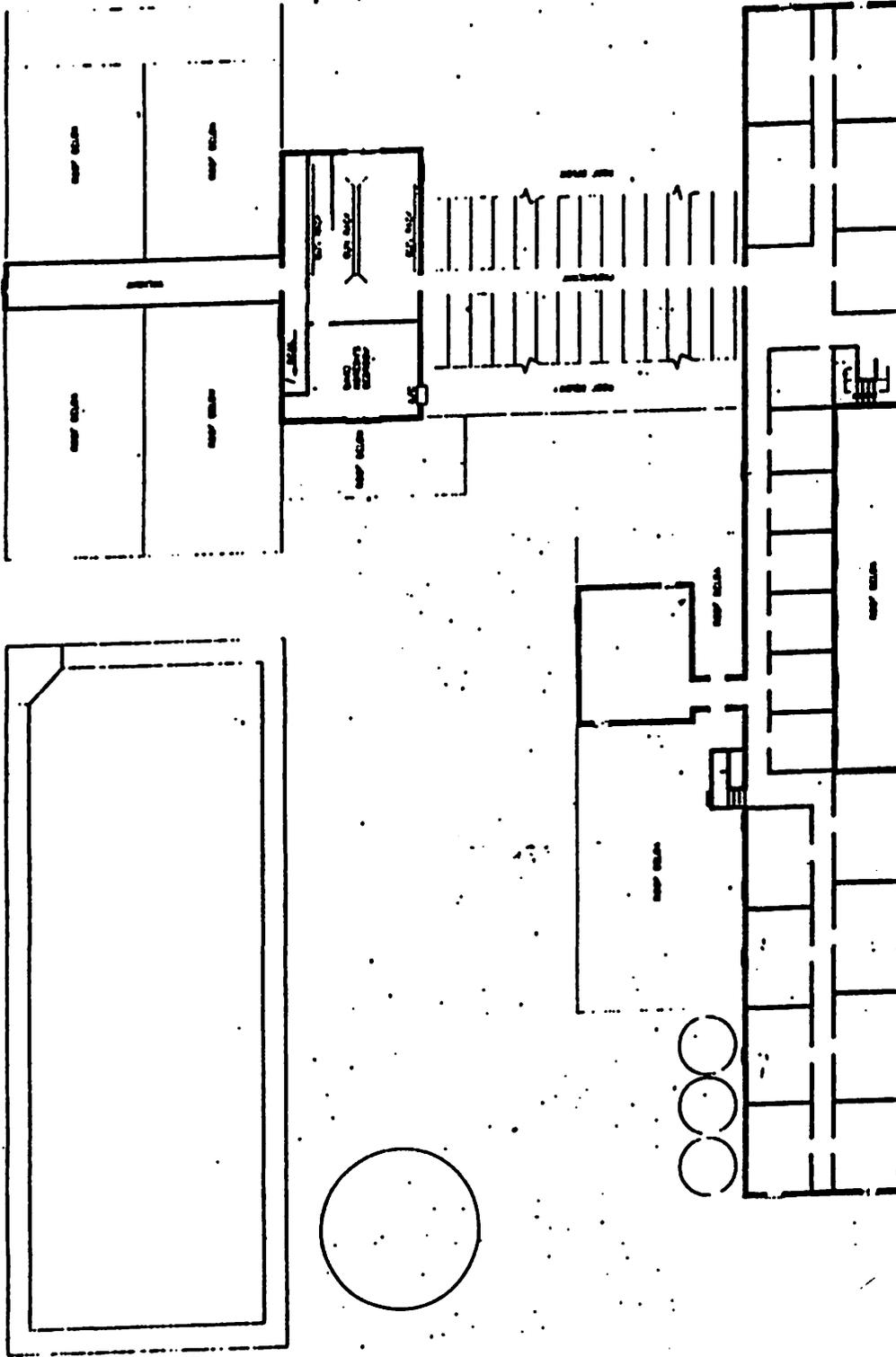
LEFT



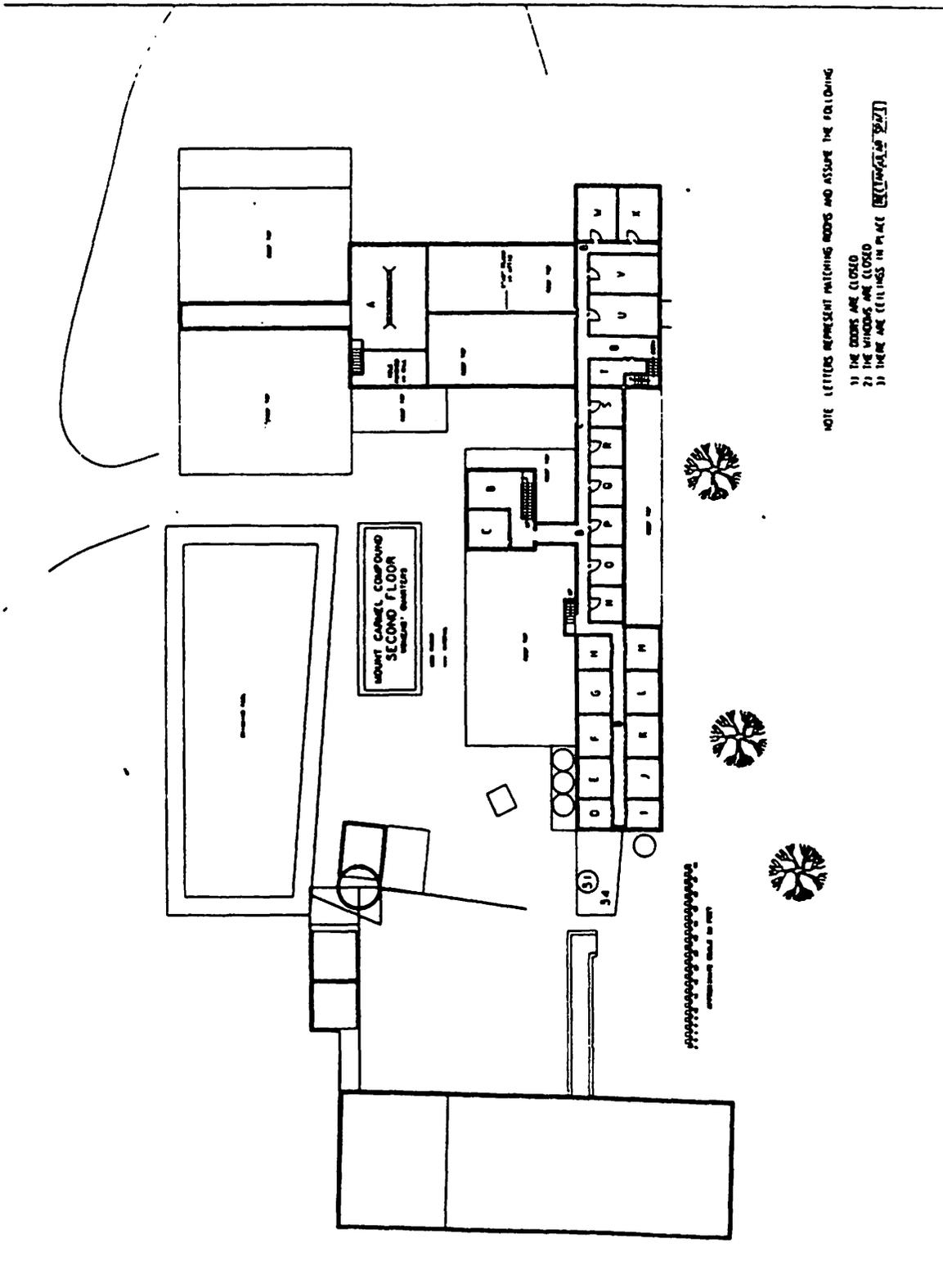


FIRST FLOOR PLAN





SECOND FLOOR PLAN



NOTE: LETTERS REPRESENT MATCHING ROOMS AND ASSURE THE FOLLOWING

- 1) THE DOORS ARE CLOSED
- 2) THE WINDOWS ARE CLOSED
- 3) THERE ARE CEILING LIGHTS IN PLACE [RETRACTABLE TYPE]

