

Vernon's  
**TEXAS CODES**  
**ANNOTATED**

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**PENAL CODE**

**Sections 1.01 to 18**

Vernon's  
TEXAS CODES  
ANNOTATED

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PENAL CODE

Sections 1.01 to 18

SUBCHAPTER C. PROTECTION OF PERSONS

**§ 9.31. Self-Defense**

(a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

(b) The use of force against another is not justified:

(1) in response to verbal provocation alone;

(2) to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);

(3) if the actor consented to the exact force used or attempted by the other;

(4) if the actor provoked the other's use or attempted use of unlawful force, unless:

(A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B) the other nevertheless continues or attempts to use unlawful force against the actor; or

(5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was carrying a weapon in violation of Section 46.02.

(c) The use of force to resist an arrest or search is justified:

(1) if, before the actor offers any resistance, the peace officer (or person acting at his direction) uses or attempts to use greater force than necessary to make the arrest or search; and

(2) when and to the degree the actor reasonably believes the force is immediately necessary to protect himself against the peace officer's (or other person's) use or attempted use of greater force than necessary.

(d) The use of deadly force is not justified under this subchapter except as provided in Sections 9.32, 9.33, and 9.34.

# United States District Court

WESTERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA  
V.

VERNON WAYNE HOWELL  
AKA: David Koresh

## WARRANT FOR ARREST

CASE NUMBER:

*W93-17M*

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Vernon Wayne Howell  
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment    Information    Complaint    Order of court    Violation Notice    Probation Violation Petition

charging him or her with (brief description of offense)

unlawful possession of a destructive device

in violation of Title 26 United States Code, Section(s) 5845 (f)

Dennis G. Green

Name of Issuing Officer

*Dennis G. Green*  
Signature of issuing Officer

U.S. Magistrate Judge

Title of Issuing Officer

*February 25, 1993 - Waco, Texas*  
Date and Location

Ball fixed at \$ *Return - No Bond* by Dennis G. Green, U.S. Magistrate Judge  
Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

I hereby authorize Dick DeGuerin  
to represent me in all matters  
arising out of the assault on  
my home at Mount Carmel on  
Feb 28, 1993 and all related  
charges, arising before, during,  
or after Feb 28 1993

David Koresa

DAVID KORESA

29 March 93

United States District Court  
WESTERN TEXAS

FILED  
FEB 26 1993  
CLERK U.S. DISTRICT COURT  
BY *[Signature]* DEPUTY

DISTRICT OF

UNITED STATES OF AMERICA  
V.  
VERNON WAYNE HOWELL  
AKA: David Koresh  
Route 7, Box 471-B  
Waco, Texas

CRIMINAL COMPLAINT

CASE NUMBER: W93-17M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 25, 1993 in McLennan county, in the Western District of Texas defendant(s) did, (Track Statutory Language of Offense)

intentionally and knowingly possess a destructive device as defined by Title 26, United States Code, Section 5845(f) to wit: any combination of parts intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled, which was not registered to him in the National Firearms Registration and Transfer Record.

in violation of Title 26 United States Code, Section(s) 5845 (f)

I further state that I am a(n) Special Agent, Bureau ATF and that this complaint is based on the following facts:

Official Title

facts:

SEE ATTACHED STATEMENT OF FACTS WHICH ARE INCORPORATED AND MADE A PART HERETO.

Continued on the attached sheet and made a part hereof:

Yes  No

*[Signature]*  
Signature of Complainant  
Davy Aguilera, Special Agent,  
Bureau ATF

Sworn to before me and subscribed in my presence,

February 25, 1993  
Date

at Waco, Texas  
City and State

DENNIS G. GREEN  
Name & Title of Judicial Officer

U.S. Magistrate Judge

*[Signature]*  
Signature of Judicial Officer

AFFIDAVIT

Affiant alleges the following grounds for arrest of defendant:

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 over stayed 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 barreled 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

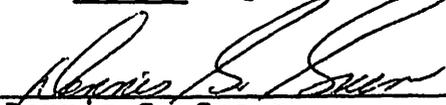
because he felt he did not have to. David Koresh told Special Agent Rodriguez that he believed in the right to bear arms but that the U.S. Government was going to take away that right. David Koresh asked Special Agent Rodriguez if he knew that if he (Rodriguez) purchased a drop-in-Sear for an AR-15 rifle 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 Aguilera, 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

April 7th, 1993

Hells Alick,

As far as our progress is concerned, here is where we stand: I have related two messages, from God, to the F.B.I.; one of which concerns present danger to people here in Waco.

I was shown a fault line running throughout the Lake Waco area. An angel is standing in charge of this event. Many people, here in Waco, know that we are a good people, and yet, they have shown the same beautiful spirit of indifference to our "warrings of love."

I am presently being permitted to document, in structured form, the decoded messages of the 7 Seals. Upon the completion of this task I will be freed of my "waiting period." I hope to finish this as soon as possible and to stand before man to answer any and all questions regarding my actions.

This written Revelation of the 7 Seals will not be sold, but is to be available to all who wish to know the truth. The four Angels of Revelation 7 are here, now ready to punish foolish mankind; but, the writing of these Seals will cause the winds of God's wrath to be held back a little longer.

I have been praying so long for this opportunity; to put the seals in written form. Speaking the truth seems to have very little effect on man.

I was shown that as soon as I am given over into the hands of man, I will be made a spectacle of, and people will not be concerned about the truth of God, but just the bignarity of me - the flesh (person).

I want the people of this generation to be saved. I am working night and day to complete my final work of the writing out of "these seals."

I thank my father, He has finally granted me the chance to do this. It will bring new light and hope for many and they will not have to deal with me - the person.

The earthquake in Waco is something not to be taken lightly. It will probably be "the thing" needed to shake some sense into the people. Remember Dick, the warning came first and I fear that the F.B.I. is going to suppress this information. It may be left up to you.

I will demand the first manuscript of the seals be given to you.

Many scholars and religious leaders  
will wish to have copies for examination.  
I will keep a copy with me. As soon as  
I can see that people like Jim Tabor  
and Phil Arnold have a copy I will  
come out and then you can do your  
thing with this Beast.

I hope to keep in touch with you  
by letter, so please give your address.

We are standing on the threshold  
of great events! The 7 Seals in  
written form are the most sacred  
information ever!

David Koresb

David Koresb

April 14, 1993

Hello Dick,

As far as our progress is concerned, here is where we stand: I have related two messages, from God, to the F.B.I.; one of which concerns present danger to people here in Waco.

I was shown a fault line running throughout the Lake Waco area. An angel is standing in charge of this event. Many people, here in Waco, know that we are a good people, and yet, they have shown the same resentful spirit of indifference to our "warnings of love."

I am presently being permitted to document, in structured form, the decoded messages of the Seven Seals. Upon the completion of this task, I will be freed of my "waiting period." I hope to finish this as soon as possible and to stand before man to answer any and all questions regarding my actions.

This written Revelation of the Seven Seals will not be sold, but is to be available to all who wish to know the Truth. The Four Angels of Revelation 7 are here, now ready to punish foolish mankind; but, the writing of these Seals will cause the winds of God's wrath to be held back a little longer.

I have been praying so long for this opportunity; to put the Seals in written form. Speaking the Truth seems to have very little effect on man.

I was shown that as soon as I am given over into the hands of man, I will be made a spectacle of, and people will not be concerned about the truth of God, but just the bizarrrity of me - the flesh (person).

I want the people of this generation to be saved. I am working night and day to complete my final work of the writing out of "these Seals."

I thank my Father, He has finally granted me the chance to do this. It will bring New Light and hope for many and they will not have to deal with me the person.

The earthquake in Waco is something not to be taken lightly. It will probably be "the thing" needed to shake some sense into the people. Remember, Dick, the warning came first and I fear that the F.B.I. is going to suppress this information. It may be left up to you.

I will demand the first manuscript of the Seals be given to you. Many scholars and religious leaders will wish to have copies for examination.  
✓ I will keep a copy with me. As soon as I can see that people, like Jim Tabor and Phil Arnold have a copy I will come out and then you can do your thing with this Beast.

I hope to keep in touch with you by letter, so please give your address.

We are standing on the threshold of Great events! The Seven Seals, in written form are the most sacred information ever!

David Koresh

David Koresh

**The Decoded Message of the  
Seven Seals of the Book of  
Revelation**

**By David Koresh**

## EDITORIAL PREFACE

On Wednesday, April 14th, following the eight day Passover celebration David Koresh released what turned out to be his final letter through his lawyer, Dick DeGuerin. In it he joyfully reported that "his waiting period was over" and that upon completion of a manuscript containing the "decoded message of the Seven Seals" he would come out. He considered the composition of this manuscript to be a privilege allowed him by God, the direct answer to his prayers which he had sought for the past seven weeks.

Although many questioned both the ability and intention of David Koresh to produce this manuscript, we received this news with great relief. We had been urging David for several weeks through radio broadcasts and cassette tapes to exit Mt. Carmel peacefully as he now proposed to do. We had based our case to him on interpretations of the Book of Revelation which we felt he might find persuasive. This was only five days before the tragic fire on April 19th.

We now know that David Koresh did begin work on his manuscript and truly took it most seriously. A computer disk containing his dictated text was carried out of Mt. Carmel by Ruth Riddle, a survivor of the fire. Indeed, Ruth tells us that she and David worked for several hours on Sunday night, the last night of his life; him dictating and she typing out his thoughts. She reports that the Branch Davidians were calm and joyful that evening at the prospect of David completing his work and their impending exodus.

David's work will speak for itself to those who are interested in his exegesis and understanding of the mysterious Seven Seals of the Book of Revelation. Regardless of one's evaluation of the content, one point is clear--in a short time, under most trying circumstances, David Koresh had produced a rather substantial piece of work. He had completed the Preface, which is a poem, the Introduction to the work as a whole, and Chapter One, which covered the First Seal. Judging from this work we can estimate that the finished product would have run about 50-75 pages and might have taken him another two or three weeks.

David Koresh, in that last letter, asked that the completed manuscript be given to his lawyer, Dick DeGuerin, then passed on first to us. He had apparently come to trust our knowledge and integrity in discussing with him his interpretations of Revelation. He then authorized our release of copies to scholars, religious leaders, and the general public. Although David died a few days later, and was thus prevented from finishing this work, we still thought it best to release this portion which he did complete, following his instructions. Actually, his exposition of the First Seal was perhaps the most vital in understanding his sense of his own mission, the reasons for the Waco siege, and what ultimately transpired.

The text is produced here precisely as it came to us from the computer disks. In the interest of accuracy we have also carefully consulted Ruth Riddle, who typed it on the Sunday evening before the fire. For the sake of brevity she did not type all of David's verbal quotations of scripture -- planning to insert them later. We have put these citations in *italics*. On rare occasions, we have supplied punctuation and a missing word in [brackets].

David's last sentence is a suggestive one which urges readers and followers to be ready to "come out of our closet." He calls upon those of us on the outside to forsake our own personal dark closets and he summons the Branch Davidians to "come out" of Mt. Carmel and face the world as lovers of Christ. Chapter One concludes with two scriptural quotations which promise the reader that God will one day re-establish David's fallen community.

Dr. Phillip Arnold  
Dr. James Tabor  
Rosh Hashanah, 1993

## EDEN TO EDEN

Search forth for the meaning here,  
Hidden within these words  
'Tis a song that's sung of fallen tears,  
Given way for two love birds.

Love birds yet not of feathered creed  
Shot down for gambled play,  
And caged a far distance betweenst themselves  
For the hunter felt it best that way.

"She bird is mine," the hunter said,  
'Twas this bird I raised and faithfully fed."  
'Twas he bird who released her from her cage,  
Sought her womb in youthful age.

Love birds the name, these birds they call,  
Two, plural, love bird, takes two.  
'Twas not her womb of which he sought,  
And certainly not her youth.

Love birds, the name these birds they call,  
Two, plural, love bird, takes two,  
It's just that he needed she,  
To fly the skies of blue.

And now we see the hunter man,  
Robbed without a prey,  
The evil which he sought to do,  
Caused the birds to pass away.

For loneliness and solitaire,  
Is death to every soul.  
For birds of God were meant to pair,  
The two to complete the whole.

And now we see the final meaning  
Of this rhyme and verse:  
The pending judgment of the King  
Who rules the universe.

For with Adam and his spirit Eve,  
To share the kingdom fair,  
But when they sinned they lost their crown  
In exchange for shame to bear.

So Eve travailed and brought forth death,  
And passed the crown to all;  
For each to learn the lesson here,  
The kingdom of the fall.

For virgins do not bring forth sons,  
Until God does reverse,  
The inner meaning of the law,  
To remove man from the curse.

For in the Christ, we've seen a bride,  
The water mixed with blood,  
The wife with cloven tongues of fire,  
Of whom the Christ has loved.

And now He's back to sing His song,  
The life of every spring,  
And love birds gather, each one with mate,  
For the marriage of the King

## INTRODUCTION

John 18:33-38

*Then Pilate entered into the judgment hall again, and called Jesus, and said unto him, Art thou the King of the Jews? Jesus answered him, Sayest thou this thing of thyself, or did others tell it thee of me? Pilate answered, Am I a Jew? Thine own nation and chief priests have delivered thee unto me. What hast thou done? Jesus answered, My kingdom is not of this world; if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews; but now is my kingdom not from here. Pilate therefore said unto him, Art thou a king, then? Jesus answered, Thou sayest that I am a king. To this end I was born, and for this cause came I into the world, that I should bear witness unto the truth. Everyone that is of the truth heareth my voice. Pilate saith unto him, What is truth? And when he had said this, he went out again unto the Jews, and saith unto them, I find in him no fault at all.*

Strange indeed for the judgment of man, for who knows within himself that his judgment be true?

Scripture tells us that Pilate was convicted of the truth in Christ, but failing to take heed thereto, he lost his soul, causing the blood of the innocent to be shed. How many of us since the dawning of time have committed such things? Who was this Jesus? Who was this Saviour that nearly a whole religious nation rejected?

Matthew told us. Mark, Luke, and John all recorded their side of the story of which remains unto this day, read and judged of all. Likewise, the Acts, the Book of Romans, Corinthians, Ephesians, Galatians and such books open for our learning this most unique mystery of judgment and justice undone. But of all the records the most awe inspiring remains to be the most misunderstood, that being the Revelation of Jesus Christ written by the Apostle John to the churches of Asia and left on record that all who follow may ask the question:

"Who is this Christ and what remains to be the mystery of Him?"

In my work to unfold this mystery to you I will not use great techniques of scholarly display nor in-depth reasonings of philosophy, no sophisticated, congenial language shall be used, just simple talk and reason.

First of all, *"the Revelation of Jesus Christ which God gave unto Him to show unto His servants things which must shortly come to pass"* are to be seen just as that: a revelation of Jesus to reveal to men His wishes and His desires for those who make up His church. For the kingdom of God being that of heaven, and not of this world, is to be revealed unto this world by the means He has chosen -- *"the foolishness of preaching."* John the Apostle while on the Isle of Patmos received the Lord's messenger and in obedience placed in written form all that he saw and all that he heard pertaining to the mysteries of Christ. And in good faith the Apostle stated, *"Blessed is he that readeth, and they that hear the words of this prophecy, and keep those things which are written therein for the time is at hand"* (Revelation 1:3).

Likewise John was commanded of the angel, *"Write the things which thou hast seen, and the things which are, and the things which shall be hereafter"* (Revelation 1:19). Simply, John's record contains the past, present, and future events that revolve around the Revelation of Jesus Christ. John in faithfulness sent his writings to the seven churches in Asia and the will of Christ for these churches is plainly revealed from chapter 2 to chapter 4 of Revelation. Therefore on record, all may read and see how Christ has dealt with His churches of old.

Our subject of interest will be taken up from chapters 4-22, for these passages entail the events that are to be after John's time. For it is written (Revelation 4: entire chapter):

*After this I looked, and, behold, a door was opened in heaven: and the first voice which I heard was as it were of a trumpet talking with me; which said, Come up hither, and I will show thee things which must be hereafter. And immediately I was in the spirit; and, behold, a throne was set in heaven, and one sat on the throne. And he that sat was to look upon like a jasper and a sardine stone: and there was a rainbow round about the throne, in sight like unto an emerald. And round about the throne were four and twenty seats: and upon the seats I saw four and twenty elders sitting, clothed in white raiment; and they had on their heads crowns of gold. And out of the throne proceeded lightnings and thunderings and voices: and there were seven lamps of fire burning before the throne, which are the seven Spirits of God. And before the throne there was a sea of glass like unto crystal: and in the midst of the throne, and round about the throne, were four beasts full of eyes before and behind. And the first beast was like a lion, and the second beast like a calf, and the third beast had a face as a man, and the fourth beast was like a flying eagle. And the four beasts had each of them six wings about him; and they were full of eyes within: and they rest not day and night, saying, Holy, holy, holy, Lord God Almighty, which was, and is, and is to come. And when those beasts give glory and honour and thanks to him that sat on the throne, who liveth for ever and ever, the four and twenty elders fall down before him that sat on the throne, and worship him that liveth for ever and ever, and cast their crowns before the throne, saying, Thou art worthy, O Lord, to receive glory and honour and power: for thou hast created all things, and for thy pleasure they are and were created.*

John states that *"that which must be hereafter"*—sometime after his day there will be a God who sits on His throne. There will be a jury of twenty-four elders. God will be declared as *"worthy to receive glory and honour and power,"* because unto Him and for Him all things were created.

John continues to say (Revelation 5: entire chapter):

*And I saw in the right hand of him that sat on the throne a book written within and on the backside, sealed with seven seals. And I saw a strong angel proclaiming with a loud voice, Who is worthy to open the book, and to loose the seals thereof? And no man in heaven, nor in earth, neither under the earth, was able to open the book, neither to look thereon. And I wept much, because no man was found worthy to open and to read the book, neither to look thereon. And one of the elders saith unto me, Weep not: behold, the Lion of the tribe of Juda, the Root of David, hath prevailed to open the book, and to loose the seven seals thereof. And I beheld, and, lo, in the midst of the throne and of the four beasts, and in the midst of the elders, stood a Lamb*

*as it had been slain, having seven horns and seven eyes, which are the seven Spirits of God sent forth into all the earth. And he came and took the book out of the right hand of him that sat upon the throne. And when he had taken the book, the four beasts and four and twenty elders fell down before the Lamb, having every one of them harps, and golden vials full of odours, which are the prayers of saints. And they sung a new song, saying, Thou art worthy to take the book, and to open the seals thereof: for thou wast slain, and hast redeemed us to God by thy blood out of every kindred, and tongue, and people, and nation; and hast made us unto our God kings and priests: and we shall reign on the earth. And I beheld, and I heard the voice of many angels round about the throne and the beasts and the elders: and the number of them was ten thousand times ten thousand, and thousands of thousands; saying with a loud voice, Worthy is the Lamb that was slain to receive power, and riches, and wisdom, and strength, and honour, and glory, and blessing. And every creature which is in heaven, and on the earth, and under the earth, and such as are in the sea, and all that are in them, heard I saying, Blessing, and honour, and glory, and power, be unto him that sitteth upon the throne, and unto the Lamb for ever and ever. And the four beasts said, Amen. And the four and twenty elders fell down and worshipped him that liveth for ever and ever.*

Very clearly John tells of a judgment in which only one question is asked, "Who is worthy" to open or to reveal a book found in the right hand of God clearly sealed with seven seals. John states, "No man in heaven nor in earth, neither under the earth was able to open the book neither to look thereon." Then John is pointed to the hope of all men: the Lamb that was slain. Here is a revelation of Christ as our High Priest in heaven. Here His work is revealed: the opening of the mysteries of God. These mysteries of which reveal Christ and His sufficiency to save all whose prayers are directed to God through Him. Likewise Paul the Apostle has stated:

*So also Christ glorified not himself to be made an high priest; but he that said unto him, Thou art my Son, to day have I begotten thee.*

*For the law made nothing perfect, but the bringing in of a better hope did; by the which we draw nigh unto God...But this man, because he continueth ever, hath an unchangeable priesthood. Wherefore he is able also to save them to the uttermost that come unto God by him, seeing he ever liveth to make intercession for them.*

*But now hath he obtained a more excellent ministry, by how much also he is the mediator of a better covenant, which was established upon better promises.*

*For Christ is not entered into the holy places made with hands, which are the figures of the true; but into heaven itself, now to appear in the presence of God for us:*

*But this man, after he had offered one sacrifice for sins for ever, sat down on the right hand of God; From henceforth expecting till his enemies be made his footstool. For by one offering he hath perfected for ever them that are sanctified.*

*For if we sin willfully after that we have received the knowledge of the truth, there remaineth no more sacrifice for sins,*

*Of how much sorer punishment, suppose ye, shall he be thought worthy, who hath trodden under foot the Son of God, and hath counted the blood of the covenant, wherewith he was sanctified, an unholy thing, and hath done despite unto the Spirit of grace?*

*For ye are not come unto the mount that might be touched, and that burned with fire, nor unto blackness, and darkness, and tempest, And the sound of a trumpet, and the voice of words; which voice they that heard entreated that the word should not be spoken to them any more: (For they could not endure that which was commanded, And if so much as a beast touch the mountain, it shall be stoned, or thrust through with a dart: And so terrible was the sight, that Moses said, I exceedingly fear and quake:) But ye are come unto mount Sion, and unto the city of the living God, the heavenly Jerusalem, and to an innumerable company of angels, To the general assembly and church of the firstborn, which are written in heaven, and to God the Judge of all, and to the spirits of just men made perfect, And to Jesus the mediator of the new covenant, and to the blood of sprinkling, that speaketh better things than that of Abel. See that ye refuse not him that speaketh. For if they escaped not who refused him that spake on earth, much more shall not we escape, if we turn away from him that speaketh from heaven: Hebrews 5:5; 7:19,24-25; 8:6; 9:24; 10:12-14,26,29; 12:18-25.*

Clearly then, John is showing us of that very event of which Paul the Apostle so clearly writes. Christ is the mediator of the New Covenant and that New Covenant is contained in the seven seals. If we the church have been so long awaiting that which must be hereafter, why is it that so many of us in Christendom have not even heard of the seven seals?

Why is this Revelation of Jesus Christ which God gave to Him such a mystery? The Apostle Peter gives us a clue when he said (1 Peter 1:3-5):

*Blessed be the God and Father of our Lord Jesus Christ, who, according to his abundant mercy, hath begotten us again unto a living hope by the resurrection of Jesus Christ from the dead to an inheritance incorruptible, and undefiled, and that fadeth not away, reserved in heaven for you, who are kept by the power of God through faith unto salvation ready to be revealed in the last time.*

Truly Christ is our only Saviour, our only Mediator between man and God. Likewise, it is true the opening of the seven seals by Christ is as much or more so important for our salvation as any other former gospels. If this salvation is "*ready to be revealed in the last time,*" as Peter says, then we should hear another statement from the Apostle Peter (1 Peter 1:13):

*Wherefore, gird up the loins of your mind, be sober, and hope to the end for the grace that is to be brought unto you at the revelation of Jesus Christ*

So the question remains--What are the seven seals? And the answer remains--a Revelation of Jesus Christ which God gave unto Him to show unto His servants things which must shortly come to pass. If these things were to have shortly come to pass then surely they must have

already been fulfilled, and if so, does that mean we are His servants if we know these things not? Or could it be that the things which must be hereafter pertaining to God's throne, the judgment, the book, and the Lamb receiving that book are events directed primarily to the last times or the last days? If that's the case are we in the last days? If so then it must be time for God's servants to know these things (Psalms 90:12-17; 91:1-4; 11:3-4).

*So teach us to number our days, that we may apply our hearts unto wisdom. Return, O LORD, how long? and let it repent thee concerning thy servants. O satisfy us early with thy mercy; that we may rejoice and be glad all our days. Make us glad according to the days wherein thou hast afflicted us, and the years wherein we have seen evil. Let thy work appear unto thy servants, and thy glory unto their children. And let the beauty of the LORD our God be upon us: and establish thou the work of our hands upon us; yea, the work of our hands establish thou it.*

*He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty. I will say of the LORD, He is my refuge and my fortress: my God; in him will I trust. Surely he shall deliver thee from the snare of the fowler, and from the noisome pestilence. He shall cover thee with his feathers, and under his wings shalt thou trust: his truth shall be thy shield and buckler.*

*If the foundations be destroyed, what can the righteous do? The LORD is in his holy temple, the LORD'S throne is in heaven: his eyes behold, his eyelids try, the children of men.*

The servant of God will find as we continue in our searching of the scriptures that every book of the Bible meets and ends in the book of Revelation. Gems of most sacred truth are to be uncovered, golden promises never before seen are to be brought to view, for when has grace ever been needed more than now in the time of which we live?

## CHAPTER 1 THE FIRST SEAL

Although we, the servants of God, do not live in Asia, we are none the less to be beneficiaries of their counsels; and they likewise, not being alive today are no doubt to be a part of the grace which we are to receive.

Revelation 6:1-2. *And I saw when the Lamb opened one of the seals, and I heard, as it were the noise of thunder, one of the four beasts saying, Come and see. And I saw, and behold a white horse: and he that sat on him had a bow; and a crown was given unto him: and he went forth conquering, and to conquer.*

Here in our Heavenly Zion we see the Lamb loose the first seal. This preview of God's revelation of His Son is to be of our utmost interest, for not only will it more clearly reveal the nature of Christ, but it will likewise unfold more clearly the Divine nature of God who is the Author of this revelation.

Now let's turn to Psalms 45:

*My heart is inditing a good matter: I speak of the things which I have made touching the king: my tongue is the pen of a ready writer. Thou art fairer than the children of men: grace is poured into thy lips: therefore God hath blessed thee for ever. Gird thy sword upon thy thigh, O most mighty, with thy glory and thy majesty. And in thy majesty ride prosperously because of truth and meekness and righteousness; and thy right hand shall teach thee terrible things. Thine arrows are sharp in the heart of the king's enemies; whereby the people fall under thee. Thy throne, O God, is for ever and ever: the sceptre of thy kingdom is a right sceptre. Thou lovest righteousness, and hatest wickedness: therefore God, thy God, hath anointed thee with the oil of gladness above thy fellows. All thy garments smell of myrrh, and aloes, and cassia, out of the ivory palaces, whereby they have made thee glad. Kings' daughters were among thy honourable women: upon thy right hand did stand the queen in gold of Ophir. Hearken, O daughter, and consider, and incline thine ear; forget also thine own people, and thy father's house; So shall the king greatly desire thy beauty: for he is thy Lord; and worship thou him. And the daughter of Tyre shall be there with a gift; even the rich among the people shall entreat thy favour. The king's daughter is all glorious within: her clothing is of wrought gold. She shall be brought unto the king in raiment of needlework: the virgins her companions that follow her shall be brought unto thee. With gladness and rejoicing shall they be brought: they shall enter into the king's palace. Instead of thy fathers shall be thy children, whom thou mayest make princes in all the earth. I will make thy name to be remembered in all generations: therefore shall the people praise thee for ever and ever.*

Verse 1: *"My (God's) heart is inditing a good matter: I (God) speak of the things which I (the Creator of all things) have made touching the King (Christ), my (God's) tongue is the pen of a ready writer."* Here we see God not only creates all things by His Word but in His

wisdom, He has chosen some things to be written that by the power of His word He may bring to pass in His own time. Here we see God by His written Word foretelling his determined purpose for His Son, Christ.

Verse 2: *"Thou art fairer than the children of men, grace is poured into thy lips; therefore God hath blessed thee forever, Gird thy sword upon thy thigh, O most mighty, with thy glory and thy majesty. And in thy majesty ride prosperously because of truth and meekness and righteousness; and thy right hand shall teach thee terrible things."* Clearly in the Revelation Christ is fairer than the fairest. Those who receive the seals receive the grace found therein. Christ is capable of destroying his enemies for His majesty truly is great in heaven, for it is witnessed that all angels bow before him. What is it that Christ shall ride but the white horse because the book given to Him is the truth and He shall ride prosperously:

Verse 5: *"Thine arrows are sharp in the heart of the king's enemies whereby the people fall under thee."* Here we see the meaning of the bow of which the first seal speaks. Let us pray that none of us refuse *"Him that speaks from heaven"* and the Spirit of Truth that is now speaking from heaven for it is likewise written in verse 6:

*"Thy throne O God, is for ever and ever; the scepter of thy kingdom is a right scepter. Thou lovest righteousness, and hatest wickedness: therefore God (Christ), thy God (Father), hath anointed thee with the oil of gladness above thy fellows. All thy garments smell of myrrh, and aloes, and cassia, out of the ivory palaces, whereby they have made thee glad. Kings's daughters were among thy honourable women: upon thy right hand did stand the queen in gold of Ophir, Hearken, O daughter, and consider, and incline thine ear; forget also thine own people, thy father's house; so shall the King (Christ) greatly desire thy beauty; for he is thy Lord; and worship thou him."*

How can any man deny that the first seal is a preview into the event spoken of by the 45th Psalm? How important is this insight? How important is it to God, or to Christ, or to the church? While on earth Christ spoke many parables regarding His kingdom and his bride. Let's hear one and see if we cannot more clearly understand the importance of these things. Matthew 22:1-14:

*And Jesus answered and spake unto them again by parables, and said, the kingdom of heaven is like unto a certain king, which made a marriage for his son, and sent forth his servants to call them that were bidden to the wedding: and they would not come. Again, he sent forth other servants, saying, Tell them which are bidden, Behold, I have prepared my dinner: my oxen and my fatlings are killed, and all things are ready: come unto the marriage. But they made light of it, and went their ways, one to his farm, another to his merchandise: and the remnant took his servants, and entreated them spitefully, and slew them. But when the king heard thereof, he was wroth: and he sent forth his armies, and destroyed those murderers, and burned up their city. Then saith he to his servants, The wedding is ready, but they which were bidden were not worthy. Go ye therefore into the highways, and as many as ye shall find, bid to the marriage. So those servants went out into the highways, and gathered together all as many as they found, both bad and good: and the wedding was furnished with guests. And when the king came in to*

*see the guests, he saw there a man which had not on a wedding garment: and he saith unto him, Friend, how camest thou in hither not having a wedding garment? And he was speechless. Then said the king to the servants, Bind him hand and foot, and take him away, and cast him into outer darkness; there shall be weeping and gnashing of teeth. For many are called, but few are chosen.*

Notice that in this parable of Matthew, Christ clearly teaches that those with indifferent attitudes who would not come to the Marriage Supper were to be slain. Their disinterest offended the King who we know is God. So, likewise, today if we disregard the truth of the first seal we really disregard Christ, who opened it and in so doing we disregard God who gave it. This indifference most surely will place one's salvation in jeopardy.

Matthew 21:42:

*Jesus saith unto them, Did ye never read in the scriptures, The stone which the builders rejected, the same is become the head of the corner; this is the Lord's doing, and it is marvelous in our eyes?*

In this passage we see Christ pointing his hearers to the Rock (His God). We know in Revelation 4 God is pictured as one who appears to be as jasper and sardine stone. This one is the same stone to which Christ referred to. So again we are reminded that what the Father gives to Christ is a revelation of Jesus Christ that God gives to Him to show unto his servants.

Was it really David who wrote the Psalms or was it God who spoke through David? Was it really the prophets who wrote their books or was it God who spoke through the prophets? If it was God, we must conclude God claims the book as His and we should more earnestly take it as God's Word.

We find now in Revelation 19 a verification of the events we have just read.

Revelation 19:1-13.

*And after these things I heard a great voice of much people in heaven, saying, Alleluia; Salvation, and glory, and honour, and power, unto the Lord our God: for true and righteous are his judgments: for he hath judged the great whore, which did corrupt the earth with her fornication, and hath avenged the blood of his servants at her hand. And again they said, Alleluia. And her smoke rose up for ever and ever. And the four and twenty elders and the four beasts fell down and worshipped God that sat on the throne, saying, Amen; Alleluia. And a voice came out of the throne, saying, Praise our God, all ye his servants, and ye that fear him, both small and great. And I heard as it were the voice of a great multitude, and as the voice of many waters, and as the voice of mighty thunderings, saying, Alleluia: for the Lord God omnipotent reigneth. Let us be glad and rejoice, and give honour to him: for the marriage of the Lamb is come, and his wife hath made herself ready. And to her was granted that she should be arrayed in fine linen, clean and white: for the fine linen is the righteousness of saints. And he saith unto me, Write, Blessed are they which are called unto the marriage supper of the Lamb.*

*And he saith unto me, These are the true sayings of God. And I fell at his feet to worship him. And he said unto me, See thou do it not: I am thy fellowservant, and of thy brethren that have the testimony of Jesus: worship God: for the testimony of Jesus is the spirit of prophecy. And I saw heaven opened, and behold a white horse; and he that sat upon him was called Faithful and True, and in righteousness he doth judge and make war. His eyes were as a flame of fire, and on his head were many crowns; and he had a name written, that no man knew, but he himself. And he was clothed with a vesture dipped in blood: and his name is called The Word of God.*

Notice how in verse 9 it says, "*Blessed are they which are called unto the marriage supper of the Lamb!*" And he said unto me, "*These are the true saying of God!*" Being the true saying of God, the first seal of Revelation 6:1-2 must be true according to the saying of God in Psalms 45. And how can we be *blessed* if we know nothing about the *Marriage Supper of the Lamb* nor what it entails?

Isaiah 33:17:

*Thine eyes shall see the king in his beauty; they shall behold the land that is very far off.*

Are we starting to see the King a little more clearly? And how about that heavenly land very far off?

Isaiah 55:3-4:

*Incline your ear, and come unto me; hear, and your soul shall live, and I will make an everlasting covenant with you, even the sure mercies of David. Behold, I have given him for a witness to the people, a leader and commander to the people.*

Has not David truly witnessed on behalf of God by God's own power this beautiful marriage of which all are called to receive the knowledge of.

Isaiah 61:8-10:

*For I the LORD love judgment, I hate robbery for burnt offering; and I will direct their work in truth, and I will make an everlasting covenant with them. And their seed shall be known among the Gentiles, and their offspring among the people: all that see them shall acknowledge them, that they are the seed which the LORD hath blessed. I will greatly rejoice in the LORD, my soul shall be joyful in my God; for he hath clothed me with the garments of salvation, he hath covered me with the robe of righteousness, as a bridegroom decketh himself with ornaments, and as a bride adorneth herself with her jewels.*

We should surely at this moment realize the importance of learning more thoroughly the meaning of Christ according to the seals lest we be found without "*the wedding garment*" of God's judgment, for if we receive this enlightenment, this grace which comes from heaven, we

shall surely be partakers of the marriage of the Lamb for we are the guests who will "Hearken and consider."

Jeremiah 23:5,6,7,8,18,19,20:

*Behold, the days come, saith the LORD, that I will raise unto David a righteous Branch, and a King shall reign and prosper, and shall execute judgment and justice in the earth. In his days Judah shall be saved, and Israel shall dwell safely: and this is his name whereby he shall be called, THE LORD OUR RIGHTEOUSNESS. Therefore, behold, the days come, saith the LORD, that they shall no more say, The LORD liveth, which brought up the children of Israel out of the land of Egypt; but, The LORD liveth, which brought up and which led the seed of the house of Israel out of the north country, and from all countries whither I had driven them; and they shall dwell in their own land...For who hath stood in the counsel of the LORD, and hath perceived and heard his word? who hath marked his word, and heard it? Behold, a whirlwind of the LORD is gone forth in fury, even a grievous whirlwind: it shall fall grievously upon the head of the wicked. The anger of the LORD shall not return, until he have executed, and till he have performed the thoughts of his heart: in the latter days ye shall consider it perfectly.*

This beautiful prophecy, the Desire of Ages, entails of Christ the Lord our Righteousness and also warns us of the latter days should we be found not standing in the counsel of the Lord. If we, the church of God, stand in the counsel of Christ, especially in the light of the seven seals, shall we not be a part of that beautiful bride spoken of in Jeremiah 33?

Jeremiah 33:14-16:

*Behold, the days come, saith the LORD, that I will perform that good thing which I have promised unto the house of Israel and to the house of Judah. In those days, and at that time, will I cause the Branch of righteousness to grow up unto David; and he shall execute judgment and righteousness in the land. In those days shall Judah be saved, and Jerusalem shall dwell safely; and this is the name of which she shall be called, THE LORD, OUR RIGHTEOUSNESS.*

She, the city, she, the saints, those who are clothed with the righteousness of Christ and His Word, for it is also promised in verse 17, "David shall never want a man to sit upon the throne of the house of Israel." For Christ remains a King "forever." (Psalm 45:6)

Ezekiel 37:24-25 Daniel 12:1:

*And David my servant shall be king over them; and they all shall have one shepherd: they shall also walk in my judgments, and observe my statutes, and do them. And they shall dwell in the land that I have given unto Jacob my servant, wherein your fathers have dwelt; and they shall dwell therein, even they, and their children, and their children's children for ever: and my servant David shall be their prince for ever.*

*And at that time shall Michael stand up, the great prince which standeth for the children of thy people: and there shall be a time of trouble, such as never was since there was a nation even to that same time: and at that time thy people shall be delivered, every one that shall be found written in the book.*

If we are to be found written in the book, surely we should be found in the first seal for where Christ is revealed, shall not we also be revealed as one who *"hearkens and considers"* for is not He *"our Lord"* and shall not we *"worship"* him *"in spirit and in truth"* (John 4:24).

In Hosea 2:14 we read, *"Therefore, behold I will allure her and bring her into the wilderness, and speak tenderly unto her."* The Christian Church being scattered from Jerusalem went throughout all nations. Being amongst the Gentiles, the gospel was to impart unto the Gentiles the riches of God's mercy.

Verse 15: *"And I will give her her vineyards from thence, and the Valley of Achor for a door of hope; and she shall sing there, as in the days of her youth, and as in the day when she came up out of the land of Egypt."* Here it is promised that once the unfaithful ones as Achan are taken from amongst God's people we will definitely have a deliverance as all the prophets agree.

Verse 16: *And it shall be at that day, saith the LORD, that thou shalt call me Ishi, and shalt call me no more Baali.* If we are to call God by such an endearing term, we are to know Him a little better and what better [way] to know him than in the revelation of Jesus Christ.

Verse 17: *For I will take away the names of Baalim out of her mouth, and they shall no more be remembered by their name.* All false teachers and false prophets are to be forgotten for there is one God, and one Lamb and one seven seal truth.

Verse 18: *And in that day will I make a covenant for them with the beasts of the field, and with the fowls of the heavens, and with the creeping things of the ground; and I will break the bow and the sword and the battle out of the earth, and will make them to lie down safely.* Just as Isaiah 11 has promised, so Hosea also promises, peace for those who are called to the Marriage Supper of the Lamb.

Verses 19 and 20: *And I will betroth thee unto me forever; yea, I will betroth thee unto me in righteousness, and in judgment, and in loving-kindness, and in mercies. I will even betroth thee unto me in faithfulness; and thou shalt know the LORD.* So again, here we see the importance of this opportunity of learning these seven seals and the complete entailment of what that includes.

Verse 21: *And it shall come to pass in that day, I will hear, saith the LORD, I will hear the heavens, and they shall hear the earth.* Are we not a part of this event by faith? Is not heaven in total unity to the receiving of these seals from God? Is not God's word supreme in heaven? And it being the Word which reveals Christ now is the time like never before to pray that we may be worthy to understand these things more clearly.

**Verse 22 and 23: *And the earth shall hear the corn and the wine, and the oil; and they shall hear Jezreel. And I will sow her unto me in the earth; and I will have mercy upon her that had not obtained mercy; and I will say to them who were not my people, Thou art my people; and they shall say, Thou art my God.*** We will not go at this point into the in depth meaning of the book of Hosea in every particular for our primary subject at this point is the first seal and the Marriage is that subject. This should inspire us to look into the meaning of Hosea 3:5: *"Afterward shall the children of Israel return, and seek the LORD, their God, and David, their king, and shall fear the LORD and his goodness in the latter days".*

**Joel 2:15,16: *Blow the trumpet in Zion, sanctify a fast, call a solemn assembly. Gather the people, sanctify the congregation, assemble the elders, gather the children, and those that nurse at the breasts; let the bridegroom go forth from his chamber, and the bride out of her closet.*** Yes, the bride is definitely to be revealed for we know that Christ is in the Heavenly Sanctuary anticipating His Marriage of which God has spoken. Should we not eagerly ourselves be ready to accept this truth and come out of our closet and be revealed to the world as those who love Christ in truth and in righteousness.

**Amos 9:11,14,15: *In that day will I raise up the tabernacle of David that is fallen, and close up the breaches of it; and I will raise up his ruins, and I will build it as in the days of old ... And I will bring again the captivity of my people of Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink their wine; they shall also make gardens, and eat the fruit of them. And I will plant them upon their land, and they shall no more be pulled up out of their land which I have given them, saith the LORD, thy God.***

**Obadiah 21: *And saviors shall come up on Mount Zion to judge the mount of Esau; and the kingdom shall be the LORD's.***

**Transcript of:  
"The Last Recorded Words of David Koresh"  
(Recorded April 16&18, 1993)**

**NARRATION:** This tape contains the last recorded words of David Koresh. It is taken from telephone conversations between David Koresh and the FBI negotiators. It was recorded by the government, and the tapes were recently released by the Justice Department. The tape has two segments. The first is from April 16 - a Friday. It is from the wee hours of the morning, and David has just optimistically reported to the FBI negotiator that he's finished the first chapter, or segment of his manuscript on the Seven Seals of the book of Revelation. He had pledged on the previous Wednesday, and sent out a signed legal agreement, that he would exit the Mt. Carmel Center upon completion of the manuscript. The tone of the conversation is quite optimistic and upbeat, both from David's side and from the side of the FBI listening to his report.

**KORESH:** . . . I say that when I get through writing these, and they're given to my attorney, and my attorney hands them over - What's the two theologians names?

**Steve Schneider:** Philip Arnold and Jim Tabor.

**Koresh:** Philip Arnold and Jim Tabor who has shown that they have a sincere interest in these things - you see. Then I can spend all my time in jail, and people can go ahead and ask me all the stupid questions they want - cause they're not gonna ask me about the seals. They're gonna say, "Ah, do you molest young ladies?" "Ah, have you eaten babies?" "Do you sacrifice people?" "Ah, do you make automatic weapons?" "Ah, do you have [?]" That's what they're gonna be interested in - sensationalism.

**FBI:** That's why you need to get it done before you leave there then.

**Koresh:** That's why I'm gonna complete it, because you see, you know as well as I do that people in this world they want something dramatic and sensational. They don't want to have to sit - No one's gonna sit there - let me sit there in front of a camera and read Psalms 40 to them - to prove the first seal. Dick, it's a real world, and that's why I'm sympathetic with your position. I realize you're frustrated, and I agree with you.

**FBI:** I'm not frustrated. I went home and I'm back. I'm no longer frustrated. I never was frustrated.

**KORESH:** Did you take a shower for me?

**FBI:** Well, yeah. I took a couple of them for you.

**KORESH:** Thank you. I appreciate it.

**FBI:** Now listen. Let's get back to the point in hand. This ah - you know - the writing of the seals. OK. You've got to do that in there, and it's gonna take you x amount of time. Just tell me this David - are you saying that when you finish that manuscript -

**KORESH:** Then I'm not bound any longer [unintelligible] -

**FBI:** No. But see, that doesn't answer the question.

**KORESH:** Then I'll be out - yes - definitely.

**FBI:** I know you'll be out, but that could - excuse me I've got a cold. That could mean a lot of things David. That could mean -

**KORESH:** I'll be in custody in the jailhouse. You can come down there and feed me bananas if you want to.

**FBI:** I know - I know that some point in time that's true. But I'm getting from you - I'm asking you, "When that is finished, are you than telling me that you are coming out the next day, or two hours after you send that out or what?"

**KORESH:** Oh, I'll probably - when I - when I bring it out - see - my attorney is gonna get the - get to the copy.

**FBI:** Right.

**KORESH:** OK? And as soon as he hands it over to the scholars - the theologians -

**FBI:** Um, hm.

**KORESH:** Right? That's when - he's gonna come back, and that's when I'm going to go out with him, because he said point blank that - you know - one of the guarantees of me arriving down there is that he is gonna go with me.

**FBI:** So you go on paper here and said that David Koresh told me that as soon as he finishes this manuscript - the seven seals - of which you've finished the first chapter dealing with the first seal -

**KORESH:** The first seal - right.

**FBI:** That you're gonna make that available -

**KORESH:** I'll be splitting out of this place. I'm so sick of MRE's - Dick - that ah -

**FBI:** Well, I just want to make sure that I have this right - that you're coming out. As soon as that's finished -

**KORESH:** That's what - it was said by the attorney's -

**FBI:** Well, I know - I know.

**KORESH:** That's what I'm saying -

**FBI:** OK.

**KORESH:** It's clarified. Lock, stock, and barrel it.

**FBI:** I mean - I've heard you say that you're coming out after, but that is not specific. That's a game that we all can play.

**KORESH:** It's - look, I know. Dick -

**FBI:** But I'm asking you for your word. You say that you're coming out as soon as that's done, and you give up the manuscript to DeGuerin who is gonna make copies available for Arnold and the other - the other fella -

**KORESH:** Right.

**FBI:** The other Biblical scholar, and then you are coming out with that manuscript.

**KORESH:** I'm outta here. And he's he's gonna come, and the way the procession is to be - I'm to go out first with him, and then I think, "You're last, right Steve?"

**Steve Schneider:** Yeah.

**KORESH:** With his attorney, and the other people - the other people in between.

**FBI:** OK. Then - you know what? I'm keeping you from getting back to work. So I'm - you know what I'm gonna do? I'm gonna let you go so that you can get back to work, because David, frankly I'm eagerly awaiting this manuscript.

**KORESH:** Well, I'll tell you what. It's gonna blow your socks off.

**FBI:** Well - I'm - I'm perfectly willing to - to read it, and I'm looking forward to it as a member -

**KORESH:** You'll either hate me or love me then.

**FBI:** Well, I want to read it - and then - I'll make a decision then, and we'll see how it goes. And in the meantime, ah - you know - let's get that thing written.

**NARRATION:** The first chapter of David's manuscript that had been completed was carried out of the burning building on April 19 by his secretary and stenographer Ruth Riddle. That was on a computer disk. This disk was subsequently turned over to David's attorney Dick DeGuerin, and according to David's instructions DeGuerin passed it on to James Tabor and Phil Arnold. It's now published in the appendix to a recent book, "Why Waco? Cults and the Battle for Religious Freedom in America." It also - the book contains a commentary by Arnold and Tabor on the manuscript. This next segment of the tape is indeed the last recorded words, or conversation of David Koresh. It was recorded on April the 18th - Sunday - the day before the fire at about two o'clock in the afternoon. Koresh called the FBI negotiators. He's quite upset and angry, because they have begun to remove cars and clear the area in front of the building. First of all, he is upset that evidence might be destroyed that would relate to what had happened on February 28 in the initial BATF raid on Mt. Carmel. Secondly, he is concerned about property damage - in general. - And it's clear from the tone of his voice that he suspects that something might be up, and that indeed the agreement that he feels he's reached with the FBI to write the manuscript, and then exit peacefully, could fall apart and not be carried out.

**FBI:** This is Henry.

**KORESH:** Ah - Henry, this is Dave.

**FBI:** Hi Dave.

**KORESH:** Look. The ah - the generals out here - right? You have a hard time controlling them, right?

**FBI:** I don't control them. No.

**KORESH:** OK. Well look. We have done everything we can to be able to communicate in a nice, passionate way. We've ah - you know - I've told you what our work with God is. And ah - we've been kind. We've not been your everyday kind of cult. We've not been your everyday kind of terrorist which I'm sure you - you're familiar with having to deal with.

**FBI:** Um, hm.

**KORESH:** And a lot of the things that the FBI, or these generals are doing is just kinda way beyond the scope of reason. And they're not only destroying private property, they're also removing evidences. And this doesn't seem

like that ah - these are - these are moves that should be made by a government who says to a people that we're going to be able to take this up in a court of law. I mean - they're not ever - they're not going to be able to replace a lot of things here. Like that 68 SS El Camino that belonged to Paul Fatta?

FBI: Um, hm.

KORESH: They'll never be able to replace that. They don't have any more of those. And ah - the 68 Camero and other things out here in the front.

FBI: Um, hm.

KORESH: They can't replace that. They just can't replace it.

FBI: Um, hm.

KORESH: And - ah - they keep - they keep doing these kind of things it's just proving to us that they're not - they're not showing good faith in their part, and I just - I just suggest they shouldn't do it.

FBI: I understand what you're saying, and I will impart that ah -

KORESH: In all courtesy's please - please impart that, because - because it's coming to the point to where ah - you know - God in heaven has somewhat to do also. And it's just really coming to the point of really, "What - What do you men really want?"

FBI: I think what - you know - just - this is - I'm just imparting to you what my perception is. And my perception is that - that - what they want is they want you and everybody to come out. You know - I -

KORESH: I don't think so. I think what they're showing is that they don't want that.

FBI: Well, I think that - that is exactly what they want.

KORESH: No. They're not gonna - they're not gonna - they're not gonna get that. They're not gonna get that by what they're doing right now. They're gonna get exactly the opposite - exactly the opposite. They're gonna get wrath on certain people. They're gonna get anger from certain guys. Now I can't control everybody here.

FBI: I think you can.

KORESH: No. I can't. You gotta understand John -

FBI: Henry.

KORESH: Henry - I'm sorry. In 1985, I presented a truth. And everybody that's here - I had to debate and I had to talk to, and I had show from the scriptures. I had to prove my point for many hours, days, months, and sometimes years with certain people here.

FBI: Um, hm.

KORESH: They went to scholars. They went to theologians. I have a very unique group here.

FBI: Yes. You do.

KORESH: Not ignorant people - not stupid people. Now there are some people -that in the beginning - that went out like Kevin and Brad. Individuals that were - you know - people that wee out there bar rollers and stuff like that. Tough and tough guys. Now they're not the theologians of the world, but they're guys that need a lot of patience, and - you know - with a little bit of refinement and a little bit of proof to them - they can - they can be good people.

FBI: Um, hm.

KORESH: But ah - but I would really and in all honesty and in good faith tell these generals to ah - to - to back up. They don't need to tear up anymore of this property. You tell us out of one side of the mouth, we're going to be able to come back here and all this. And ah - you know - we're gonna take this up in court, and on the other hand you're showing us there's not gonna be nothing to come back to.

FBI: I think the problem with this thing David is that this thing has lasted way too long.

KORESH: Oh, it - it - it has. It should have never gotten started this way -

FBI: You're right.

KORESH: And that was not our fault.

FBI: Ok. But -

KORESH: Now you don't wish to speak to the issues of the beginning of this -

FBI: No. I don't. And - and what the issues were - you know at that time is something else. The problem is not what the issues were at that time - the problem is this has lasted way too long. You know -

KORESH: I'm gonna finish my book or I'm not gonna finish my book.

FBI: Well, I hope that you do.

KORESH: Well, let me tell you this. These men who everyday - we try to show them good faith - have walked out in front of us, they've driven their tanks up to us, they've bust in the side of the building a little bit one time.

You said that was a mistake - that was not in your control - that wasn't in the commander's wishes. You know - all of this has been shown that if these guys want to fight - I don't want to fight. I - I want - I'm a life too, and there's a lot of people in here who are alive. There's children in here.

**FBI:** That's right.

**KORESH:** And we're also American's. And I think - I think that America has a patronage - a very clear patronage of individual citizens who - who - who - who have a breaking point.

**FBI:** Well, that's true.

**KORESH:** The government this stronger - it can come on to something that we have worked for hard. We worked when we got on this property. A lot of hard hours. This place was a dump. We fixed it up. We built this little house here. It's not extravagant. You know - there's a lot of people here with a high commission and a lot of love and concern, not just for our own lives, but for everybody's lives. And if this is the way our government is showing the world what its tactics are to get someone to - to - to - to do as they wish when realistically, our - our rights have been infringed upon right and left.

**FBI:** But there's a way to resolve that David.

**KORESH:** Yes. Yes.

**FBI:** And the way to resolve it is for you to come out and lead your people out.

**KORESH:** Your way is that you're gonna keep - you're gonna keep destroying our property.

**FBI:** This - this probably would not have had to happen -

**KORESH:** It never did have to happen.

**FBI:** That's right. And - and then - you know - if you would have come out on - on the day that you indicated that you promised that you were gonna come out none of this would have taken place.

**KORESH:** Look. You denounce the fact that I have a God that communicates with me. That's - that's the first mistake that we - that we make.

**FBI:** Nobody - nobody - nobody is saying anything about your religious beliefs, your thoughts, your ideas -

**KORESH:** Listen. But you are -

**FBI:** Or anything like that.

**KORESH:** You're - you're saying -

**FBI:** The same things that you can do there you could do out - out here.

**KORESH:** That's what you say. I - I think that you are lying. As a matter of fact, I know that when the first month or so that I'm out, I'm gonna be bombarded all of the time with nothing but people wanting to know Koresh asking this - asking that.

**FBI:** And if you were working on the seven seals - I mean - nobody would bother why. I mean - why would you - why would that have to happen?

**KORESH:** I have my responsibility also to [you]. Come on, look at the reality of things.

**FBI:** And the reality of things is that there are priorities.

**KORESH:** OK. But you put your priorities -

**FBI:** And you're priority and everybody's priority should be in the safety of the children -

**KORESH:** All right.

**FBI:** And the safety of the women, and the safety of everybody

**KORESH:** You're fixing - you are fixing to ruin - your commanders are fixing to ruin the safety of my and my children. My life - the lives of my wives - the lives of my friends - my family. You're fixing to step across the ribbon.

**FBI:** I think that - that was something that you brought on. It has nothing to do with the commanders, David.

**KORESH:** All right. I brought on - if this - if this is the corner of the box that you place me into -

**FBI:** I think that you're placing yourself in that David. I don't think anybody is forcing it -

**KORESH:** No. No. You're the one who moving forward. You're the one who -who has violated - your generals have violated our constitutional rights. You have made us guilty before proving so.

**FBI:** I don't think so.

**KORESH:** You actively brought a band of - of people who didn't announce themselves. They came - I was at the front door. I was willing to talk to them. They shot at me first.

**FBI:** See, now you're talking about - you're talking about the ATF.

**KORESH:** About something that you don't want to prove as a matter of a fact. You're telling me - now you've - now you telling me that I am under arrest. I have to come out and I -

**FBI:** When somebody's under arrest that doesn't mean that it - that you've already been proven guilty. It just means that you've been charged.

**KORESH:** No. I'm being punished. We've already been punished. We've been placed in jail. We're being punished as guilty.

**FBI:** Well, that is something that you chose for everybody inside.

**KORESH:** That is not correct.

**FBI:** Sure it is because -

**KORESH:** That is something that you chose as a confinement.

**FBI:** Because if you had walked out that day as you promised, by now who knows where we would have been. You know - you probably would be out on bail for God sakes.

**KORESH:** John - all I can say is - is that if you want to - to - to place this in the history books as one of the saddest days in the world -

**FBI:** Well, I think that the - the - the rules for your safety still apply. There's no reason - you know - to think that - that - that they shouldn't apply.

**KORESH:** OK. I understand your rules. I'm just simply asking you in all good faith, and all good manner to - you tell the general it's enough to tear up our property.

**FBI:** I will tell them exactly what you said. But you need to understand that - um - I'm talking up. It's not - you know - talking down. So - you know - what I suggest and what I will suggest is exactly what you said. I've suggested that and I've suggested other things. I have no - no problem in - ah - you know -

**KORESH:** You tell em we love em. We love em and - you know -

**FBI:** And you're willing to send out thirty people.

**KORESH:** Look.

**FBI:** Fifty?

**KORESH:** Whoever wants to go out can go out.

**FBI:** No. No. No. No. Don't tell me that. Tell me that you're sending somebody out.

**KORESH:** I'm not going to - see - you don't understand about these people yet.

**FBI:** And you don't understand about the people here yet either.

**KORESH:** OK. Well if that's the way we want to play then we come to a point where -

**FBI:** I'm not wanting to play anything -

**KORESH:** But it - you are playing.

**FBI:** No. I'm not. I'm telling you.

**KORESH:** Everyone in the tanks - everyone in the tanks out there is playing.

**FBI:** No. Nobody is. People just want to see some progress.

**KORESH:** Look some progress is being made. You don't realize what kind of progress is being made. There are people all over this world who are going to benefit from this book of the seven seals. You don't seem to understand.

**FBI:** And what you don't seem to understand is - is that the people here want to see that kind of progress, but other kind of progress. There's no reason why you couldn't be doing the same very thing that you are doing now within the place out here.

**KORESH:** That's not true. What you're saying is not based on truth.

**FBI:** Why not? Why not? What do you mean it's not -

**KORESH:** Because it's not.

**FBI:** Your attorney is gonna be your attorney whether you're in there or out here. Anything that you want your - all you'd have to do is - is furnish it to him.

**KORESH:** An attorney -

**FBI:** Why would he not comply with your wishes?

**KORESH:** That's - the legal system is not the majority of the attorney. The legal system is a completely sophisticated - lot's of - lot's of Indian chief - ah -system. It's not just where you got one guy who is hired to speak on your behalf in a court case in front of a jury.

**FBI:** Yes. But - but what I'm saying -

**KORESH:** There's more to it than just - I was in jail in 1988.

**FBI:** And - and how did it come out?

**KORESH:** It came out wonderful, because -

FBI: Well, there you go. There you go.

KORESH: Well the thing of it is - is that you don't understand the amount of cost it takes to get that legal representation too.

FBI: Well -

KORESH: And this was something - this was something that the Sheriff's department got us in.

FBI: Well, that was - that was then. You have an attorney now. You know - the same work that you're doing there you can be doing out here.

KORESH: It's a different more high profile case type situation. I just - I just suggest that it would be a very bad thing for you to - to keep destroying all this evidence out here.

FBI: Well - you - know - I really don't have any control over that.

KORESH: I mean what are they doing? Are they - are you covering up the ATF? That's exactly what it appears you're doing.

FBI: David, what we're trying to do is were trying -

KORESH: It's wrong! You're doing wrong before God - before man. You are doing wrong! You adding to your wrong.

FBI: David, you're the one that's doing wrong.

KORESH: No. No. No. No. No. No. No.

FBI: You seem to have -

KORESH: No.

FBI: No concern about -

KORESH: You know we can't stay in here forever.

FBI: Anybody within the place except yourself.

KORESH: You know that we can't stay in here forever.

FBI: You know - if you could send - OK. Well send fifty people out. Send fifty people out right now.

KORESH: Does fifty of you want to go out?

FBI: You don't have to ask. All you have to do is say, "Look, I want fifty volunteers," and they'll come out. If you send fifty people out.

KORESH: They're saying because of these things they want to stay the more.

FBI: And I guess that you have no control over anybody. You know -

KORESH: You've got to understand, what I have control -

FBI: This is your responsibility. This is your responsibility because you're the leader. Their safety is in your hands. These people look -

NARRATION: The tape breaks off abruptly at this point, and I'll close this tape with a final short segment from Friday April 16.

FBI: Now are you telling me David - I want to get this clear in my own mind. Are you telling me that as soon as you reduce the seven seals to a written form that you're coming out of there. I don't mean two days later -

KORESH: I have no reason - I have no reason to -

FBI: I know what you're saying, but answer my question if you would please - definitely. I mean - I want to get an answer to this, "Are you coming out as soon as your done -"

KORESH: I'm coming out.

FBI: Or are you coming out afterwards at some point in time.

KORESH: After I get the thing - see Dick, you don't seem to understand. We are going to fulfill our commitment to God. Now, if you would allow me to show you what has been pre-written by the prophets you would know what I am doing.

FBI: Well, I'm asking you -

KORESH: You see -

FBI: A simple question though. I -

KORESH: And I'm giving you the simple answer, "Yes." "Yes." "Yes." I never intended to die in here.

End of tape

**Office of Chief Medical Examiner  
Tarrant County, Texas**  
200 Felix Gwozdz Place, Fort Worth, Texas 76104-4819  
(817) 923-4999 FAX (817) 927-0902

**NON JURISDICTIONAL AUTOPSY**

Case No. 930009#

Name: **VERNON HOWELL (AKA DAVID KORESH)**  
**MC DOE 08**

Approximate Age: 33 years  
Height: 52 inches (residual)

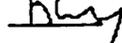
Sex: Male  
Weight: 124.5 lbs (residual)

Identified By: Dental Comparison (05-02-93)  
Autopsy Authorized By: Honorable James Collier

We hereby certify that we, Nizam Peerwani, M.D. and James O'Brien, M.D. have performed an autopsy on the body of Vernon Howell (aka David Koresh) at the Tarrant County Medical Examiner's Morgue on the second and third day of May 1993, and that the said autopsy revealed:

**FINDINGS:**

- 01 Entry gunshot wound of the mid-forehead (GSW No. 1) with:
  - A. significant amounts of barium, antimony and lead around entrance defect (inner and outer table)
  - B. collapsed calvarium with multiple fractures
  - C. absence of brain matter
  - D. exit gunshot wound of occipital region (GSW No 2)
  
- 02 Old healing gunshot wound of left innominate bone (GSW No 3)
- 03 Inhalation of smoke and carbon monoxide with:
  - A. blood clot carbon monoxide saturation of 24%
  - B. tracheobronchial mucosal soot deposition

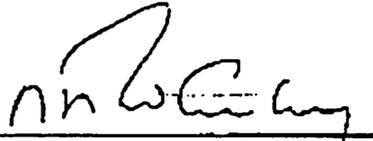
Vernon Howell (aka David Koresh): MC Doe 08  
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**FINDINGS (Continued)**

**04 Global charring with extensive body mutilation**

**CAUSE OF DEATH:**

**MASSIVE CRANIOCEREBRAL TRAUMA DUE TO GUNSHOT WOUND  
OF MID-FOREHEAD**



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**Nizam Peerwani, M.D.  
Chief Medical Examiner**



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**James O'Brien, M.D.  
Deputy Medical Examiner**

**NP  
09-10-93**

**Vernon Howell (aka David Koresh): MC Doe 08  
Case No 9300094  
Page No 2**



This examination is dated May 02, 1993, beginning at 0945 hours and ending on May 03, 1993 at 1030 hours.

Regarding the circumstances involved in the demise of the decedent, please refer to the inquest investigation report prepared by the Justice of Peace.

A complete autopsy is carried out by the authority of Judge James Collier, Justice of Peace, Pct 2, McLennan County, Texas

#### EXTERNAL EXAMINATION

Body is presented to the County Morgue wrapped in a white sheet and secured in a black body bag admixed with fragments of collapsed and burnt construction debris and body tissues.

Body is that of a charred remains of an adult white male, 40 inches long and weighing 98.5 pounds, articulated from the skull to the lower extremities. There is global charring with complete burning of flesh from many sites, massive destruction of many bony tissues and with resultant profound mutilation specially of the face, head and extremities. Fragments of burnt clothing items include a small segment of possible T-shirt as well as red, white and blue plaid sleeve cuffs.

Radiographic studies further indicate presence of:

- 01 One bullet
- 02 One exploded cartridge in debris
- 03 One nail in debris
- 04 metallic fragment in the greater trochanter of left femur
- 05 multiple small radiopaque fragments in the region of right orbit
- 06 construction debris and metal caps

Subsequent autopsy and firearm examination reveals no injuries associated with the bullet (without rifling), exploded cartridges and construction debris as well as the nail. In the vicinity of tiny metal fragments around the right orbit, an entry gunshot wound is present which will be described below. The radiopaque material lodged in the right greater trochanter of the femur is a fragment of a

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hand grenade and is consistent with postmortem injury.

The head is the collapsed and fragmented and consists mainly of portions of posterior left and right parietal, left and right temporal, frontal, left zygomatic and sphenoid. Debris submitted in the body bag contains several fragments of calvarium which were subsequently reconstructed. Reconstructed calvarium reveals presence of two gunshot defects which will be described in detail below. Both face and neck are extensively charred but present essentially intact mandible and the hyoid although the mid segment of the extra thoracic trachea and the attached esophagus are partially destroyed. Chest and abdomen show similar heat damage with total destruction of two large areas of abdominal wall including the left side measuring 8.5 x 4.5 inches and the right side measuring 8.0 x 3.5 inches with trans-abdominal herniation of loops of focally charred bowel. The chest wall shows similar areas of intense soft tissue destruction mainly along the right flank area with exposure of ribs. All the vertebrae, left and right ribs and the two scapulae are however present. The dorsal surface of left acromion is burnt away. The left upper arm is almost totally incinerated with residual seven-inch segment of heat damaged humerus with attached charred soft tissue. The right upper extremity consists of ten-inch segment of charred remains with heat fractured humerus and attached charred soft tissue as well attached six-inch remnants of right distal arm including heat fractured radius and ulna. Lower extremities include a seven-inch segment each of left and right thighs and heat fractured femur with attached charred soft tissue. Charred male external genitalia are present. Back presents global charring.

## DESCRIPTION OF GUNSHOT WOUNDS

### WOUND NO 1

Wound number one is localized to the mid frontal area, approximately one inch above the glabella very slightly right of the anterior midline. Inferior half of the circular defect is present having a diameter of 1.3 centimeters and presenting characteristic beveling of the inner table. The surrounding forehead is covered with charred skin with corresponding defect. The bony defect does not present charring and there is surrounding black powder deposition coating both the outer and inner tables. Both these areas are swabbed using 1% nitric acid for gunshot residue analysis. Wound number one is consistent with gunshot wound of entry.

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## WOUND NO 2

Wound number two is localized to the occipital bone, 3 centimeters superior to opisthion and very slightly right of the mid-sagittal line. The defect is circular, larger than the entry defect and measures 1.4 centimeters along the inner table and 4.7 centimeters along the outer table. Characteristic beveling of the outer table is present. There is focal charring along the left, superior and right margins of the defect. There is no overlying scalp. The Wound is consistent with a gunshot wound of exit.

The calvarium is totally devoid of brain matter and hence the actual cerebral trauma and the path through the brain matter cannot be evaluated.

Reconstruction of skull was carried out by the anthropology team supervised by Dr. Douglas Owsley. Illustrations were prepared by Emily Craig and will constitute part of this autopsy protocol.

Subsequent examination reveals multiple antemortem skull fractures associated with the gunshot wound including:

01 Two radiating fractures from the entry gunshot defect. The right fracture line (designated as No.1 in the attached illustrations) bifurcates 1.6 centimeters to the right of the opening with one branch (designated as No.2) traveling superiorly and posteriorly across the coronal sutures and into the burnt area of right parietal bone. The primary right primary fracture bifurcates again near the zygofrontal suture with the main branch (designated as No. 3) terminating into the orbit. A secondary fracture line (designated as No. 4) extends posteriorly across the coronal suture into the right parietal and then superiorly terminating into the fracture No. 2.

The left radiating fracture from the entry gunshot defect (designated as No. 5) terminates near the left zygofrontal suture in the vicinity of a burnt area.

02 The right lateral view of the skull presents a fracture (designated as No. 6) extends through the mastoid process into the posterior squamous of the right temporal bone and into the burnt area of the right parietal bone

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- 03 The base of the skull depicts separation of the facial bones from the sphenoid anterior to the sella turcica (designated as No. 7)
- 04 Fractures of both the maxillae.
- 05 Four radiating fractures extending from the exit gunshot defect. The first travels to the left and somewhat inferiorly towards the mastoid area (designated as No. 8); the second radiates laterally into the sutures in the area of asterion (designated as No. 9); the third travels to the right and inferiorly towards the right mastoid process (designated as No. 10) It intersects the previously described fracture that separates the right mastoid process and travels superiorly into the right parietal and temporal bones continuing into the burnt area of the right parietal bone and is arrested by the pre-existing superior fracture line described above (designated as No. 2); the fourth radiating fracture extends superiorly from the right superior margin into the burnt and missing area of the right parietal region.

### WOUND NO 3

Wound number three involves left iliac bone (Illustration No 3) being localized to the anterior one third of the ilium and consists of a large defect measuring 4.3 centimeter in diameter. The wound is produced by a projectile that entered the external surface of the ilium traveling posteriorly and thereby causing exfoliation of the cortex. The fragmented bony flap is adherent on the internal surface. The overlying soft tissue reveals presence of granulation and scar tissue. There is no projectile present and both the entry and exit defects on the body surface are obscured by extensive charring.

Wound number three is consistent with partially healing antemortem older gunshot wound.

### POSTMORTEM TRAUMA

- 01 Radiographic study reveals presence of a small radiopaque fragment embedded within the greater trochanter of the right femur. On subsequent dissection, a small fragment of hand grenade is recovered. There is no associated hemorrhage of the soft tissue or bone noted. The injury is

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consistent with postmortem trauma.

- 02 Heat related fracture of the ventral surface of right tenth rib.

#### ANATOMIC ANOMALIES

- 01 The sacrum is large and has six segments instead of the usual five.  
02 There are five lumbar vertebrae, with the fifth exhibiting bilateral spondylolysis.  
03 The acromion of the right scapula has an os acromiale.

#### INTERNAL EXAMINATION

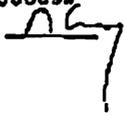
A Y-shaped thoraco abdominal incision is made and the organs are examined in-situ and eviscerated in the usual fashion. Despite the extensive heat damage, the internal organs are essentially well preserved, although all of these organs are somewhat hardened and dehydrated with loss of weight due to partial cooking. In addition there is variable degree of postmortem decomposition.

**SEROUS CAVITIES:** Soft tissue of the right chest wall is partially destroyed, however the rib cage is essentially intact with congested pleura. Heat related fracture involves just the 10th right rib with right hemothorax (152 grams of blood clot). Sternum and clavicle are intact. Abdominal wall presents large areas of full thickness destruction with herniation of loops of bowel as noted above. Pericardial sac is partially charred along with the anterior segment of left hemidiaphragm. There are no adhesions present. There is no kyphosis, scoliosis or lordosis.

**CARDIOVASCULAR SYSTEM:** The heart is of normal shape weighing 257 grams without chamber hypertrophy or dilatation. Left ventricular wall is 1.3 cms and the right 0.3 cm in thickness. Cardiac valves are unremarkable with the aortic, mitral, pulmonary and tricuspid valves having a circumference of 6.0, 7.5, 6.1 and 8.0 cms respectively. Coronary ostia are in their normal anatomic location, leading into widely patent coronary arteries. Right dominant circulation is present. Cut surface reveals no gross ischemic changes of recent or remote origin. Endocardium is purple stained postmortally. Aortic arch and the great

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vessels present minimal yellow subintimal plaques without ulcerations. There is purple intimal staining.

**PULMONARY SYSTEM:** Neck presents extensive heat damage with destruction of soft tissues as well as mid-segment of trachea and esophagus. Cervical spine is in the midline and essentially unremarkable. Hyoid bone and larynx are relatively well preserved with intact epiglottis.

Lungs are hyperinflated with the left lung weighing 688 grams and the right 897 grams. Both the lungs appear severely congested and moderately edematous and on sectioning frothy fluid can be easily expressed. There are no pneumonic consolidations. Tracheobronchial tree contains large amounts of granular aspirated blood and there is dense black soot deposition over the mucosa of the tracheobronchial tree extending to the smaller airways. Pulmonary arterial system is unremarkable.

**GASTRO-INTESTINAL SYSTEM:** Extra thoracic esophagus is partially charred in the region of tracheal damage with the rest of the esophagus and stomach being intact. GE junction is normal without erosions or varices and the stomach is empty without gastritis or ulcers. The fundic end of the stomach, mid-section of duodenum, cecum, right colon, left colon and rectum are partially incinerated. Appendix is identified and reveals heat related injury. Large bowel is filled with brown fecal material.

Liver weighs 900 grams presenting focally burnt superficial surface of right lobe with the rest of the surface pale brown. Cut surface is homogeneous and brown. Gall bladder is shrunken and contains 5 ml of thick green bile. Biliary tree is patent. Pancreas is not identified.

**GENITO-URINARY SYSTEM:** Left kidney weighs 77 grams and the right 54 grams. Capsules strip with ease to reveal slightly pale pink smooth cortical surface. Cut surfaces present shunting of blood from the cortex into the medullary areas. Pelvic calyceal system is unremarkable. Ureters are of normal caliber draining into unremarkable urinary bladder devoid of urine. Prostate gland is unremarkable.

Vernon Howell (aka David Koresh): MC Doe 08

Case No 9300098

Page No 8 *Olney*

**HEMATOPOIETIC SYSTEM:** Spleen is shrunken weighing 89 grams with gray smooth capsule and firm reddish cut surface. There is no lymph adenopathy and bone marrow is red and firm. Thymus gland is involuted.

**ENDOCRINE SYSTEM:** Thyroid and adrenal glands are of normal size and shape and reveal no gross pathologic lesions.

#### **MICROSCOPY**

Two smears from the tracheobronchial tree reveal presence of carbon particles admixed with fragments of fire debris and mucus.

The following microscopic sections all show presence of intense heat damage with coagulation of protein. These finding will be omitted in the following descriptions:

Six slides of lungs are examined and they reveal prominent vascular congestion with patchy edema. Coagulated fibrin and blood is present in the vessels. Bronchioles are filled with pink staining fluid and there is focal carbon deposition. Inflammation or fibrosis is not present.

Two slides from heart show prominent fiber fragmentation and separation. There are no areas of inflammation or fibrosis.

Two sections from kidney reveal no micropathologic lesions.

One section of liver presents a normal hepatic architecture with unremarkable lobules and portal triads. There are no areas of inflammation or fibrosis.

One section from spleen presents coagulation of blood cells and fibrin. Follicular pattern is visible although individual cells are blur.

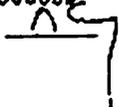
**ANTHROPOLOGY EXAMINATION:** Conducted by Douglas W. Owsley, Ph.d.

**DENTAL EXAMINATION:** Conducted by Tarrant County Dental Disaster Team and supervised by Rodney M. Crow, D.D.S.

Vernon Howell (aka David Koresh): MC Doe 08

Case No 930008#

Page No 9



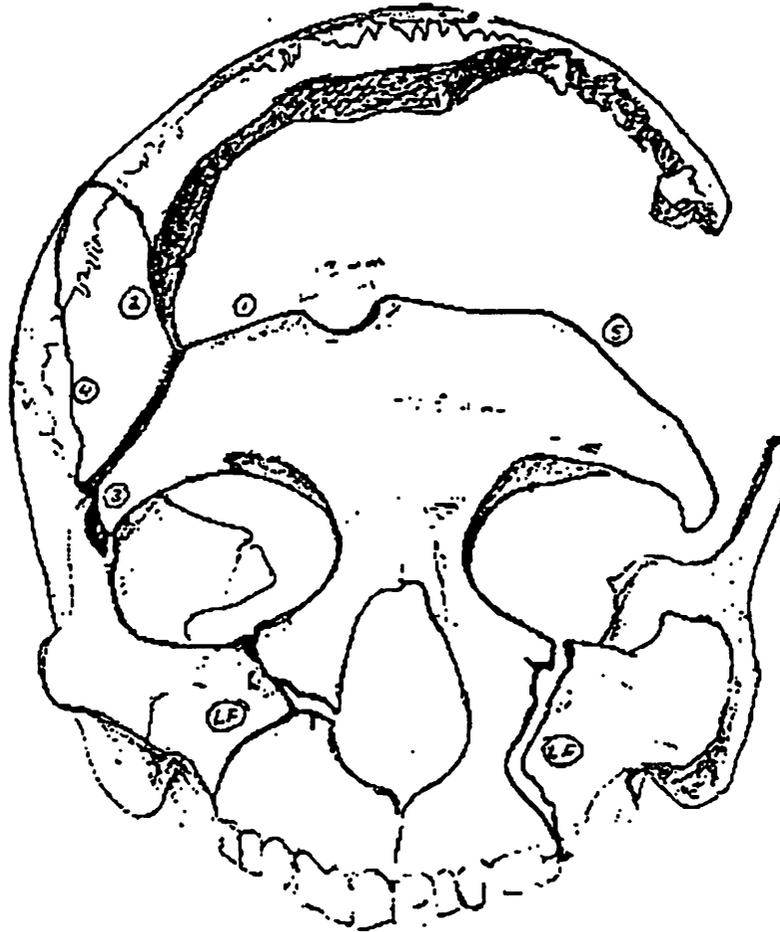
**FINGERPRINT EXAMINATION:** Conducted by F.B.I. Latent Fingerprint Section and supervised by Danny W. Greathouse

**EVIDENCE COLLECTED:**

- 01 20 grams of cardiac blood clots, 5 ml of bile, 49 grams of lung, 36 grams of liver, 23 grams of spleen and 23 grams of kidney for toxicology.
- 02 Lung apices for volatiles.
- 03 Left rib, 43 grams of heart and 46 grams of psoas for possible DNA studies.
- 04 Fragments of clothing in tin can.
- 05 Tissues sections in formalin for microscopy
- 06 Smears from trachea
- 07 Clothing material
- 08 One bullet, one exploded cartridge and nail
- 09 Multiple photographs including 06 color scene prints and 159 color and slide autopsy prints
- 08 19 radiographs and fluoroscopy

NP/

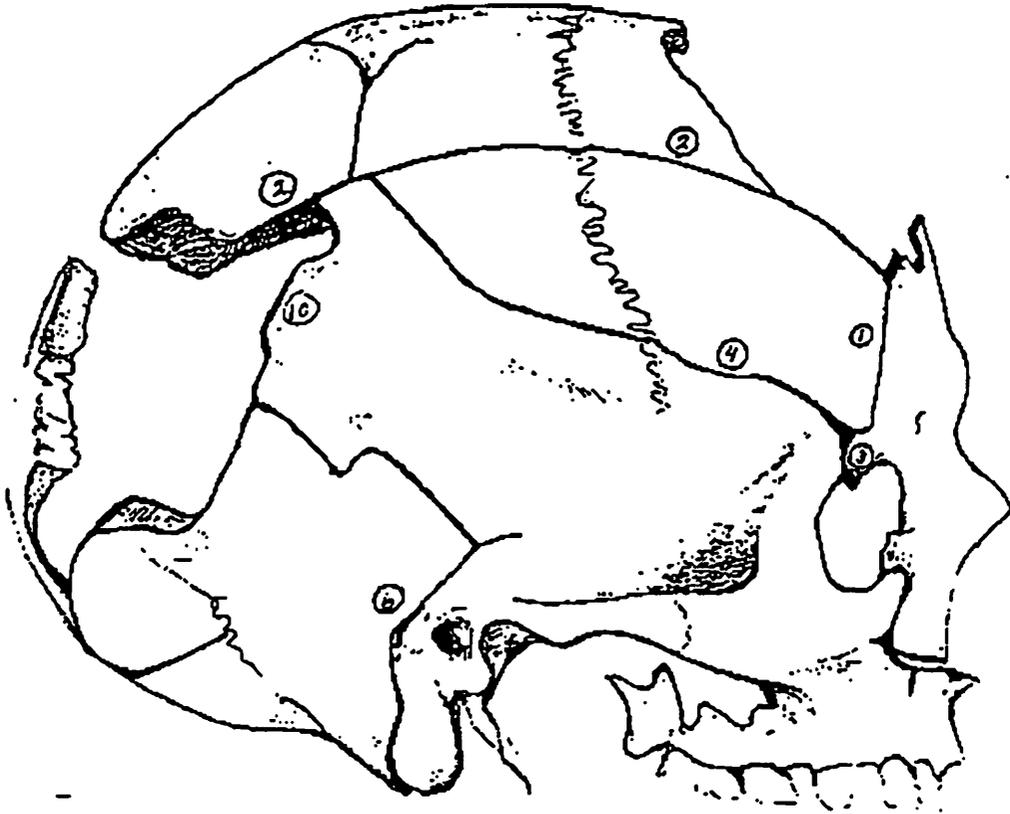
Figure 01



Anterior

Vernon Howell (aka David Koresh): MC Doe 08  
Case No 930009#  
Illustration Page No 1

Figure 02

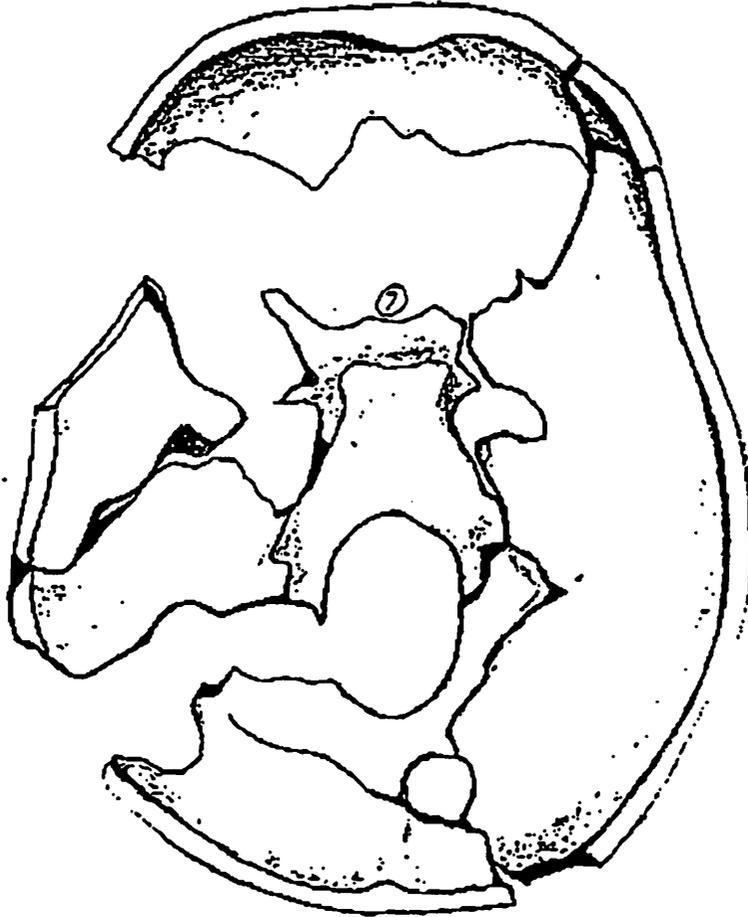


Right Lateral

Vernon Howell (aka David Koresh): MC Doe 08  
Case No 930009#  
Illustration Page No 2

Figure 03

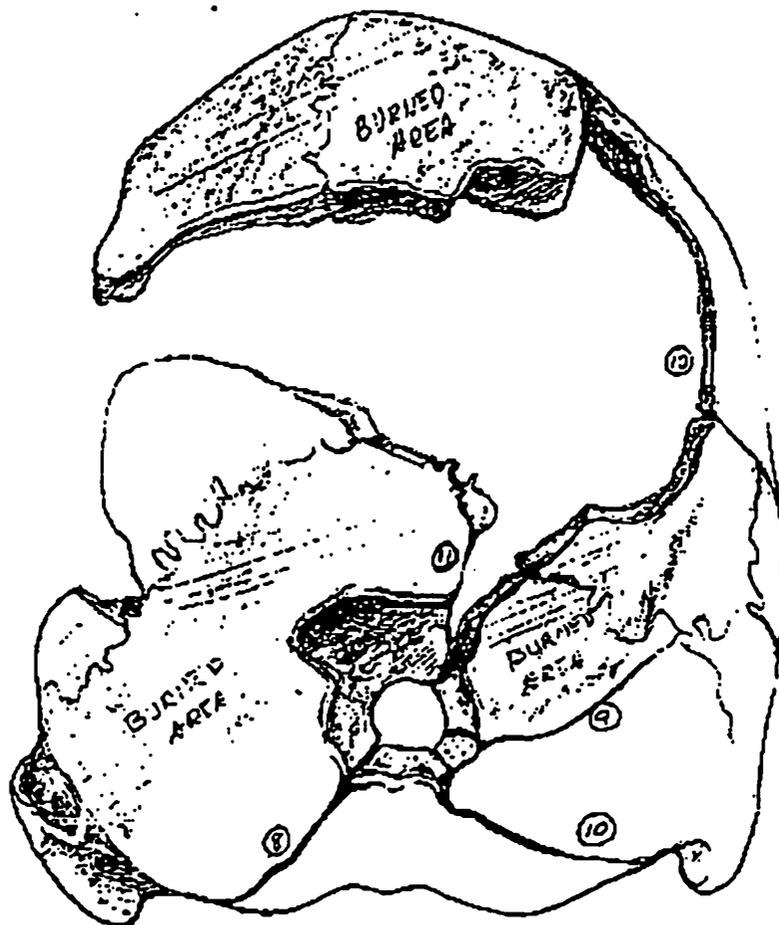
Anterior



Base of Skull

Vernon Howell (aka David Korsh): MC Doe 08  
Case No 930009#  
Illustration Page No 3

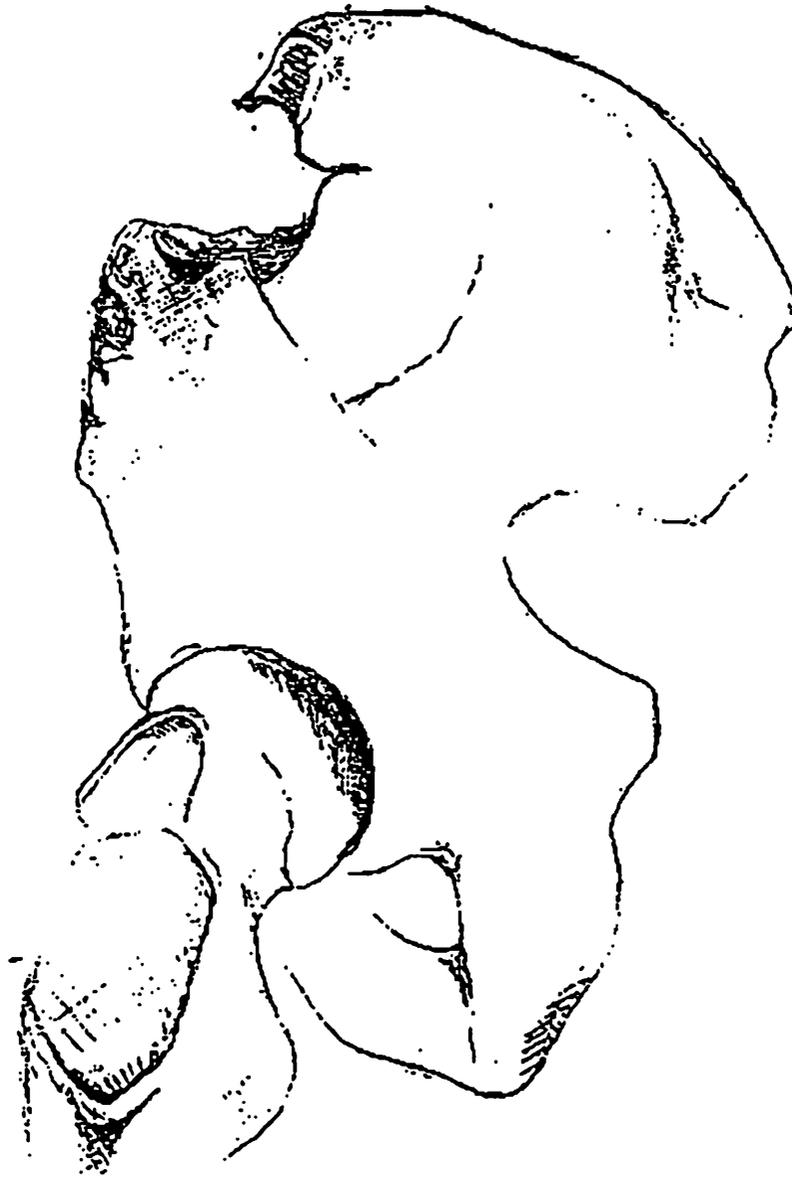
Figure 04



Posterior

Vernon Howell (aka David Korash): MC Doe 08  
Case No 930009#  
Illustration Page No 4

Figure 05



Left innominate and femur

Vernon Howell (aka David Koresh): MC Doe 08  
Case No 930098  
Illustration Page No 5

TOXICOLOGY TEST RESULTS

OFFICE OF CHIEF MEDICAL EXAMINER  
TOXICOLOGY LABORATORY SERVICE  
700 FELIKS GWOZDZ PLACE  
FORT WORTH, TEXAS 76104

NIZAM PEERWANI, M.D., DABFP  
CHIEF MEDICAL EXAMINER  
ANGELA SPRINGFIELD, PH.D., DABFP  
CHIEF TOXICOLOGIST

NAME: M.C. EIGHT  
M.E. CASE NUMBER: 930009#

PRIORITY: 1  
M.E. TOX NUMBER: 930823#-00

BLOOD	ETHANOL	POS	ETHANOL	00.10	GM%
BILE	ETHANOL	POS	ETHANOL	00.14	GM%
BLOOD	CANNABINOIDS-ETS	NEG			
BLOOD	COCAINE-ETS	NEG			
BLOOD	OPIATES-ETS	NEG			
BLOOD	AMPHETAMINE-ETS	NEG			
BLOOD	BARBITUATE-ETS	NEG			
BLOOD	BENZODIAZEPINE-ETS	NEG			
BLOOD	METHADONE-ETS	NEG			
BLOOD	PCP-ETS	NEG			
BLOOD	CARBON MONOXIDE	POS	CARBON MONOXIDE	24.00	%
BLOOD	CYANIDE	NEG			
BLOOD	VOLATILE	NEG			
BLOOD	ABN	NEG			

EVIDENCE TRANSMITTAL DATA

DATE: 05/03/1993 TIME: 14:40  
RELEASED BY: LARRY G. ANDERSON  
RECEIVED BY: BERYL L. LANDRY

APPROVED BY:  
APPROVED DATE: 9/9/1993

*Angela Springfield*

C E R T I F I C A T E   O F   A N A L Y S E S

OFFICE OF CHIEF MEDICAL EXAMINER  
CRIMINALISTICS LABORATORIES  
300 FELIKS GWOZDZ PLACE  
FORT WORTH, TEXAS 76104

NIZAM PEERWANI, M.D., DABFP  
CHIEF MEDICAL EXAMINER  
RONALD L. SINGER, M.S.  
CHIEF CRIMINALIST

F O R E N S I C   C H E M I S T R Y   L A B O R A T O R Y

NAME: MC-08 Koresh, David  
CRIME LAB NUMBER: 930286T

PRIORITY: 1  
M.E. CASE NUMBER: AFC910083+

DATE OF REQUEST: 03 May 1993  
REQUESTED BY: NSP

AGENCY SERVICE NO:

DATE OF COMPLETION: 05 May 1993

COMPLETED BY: D. Davis

EVIDENCE RECEIVED:

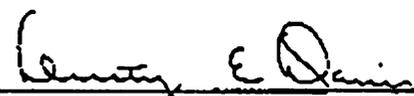
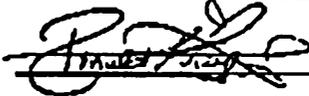
One gunshot residue kit containing swabs marked "Outer surface",  
"Inner Surface" and "Control".

RESULTS:

The chemical elements Barium, Antimony and Lead are components of  
virtually all primer mixes and can be deposited in the track of a  
gunshot wound. These specimens were analyzed by Flameless Atomic  
Absorption analysis for the chemical elements Barium, Antimony and  
Lead.

Significant amounts of Barium, Antimony and Lead were detected on  
swabs from both outer and inner surfaces.

ANALYST: Dusty E. Davis, B.S.

  
\_\_\_\_\_  
  
\_\_\_\_\_

APPROVED BY: Ronald L. Singer, M.S.

APPROVED DATE: 05/05/93

C E R T I F I C A T E   O F   A N A L Y S E S

OFFICE OF CHIEF MEDICAL EXAMINER  
CRIMINALISTICS LABORATORIES  
200 FELIKS GWOZDZ PLACE  
FORT WORTH, TEXAS 76104

NIZAM PEERWANI, M.D., DABFP  
CHIEF MEDICAL EXAMINER  
RONALD L. SINGER, M.S.  
CHIEF CRIMINALIST

F I R E A R M S   L A B O R A T O R Y

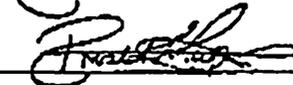
NAME: MC-08  
CRIME LAB NUMBER: 930286T  
M.E. CASE NUMBER: 930083\*  
COMPLETED BY: RLS

RESULTS OF EVALUATIONS:

- (14) One bullet, no rifling
- (15) One exploded cartridge case
- (16) One nail

ANALYST:

APPROVED BY:  
APPROVED DATE: 9/10/83

  
\_\_\_\_\_  
  
\_\_\_\_\_

**C E R T I F I C A T E   O F   A N A L Y S E S**

**OFFICE OF CHIEF MEDICAL EXAMINER  
CRIMINALISTICS LABORATORIES  
200 FELIKS GWOZDZ PLACE  
FORT WORTH, TEXAS 76104**

**NIZAM PEERWANI, M.D., DABFP  
CHIEF MEDICAL EXAMINER  
RONALD L. SINGER, M.S.  
CHIEF CRIMINALIST**

**T R A C E   A N A L Y S I S   L A B O R A T O R Y**

**NAME: David Koresh  
CRIME LAB NUMBER: 930286T**

**PRIORITY: 2  
M.E. CASE NUMBER: 93D083\***

**DATE OF REQUEST: May 3, 1993  
REQUESTED BY: Nizam Peerwani, M.D.**

**DATE OF COMPLETION: September 15, 1993  
COMPLETED BY: Patricia C. Eddings**

**EVIDENCE RECEIVED:**

Item 13. One brown paper bag containing tissue from forehead

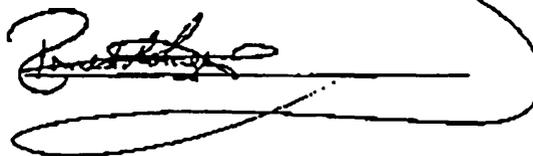
**RESULTS:**

Microscopic examination of the tissue in item #13 revealed the presence of a small greenish particle which was identified by fourier transform infrared spectrometry as gunpowder.

**ANALYST: Patricia C. Eddings  
Senior Trace Analyst**



**APPROVED BY: Ronald L. Singer, M.S.  
Chief Criminalist**



**APPROVED DATE: 10/15/93**

**OFFICE OF CHIEF MEDICAL EXAMINER  
TARRANT, DENTON AND PARKER COUNTIES, TEXAS**

200 Patika Gwoldz Place, Fort Worth, Texas 76104-4818  
(817) 821-4889 FAX(817) 827-6802

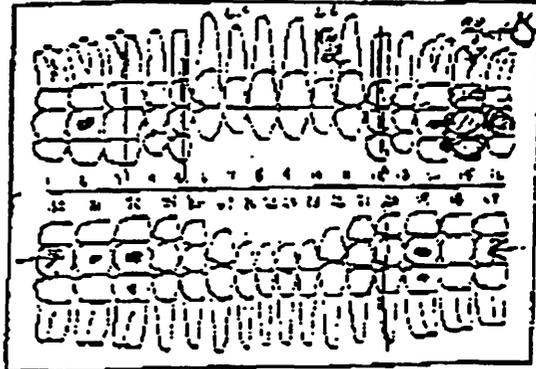
**Dental Examination Record  
POSTMORTEM RECORD**

**M.E. CASE NO.: 930009#, KORESH, DAVID**

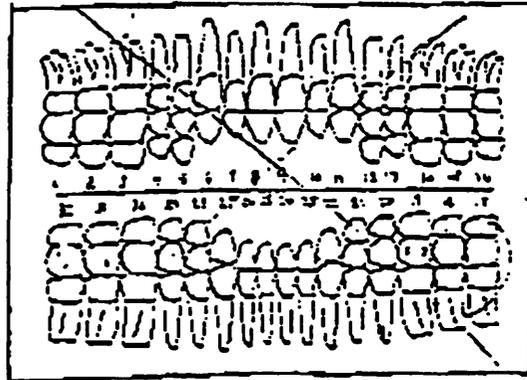
**PLACE OF EXAM: T.C.M.E.  
DATE: 05-02-93**

- |   |                                      |
|---|--------------------------------------|
|   | <b>TOOTH NUMBER</b>                  |
|   | 1. Present, virgin                   |
|   | 2. O-O crosses ridge                 |
|   | 3. Missing                           |
| A | 4. Virgin                            |
| B | 5. Missing                           |
| C | 6. Virgin                            |
| D | 7. Ling. locked & v                  |
| E | 8. Virgin                            |
| F | 9. Virgin                            |
| G | 10. Ling. locked                     |
| H | 11. Virgin                           |
| I | 12. Missing                          |
| J | 13. Virgin                           |
|   | 14. DOL (replacing DL cusp)          |
|   | 15. SSC (or metal w/o amal.)         |
|   | 16. Carious crown, supranumary molar |
|   | 17. Mesial impaction                 |
|   | 18. Virgin                           |
|   | 19. O, 3 pit                         |
| K | 20. Missing                          |
| L | 21. Virgin                           |
| M | 22. Virgin                           |
| N | 23. Virgin                           |
| O | 24. SH B facial inc. chip version V  |
| P | 25. "                                |
| Q | 26. SH Ling version                  |
| R | 27. Virgin                           |
| S | 28. Virgin                           |
|   | 29. Virgin                           |
|   | 30. O with buccal pit                |
|   | 31. O                                |
|   | 32. Mesial impaction                 |

RESTORATIONS & MISSING TEETH



DISEASE & ABNORMALITIES



**CONCLUSIONS:** It is my professional opinion that the radiographs and dental structures of ME#930009# and the dental information provided to me as presenting DAVID KORESH are indeed one of the same.

*[Handwritten Signature]*

**Rodney Crow, D.D.S.  
Director, Identification Services**

**OFFICE OF CHIEF MEDICAL EXAMINER  
TARRANT, DENTON AND PARKER COUNTIES, TEXAS  
200 Fodds Gwodzi Place, Fort Worth, Texas 76104-4810  
(817) 923-4880 FAX(817) 927-8902**

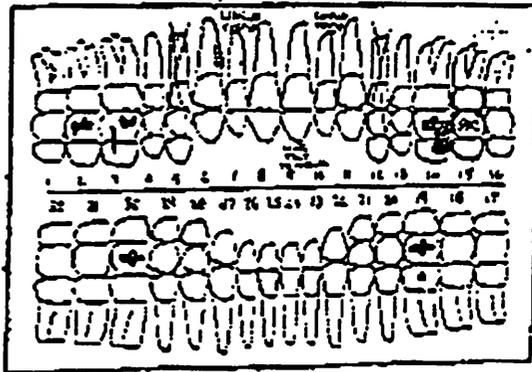
**Dental Examination Record  
ANTEMORTEM RECORD**

**M.E. CASE NO.: 930009#, KORESH, DAVID  
(AKA: VERNON HOWELL)**

**PLACE OF EXAM: T.C.M.E.  
DATE: 05-02-93**

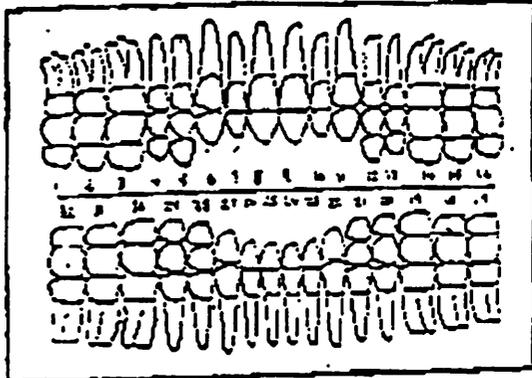
- |   |   |
|---|---|
|   | <b>TOOTH NUMBER</b>                           |
|   | 1. None erupted                               |
|   | 2. O Alloy-Leakage                            |
|   | 3. O Alloy/OL Alloy-narrow                    |
| A | 4. Virgin                                     |
| B | 5. Extracted                                  |
| C | 6. Virgin                                     |
| D | 7. Ling Locked lateral, not in x-bite         |
| E | 8. Most labio version                         |
| F | 9. Ling tilt on mesial                        |
| G | 10. Ling locked lat. not in x-bite            |
| H | 11. Inc. wear facet                           |
| I | 12. Extracted                                 |
| J | 13. Virgin                                    |
|   | 14. DOL Alloy-replace OL cusp                 |
|   | 15. SSC                                       |
|   | 16. None erupted                              |
|   | 17. None erupted                              |
|   | 18. Virgin                                    |
|   | 19. Dove Tail -B Alloy-O Alloyw/recur decayDB |
| K | 20. Virgin                                    |
| L | 21. Virgin                                    |
| M | 22. Virgin                                    |
| N | 23. STT lingual version to central            |
| O | 24. Virgin                                    |
| P | 25. Virgin                                    |
| Q | 26. Slightly lingual version to central       |
| R | 27. Virgin                                    |
| S | 28. Virgin                                    |
|   | 29. Virgin-infra version occ. to 1st bi       |
|   | 30. O-Alloy dove tail                         |
|   | 31. Virgin                                    |
|   | 32. None erupted                              |

RESTORATIONS & MISSING TEETH



SP

DISEASE & ABNORMALITIES



REPORT ON FORENSIC ANTHROPOLOGICAL EXAMINATION OF  
HUMAN REMAINS FROM THE BRANCH DAVIDIAN COMPOUND,  
MOUNT CARMEL, TEXAS

July 9, 1993

Douglas W. Owsley, Curator  
Department of Anthropology, National Museum of Natural History  
Smithsonian Institution, Washington, DC 20560

In collaboration with:

Max Kouck            Office of the Chief Medical Examiner and  
                         Forensic Laboratories  
                         200 Felix Gwozdz Place  
                         Fort Worth, TX 76104

Karin Sandness        )    Department of Anthropology  
Pamela Stone         )    National Museum of Natural History  
R. E. (Chip) Clark   )    Smithsonian Institution  
                         Washington, DC 20560

Emily Craig           )    Department of Anthropology  
William Grant         )    The University of Tennessee  
Theresa Woltanski     )    Knoxville, TN 37996-0720



partial exposure of the rib cage on the right side. An 8.5 x 4.5 inch area of the left abdominal wall surface is nearly totally destroyed. A like area destroyed on the right side is 8.0 x 3.5 inches. The extremely charred remnants of male genitalia are present.

The upper left arm is almost totally incinerated. The humeral head is exposed, and a seven-inch-long fragment of the humerus remains. The upper right arm consists of a fragment ten inches long, and a six-inch segment of the right forearm is also present, with residual fragments of the radius and ulna. The right elbow joint shows heat fracturing. There is extensive charring of soft tissue. A 6.5-inch segment of the left forearm is also present, with radius, ulna, and associated soft tissue. Extreme heat-related damage and charring of the soft and bony tissues are evident.

The head sustained massive trauma. The cranium is fractured, with portions of the frontal, posterior left and right parietals, left and right temporals, left zygomatic, and sphenoid broken and/or burned away. A complete mandible and hyoid are present. Damage to the soft tissue of the interior neck is extensive, with partial destruction of the mid-portion of the extra-thoracic trachea. The epiglottis is intact.

The back exhibits extensive charring, with partial destruction of the right lateral chest wall and exposure of some of the ribs. Present are the sternum, all left and right ribs, the left and right scapulae (the left acromion has the dorsal surface burned

away), all vertebrae, the sacrum, and the left and right innominates (the left iliac crest, ischial tuberosity, and superior portion of the pubis are burned away).

Sex: The skull shows moderate development of the supraorbital ridges and a slope of the frontal bone that is typically male. The prominent supramastoid crest and well-defined mastoid processes are also male characteristics, and the overall size of the skull is consistent with male.

The pelvis displays a narrow sciatic notch, a broad ischiopubic ramus, no ventral arc, and no subpubic concavity. The auricular surface is not raised. These characteristics indicate that sex is male. The maximum diameter of the right femoral head, with intact articular cartilage, is 52 mm, which is well within the male range of measurements. The presence of external male genitalia confirm the assessment based on bone morphology.

Age: The incisive sutures of the maxillae are visible and appear to be partially closed. Both the intermaxillary and transverse palatine sutures are visible and open. (The greater palatine needs to be cleaned for closer examination.) The lambdoidal suture is open both endocranially and ectocranially.

The vertebral centra show no significant arthritic changes. The auricular surface of the pelvis is fairly smooth, although some billowing is present. There is no visible porosity, and there are no striations; however, there is slight retroauricular surface development. The left and right ilia show translucent areas. For

both left and right innominates, the pubic symphysis is intact and provides another clue to age, which is estimated at 30-35 years.

Race: Several characteristics of the skull indicate that race is Caucasian. These features include a narrow interorbital distance, a steep angle of the nasal bones, a narrow nasal width, a prominent nasal spine, and a well-defined nasal sill. The overall view of the facial profile does not show alveolar prognathism. Further, the shape of the zygomaxillary suture, the V-shaped palate, and the shape of the orbits are all consistent with designation as Caucasian. The maxillary central incisors are not shovel-shaped (trait sometimes displayed by Native Americans).

Stature: Estimation is not feasible.

Trauma:

Summary: The point of entry of a gunshot wound to the head was in the frontal bone, with the exit through the occipital inferior to, and to the right of, the external occipital protuberance. This wound represents perimortem trauma and probable cause of death.

In addition, the anterior third of the left ilium displays evidence of an antemortem gunshot wound, and the greater trochanter of the left femur has a postmortem wound that is consistent with shrapnel, possibly from a hand grenade.

The right rib 10 has a heat-related fracture on the ventral surface.

Perimortem Trauma: The skull was fragmented into multiple large pieces. Although several pieces were missing and others were

distorted by fire or trauma, it was possible to reconstruct the skull for detailed examination. Missing are large sections of the frontal and left parietal, the squamosal portion of the left temporal, and small sections of the posterior right parietal. (See illustrations [prepared by Emily Craig] and photographs.)

The gunshot entrance wound in the mid-frontal does not show charring around the defect (the inferior half of the entrance wound is present for examination), but the exit wound in the right occipital is charred around the left, superior, and right margins. The inferior border of the exit wound does not show significant charring. This observation clearly establishes that the gunshot wound occurred prior to burning because the bone fragments separated and were exposed differentially to the fire. The charring on the superior and left margins of the exit wound show burning of the diploe. The degree of charring on the occipital is not extensive, and the depth of burning on the outer surface would not have caused the amount of charring exhibited in the exposed diploe if the outer table had been intact at the time of burning. Exfoliation and external beveling of the outer table resulted from a gunshot wound that exposed the diploe to burning and resulted in blackening and scorching of the bone.

The gunshot entrance wound on the frontal is slightly to the right of the mid-sagittal line (Fig. 1). It is a circular opening, but only the lower half is present. It shows classic internal beveling. The transverse width of the opening is 13 mm. Radiating fracture lines extend laterally to both the left and right sides,

approaching the zygofrontal sutures. The right fracture line (designated #1 in illustrations) bifurcates 16 mm to the right of the opening, with one branch (#2) traveling superiorly and posteriorly across the coronal suture and into the burned area of the right parietal. This right primary fracture line bifurcates again near the zygofrontal suture, and the main branch (#3) terminates in the eye orbit. A secondary fracture line (#4) extends posteriorly across the coronal suture into the right parietal, then superiorly to terminate in the previously described secondary fracture line (#2). The fracture line extending laterally to the left of the circular opening (#5) terminates near the left zygofrontal suture where an area has been burned away.

The right lateral view shows a fracture line (#6) that extends through the mastoid process, into the posterior squamous of the right temporal, and into the burned area of the right parietal (Fig. 2). The base of the skull shows separation of the facial bones from the sphenoid anterior to sella turcica in the area of the sphenoid sinus (#7). This fragment includes the basilar portion of the occipital, with bilateral posterior separation occurring immediately posterior to the occipital condyles (Fig. 3).

Both maxillary bones are also fractured (LF).

The exit wound in the occipital is located 30 mm superior to opisthion and slightly to the right of the mid-sagittal line. The opening is circular and larger than the entrance wound in the frontal. The opening in the endocranial surface is 14 mm, superiorly and inferiorly. Because of traumatic and fire-related

distortion of the skull, it was not possible to re-approximate all of the skull fragments simultaneously. As a result, the margins of the circular opening in the final stage of fixation can be identified but cannot be placed in their correct anatomical position. The opening was unmistakably identifiable as circular during the reconstruction process, and Figure 4 shows this configuration.

The exit wound is surrounded by external beveling of the diploe and outer table. The defect in the outer table measures 47 mm superiorly and inferiorly. This beveling was caused by the trajectory of the projectile, which produced avulsion of the outer table and part of the diploe (consistent with an exit wound). Loss of the outer table is most pronounced in the area of the external occipital protuberance superior and to the left of the exit wound. Four radiating fractures extend from the opening, one traveling to the left and inferiorly toward the mastoid area of the temporal (#8). A second fracture line radiates laterally into the sutures at approximately the area of asterion (#9), and a third travels to the right and inferiorly toward the right mastoid process (#10). It intersects the previously described fracture that separates the right mastoid process and travels superiorly into the right parietal and temporal (#6). This fracture line then continues into the burned area of the right parietal, terminating in the superior fracture line (#2) that originates in the frontal and crosses the coronal suture into the right parietal. This fracture pattern

confirms that the point of entry of the projectile was on the frontal.

Fracture #10, which originates in the occipital, travels through the right temporal and ultimately terminates in fracture #2, showing that the frontal bone fractures occurred first in the sequence. Another radiating fracture extends superiorly from the right superior margin of the exit wound into the burned and missing area of the right parietal (#11).

Antemortem Trauma: The left innominate (Fig. 5) has an antemortem gunshot wound in the anterior one third of the ilium. The projectile entered the external surface of the ilium and traveled posteriorly, causing internal exfoliation of the cortex, which produced an adhering bone flap on the internal surface. The lower projectile then exited from the posterior lateral side of the lower back. A large fragment of bone was removed by this projectile. The bone fragment measures approximately 43 mm antero-posteriorly. Some of the ilium is also displaced on the lateral surface along the inferior margin of the defect.

Postmortem Trauma: A radiograph of the pelvic region of MC-08 revealed a radiopaque object in the greater trochanter of the left femur. This area was dissected, and a fragment of what appears to be shrapnel from a hand grenade was removed. This wound apparently occurred postmortem.

Visual examination of the thoracic region revealed a heat-related fracture on the ventral surface of the right tenth rib. This trauma also appears to have occurred postmortem.

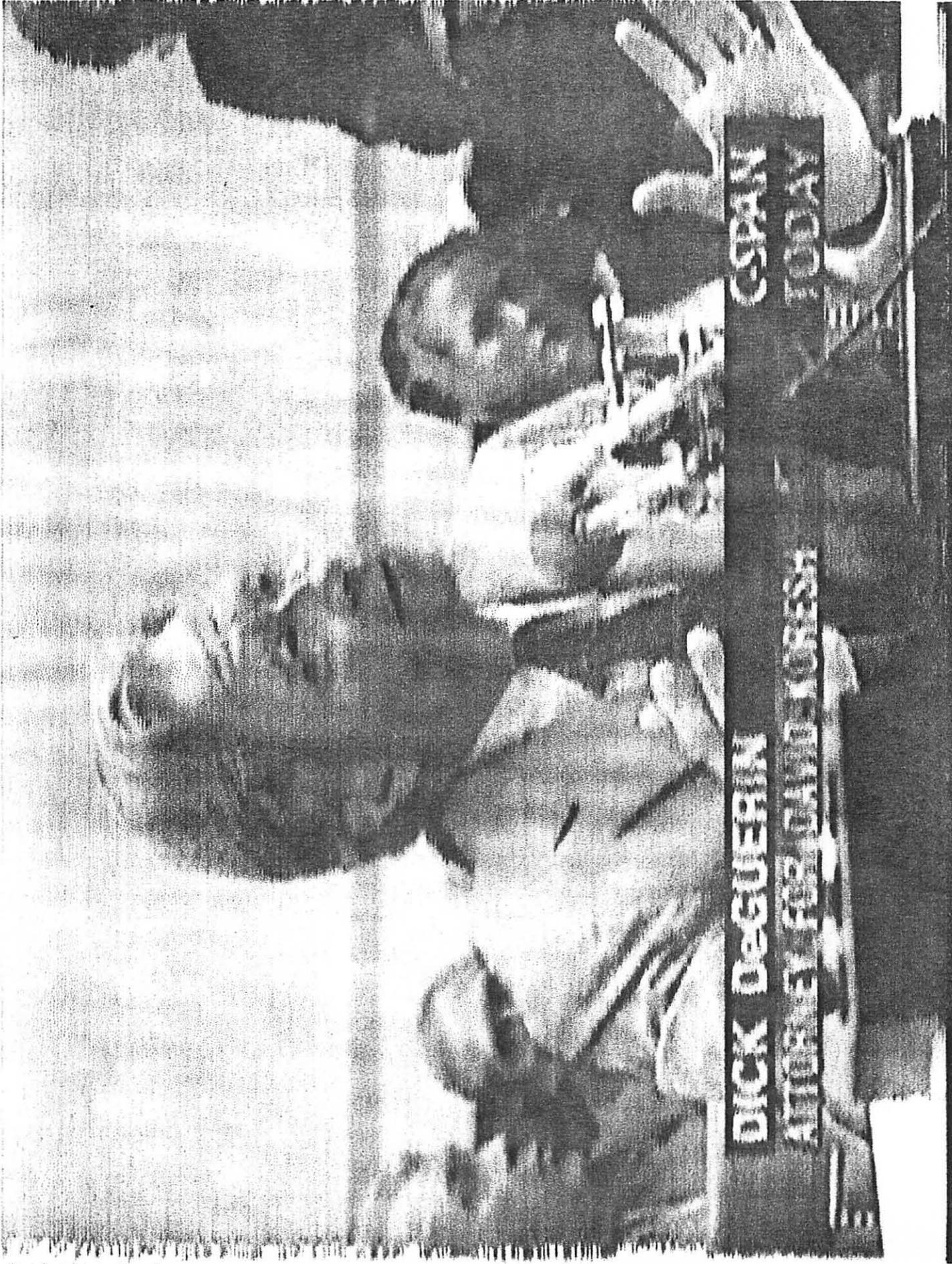
Pathology/Anomalies: The sacrum is large and has six segments instead of the usual five. The posterior inferior surface shows a cleft involving the lower two segments.

Five lumbar vertebrae are present, the fifth of which exhibits bilateral spondylolysis (separated neural arch), a condition that could have caused lower back problems.

The acromion of the right scapula has an os acromiale.

Fire Damage: Some areas of the skull are charred and blackened, including the left zygomatic, left frontal, squamous portion of the left temporal, left parietal, superior and posterior portions of the right parietal, squamous portion of the occipital, and lower inferior portion of the left mandibular ramus. The mandibular maxillary teeth are intact and not burned, with the exception of some fire damage to the left maxillary third molar that resulted in loss of the crown.

The burned areas of the skull are localized and include the left side, the left and right parietals, and the superior two thirds of the occipital. The endocranial surface of the left and right parietals is burned along the sagittal suture. The pattern of ectocranial and endocranial burning on these bones indicates early separation of the large parietal fragments. Not burned are the face, with the exception of the left malar and the left frontal above the eye orbit, the mandible, except on the lower left ramus, and the right side of the skull, with the exception of the right parietal.



CSRAV  
TODAY

DICK DEGUERNIN  
ATTORNEY FOR DANIEL J. ROSE

## PREPARED STATEMENT OF DICK DEGLERIN, LAWYER FOR DAVID KORESH

## TO THE CHAIRMEN AND THE COMMITTEES:

INTRODUCTION

I am proud to be a criminal defense lawyer. I am in the business of helping people in trouble. On February 28th, 1993, and for fifty-one days after that, there was no one in the United States in more trouble than David Koresh, so when his mother, Bonnie Haldeman, asked me to help her son I agreed to do it.

FIRST STEPS - CONTACT WITH FBI

Often a lawyer is hired by family members or friends of a person in trouble; often the person is unable to make the phone call himself. Sometimes a person has not yet been arrested. It's the duty of the lawyer in such a situation to establish communication with his client and to arrange a safe surrender into custody; it is also the lawyer's duty to find out as much as he can about the client, the circumstances of the crime, and the facts of the case. I arranged to meet Bonnie Haldeman in Waco to take her with me when I went to the FBI command post to ask for access to David Koresh. Mindful of the numerous lawyers swarming around Waco, I wanted Bonnie with me to prove my credentials as authorized to represent her son.

I received a polite, but firm, "Don't call us -- we'll call you" from the FBI. So I filed a petition for writ of habeas corpus in the Federal Court in Waco seeking only access to Koresh. In the meantime I corresponded (See, Exhibits 1 - 5) with Special Agent-in-Charge Jeffery Jamar in an effort to convince him that we had parallel interests: the FBI wanted a safe and peaceful resolution, with Koresh in custody, and I wanted my client to survive and get into court.

### MARCH 28 - FBI CONTACTS ME

On March 28th, after the district court denied habeas corpus and before I was able to appeal to the Court of Appeals in New Orleans, Mr. Jamar and the FBI contacted me and told me they would put me in touch with David Koresh, first by telephone hookup, and then, perhaps, in a face-to-face meeting.

### MARCH 28 - FIRST CONTACT WITH KORESH

On the evening of March 28th, I talked with David Koresh on the telephone and recorded our conversation. To my pleasant surprise, I found him reasonable, rational, and with a good understanding of his predicament. He wanted my help and I agreed to come to Waco to meet with him.

On Monday, March 29th, I travelled to Waco and to the FBI command center where I was again allowed to speak to David Koresh on the telephone. We arranged to meet face-to-face that afternoon.

### RELATIONSHIP WITH FBI

I must say that the FBI agents with whom I met were cordial, polite and respectful. They included Special Agent-in-Charge Jeffery Jamar, Special Agent-in-Charge Bob Ricks, Assistant Special Agent-in-Charge Byron Sage, and Special Agent Clint Van Zandt, among others. I realized there was probably strong internal debate within the FBI about Mr. Jamar's decision to allow me, a criminal defense lawyer, to go to Mount Carmel; criminal defense lawyers are not too popular with most FBI agents. It was a courageous and correct decision on Mr. Jamar's part, and I believe he made that decision because he understood that my advice to Koresh would be to peacefully surrender to the warrant.

### MARCH 29 - FACE-TO-FACE WITH KORESH

In the afternoon of March 29, I met with David Koresh, Steve Schneider, and Wayne Martin, at the front door of Mount Carmel. I was taken to within 100 yards of the front door in the back of a Bradley tank, accompanied by Agent Sage. I met with Koresh, Schneider and Martin for about two hours and discussed their predicament and the facts of the raid. I was able to observe at length the front door, (See, Photo Exhibits 6 - 9) the front area of Mount Carmel, and the approach to it. I saw the bullet damage to the building in some detail. The thrust of my meeting on the 29th was to establish trust between David and myself, as well as any other persons at Mount Carmel. I obtained a handwritten Power of Attorney. (See, Exhibit 11) The meeting went well and in my discussions with Mr. Jamar, Mr. Ricks, and Mr. Sage, we agreed that I would return the next day, go inside the building, and meet further.

### MARCH 30 - INSIDE MOUNT CARMEL - MEETING THE CHILDREN

On Tuesday morning, March 30th, I went inside Mount Carmel and met many of the Branch Davidians, including David's ceremonial wife and their son, Cyrus, as well as David's other children and their mothers. They were beautiful kids. I talked with witnesses about the raid on February 28th and was shown around the building. (See, Exhibit 10) The FBI had instructed me I must leave the building at noon but could return in the afternoon. I used the noon break to request a meeting with Sheriff Harwell so I could learn, and pass onto David and the others, what the circumstances of their confinement would be when they surrendered. I want to emphasize I was not negotiating terms, simply finding out the facts so I could advise David and the others. After meeting with Sheriff Harwell I returned for an afternoon session and was treated to a Bible lesson by David and intense discussions about their situation.

### MARCH 31 - INSIDE MOUNT CARMEL - INTENSE DISCUSSIONS

On Wednesday the 31st, I again went into Mount Carmel. In the morning David was too sick from his wounds to participate in the discussions I had with Steve Schneider and Wayne Martin. After the lunch break I went back in and had more intense discussions. At one point I thought we were on the verge of a real breakthrough and he would walk out with me that day. He saw the logic and utility of doing so but seemed to collapse in his inability to make me understand that he and the other Davidians saw no difference between theology and reality. That afternoon I expressed my frustration to members of the FBI negotiating team but at the same time my optimism that a peaceful surrender would occur.

### CONDITIONS OF SURRENDER - NO ATF AGENTS

In my discussions with the FBI I wanted to learn exactly what would happen when Koresh and the others surrendered. Although I did not negotiate terms, one thing was clear: neither Koresh nor the others would surrender to the ATF. Furthermore, I was concerned that if the ATF were given any authority following the surrender the integrity of the scene could not be trusted. In simple terms, I thought it likely that the ATF would "salt" the scene with incriminating evidence. I expressed these concerns to the FBI, and to the Texas Rangers. Ultimately, I was assured that the ATF would have no responsibility in the surrender or in the investigation that followed except for an ATF bomb expert to "sweep" the building following the surrender and that even then the expert would be accompanied by a Texas Ranger to ensure the integrity of the scene.

### SURRENDER TO THE TEXAS RANGERS

I was glad that the Texas Rangers had been called to participate in the investigation. The FBI told me that the Rangers would have complete authority and that neither the FBI nor the ATF would have any responsibility in investigating the deaths of the four ATF agents on February 28th and the wounding of the others; rather, the Rangers would have such responsibility. I passed this on to David and the others and they likewise were relieved. I proposed to David that he surrender to a Texas Ranger. I talked with Capt. Maurice Cook about the prospect of having a Texas Ranger walk up to Mount Carmel with me and accept David's surrender. Capt. Cook was agreeable but cautioned me that the authority for that must come from the FBI. I proposed it to Jamar and Ricks but did not receive an enthusiastic response. In fairness to them, they did not reject it, either.

### APRIL 1 - INSIDE MOUNT CARMEL WITH JACK ZIMMERMANN WITNESS INTERVIEWS, VIEW OF THE SCENE GUNFIRE FROM THE HELICOPTERS

On April the 1st Jack Zimmermann accompanied me to Mount Carmel. We remained inside all day and Jack and I together toured the building to inspect the damage and to see for ourselves the people there and to interview witnesses. I walked through the entire building and saw the interior of most of the rooms. I was in the attic between the front and the gymnasium; I saw the bullet holes in the ceiling of David's fourth floor bedroom -- made by the gunfire from the helicopters; I saw the "gun room" where a firefight had taken place; I saw bullet holes in almost every room; and almost every window on the front of the building had been shot out. I saw the women, the children, and the elderly. I saw among them a sense of serenity.

### I THREATEN TO RESIGN

David, Steve Schneider and Wayne Martin promised us that they would have some word on when they would "come out" after Passover. I was frustrated and could not understand why David and the others would not come out now. I was so frustrated that I returned the Power of Attorney to David and told him if he didn't take my advice I couldn't be his lawyer. The meeting ended that day with David asking me not to resign as his lawyer and I told him I would think it over.

### RELIGIOUS EXPERTS - DR. PHIL ARNOLD AND DR. JAMES TABOR

During the week I met several times with Dr. Philip Arnold and spoke with Dr. James Tabor. Drs. Arnold and Tabor had been trying to get the FBI to listen to their knowledge about the Branch Davidians. Both had studied unconventional religions. I consulted often with Dr. Arnold in an effort to understand David. Dr. Arnold

was very helpful. After reconsidering my "threat" to resign, I realized that it was unfair for me to demand an absolute date of surrender under threat of resignation and I asked the FBI to allow me to return to Mount Carmel and to speak with David one more time.

#### APRIL 4 - LAST FACE-TO-FACE MEETING

On April 4th, Jack Zimmermann and I returned, had an excellent meeting and resolved that we would remain as David Koresh and Steve Schneider's lawyers. We were to return following Passover.

#### APRIL 14 - A MAJOR BREAKTHROUGH

On April 13th and 14th, Jack Zimmermann and I returned to Waco and talked on the telephone with Steve Schneider. On the 14th, Schneider told us that there had been a major breakthrough, that David Koresh had received the "message from God" he had been waiting for and that everyone at Mount Carmel was relieved and joyous to know that the standoff would be resolved within a few days. David was to complete his manuscript interpreting the Seven Seals of the Book of Revelations and upon completing it he would surrender and go into the criminal justice system. He put this promise in writing. (See, Exhibit No. 12) I delivered a copy of this letter to the FBI and to Tabor and Arnold, who likewise saw it as a major breakthrough. I was relieved that I could now concentrate on preparing his defense because I believed that he would soon complete his tasks and surrender into custody. We worked out the details of how that would occur. In my last conversation with Agents Jamar and Ricks I told them that I was sorry that David was not to surrender today but that I believed he was sincere about surrendering once the manuscript was complete. Bob Ricks expressed some impatience, but Jamar shushed him and said, "We have all the time it takes."

#### APRIL 19 - THE FINAL ASSAULT

On April 19th, I was in far north Texas when I learned that the tanks had started an assault on Mount Carmel inserting CS gas. I called the FBI command center and offered to come back to Waco, to go back into Mount Carmel and try to get David to come out immediately. I was told I would not be needed. I left Denton anyway but by the time I got to Waco, Mount Carmel had burned to the ground.

#### INTERVIEWS WITH SURVIVORS

I interviewed several of the survivors in the McLennan County Jail and was told by each of them that they had been overjoyed at the prospect that David had received his message from God and that the standoff would soon be over. Ruth Riddle told me that the manuscript he was working on had been put by her on a floppy disc which she kept in her coat when she escaped from the fire. At my

request the Texas Rangers retrieved that disc and, sure enough, it contains David's work. He was on his way to completing the task when the final assault occurred. I was also told by the survivors I talked to, and through the lawyers for other survivors, that there was no plan for mass suicide, that they believed the fire started accidentally, and that most of the people on the inside were trapped by the rubble. I was told that the last few hours was pandemonium; that there was praying and screaming and a desperate attempt to avoid the effects of the gas, but I was also told that the strong armed tactics simply served to strengthen their resolve to remain in their home.

I was told in my interviews that the first gunfire came from the helicopters and that the helicopters strafed the building. I saw evidence of that and can tell you about it. I was told that David came to the front door on February 28th and was met by a hail of gunfire from the ATF agents. I saw evidence of that and can report that to you.

#### CONCLUSION - A PREVENTABLE TRAGEDY

I saw in David Koresh not a person who was insane, a person who was deeply committed and sincere about his religious beliefs. I do not seek to sanitize or to justify his actions, but I believe that the tragedy at Waco could have been avoided. I believe that the ATF, with their plans for a military assault against a building that held over a hundred innocent people should be held accountable for the deaths of their own agents as well as the Davidians who died in that original assault. The ATF's use of excessive force created the original tragedy on February 28th. I believe that the final tragedy could have been avoided had the FBI and the Justice Department not resorted to the tank and tear gas assault, but had waited until David and his followers came out voluntarily.

Finally, I believe that only by a careful and open examination of the tragedies and lessons of Waco can we restore confidence in our Government and our law enforcement agencies. We must be able to trust and control these agencies; and we must have confidence that investigations will be fair, just and result in discipline for those responsible. Otherwise the tragedy of Waco will happen again.

**DEGUERIN & DICKSON**

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DICK DEGUERIN  
LEWIS DICKSON  
CHRIS FLOOD  
MATT HENNESSY

AREA CODE 713  
TELEPHONE 223-9989  
FACSIMILE 223-6231

March 11, 1993

Sent by Facsimile to 512-346-5265

Austin Office of the F.B.I.

Jeff Jamar  
Special Agent In Charge  
Federal Bureau of Investigation  
San Antonio, Texas

Dear Agent Jamar:

I've been asked by Mrs. Haldeman, the mother of David Koresh (formerly Vernon Howell), to represent her son and to advise him regarding his legal difficulties. I need to meet with my client immediately. Last night Mrs. Haldeman and I came to the Command Post located at the former Air Force base and spoke with Agent Bob Zain of the F.B.I. and Agent Christ Heart of the Alcohol, Tobacco and Firearms Division of the Treasury Department who told me that you requested that I write this letter.

I need to meet with Mr. Koresh immediately. In order to be fully informed about the legal difficulties he faces, I request that you inform me of any pending or contemplated federal or state charges against him. I am available and willing to go into the compound at Mt. Carmel in order to meet with him right away.

I can be reached through my office in Houston at 713-223-5959. While in Waco I am temporarily staying at the Hilton Inn, 817-754-8484, Room 1001, and I have a cellular phone through which I may be reached at 713-824-6210.

Please let me have your earliest response.

Yours very truly,

Dick DeGuerin

DD/ejd

cc: Bill Johnston  
Assistant United States Attorney  
Waco Division  
Sent by Facsimile to 817-757-6244

DICK DEGUERIN  
LEWIS DICKSON  
CHRIS FLOOD

DEGUERIN & DICKSON  
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TELEPHONE 223-8888  
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March 13, 1993

Sent by Facsimile to 512-346-5265  
Austin Division of the F.B.I.

Jeff Jamar  
Special Agent in Charge  
Federal Bureau of Investigation  
San Antonio, Texas

Re: David Koresh (formerly Vernon Howell)

Dear Special Agent Jamar:

I called you this morning to inquire as follows:

- (1) Whether you had told my client, David Koresh, that his mother, Bonnie Haldeman, had engaged me to represent him, as you assured me you would do as soon as the F.B.I. was in contact with Mr. Koresh;
- (2) if so, what his response was; and
- (3) whether you maintain your position that you will not allow access between Mr. Koresh and me as his counsel.

I received a message from you that I should direct any inquiry through the United States Attorney's Office rather than you, and you left the name of Assistant U. S. Attorney John Phinitzy and the phone number of 817-757-6245. As soon as I got this message I called Mr. Phinitzy and told him what inquiries I would like to have made to or through you. Shortly after that, I received a call from John Convery, an Assistant U. S. Attorney, who told me that I should deal directly with you and that if you told me to deal with the United States Attorney's Office you were wrong.

I want to maintain a reasonable line of communication between myself and whomever can or will authorize contact between me and my client. I don't want to be passed back and forth between you and the United States Attorney's Office like a hot potato. As in any criminal case, an attorney representing a client sometimes deals with the authorities (the law enforcement agency and/or the prosecutor's office) or requests relief from the court, or both.

Jeff Jamar, Special Agent in Charge, F.B.I.  
Re: David Koresh (formerly Vernon Howell)  
March 13, 1993  
Page 2

I intend to do both. I do not believe in running to the media as an alternative to the work a lawyer has to do. I have dealt with you in good faith, and I simply request that you do the same.

I ask that you and the United States Attorney's Office decide who is authorized to deal with me and maintain that line of communication. I don't seek to interfere in your duties; I only seek to discharge my responsibilities to my client.

Please respond.

Yours very truly,



Dick DeGuerin

DD/ejd

cc: Sent by Facsimile to 817-757-6244  
Mr. John Phinitzy, AUSA  
Mr. John Convery, AUSA  
Mr. Mark Frazier, AUSA  
Waco Division, U. S. Attorney's Office

DICK DEGUERIN  
LEWIS DICKSON  
CHRIS FLOOD

DEGUERIN & DICKSON  
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FACSIMILE 223-8831

March 19, 1993

- SENT VIA FACSIMILE -

Jeff Jamar  
Special Agent In Charge  
Federal Bureau of Investigation  
Austin, Texas 78759

Re: David Koresh

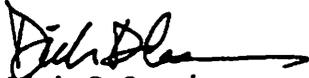
Dear Agent Jamar:

I understand from the news conference this morning that your agents have delivered to the inside of the compound several letters from lawyers or family members directed to those inside the compound. I am enclosing a letter that I wish to have delivered to David Koresh.

I have been attempting to deal with you in good faith and without complaining to the media. Whatever complaints I have, I intend to direct to the Court or to you directly. It is for that reason that I am very disappointed that you have failed to contact me to give me the opportunity to correspond with Mr. Koresh, even though you are aware that his mother has engaged me to represent him and that I want to communicate with him. I hope this isn't an indication that you are attempting to freeze me out. I need only reiterate that perhaps the most common way an attorney is engaged for a defendant is by a family member, as I was in this case, to emphasize that I have a legitimate standing and obligation as Mr. Koresh's attorney unless and until he personally makes known to me that he rejects my representation.

That said, I request that you deliver the attached letter to Mr. Koresh.

Yours very truly,

  
Dick DeGuerin

DD:kl  
Enclosure

cc: John Convery (via facsimile)  
Assistant U.S. Attorney

Jack Zimmerman (via facsimile)

DICK DEGUERIN  
LEWIS DICKSON  
CHRIS FLOOD  
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TELEPHONE 223-8858  
FACSIMILE 223-6231

March 24, 1993

Sent by Facsimile to 512-346-5265  
Austin Division of the F.B.I.

Jeff Jamar  
Special Agent in Charge  
Federal Bureau of Investigation  
San Antonio, Texas

Re: David Koresh

Dear Agent Jamar:

Has my letter to David Koresh, dated March 19, 1993, been delivered to him? If so, when was it delivered? What was his response? I would appreciate hearing from you.

I stand ready to assist in any way I can, consistent with my responsibilities to my client, to bring this intolerable situation to a peaceful resolution. I believe, as do Jack Zimmerman, Jim Levine and other responsible lawyers retained by families of persons inside Mount Carmel, that competent advice from a lawyer can only serve to reassure those inside the compound that they will have their day in court and that their rights would be protected. I think they need to hear this from their own lawyers.

Please respond.

Yours very truly,

Dick DeGuerin

DD/ejd

cc: John Convery (via facsimile)  
Assistant U. S. Attorney

Jack Zimmerman (via facsimile)

DICK DEGUERIN  
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FACSIMILE 223-0231

April 7, 1993

Via Facsimile (210) 978-5380

Mr. Jeff Jamar  
Special Agent in Charge  
Federal Bureau of Investigation  
San Antonio, Texas

Dear Mr. Jamar:

Please take this as simply a personal note of appreciation for the professional manner and courtesy with which you, Bob Ricks and Byron Sage, have treated me. In that same vein, and with no offense intended, I pass along the enclosed cartoon from the New Yorker of March 8.

Sincerely yours,

  
Dick DeGuerin

DD/psp



*"Has anyone considered that maybe his dress was a disguise?"*



**PREPARED STATEMENT OF JACK B. ZIMMERMANN, ATTORNEY FOR STEVE SCHNEIDER**

**ZIMMERMANN & LAVINE, P.C.**

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**JACK B. ZIMMERMANN**  
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TEXAS BOARD OF LEGAL SPECIALIZATION

**Written Opening Statement of  
Jack B. Zimmermann**

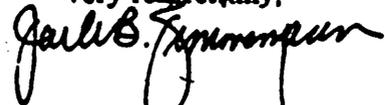
**Dear Members of the Oversight Committees:**

On the afternoon of April 19, 1993, just after the tragic fire, I began calling for Congressional hearings into the conduct of all parties involved in the Waco matter. It is gratifying that you are conducting an investigation, so that this nation can avoid repeating what happened at Mt. Carmel in 1993. As a democratic country, we must learn from these events so that the same result will not occur should there be a similar situation in the future.

Within weeks of the fire, as one of two non-law enforcement, non-Branch Davidians to personally inspect the inside of Mt. Carmel Center and interview Branch Davidians who are now deceased, I wrote down my thoughts in an opinion piece entitled "The Legacy of Waco: The Demise of ATF and FBI Integrity." I recorded my thoughts and observations, fresh in my mind then after only a few weeks had passed, and I made certain predictions.

I choose to use "The Legacy of Waco" as my opening statement here, and will add the enclosed Update, based on events which developed or were released after the original writing in May 1993.

Very respectfully,



Jack B. Zimmermann

JBZ/slm

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TEXAS BOARD OF LEGAL SPECIALIZATION

May 1993

**THE LEGACY OF WACO: THE DEMISE OF ATF AND FBI INTEGRITY**

America was fascinated by what appeared to be a number of "firsts" seen on our television screens from Waco: ATF agents in combat gear smashing a window and entering a building to shoot at people shooting back; media reports that a fellow was claiming to be Jesus Christ, and had over a hundred followers who were resisting calls to surrender; a siege of an American home and church by FBI agents, driving military armored personnel carriers and tanks; the largest encampment of television, radio, newspaper, and magazine reporters in recent memory; men, women, and children leaving the home, with the adults later appearing in jail suits, chained at the wrists, waist, and ankles; a new vocabulary: "compound" instead of home, "cult" instead of religious group, "religious fanatics" led by a "false messiah" instead of dedicated followers of a charismatic teacher; defense lawyers going inside the surrounded home to advise the two leaders of the group to come out; the news that someone was going to reveal the secrets of the Bible's Seven Seals; the image of an American armored tracked vehicle smashing through the living room door of an American home; and the horrible scene of a wooden building containing over 90 human beings consumed by an inferno, with only nine adults able to escape.

These unfortunate mental images raised many questions, but very few satisfactory answers have come to light. On one side, citizens asked: Why did this "cult" exist in the first place? Why did they amass so many weapons and so much ammunition? Were the weapons all legal, or did they in fact convert legal weapons into illegal ones? Why did the men, women, and children remain so under the control of the leader? Why weren't the children sent out once the siege began? Why didn't they all come out when they said they would? Were the lawyers used as a stalling tactic? Was the decoding of the Seven Seals ever begun at all? Did everyone commit mass suicide? Were some people murdered to prevent their escape?

Other citizens asked: Why was it necessary for the ATF to mount a paramilitary assault using automatic weapons and grenades to serve an arrest and search warrant? Why was 9:30 on a Sunday morning chosen as the time of the raid, a time when all adults who worked away from Mt Carmel were at home, as were the school-age children? Why didn't they arrest Koresh on one of his frequent trips to jog or go into town? Why did the ATF shoot five Malamute dogs and let them whine and cry within sight and hearing of the children until their pets eventually died? Why did the FBI use psychological warfare "torture" techniques such as blaring at night sounds of rabbits

being slaughtered or a phone off the hook, at a building containing over two dozen children? Why as the children watched were their bicycles and tricycles crushed by the FBI armored vehicles? Why did the FBI publicly announce that they had all the time that was necessary to resolve the matter peacefully, but then launch a physical assault by armored tracked vehicles tearing away huge portions of the building? Why did the FBI deliver typewriter ribbons on Sunday afternoon so the Seven Seals could be typed, then attack twelve hours later with five minutes warning? Why did the FBI use debilitating CS gas, banned for use by military combatants against enemy soldiers, knowing there were 17 young children inside who were too small to have gas masks that could fit? Why did the FBI need to smash the structural integrity of the clapboard building, collapsing walls, ceilings, and roofs in order to insert CS gas? Did the FBI forget that they had cut off the electricity for over a month, and the light sources inside the building were Coleman camping lanterns burning fuel? Did the FBI forget that bales of hay - which were extremely flammable - were placed at most windows to protect the inhabitants from cold, rain, and wind? Did the FBI not know that the weight of a multi-ton armored vehicle would shake the earth, the flimsy foundation, and the structure of the building itself - especially once it penetrated the building? Did the FBI forget that there were dozens of one-gallon cans of lantern fuel, a generator with stored fuel, and other flammable liquids and propane gas inside? Did the FBI not calculate that a spark from the armored vehicle crushing metal inside the building, or knocking over a lighted lantern, would immediately start fires wherever the sparks flew? Did the FBI forget to calculate the effect on a small flame of 30 mile per hour winds whipping through gaping holes in the structure? Did the FBI, which had placed the hospitals, the neighbors, and the media encampment on alert, forget to bring the fire department up before running the risk of fire? Why was the fire completely out of control before fire trucks arrived? Once the stair wells collapsed, and people were trapped in the upstairs interior rooms, how were they supposed to exit to avoid the CS gas, even if they wanted to and no fire existed? Why was the building destroyed? Why did the children die?

Some of these questions can never be answered. To me, as an American citizen, there are even more troubling questions: Was there enough danger to society posed by the Branch Davidians to justify a military assault, or did their "offbeat" religious voices subject them to a different test by the authorities? Why did the Justice Department feel compelled to put a cover-your-ass spin on every development before the facts were known? Examples: within 35 minutes, the Justice Department announced from Washington that two "cultists" confessed to starting the fire. By that night, after everyone in the country who had followed the fire was enraged that the children were murdered by their parents, the truth was released: No one had confessed to any such thing. How many heard the retraction? Then that same night, the Attorney General made the talk show rounds, claiming 1) they had hard intelligence that the children were being beaten during the previous week or so and were living in horrible hygienic conditions, 2) the FBI agents were becoming fatigued, and 3) the Davidians weren't ever coming out voluntarily. Thus, the "non-aggressive action" was authorized. I call a tank

smashing into a living room extraordinarily aggressive. But the spin experts succeeded: "Child abuse: Kill the bastards. Go get 'em! Why did you wait so long?"

The next day after the fire, Dick DeGuerin and I had a chance to respond in behalf of our now forever silenced clients. What "intelligence" of recent child abuse existed? I challenged the FBI and Attorney General to release the so-called intelligence - after all, we had seen the adults and children only days before, and had talked to most of the survivors: The children were not being beaten, and they were well-fed, well-clothed, and clean. The next day, the FBI fessed up: "We did not tell the Attorney General there was evidence of abuse during the siege; we passed on the 1992 reports from last year." Who in the public heard that retraction? Very few. The damage to truth-finding was done: Child abusers deserve to die, even if the horrible fire that killed them consumed the children, too. "By God, we destroyed the children to save them. They're better off now." I point out to you: at 6:00 AM on April 19th the kids were alive and physically well, although I'm sure they were emotionally scarred by their experience of being sprayed by thousands of rounds of ATF ammunition in February and weeks of ear-splitting nonsense blared night and day by the FBI, but they were alive. By 1:00 PM they had been burned alive.

There is a cruel streak in the country. Some of the public - and some of our leaders - seem to be gleeful over the incinerated Branch Davidians. The cruelty that has been reported to me numbs my faith in humanity. I have gotten many, many phone calls and letters since April 19, and over 91% support our efforts to get to the truth. But I have also learned that some people watching television on April 19 as the fire killed the children were actually cheering. Others have commented, "I support the FBI, why didn't they do this sooner?" "David Koresh was a nut, and federal agents had been killed. They all deserved to die." Unbelievable. The final tragic mockery of justice occurred when a high official in our government with responsibility for the attack decision received the support of her superior and co-workers by a public announcement of "That-a-girl!" Eighty-six incinerated human beings, and we Americans react by saying, "That-a-girl" or "That-a-boy"? Unbelievable.

The terrible loss of life outside of Waco was bad enough, but for the country, there may be an even worse loss. We saw our respected governmental agencies flounder, then try to cover their tracks. We should all be concerned about the following developments.

#### The intentional use of "misinformation" to mold public opinion

Within a short period, high public officials, public relations officers and press secretaries were misleading the public. Their initial claims are followed by their later admissions, retraction, or obvious errors.

The ATF did not alert the press before the February 28th attack. The media was called several days in advance by an ATF spokeswoman.

The ATF did not lose the element of surprise. The undercover operative (known to be an ATF agent by the Branch Davidians) reported to his supervisors that a tip had been received an hour or more before the attack.

Two "cultists" confessed to starting the fire on April 19th. Withdrawn as inaccurate, because no such confession occurred.

The April 19th operation was a "non-aggressive" action. Once the nation saw tanks crashing through walls and ripping out windows, even the FBI began to call it an "assault."

The Justice Department could not wait another day because the children were being beaten during the siege. Two days later the FBI reported the information given to the Attorney General was the old information from 1992, not current intelligence.

It was a planned mass suicide. Every survivor vehemently denied any plan for a mass suicide. Nine people fled the flames - they didn't commit suicide, yet remain totally committed to their leader. The "leaders" were found in one room, and the 80 or so others spread throughout the building. Not exactly a mass suicide scenario.

They murdered people who wanted to escape by shooting them. The survivors reported that no such thing occurred. As of this date, most autopsies are complete, and only some reveal gunshot wounds. Remember, six people were killed by ATF gunshots on February 28th. Dick DeGuerin and I saw several on April 1 and April 4 (we did not take a count) who still had ATF bullets in them, but had recovered. The ones found with gunshot wounds included David Koresh - the one who was alleged to be killing the others! No one will know for sure, but it probably was a case of people being trapped unable to escape a fiery hell, and some chose to end the suffering by taking their own lives - hardly a "mass suicide" or "murdering those who wanted to escape."

David Koresh was not working on his Seven Seals project - it was a sham. Three survivors who had been kept apart before speaking to Dick DeGuerin and me, reported personally working on the preparation of the First Seal, and that it had been completed in typed form Sunday night, while David Koresh was dictating the Second Seal to women who had worked before as secretaries.

The Government had gone in on both February 28th and April 19th because of child abuse occurring. Perhaps no one will ever know the answer for sure, but the public was not told that the 1992 allegations were investigated by the Child Protective Services and no evidence of abuse was found. The local sheriff agreed. Further, the children who came out after the ATF attack were reported to be healthy and not victims of child abuse.

#### Failure to have an independent review. AKA "cover your ass"

In the first few hours after the April 19 holocaust, sensing public outrage, high government officials promised an independent, impartial, outside investigation. That sounded reassuring, causing most of us to think, "Well, let's wait to see what the facts are." But - almost immediately (within a day or two) the spectre of cover-up began to surface. Prior to April 19, by agreement of all concerned - ATF, FBI, state officials, and the lawyers for the Branch Davidian leaders - it had been decided that no federal agents would be involved in the "crime scene" investigation once everyone was safely out and

the scene secured. Instead, an agency with no axe to grind was to conduct the investigation - the Texas Rangers - an elite component of the Texas Department of Public Safety. Yet, on the very first controversial issue - how the fire was started - the feared "spin" was set in place. Instead of bringing in a totally independent team of experts from any number of unbiased fire departments from the nation's major cities, the man chosen to report to the Attorney General and head the group was only three years out of the Houston ATF office which had major planning and execution responsibility for the failed raid on Mt. Carmel on February 28, 1993. Instead of having the report viewed as credible, it was tainted before it was released, its results "a foregone conclusion" given the close ties its leader had to one of the federal agencies under the spotlight. Those ties include the following indicia of "neutrality": his work space (office, telephone, mail) from 1982-1990 was in the Houston ATF office, as evidenced by his business card from that period; during that period he identified himself to witnesses verbally and with his card as an ATF Special Agent arson investigator; he went to the funeral of the Houston ATF agent slain in the February 28th raid; and he was then and is currently married to a secretary working in the Houston ATF office. The fire was on a Monday. The Saturday of that week he had asked Dick DeGuerin to meet on Monday to help in the investigation, since Dick DeGuerin and I were the only non-Branch Davidians who had been inside and were able to describe the possible flammable conditions. His report was to be released Wednesday. Dick DeGuerin and I were to leave Sunday night at 6:30 to go to Waco. Over the weekend, it was confirmed that this "independent" investigator had been a de facto ATF agent. When Monday came, he was told that since he had such close ties to the ATF that unless the Texas Rangers asked us to participate, Dick DeGuerin and I would not lend our credibility to the anticipated report. In response, he called an unscheduled press conference for that same day, and announced that the fire was started by the "cultists." Surprise! Surprise! Of course, the reasons for the fire he described coincide with what the survivors told Dick DeGuerin and me, as well as with our recollection of the inside and our review of the videotapes of April 19. With the site now bulldozed over, the true origin of the fire will never be known for sure.

#### Failure to complete an accountability review

High officials have publicly stated "every aspect, from top to bottom," will be reviewed. That is needed, of course. But it is not enough. Those bureaucrats who made the horrible errors in judgment must be held accountable - just saying "I'm sorry, I did the best I could" is not good enough. Because no matter how you cut it, no matter who did what when - on February 28, 1993, over 130 people were living in an isolated religious community not harming anyone. Even if the claim is true that some possessed destructive devices, that is a 10 year maximum penalty offense. By April 19, 1993, close to 100 people - including law enforcement agents and babies - were dead. For what? Those responsible for the crucial decisions at each juncture should be removed from positions where their deficient judgment could result in a similar disaster in the future.

### The failure of Congress to conduct complete hearings

As of this writing, only the House Judiciary Committee has even convened a session, but it could hardly be called an "investigation." The only persons called as witnesses were the ones whose conduct should be under scrutiny. Only one side was heard. Except for a very few notable exceptions, the committee members almost injured each other clamoring to see who could praise the witnesses most and first. Where are the tough questions? Where are the only witnesses who were inside Mt Carmel, who saw the results of the ATF raid and of the FBI negotiation tactics, and who have interviewed the survivors of the fire as well as many who died in the fire? Why haven't Dick DeGuerin and myself been called to present the view of witnesses who do not work for the agencies under investigation, who no longer have clients in existing court cases, and who have personal knowledge not possessed by any other living human beings?

### The underlings will take the fall

ATF: The young men and women who participated in the February 28th attack were executing orders. They are not trained in the "law of war," and could not be expected to recognize the illegality of the orders to open fire on pregnant women and unarmed children. Their loss should be mourned. Their leaders should be held accountable. They wanted to look and act like military personnel - so let's take the military analogy one step further. Had this been an operation by a military unit which had failed so miserably, the commander on the scene would have been immediately relieved of command, and would be under investigation for a possible court-martial for dereliction of duty. His superior officer would be walking very gingerly, as would that officer's superior. The careers of each of those in the chain of command would and should be over. FBI: I admire the courage of the Special Agents on the ground. I am convinced from my meetings with these men that they truly wanted a peaceful resolution. Evidence: they authorized the extraordinary step of permitting Dick DeGuerin and me to visit face-to-face with our clients. The theory was to build trust as only a criminal defense lawyer can do with one suspected of crime, and then to assure those inside that they would not be executed the minute they set foot outside the Center. We were independent of the FBI. On opposite sides. But we shared a temporary mutual goal: a peaceful resolution of the stand-off, and moving the confrontation to the courthouse. Frankly, I thought there was a mutual respect, even if we disagreed on certain matters (like playing the ear-splitting noises so the children could not sleep). Make no mistake, I do not think the on-scene FBI leaders intended to kill those inside. After all, their mission was clear: perform damage control for the mess created by the ATF and reach a peaceful resolution. The April 19 result was total failure for the FBI, any way you cut it. It is the blackest mark in the history of this proud organization. Cynics might say that the obvious pain in Bob Ricks' voice at the post-fire briefing was caused by the realization that his career progression was over. I don't think so. Unless I just totally misjudged him, I think the pain was real and was caused by the realization that innocent men, women, and children were among the incinerated. As a professional

law enforcement agent, that troubled him. Cops don't often fret over harm to the guilty, but good cops want to protect the innocent - certainly from death without due process, especially by burning. But I'm afraid the fault for the totally incompetent decision made to destroy the building itself (as opposed to the decision to use gas) which led to the fire, no matter who started it, will be laid at the feet of the men on the ground in Waco. That is wrong. The desk-bound Washington bureaucrats made that decision, but I predict none of their heads will fall. The public ought not accept such an outcome.

The Branch Davidians had mothers, fathers, grandparents, brothers, and sisters. The demonization of the entire religious group by our government officials is tragic, and caused unnecessary and deep pain to the families. I have spoken in person and by telephone to these grieving family members, and it is heart-wrenching. They loved their sons, daughters, siblings. The Branch Davidians included decent, loving people who were committed to a religious faith that in this country they had every right to practice. The Steve and Judy Schneider I met and spoke to at length were decent, intelligent, articulate people in their early forties, who were well groomed, polite, and pleasant hosts. It was remarkable how composed they were, given that there were military tanks and armored vehicles rolling up to their house daily, they had no electricity, their two year old daughter was kept awake by the FBI loud speakers at all hours, and the lack of trust in the FBI they had carried over from the fact that an unarmed Judy had been shot by the ATF in the hand (as she held her hand next to her face pulling aside a curtain to see what the commotion was outside her window).

The truly tragic ending is made worse because they were coming out peacefully. Steve Schneider told me at every contact we had that the entire group wanted to come out. They wanted the truth about February 28th to be told. They were not going to surrender until they felt their God indicated his approval, and then only if the FBI would honor its commitment to have the procedure include Dick DeGuerin and myself, for their protection. They were suspicious of "the beast" [the established government], and, as it turned out, for good reason. But on April 1, 1993, they told Dick DeGuerin and me that they agreed with our advice to come out that day, but they needed to satisfy both the secular law and the scriptural law. They told us they could not come out until after Passover (a high holy week to them), and then when they received word that their waiting period was over. On April 4, 1993, we discussed legal documents including setting up a trust for David Koresh's children, protecting the title to Mt. Carmel so no one could claim it was abandoned when everyone came out, and legal fee agreements for Dick DeGuerin and myself. These are not matters one discusses if set on suicide. We were so sure they were coming out that we left drafts of our fee letters, telling them to make corrections and we would retype them when they came out. When Dick DeGuerin and I talked to them on the day after Passover - April 14, 1993 - they were ecstatic: They had received the clearance they had been waiting for, and they were coming out when the secrets of the Seven Seals were reduced to written explanation. This news was put in a letter, sent out that afternoon. A copy was given to the FBI; the contents released by permission to the press. At a day or two per Seal, it was going to be over in about two weeks or less. The survivors told us that David Koresh told all inside to prepare to go

to court, that they were coming out when the Seals were decoded. April 14th was a Wednesday. The FBI waited Thursday, Friday, and Sunday (everyone knew no work could be done on Saturday, their Sabbath): After three work days, the First Seal was in final form, and the Second was under preparation. After the Attorney General had made the decision on Saturday to attack at dawn on Monday, on Sunday night typewriter ribbons were delivered by the FBI to the Center. Everyone was excited, knowing that the ribbons meant they would soon be leaving Mt. Carmel.

These religious people woke up Monday morning to armored vehicles smashing into their home, and gas that caused coughing, burning of the eyes and nose, and vomiting, being injected into their bedrooms. So much for trusting the government. Until the questions asked earlier are answered, Americans are going to have a hard time trusting their government.

Jack B. Zimmermann is a board certified criminal law trial lawyer from Houston. A decorated Marine Vietnam combat artillery officer, he is now a Colonel assigned as a Reserve general court-martial judge. Mr. Zimmermann represented Steven Schneider, David Koresh's second-in-command.

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July 1995

**Update to The Legacy of Waco**

Any thorough criminal defense lawyer tries to corroborate with independent evidence the facts that a client relays. We did so in this case as follows:

- 1) Dick DeGuerin and I had been told on April 1, 1993, that Wayne Martin had called 911 at the outbreak of the shooting. When the 911 tapes were released, that was in fact exactly what had happened.
- 2) We had been told by many people inside Mt. Carmel that the first shots had come "from outside from the left," aimed at where David Koresh had been standing after he had opened the door. When we checked that double door, made of metal, the spray pattern on the right side as you face the doors from the outside was consistent with what we were told. When interviewed at length by the Texas Rangers in July 1993, both Dick DeGuerin and I described that door, and I strongly suggested that the Rangers inspect that evidence. I was told it was intact, and they had it. However, at trial, the crucial right door, made of metal, was not available. Where was it? It could not have burned. Its disappearance raises serious suspicions about the integrity of the post-fire investigation and the prosecution of the survivors.
- 3) We had been told by many people inside Mt. Carmel that shots had been fired from a helicopter. We were shown holes in the ceiling of the fourth floor bedroom of David Koresh, which appeared to us to be exit holes in the ceiling, meaning the rounds entered the bedroom from the outside. That evidence was burned. However, on February 28, 1993, within minutes of the occurrence, on the same 911 tape where Wayne Martin is frantically seeking help from the Sheriff's Department, Steve Schneider's voice is heard in the background saying, "Another chopper with more people and guns going off, here they come. They're firing!" He didn't know Wayne Martin was on the telephone talking to 911, and he was being recorded.

- 4) The ATF had announced that there would be no question about who fired first because the initial raid had been videotaped. On April 6, 1993, I filed a motion to preserve that tape and all other audio or video tapes. That was granted. However, later (after the Branch Davidians asserted the ATF had fired first) it was announced that the crucial videotape was "blank."
- 5) On April 14, 1993, we had been told that the whole group would be out in less than two weeks. We were informed that the First Seal was completed, and David Koresh was working on the second one. We told the FBI that. Later, we learned the FBI did not believe Koresh at all. The FBI claimed the Branch Davidians had lied to their lawyers. When interviewing Ruth Riddle two days after the fire, she told us she had typed the First Seal, and the computer disc was in her pocket when she escaped the fire. We contacted the Texas Rangers, who recovered the disc. When it was printed, there was in fact a First Seal. They had not lied to us.
- 6) We announced that the Branch Davidians had agreed to a surrender plan, worked out with the FBI. Recently released audio tapes of the negotiations indicate that only days before the FBI attack, David Koresh went over that plan with the FBI negotiator, after we had told the FBI they were coming out.

In the Legacy of Waco, I revealed the background of Paul Gray, the "independent" arson investigator reporting to the Attorney General. Attached to this Update is a copy of the business card Paul Gray handed to witnesses in the 1980's clearly identifying himself as an ATF Special Agent. I also predicted that the underlings would be blamed, and no senior leaders would be disciplined. That predication was true - senior executives were permitted to leave their posts without discipline, either by resignation or full benefits retirement. Some were promoted. Others remained in office and are still at the Cabinet level. Two leaders of the ATF raid itself were fired for their actions, including lying to the investigators, their superiors, and the public, but they have been reinstated with back pay. No FBI or Justice Department officials have been disciplined at all. No significant discipline - administrative or criminal - has been imposed. I have represented clients over the years whose transgressions have paled in comparison to the misdeeds of these senior people in charge.

I also predicted no thorough investigation would occur. The Treasury Department Report made an effort, but its teachings have been ignored. The Justice Department conducted what cannot be described as anything other than a whitewash.

On July 1, 1994, I retired from the Marine Corps after 14 years of active duty and 16 years of reserve duty. My wife and our two grown children are Americans dedicated to this country and the preservation of our Constitution. My wife also served all those years I was in uniform, sharing the sacrifices. Our daughter and son are active duty Marine Officers today. We put our actions where our words are when it comes to serving our country. We take seriously our oath to defend the Constitution of the United States of America against all enemies, foreign and domestic.

PREPARED STATEMENT OF TIM EVANS, ATTORNEY

Mr. Chairmen and members of the Committees:

Thank you for providing me this opportunity to testify on behalf of myself and the members of the National Association of Criminal Defense Lawyers (NACDL) on the matter of the raid on the Branch Davidians in Waco, Texas.

The almost 9,000 direct, and almost 30,000 state and local affiliated members of the National Association of Criminal Defense Lawyers are private defense lawyers, public defenders and law professors. They have devoted their lives to protecting the many provisions of the Bill of Rights concerned with fairness in the criminal justice system. NACDL's interest in, and special qualifications for understanding and helping to explain the excesses and misrepresentations of law enforcement concerning the raid and siege in Waco are keen. I am here to assist in the investigation and to focus on the grave constitutional questions raised by the conduct of law enforcement.

I have practiced criminal law for over 25 years. I have both prosecuted and defended persons accused of crimes. I have a wife, children and a new granddaughter who I hope can grow up in a peaceful community. My wife, Rita, worked for the Fort Worth Police Department for 19 years and we both respect the honest efforts of law enforcement.

I was honored to represent British citizen, Norman Allison, pro bono, against the government's allegations that he conspired to murder federal agents in Waco, Texas on February 28, 1993. The jury found him not guilty of all charges.

**I. WHY REVISIT THE WACO TRAGEDY?**

Because the whole truth did not come out in either the government reports or the first hurried hearings before Congress.

**II. WHAT LESSONS CAN WE LEARN FROM THE WACO TRAGEDY?**

Rather than teaching new lessons the events in Waco serve to reaffirm the lessons the framers of the Constitution knew very well. They knew then what we must not forget -- that there will always be people in law enforcement who are ambitious, who enjoy power and who will be willing to distort the truth to achieve their objectives or to hide from blame. The government actions in Waco are a case study in these human frailties. The Bill of Rights is our best protection against these frailties.

The events in Waco also teach us that we must be very careful when we wage war -- even a war on crime -- for there has never been a war without innocent victims. And when we wage war in our country the victims are our own.

### III. THE FRAUD.

Juries in federal courts across this land are routinely instructed that:

"a scheme to defraud includes any scheme to deprive another of ... honest services by means of false or fraudulent pretenses, representations or promises. A representation may be 'false' when it constitutes a half truth, or effectively conceals a material fact, provided it is made with intent to defraud". Pattern Jury Instructions, U. S. Fifth Circuit District Judges Association.

The following is a list of half-truths, misrepresentations and outright falsehoods perpetrated upon magistrates, supervisors, Congress and the public by officers ranking from line agents to the highest supervisors of the ATF and FBI.

#### A. The Affidavit for the Arrest and Search Warrant.

Others will speak to this issue but suffice it to say here that the warrant, although it might be sufficient on its face, is replete with stale information from persons with grievances against David Koresh and prejudicial assertions that fail to state any crime against federal gun laws.

#### B. The Need for a "Dynamic Entry" Assault.

The stated justification for this dangerous procedure was that David Koresh was becoming reclusive and rarely left the Mount Carmel Center. Yet, the ATF surveillance notes reflect that he left the compound on January 28, 1993 and witness Tommy Spangler testified Koresh was at his junk yard and parts store four days before the raid. No effort was made to arrest Koresh away from the center. Agents now give different reasons for not arresting Koresh alone, but when first asked they stated it was because he did not leave the center.

Former ATF Director Higgins is reported to have said that if Koresh was arrested away from the center the others could have started executing people. This is the wildest of inflammatory speculations, unsupported by any factual basis. It is an example of the rhetoric of rationalization that permeates the ATF's statements throughout the proceedings. It is doubtful that arresting Koresh away from the center was ever thoughtfully considered.

In the summer of 1992 Koresh, through gun dealer Henry McMahon invited ATF Agent Aguillera to come to Mount Carmel to inspect his guns. Additionally, other agencies had been allowed into Mount Carmel without incident and the county sheriff evidently had a good rapport with Koresh. In spite of this, no options other than raid or siege were seriously considered.

C. The Phantom Methamphetamine Lab.

Whether or not, and under what circumstances the ATF needed to show a nexus of drug violations to obtain military assistance is subject to legal analysis. But one fact is perfectly clear. The ATF believed it needed to show a drug connection. This can be shown by statements made not only to the military, the press, and the governor of Texas, but also in testimony before this Congress. Deputy Director Dan Hartnett stated in a letter to Governor Richards and to Congress in June, 1993 that there were a number of people inside the compound with drug trafficking and possession convictions. This was a fraudulent representation because it contained half-truths and omitted material facts.

Pursuant to court order, the government prosecutors provided what they stated was the information actually possessed by the ATF to support their claims. The letter is attached as Exhibit A. This letter reveals that the ATF ran "name only" checks through drug intelligence computers. That means no other identifying information like age, date of birth, race or gender was included. It would be like asking if "John Smith" had a drug record. Even the rookie cop on the beat knows this is a very unreliable way to check criminal history. A trained federal agent obtained and forwarded such spurious information with the intent to influence a high official to rely on it and take action. The agent omitted the clearly material information that they could not be sure if the persons named were the same persons at Mount Carmel. In fact, to the contrary, they claimed that the persons named were indeed the Mount Carmel residents. This conduct fits the definition of fraud. People who gave similar misleading information to savings and loans are now in prison.

Further, deputy director Hartnett claimed the ATF had information from people inside the compound they had seen a meth lab. What he omitted was that this information dealt with an incident reported to have occurred four years earlier where Koresh had said he had found lab equipment and intended to turn it over to the Sheriff.

The source had not seen a meth lab.

The fact that the FLIR camera detected a hot spot at the center on a cold February, 1993, night in the area known by then to be the Chapel where religious meetings were conducted could not have been a good faith claim that there was actually a meth lab in operation. This hot spot could be anything -- a collection of warm bodies, electronic amplifiers, or a space heater. Trained agents know this, but they deleted this fact to achieve their purposes. Whether or not the ATF needed to make these claims, they were willing to do so to get what they wanted -- military helicopters.

**D. The Element of Surprise.**

The truth appears to be that the ATF did not care if they had the element of surprise or not. Their macho attitude was they could force their way through any problem which might arise. When the tragic results proved this assumption wrong they began to tell the press, the public and higher supervisors that they, of course, relied on the element of surprise, but were unaware they had lost it. This was an outright lie. It might have gone forever undiscovered had the line agents not been upset over the loss of their comrades. Further, Agent Rodriguez was beginning to be criticized for not informing the others of the loss of surprise. In a rare display of division of the ranks, it was soon revealed that Agent Rodriguez had in fact told his supervisor, Chuck Sarabyn, that "they know we're coming". Several agents testified under oath at the trial that they heard Sarabyn announce to the assembly of raid agents that, "they know we're coming, hurry up and get your gear on."

**E. The False Affidavit that Delroy Nash (Norman Allison) Fired at Agents.**

At the detention hearing held before U. S. Magistrate Dennis G. Green an affidavit sworn to by ATF Agent Charles Meyer was presented to Magistrate Green. This was done for the purpose of convincing the court to hold Norman Allison (who had first given the name Delroy Nash) in jail without bail pending the trial. My request to produce Agent Meyer so I could cross examine him on this issue was denied. The affidavit is attached as Exhibit B. It states, in pertinent part, that "as affiant and other agents took cover, Nash and the others began firing firearms at the agents." In truth, court testimony revealed that not one agent ever saw Allison (Nash) fire a single shot. In fact the testimony was that when Allison surrendered the .22 caliber pistol he had, it was in

a leather pouch. ATF Agent Marvin Richardson had recovered the gun, smelled no powder, saw no powder and was of the opinion at the scene that it had not been fired. This information was contained in a statement, (Exhibit C), given to the Texas Rangers by Agent Richardson on March 5, 1993 some five months before Allison's detention hearing in August, 1993. Not only was this sharply contradictory evidence withheld from the magistrate, it was not until the weekend before the trial in January, 1994, that this clearly exculpatory information was given to me as Allison's attorney. By this time Allison had been in jail for almost a year. The prosecution who is supposed to be bound by the Constitution and was bound by specific court order of U. S. Judge Smith to immediately turn over such information had delayed it for 10 months until the eve of trial.

**F. The Claim that the Fire was Unexpected.**

In order to absolve themselves of any responsibility for the horrific scene on the television screens of the nation when 76 men, women, children and two unborn fetuses were burned to death, the FBI has taken various positions. Some, even the President, attempt to divert blame by vilification of Koresh. They claim Koresh killed the children and Koresh is compared to Charles Manson. "They" committed suicide, we are told, even though little is known about the individual action or intent of the separate souls who perished.

The FBI tells us they did not know there was going to be a fire or they would have had emergency vehicles standing by. However, they further concede that fire trucks were not allowed in when they arrived because of a fear they would be fired upon. This matter of the fire trucks is a red herring because the real issue should be: could the fire have been prevented?; not whether it could be extinguished after it started. It is highly unlikely that fire trucks could have saved lives in that wind whipped tender box even if they had been in the front yard when the fire erupted.

The fraud is revealed when the tapes of both the negotiation and the electronic eavesdropping are examined. These tapes and transcripts are voluminous but a fair summary reveals inescapable conclusions that should not evade even the casual observer, much less the trained "elite" of law enforcement.

First, it is clear that the Davidians are not crooks or con artists. They were ardent and true believers in their interpretation of the Bible. They spoke of the scripture throughout the siege. Second, it is equally clear that they were obsessed with the "end days" and they believed that the apocalypse was upon them. They spoke often of death and many times of death by fire. This talk of death by fire is very apparent in the tapes recorded and monitored the day before the fire.

Most significantly, at 6:00 A.M., on April 19, 1993, the day of the fire, FBI negotiator Byron Sage informs the occupants by telephone that the gassing will start. At 6:05 and continuously for the next fifteen minutes, various Davidians talk about pouring and spreading fuel. (Transcripts of the first conversations are attached, Exhibit D) More sporadic conversations about fire and fuel occur throughout the morning. The prosecution introduced these tapes at trial to try to prove to the jury that the Davidians started the fire. In the process they succeeded in proving that the FBI knew of the likelihood of a holocaust in that wooden building for six hours before the fire broke out. Incredibly, instead of backing off they pushed forward, even more aggressively. Agents had also been asked about the possibility of suicide at that morning's news briefing. An agent claimed that they thought this was the best way to prevent a suicide pact from taking place. This was said while the Davidians had been talking about pouring fuel off and on for over three hours.

As recently as July 5, 1995, Special Agent in Charge Jeffrey Jamar continued the misrepresentations to avoid blame for callously pushing the Davidians toward the fire that consumed them. When confronted on Nightline by ABC's Ted Koppel with recordings of the Davidians talking about starting a fire, SAC Jamar claimed that the FBI could not hear the conversations that morning and that the tapes had to be enhanced at a later date. The trouble with this latest story is that the prosecution played the original, unenhanced version of the tapes to the jury at trial and even a lay person could hear that the Davidians were talking about spreading fuel and mentioning fire. It is incredulous to believe that a trained agent, with headphones, whose sole job was to monitor the activities of the Davidians that morning could not or did not hear what we all heard in that courtroom.

Agent Matt Gravel was one of the monitors and he testified that he was not told about the tear gas until about 7:00 A.M. That still gave him five hours to report the conversations about the fire. His notes of these conversations have not been produced.

An agent who drove one of the CS gas armored vehicles admitted at trial that they first gassed the area of the underground bus to prevent the Davidians from getting to it. They also pushed the walls in where the trap door to the bus was located. Six women perished at the obstructed doorway to that underground exit.

It is inescapable that regardless of what they might have told their supervisors, the Attorney General, or the President, the FBI agents had decided that the siege was over-come hell, high water or holocaust. This is apparent as one listens to the tone of the FBI on the tapes becoming increasingly belligerent while continuing to assure the residents that the destruction

they were observing was "not an assault".

It is graphically depicted in the escalating destruction of the outer walls. Much of the backside, away from media cameras, is destroyed. FBI spokespersons at a news conference at midmorning had the audacity to claim that the tanks were merely opening holes to insert the gas. Later they were to claim that the destruction was to allow greater access to exit. Never mind that one would risk being crushed by debris trying to leave.

Finally, there is the disturbing photo of Agent Sage posing for the camera as the Mount Carmel Center rages in flames. (Exhibit E). SAC Jamar said on Nightline that it was unfair to interpret this "chance" photo in a bad light. What SAC Jamar was not shown on Nightline was the second photo of a second agent posing in exactly the same spot in an even more macho pose. (Exhibit F) I will not interpret these pictures, they are worth a thousand words.

#### **IV. THE RAID.**

The raid was a recipe for disaster from the beginning. Even a cursory understanding of the Davidian beliefs would make a military assault the last option. While it is true that religious beliefs do not justify law violations, neither should they carry the death penalty. While some in the ATF may have considered other options we know that the majority favored the "dynamic entry". As we have seen, a clever police officer can rationalize almost anything, but the obvious answer is that they opted for a raid because they could, and because they enjoy it. Librarians rarely volunteer for SWAT teams. Sure, it can be dangerous but so is skydiving. The personality traits that make a good SWAT team officer are not likely to favor passive alternatives.

##### **A. The Raid Mentality.**

In testimony at a pre-trial hearing, Agent Ballasteros admitted that in their Fort Hood training they never even practiced making a peaceful entry. An agent on the roof top entry team testified at trial that they couldn't see or hear what was happening at the front door and their plans were to break into the second story window regardless.

Agent Littleton's statement to the Texas Rangers reveals that he thought it was "no big deal" that they had lost the element of surprise because he had run a lot of warrants where they had lost the element of surprise.

When asked about the degree of force used, Agent Petrilli testified he thought they had not used enough force. Public Relations Agent Sharon Wheeler told the media shortly after the raid that the problem was "we were outgunned". Even a prosecutor argued to

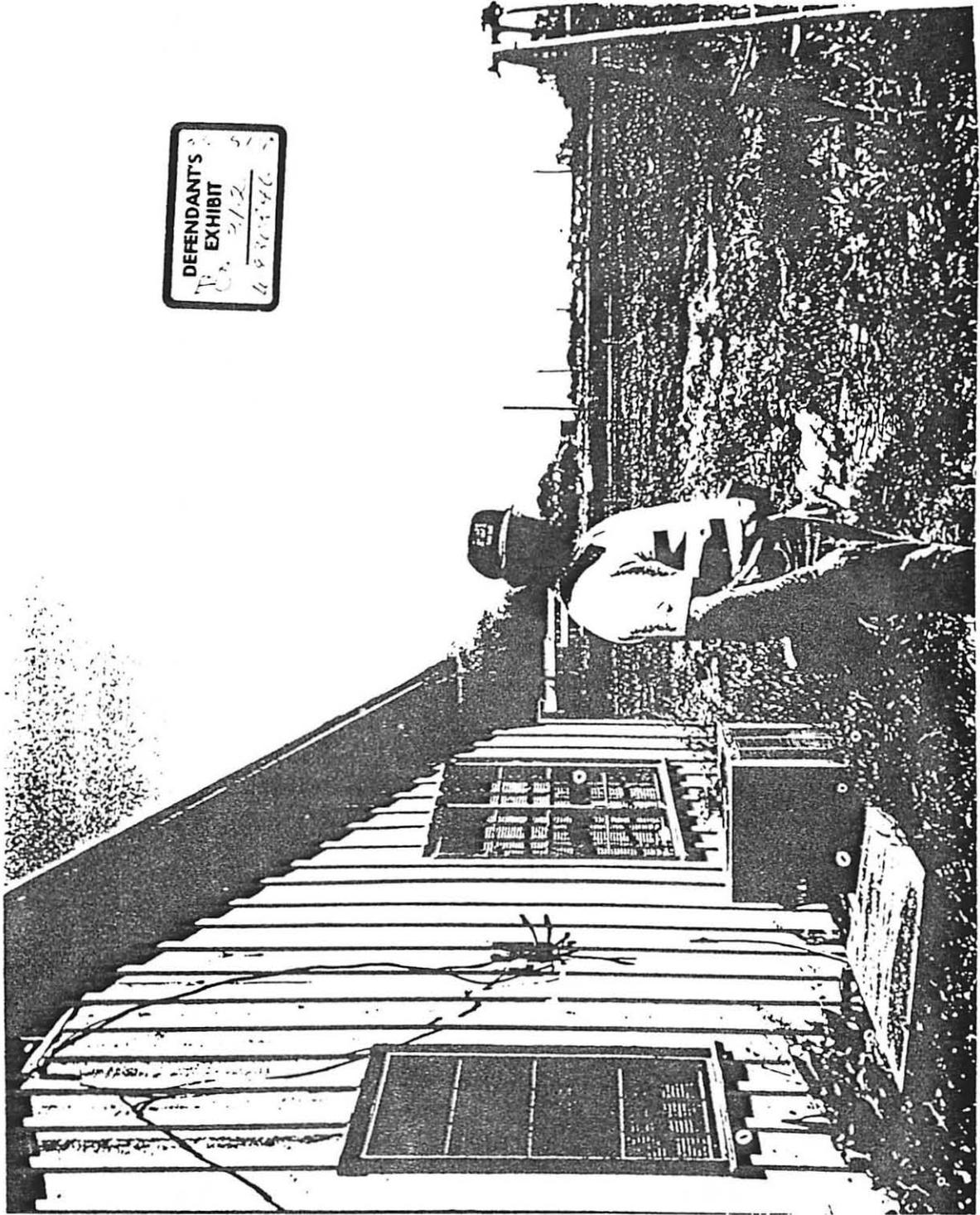


EXHIBIT E



EXHIBIT F

the jury that if anything, not enough force was used. Some people just never seem to get it.

**B. Who Fired the First Shot(s)?**

For a variety of reasons, we are unlikely to ever learn the answer to the question of who fired the first shot. There are several indications that it may well have been the ATF.

**The Dogs**

An ATF team was assigned to "neutralize" the dogs. Team members deny shooting the dogs and claim they were going to use a fire extinguisher to scare off the dogs. However, no less than four agents told the Texas Rangers that when they heard the first shots, they presumed it was the dog team killing the dogs. Five dogs were killed. They were at a level below the firing lines of the shootout. It is unlikely the Davidians shot their own dogs.

Further, Kathy Schroeder, a Davidian called by the government as a witness, testified that the first shots she heard were outside the building and right after she heard them she heard the dogs yelping. The government relied on and sponsored her testimony regarding which defendants had guns during the standoff. Why would they not be willing to believe her concerning the shooting of the dogs?

**The Bullet Holes in the Second ATF Truck**

The second ATF truck, pulling the second cattle trailer stopped behind the first cattle trailer and parallel to the Mount Carmel building. There is a bullet hole in the front of the hood and a second hole, immediately behind the first, that goes through a bracket and into the radiator. When the hood is closed, these holes match up and were surely caused by the same bullet. A wooden dowel was placed in these holes and it points straight out the front of the truck at the first cattle trailer. (Exhibit G) It is unlikely that a Davidian was shooting from the first cattle trailer, it is more likely that an agent accidentally discharged their weapon. No one has admitted that they did, but not all agents testified, and their track record for credibility in this case is poor.

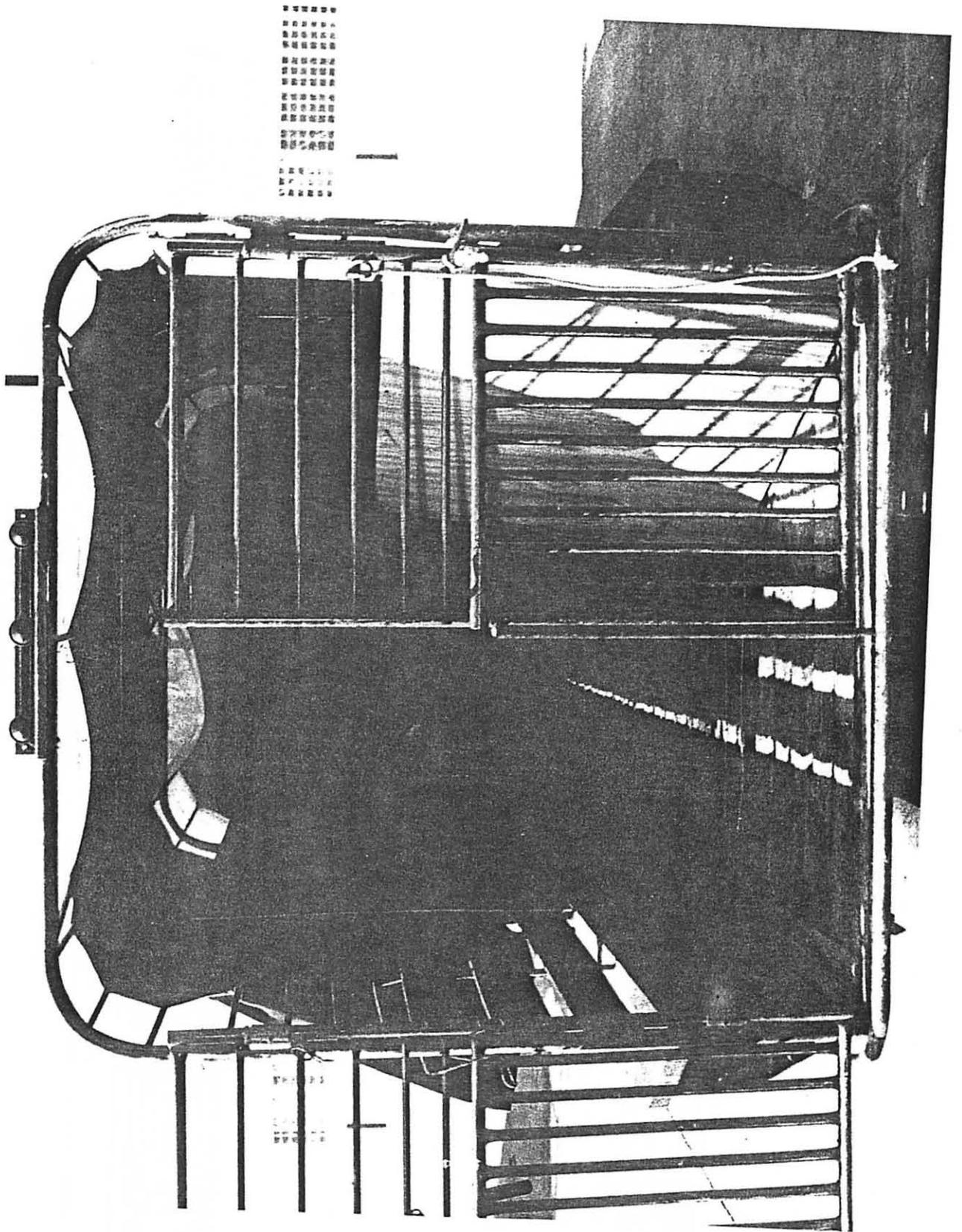
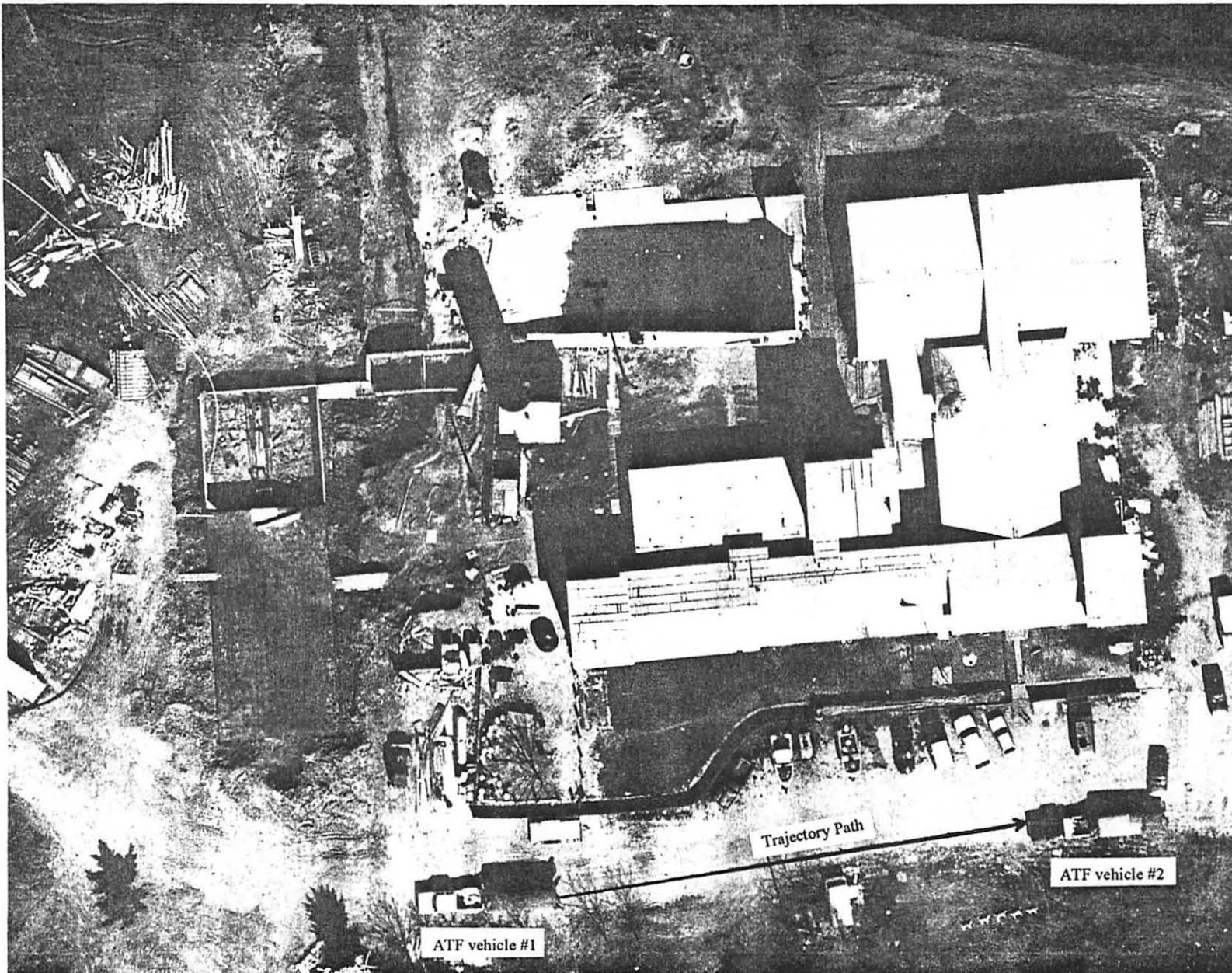


Figure 23: Rear view of **ATF** cattle trailer.



"Shoot-out" begins as ATF arrives and agents begin to exit cattle trailers. An agent, (Dallas SRT or Houston SRT) exiting ATF vehicle #1, accidentally discharges his weapon. Agents in ATF vehicle #2, assuming shots are coming from Davidians, begin shooting indiscriminately.

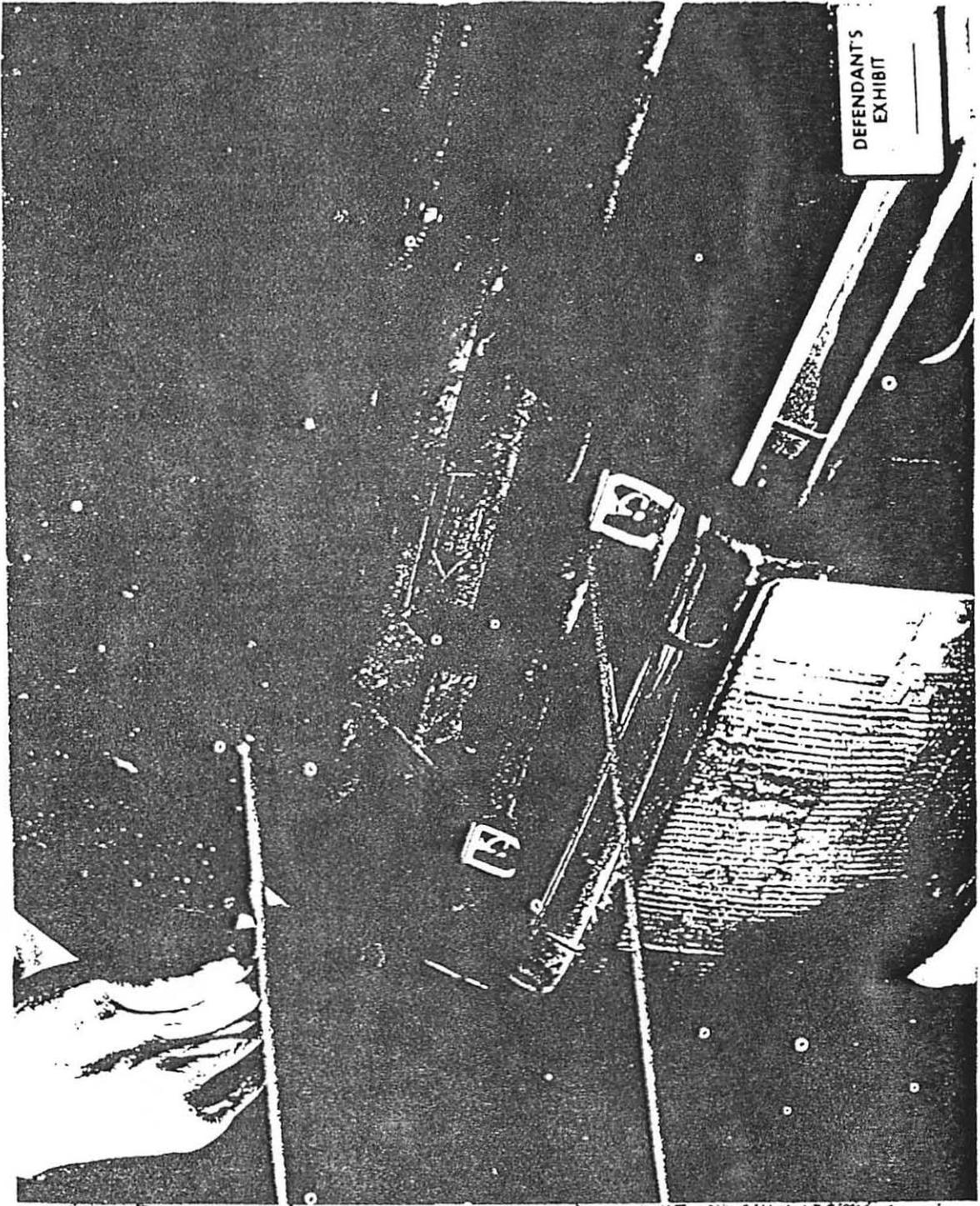


EXHIBIT G



### The Missing Door

There were two matching metal front doors. Koresh was standing at these doors before the shooting started. Only the door with the bullet holes indicating shots coming out of the Mount Carmel Center was recovered, according to the government. Where is the other door? The government claims they cannot explain the whereabouts of the door except that it must have burned up in the fire. The door that was recovered was evidently pulled out with debris when a tear gas tank withdrew from the building. This story is debunked by the fact that other metal doors within the center survived the fire. In fact, tin cans of food and other small containers survived in the hottest areas of the fire. It is inconceivable that this door completely vaporized in the fire.

### The Missing Photographs

The ATF had cameras with high powered lenses set up in the undercover house for weeks prior to and on the morning of the raid. This house faces the front of the Mount Carmel Center. There were ATF cameras all over the place that morning. Many agents carried personal cameras, three people in the helicopters had video cameras. However not one ATF photo or video has been produced of any portion of the raid or ensuing standoff. Agents testified that the cameras at the undercover house were supposed to take pictures that morning. When the defense asked for these photos we were told there were none and the only explanation given was that the cameras must have malfunctioned.

#### C. No Written Reports Were Made by the ATF Agents at the Scene.

Ordinary and routine police procedures require that at least one, and often more than one officer make a written report of any important incident in which they are involved. Even the rookie traffic cop writes a report if he or she investigates a traffic accident. This is especially true when an officer even discharges a weapon, much less shoots someone. In contravention of the most basic police practice, not one of the ATF agents involved in the shootings on February 28th made a written report of their observations or conduct.

Instead, these agents were allowed to and did talk amongst themselves for days before they were required to give statements to the Texas Rangers. By this time these agents knew that they were under intense scrutiny by the national press and by their own higher level supervisors in Washington. They were also understandably upset over the loss of their comrades. The potential for collusion is immense. When coupled with all other facts collusion is a virtual certainty.

In this most unreliable state the agents were finally asked what happened and allowed to give narrative recorded statements to the Rangers.

Every Ranger and most of the ATF agents who were asked, agreed that it was not normal procedure to fail to make written reports of such an event. Ranger Captain David Byrnes, when asked if he thought the ATF had made written reports of the shootings, replied, "I assume they did, and I would bet my life that my people did." His assumption, though understandable, was wrong.

Several Rangers also agreed that a basic investigation technique is to separate witnesses to an event and not let them meet and compare stories. In fact, just the opposite was done by the ATF.

This fact alone casts grave doubt on the reliability of the ATF version of these events. Additionally, several of the agents, most notably Agents Ballasteros and Meyers, added incriminating information against the Davidians to their original statements months after the first statements were taken.

All these facts taken together renders the testimony of the ATF, some of which would be otherwise compelling, of little or no value.

**D. Showtime.**

Trial testimony revealed that the code word to launch the raid was "showtime". The next words were "goggles down, weapons out, fingers off the trigger". Two separate public relations agents, Sharon Wheeler from Dallas and Franseska Perot from Houston were assigned to the operation. Pre-raid video from the "command" headquarters shows a prepared public relations center with fax machines, telephones and computers. It is very likely that

a substantial part of the press release had been prepared before the raid. Congress should ask to see it.

It is inescapable that this raid was to be a media event. It is also true that budget hearings for the agency were set in two weeks.

The trial judge would not allow us to delve into these matters at trial but they should not be ignored. The conclusions are obvious.

#### V. THE "SECOND SHOOTING".

The term "second shooting" has come to refer to the shooting of Michael Schroeder in a field behind the Mount Carmel Center at about 5:00 P.M., after the raid and standoff.

We are left with only the ATF version of this shooting because Schroeder was killed and the two other persons in the field, Norman Allison and Woodrow Kendrick could not see enough of what happened to provide details. We are told that Schroeder refused requests to surrender and began firing at the agents. Approximately eleven agents returned fire and Schroeder was killed. Again, no written reports were made by the individual agents involved.

When questioned several days later, they told the Rangers that they had been shooting at Schroeder with pistols from a distance of about 100 yards. He had fallen, appeared wounded or dead, and they left him there without going near him. His body was left in the field for five days before Rangers were allowed to investigate the scene.

Photos of the body in the field show he was wearing a blue stocking cap. Autopsy reports show several gunshot wounds including two entry wounds in the side of the head. These holes are about two inches apart. Pretty good shots from 100 yards. Strangely the stocking cap came up missing. The medical examiner had all the other clothes, but not the stocking cap.

The Rangers requested permission from the FBI to return to the field to take plaster footprints. This would have shown if all the prints around Schroeder's body were his. Permission was reportedly denied for 10 days. In the interim heavy rains destroyed the footprint evidence.

Some claim has been made that Schoreder's body lay in the field and the Rangers were denied the right to return for "security and safety reasons". This is yet another weak excuse. The fact is this area is well out of sight and line of fire from the Mount Carmel Center. Armored personnel carriers were available during this time and could easily have been used to ferry Rangers to this remote sight. Plenty of personnel were available to provide security.

## **VI. THE PARAMILITARY POLICE FORCE.**

The scenes at Waco look more like Bosnia or some third world dictatorship than the United States of America. Civilian peace officers in full military gear. Tanks. Helicopters. Camouflage. Snipers. Even the command structure and the terminology was right out of the military manual.

These scenes are not limited to Waco. The nightly news across America in cities and villages alike shows these Ninja suited attack squads complete with Kevlar helmets and assault weapons riding the streets of our communities. I thought I would never live to see a civilian peace officer in the United States of America standing with assault weapons atop a military tank in full battle gear. The photo is attached as Exhibit H.

Among the many tragic scenes displayed from Waco there was no more chilling or revolting sight than that image displayed on the front pages of many of our newspapers the morning after the fire. It was that telling photograph of the ATF flag flying on the Davidian flagpole, callously waving above the smoldering remains of fellow human beings born and yet to be born. A "victory" sure enough, but a shameful victory in the war on crime.

Someone must start to realize what we have created and begin to take measures to reverse this dangerous trend.

## **CONCLUSION**

The actions of law enforcement before, during and after the tragedy at Waco cannot logically be assumed to be an isolated aberration. The disease of fraud, deceit and arrogance displayed by so many throughout this affair could not have inflicted them overnight. The extent of this disease is not known but its potential is dangerous indeed. It is not peculiar to any one branch of law enforcement. It infects the ranks of honest and dedicated officers throughout the land. It grows in the petri dish of permissiveness and is fed in the frenzy of the "War on Crime".

Congress, and all legislatures, should realize that there is a huge and powerful lobby constantly asking for more power, more money and fewer restrictions. It is the lobby of law enforcement. It ranges from the constant pressure of the Department of Justice to the demands of myriad local police organizations. We must begin to scrutinize their requests.

We must return to a healthy and meaningful system of checks and balances in the enforcement of our criminal laws. It should never be "easy" to convict another citizen. When it becomes easy to convict "them", it will become easy to convict "us".

It is checks and balances that keep us free; not studies, commissions, training or counseling. We must stop equating individual protections with "criminal's rights". We must avoid the reckless rhetoric that equates the Bill of Rights to "legal technicalities".

Specifically, we must return to the protections of the Fourth Amendment. A healthy exclusionary rule protects the innocent and the free, not the "criminal". Can one imagine what the agents, who would twist the truth to obtain probable cause, would do if they no longer needed probable cause to arrest and search and siege.

We must allow meaningful discovery to those accused of crime. If they are guilty they will still be convicted, if they are not guilty, they will have the means to disclose the unreliability of the government's case. Under the present rules of discovery the Davidian defendants, who were facing life without parole, were entitled to but a small portion of the documents Congress has accumulated for these hearings. The only reports or statements of government witnesses which we received were of those who the government chose to call as witnesses. By limiting their witnesses, they limit the information they have to disclose.

Congress should even the playing field by appointing a committee, not dominated by the Department of Justice, to recommend fair discovery in criminal cases.

We must revive the presumption of innocence in this country. It may not be dead but it has certainly been in a coma for over a decade. We should restrict the practice of holding presumptively innocent citizens in jail while they await their trial to the most compelling of circumstances. It is much too easy for the government to present conclusory hearsay evidence at these detention hearings. In this case alone, three innocent people lost a year of their lives in jail because of this Orwellian practice.

In short, the events of Waco call not merely for a re-examination of law enforcement but for a fundamental realization that they are not always right and they do not always tell the truth. Congress should therefore re-examine its propensity to grant carte blanche requests from the Department of Justice for more power, fewer restrictions and broader criminal statutes. **The last thing this country needs is a federal police force!**

AFFIDAVIT

On February 28, 1993, your Affiant, Bureau of Alcohol, Tobacco and Firearms (ATF) Special Agent Charles Meyer was working with other ATF Agents providing perimeter security while a federal search warrant was being executed at the residence of VERNON WAYNE HOWELL, off of Double EE Ranch Road in McLennan County, Texas. Your Affiant has been a Special Agent with ATF since 1976.

Other Agents had been fired on and several were killed and wounded. At approximately 5:00 p.m., which was near dusk, Affiant and several other ATF Special Agents encountered Defendant DELROY NASH and two other males. Affiant and other ATF Special Agents identified themselves as Federal Agents several times and ordered the three individuals not to move. As Affiant and other agents took cover, NASH and the others began firing firearms at the Agents. Affiant and other Special Agents returned fire and hit one of the individuals. When the firing ceased, NASH yelled and was ordered to stand up with his hands on his head and walk toward Affiant and Special Agents. He did and was apprehended. NASH was searched and had 99 round of .22 caliber ammunition and a Jennings .22 caliber pistol on his person.

*Charles Meyer*

Charles Meyer, Special Agent  
Bureau of Alcohol, Tobacco and Firearms

SUBSCRIBED AND SWORN TO before me on this the 1st day of March, 1993.

*[Signature]*  
United States Magistrate Judge



EXHIBIT B

STATEMENT OF: MARVIN G. RICHARDSON  
DATE: March 5, 1993  
INTERVIEWER: John Aycock

reach for them, so about that time, I counted three and fired off like maybe six rounds and told Ivan to go and I fired off six rounds and then all I remember then is just, just a whole bunch of shots ringing out at that point in time. We were all, uh, just returning fire. Uh, I know I shot, I went through two clips and had put my third one in and started firing and about that time, the uh, the guy started yelling from down in the, in the little ravine, he was yelling, you know, surrender, surrender. And we stopped firing and the guy was given instructions. Uh, Special Agent Mihalec was instructing the guy to come up toward him. So he starts working his way up the hill with his hands up. He gets about six feet from Mark and we put him on his knees. He gets on his knees. Mark tells him to work his way on up toward him on his knees. Gets him there, asks him if he has a gun. He says, yeah, I got a gun. He points to his pocket and Mark reached into his pocket while I was covering the suspect. He grabbed the gun and he threw the gun toward me and I grabbed the gun and stashed it in a bag with the rifle that we had taken. We took that rifle that I told you about earlier, back at the bus. Yeah, I had that bag, had it in a bag, the rifle and the gun which we took off of the suspect. Mark cuffed him and took him to the front of the line. At that time, I proceeded last man to the front of the line and we were going to leap frog out. So, when I got to the front of the line, the last people started working their way up and we started heading out again. Uh, . . .

- Q. The male that you guys had captured, what was he?
- A. I want to say he was a Jamaican because I could catch his accent when he was talking to, when he was talking to Special Agent Mihalec, and it was pretty easy . . .
- Q. A black male?
- A. Yeah, black male, uh. . . .
- Q. And what kind of gun did he have?
- A. He had a Jennings 22, little chrome-plated 22 and a homemade leather pouch which, you know, it had not been fired because I cleared the weapon when we got back after everything was over with and it had not been fired, uh, to the best of my knowledge and then all I did was clear it. It had six rounds in it, one was in the chamber. I didn't observe any powder or anything like that. I didn't get to look it over as well as



April 20, 1993

On the morning of February 28, 1993, I was pilot in command of a UH-60L helicopter assigned the task to act as a diversion while ATF personnel approached the Mount Carmel compound outside of Waco, Texas.

At approximately 0945 we approached the compound from the Northeast following two OH-58 helicopters. We began to receive gunfire on the approach but at no time returned the fire.

My helicopter was not armed nor did any of the crewmembers carry weapons. The ATF agents we were transporting carried side arms but at no time did they discharge said weapons while on board the aircraft.

The aircraft, SN 91-26319, carried external fuel pods and flew with all doors closed making it impossible to discharge weapons from the passenger compartment.

I submit that these statements are true and correct.

  
CW4, AGTX-CD

005723

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION AAQSF [REDACTED] TX 78723	DATE 20 APR 93	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS W3	
ORGANIZATION OR ADDRESS HHC, AVN BDE [REDACTED] AUSTIN, TX 78723			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

ON FEB 28, 1993 AT APPROX. 0945 I WAS FLYING AN OH-58 (70-15246) AS PILOT IN COMMAND WHILE SUPPORTING ATF DURING OPERATION "TROJAN HORSE". OUR MISSION WAS TO CREATE A DIVERSION TO ENABLE ATF AGENTS TO SERVE A WARRANT AT A LOCATION APPROX. 8 MILES SOUTHEAST OF WACO, TX.

WE APPROACHED THE LOCATION FROM THE NORTH AND WHEN WE WERE APPROX. 300 METERS FROM THE TARGET, WE RECEIVED SMALL ARMS FIRE SUSTAINING A HIT IN THE TAIL OF THE AIRCRAFT. THE TWO OTHER AIRCRAFT IN THE FLIGHT ALSO RECEIVED GUNFIRE DAMAGE FROM THE TARGET LOCATION. ALL AIRCRAFT IMMEDIATELY TURNED AWAY FROM THE SOURCE OF FIRE AND FLEW NORTH.

THERE WERE NO WEAPONS ON BOARD MY AIRCRAFT AND THERE WAS NO WEAPONS FIRE FROM ANY OF THE AIRCRAFT IN THE FLIGHT.

Nothing Follows



EXHIBIT	STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE NUMBER, STATEMENT OF, TAKEN AT, DATED, CONTINUED. THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 JUL 78

SUPERSEDES DA FORM 555, 1 JAN 64, WHICH WILL BE USED.

005730

SWORN STATEMENT

For use of this form, see AR 190-46 the program agency to Office of The Deputy Chief of Staff for Personnel.

LOCATION AAAF [REDACTED] TX	DATE 24 Apr 93	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O2/ADSW
ORGANIZATION OR ADDRESS RAID			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On 28 Feb 93, I was pilot in command, of the lead aircraft of a flight of three, for Operation Trojan Horse near Waco, TX. Our mission was to provide a diversion to the North of the objective with the noise of the aircraft. We were also a command and control aircraft with Phil Ujandi, of the ATF, on board to observe the issuing of the warrant. While approaching the objective, our aircraft received gunfire, turned away from the objective, and departed to the north. My aircraft, 15302, was carrying myself, a National Guard member, [REDACTED] also a National Guard member and the ATF agent listed above. Neither myself or [REDACTED] had a weapon. The aircraft had no weapons. The ATF agent on board had his sidearm with him, but it was not fired. All of the doors were on the aircraft and restraint a weapon from being fired.

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SIGNATURE	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 1 JUL 78

SUPERSEDES DA FORM 8888, 1 JAN 88, WHICH WILL BE USED.

005731

# UNITED STATES CODE

## TITLE 18

# CRIMES AND CRIMINAL PROCEDURE

## PART I—CRIMES

### CHAPTER 47—FRAUD AND FALSE STATEMENTS

**Sec.**

**§ 1001. Statements or entries generally**

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

**UNITED STATES CODE**

**TITLE 18**

**CRIMES AND CRIMINAL PROCEDURE**

**PART I—CRIMES**

**CHAPTER 79—PERJURY**

**Sec.**

**§ 1621. Perjury generally**

**Whoever—**

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or
  - (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;
- is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

STATEMENT

I Major Mark B. Petree, [REDACTED] Co C, 3d Bn, 3d SFG(A), provide the following statement under oath, to clarify certain details and aspects of mission JT002E not documented elsewhere at USSOCOM:

On or about 3 Feb 93, I was functioning as the Rapid Support Unit (RSU) Commander during J/J support for JTF-6. I received telephonic from MAJ Brent Ballard of a mission that was beginning to solidify. MAJ Ballard is the Sp. Forces LWO assigned to JTF-6 and functions as the RSU operations officer. The mission was to support a LEA (no mention of BATT was made) with Bradley vehicle operations. Specifically, I was asked if I had any ILMs. Apparently there was a tasking going on for 4 Bradley IFVs to support the LEA and the matter had been being discussed since c/a 14 Jan 93. From the very beginning there was mention of a methamphetamine laboratory (since this was the only way we could be tasked). I can provide the following documents which are attached hereto and incorporated herein by reference. 1) Operation Alliance memorandum to JTF-6 dated 2 Feb 93. 2) BATT's Memo dated 22 Jan 93 to RLSD 3) The support Memo for WACO. Per normal SOP, I was provided these documents during follow-up discussions with MAJ Ballard. After lengthy discussions with the legal section at JTF-6 and SF Command at Ft Bragg, I was informed that since this was an actual law enforcement mission, there were restrictions placed upon our support by federal law. My guidance was that ISDs could not provide direct support to the assault and we did not. My ISDs did some basic first aid training prior to mission, that is IVs and ABCs, but the LEA was responsible for medical coverage on the actual mission. We were also told that since this was an actual law enforcement mission, we would not offer advice on the tactical plan and we did not. The essence of our plan was stated in a FRAGO (4 pages) which I am attaching to my statement. When we got to Ft Hood, our support was limited to Company size communications network planning, Company level (medical) evacuation planning, transport of the sick and wounded (i.e. buddy carries off the objective), IV training and ABC's, and running the ranges. We did some minor engineer work, in helping them construct mock-ups of their diagrams, but we offered no advice on conducting the raid based upon the mock-ups constructed. On my own, I decided that we would be on our way back to El Paso prior to any assault by the LEA and we did so. I would like to add one further point, based upon the mission constraints, I picked the team which would support BATT based upon the fact that none had attended Special Operations Training in Close Quarter Battle (SOT/CQB). When we got to Ft. Hood, this fact was told to the BATT so that they would not think of the Special Forces element as experts in SOT/CQB. Finally, an ILM is a Bradley Infantryman. An IFV is a Bradley Infantry Fighting Vehicle. ISDs are Special Forces Medics. IVs and ABCs are medical techniques for treating battlefield injuries including intravenous injections of fluids, clearing airways, controlling bleeding and treating shock.

Subscribed and sworn to this 14th day of May, 1993 at Ft. Bragg, NC

  
MARK B. PETREE

COUNTY OF CUMBERLAND  
STATE OF NORTH CAROLINA

Sworn and subscribed before me, UBALDO HERRERA JR., a notary public in and for the State of North Carolina, on this the 14th day of May, 1993.

  
UBALDO HERRERA JR. (SEAL)  
NOTARY  
My Commission expires: 31 Jan 95

D-1147



U.S. Department of Justice

United States Attorney's Office  
Western District of Texas

P.O. Box 828  
Waco, Texas 76703

(817) 757-6245

January 6, 1994

RE: US v. Branch, et al

TO COUNSEL FOR ALL DEFENDANTS:

In response to the Court's order filed January 4, 1994, we provide the following information which ATF possessed prior to the February 28th raid concerning the existence of a drug lab at Mt. Carmel:

Name checks through the Treasury Enforcement Computer System were performed by the Houston Field Division Office of ATF on or before December 16, 1992. The results, based on name only searches indicated that four persons believed to be living in the Compound had drug smuggling or possession entries in the Treasury Computer System. The accuracy of these checks is somewhat questionable because of the "name only" type inquiry, without having other identifying data on the queried individual.

During November of 1992, Special Agent Aguilera spoke with a former resident of the Mt. Carmel Center who told Aguilera that Vernon Howell had told this former member that when he (Howell) and others had taken possession of the Mt. Carmel Compound in 1988, there was an amphetamine manufacturing facility which Vernon referred to as an amphetamine still on the property. Vernon Howell also related to this former member that he (Howell) found a number of documents regarding the manufacture of amphetamine, including recipes and instructions. Vernon Howell related to this former resident that he (Howell) intended to turn these materials over to the McLennan County Sheriff's Office. Agent Aguilera personally checked with members of the McLennan County Sheriff's Office and learned that at no time since 1988 did Vernon Howell or others at the Mt. Carmel Center relinquish possession of any components of a amphetamine laboratory nor did they turn over any instructions or recipes relating to a lab.

Based upon the above information, ATF coordinated a surveillance flight using a helicopter with infrared capabilities. This flight took place on February 6, 1993. A National Guard Analyst reviewed

EXHIBIT A

the data and concluded that a large amount of heat, consistent with that produced by a drug laboratory was emanating from an area of the Mt. Carmel Center at 1:45 a.m. on February 6, 1993. A photocopy of a portion of the aerial photograph with the analyst writing showing areas of heat is attached to this letter.

Sincerely,

JAMES H. DEATLEY  
UNITED STATES ATTORNEY

by:

  
William W. Johnston  
Assistant U.S. Attorney  
Western District of Texas

**UNITED STATES CODE**  
**TITLE 18**  
**CRIMES AND CRIMINAL PROCEDURE**

**PART I—CRIMES**

**CHAPTER 79—PERJURY**

**Sec.**

**§ 1623. False declarations before grand jury  
or court**

(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States.

(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

(1) each declaration was material to the point in question, and

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

(e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.



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7 Court Reporter:

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10 Proceedings recorded by mechanical stenography, transcript  
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PREPARED STATEMENT OF CLIVE DOYLE, BRANCH DAVIDIAN

I wish to thank the Sub-Committee for the opportunity to speak at these hearings. If truth and justice are really the important concerns here, then it puzzles me that only 2 of all the survivors, David Thibodeau and myself, have been permitted to address the Committee. Several survivors were in the Washington area last week, but were not called upon to testify. There are nine others incarcerated in the Federal Prison system who I know for a fact would be more than willing to tell their experience. I guess it is up to me to speak on behalf of these and other survivors. It also rests upon my shoulders to speak for the 82 people who died at Mt. Carmel, including 29 children, who are not able to be here to speak for themselves. I therefore consider it a privilege and a duty to represent them here today.

1. The first thing I want to say is there was no ambush. Any warning that most of the residents had was only minutes before the trailers containing the Agents arrived.

2. (A) The first shots fired, as far as I was aware, were at the front door area, right after David made the statement, "Hey! Wait a minute. There are women and children in here. Let's talk about this."

(B) Others in the back and upstairs would have testified that it was firing from the helicopters which they heard first.

3. I disagree with the Tarrant County Medical Examiner's finding in their autopsies of both Perry Jones and Winston Blake. Perry was shot in the stomach at the front door. Winston was shot by the people in the helicopters.

4. It was those inside who initiated the 911 calls. Any delay which took place in getting help for the wounded ATF agents was caused by the fact that it took some 45 minutes for Larry Lynch to contact those in charge of the raid.

5. The accusations against the residents of Mt. Carmel is that they murdered the 4 Federal Agents killed that day, Feb. 28. These agents were not murdered. To defend oneself when under attack by an invading army can hardly be described as murder. If the accusation holds that our people murdered the agents, then the same label of murders must be put upon those agents who shot and killed those on the inside, probably moreso in the fact that the ATF

initiated the circumstances. As much as I regret their deaths, let me say this. I have seen no evidence that proves just who shot these agents. Having gone through 7 weeks of trial in San Antonio the Government took great pains to prove murder and failed to do so. All 11 defendants were found innocent of conspiracy and murder, by a jury.

6. For the next 50 days extreme privation and suffering was endured by all inside including the children. Decisions to cut off the electricity, destroy all the fuel, cars, trees, etc. to buzz the building with helicopters and play loud music and other noises was certainly not conducive to winning our respect or cooperation. And it certainly could not have had a beneficial effect on the children over which we hear so much concern voiced. Lack of proper food, water and sleep caused many of the adults to lose as much as 25-30 pounds in weight. Just what effect do you think it had on small children?

7. During the siege we had the opportunity to see the tanks continually run over Peter Gent's grave. Agents were observed mooning the residents inside and agents were quite observed outside their vehicles at no time were shots fired during these incidents.

8. Nor were any shots fired on April 19, as far as I could hear. The question is often asked why didn't people come out? Let me just say that the treatment of those who did was not in accordance with the promises made about how certain ones would be treated. Also the lobbing of grenades at individuals, prior to the 19th, people who came out of the building -- including Steve Schneider -- was not conducive to making those on the inside trust those on the outside.

9. The words of Bryon Sage saying, "This is not an assault. We are not entering the building," were belied by the fact the CEVs were definitely entering the building -- in the gymnasium, the front door area, the kitchen area to name a few. The firing of ferret rounds through windows and walls was definitely taken as an attack by those inside.

10. For the FBI to say that, "You'd think they would have put the children in the bus where it was safe," was a complete subterfuge knowing as they did that the entrance to the bus had been blocked since early morning by the CEV pushing in the NW corner for that very purpose.

11. Suicide was not a doctrine of the Branch Davidians, nor was there a general plan to commit suicide on April 19 to my knowledge. There was concern that if we should all come out together that the FBI might open fire on us and that many would die.

12. Everyone I know of, in the area I was located, had their bags packed preparatory to coming out. Most of those I had contact with seemed relieved that we would soon see an end to the standoff when David finished writing the seven seals out, not that we really looked forward to going to jail, but we were resigned that if that was the route God chose to take us, then so be it.

13. I saw adult people suffering from the effects of the CS gas in the chapel area where there was ventilation and can only imagine what the women and children were going through in the enclosed area of the concrete vault without masks.

14. By about 11 or so in the morning those of us in the Chapel were pretty much cut off from the other areas of the building. The gymnasium was half collapsed blocking the back stairs. From the continual pushing on the front of the building, by the CEVS, the hall on the first floor was blocked by sheet rock and 2 x 4s. So we were virtually cut off from the cafeteria area.

The penetration into the front door area had also blocked or damaged the front stairs as well. Once the fire started most of those inside were trapped. The concept that all the penetrations were escape routes did not prove true. The majority of the 9 who survived escaped through windows -- 4 from the second floor and one from the chapel. Only 4 who escaped through a tank created hole on the side of the chapel made any use of the breached walls.

15. Although much speculation is made that the residents lit the fires I personally did not see where or how the fires started. Please note: I am not an expert on guns, gas or fires. But I've heard enough of these hearings to see that the Govt agents have been given ample time to justify their actions and present their theories on everything from day 1 to the end. It is my opinion and my request that in all fairness to those surviving victims of these atrocities, that Ramsey Clark, the former Attorney General, who just happens to represent a good many of the survivors and the families of these who died, be permitted to speak to the Committee at the same time as Janet Reno, on Monday the 31st.

## PREPARED STATEMENT OF DAVID THIBODEAU, RESIDENT AT MOUNT CARMEL

Mr. Chairman, on February 28, 1993 the world witnessed a vulgar display of force set against a community of people living in a large home on the barren prairie lands of Texas. One hundred men dressed in black with fully-automatic weapons, that initially were reported to be set for two round bursts, attacked and fired into a building containing a majority of women and children. The evidence of the pattern and the amount of holes passing threw the sheet rock walls indicated other than just a two round burst. The video taken from behind the BATF lines indicated not that the BATF were being ambushed as, initially reported, but that they were on the set of a RAMBO movie. BATF agents are seen standing up behind cars, that if they were in danger, they would be kneeling behind. The agents were also depicted shooting indiscriminately into the second story of the building, where the women and the children were. The helicopters in the back were firing indiscriminately into the building as well, according to eyewitness testimony. The roof of the tower was riddled with bullet holes shot from the air. After the shooting stopped, five of my closest friends, people whom I considered family, were dead, not to mention the five Alaskan Malamute dogs gunned down by the BATF as they stood barking in a penned up area toward the front of the building helpless to protect themselves. I would say the child abuse began when the BATF murdered the children's dogs, while the kids, cowering under the upstairs beds, listened in horror as their pets cried out in pain and anguish from the BATF slaughter of the animals.

Three or four eyewitnesses I spoke with claim the BATF shot first into the building. The trials in San Antonio indicated that vital evidence was not entered in. The twin steel doors at the front, one David had in his hands when he attempted to greet the BATF, were riddled with bullet fire coming from the outside into the building. One door was entered into evidence by the prosecution, while the other door the prosecution claimed, "must have disintegrated in the fire." There is a curious lack of any video tape taken from the BATF surveillance house across the street on the day of the raid. It's obvious that something is being hidden from the public. I find it surprising with the amount of agents on the scene, the largest raid in law enforcement history, that at least one camera was not functioning to record the early segments of this raid.

There was no trust between the people inside and the FBI from the outset. The rift between the FBI negotiators and the tactical commanders did nothing but create a disharmony as opposed to a trust needed in such a volatile situation. Despite all the biased press reports David Koresh was coming out. The Seven Seal manuscript was the zenith of his life and not allowing him to finish it after having been promised truly did bring about one of the saddest days in American history. If I didn't get to see the tanks come into our living room, blocking passageways and knocking down stairs, causing the building to be knocked off its foundation, shaking it like it were some large earthquake, I never would have believed this was the land I grew up in, the country I loved, the United States of America.

"Were not going to fire into the building," the speakers exclaimed as four hundred ferret rounds, as big as a coke can, were fired into the building. One of those ferret rounds hit Jimmy Riddle in the side of the head. Barrel after barrel of the liquid CS gas were sprayed into the building, enough to debilitate a number if not all of the people. The crime scene had already been destroyed by the tanks previously so why not just tear the building apart, causing an oxygen flow system in the building as well as a fire hazard. The area around the building had been cleared as if a fire break were being created. The fire trucks were held at the check points till the fire virtually consumed the building. The plane flying above the building was armed with an Infra-red camera recording the events, and finally, I want to know, why was Parkland Memorial Hospital called at 6:00 a.m. the morning of April 19, by the FBI, and asked, "how many beds are available in your burn unit." It seems grossly negligent, if not criminal. The FBI could prepare enough to ask the hospital about the availability of beds in their burn unit but not have a tank equipped to fight a fire.

The saddest part of all is the claim Janet Reno and the FBI made over and over, the children, the children, we will do nothing to endanger the children. It is my testimony that the children would have been much better off without the Government concern and intervention. Had the BATF talked with the sheriff Jack Harwell, or come to the property in peace when David had invited them out, this whole thing could have been avoided. It takes a brave public servant that believes in the rights of all the people of this nation to go to the door, knock, present a search warrant and proceed from there. This phenomena of the "dynamic entry," shows nothing but cowardice and fear, strength in numbers, power in oppression. Not the America I remember, or one I wish to live in with my family in the pursuit of happiness.