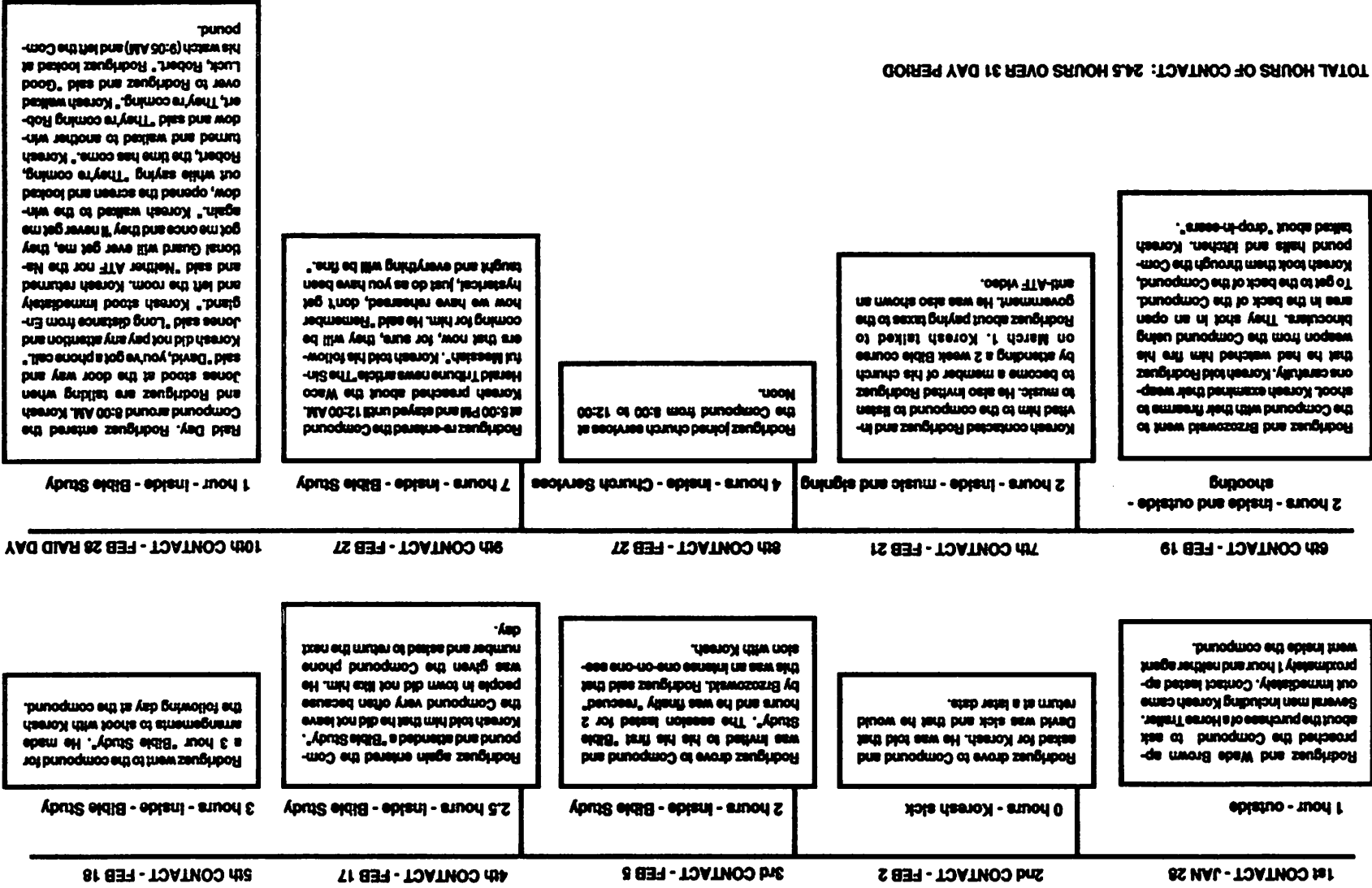
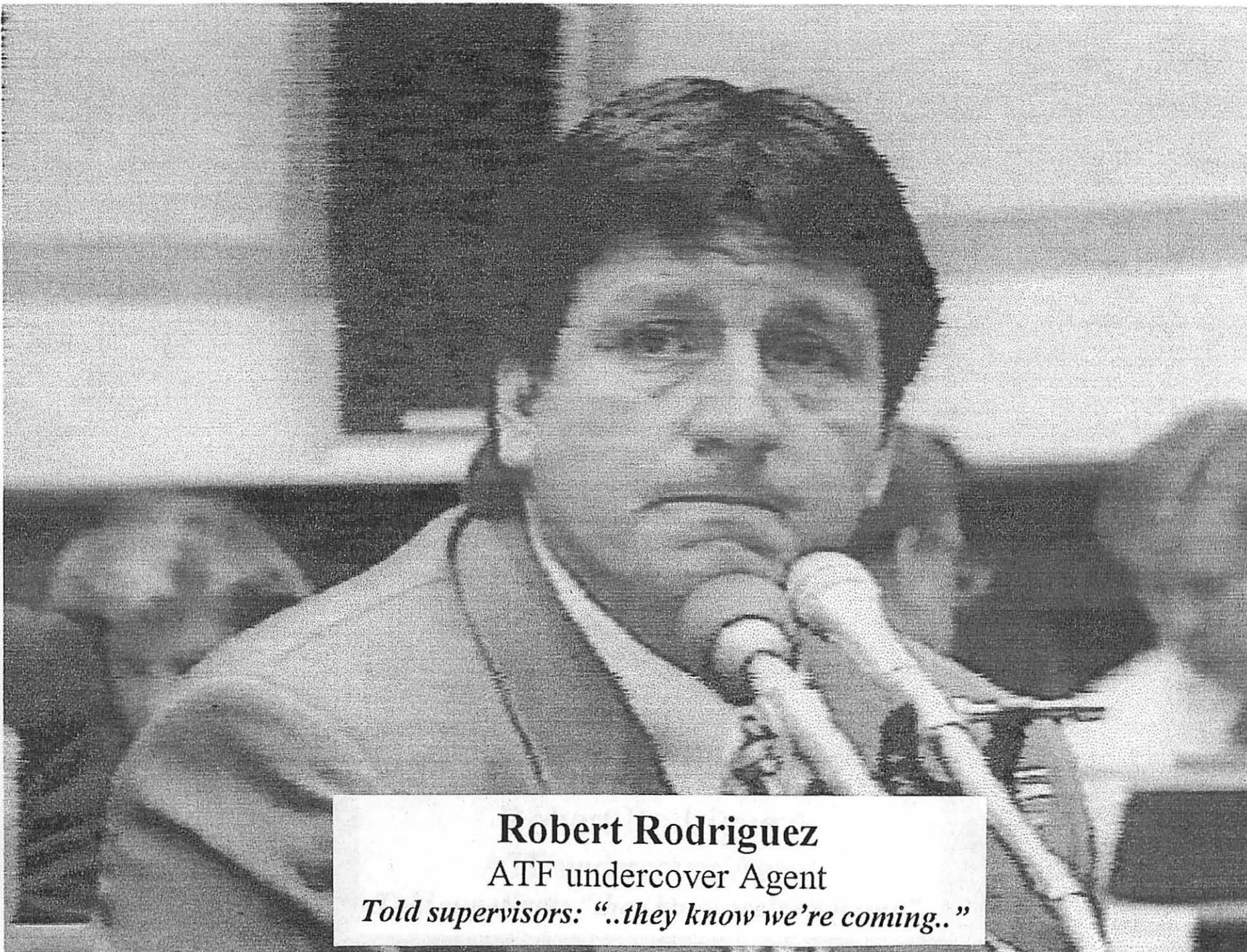


RODRIGUEZ'S UNDERCOVER CONTACTS WITH THE COMPOUND

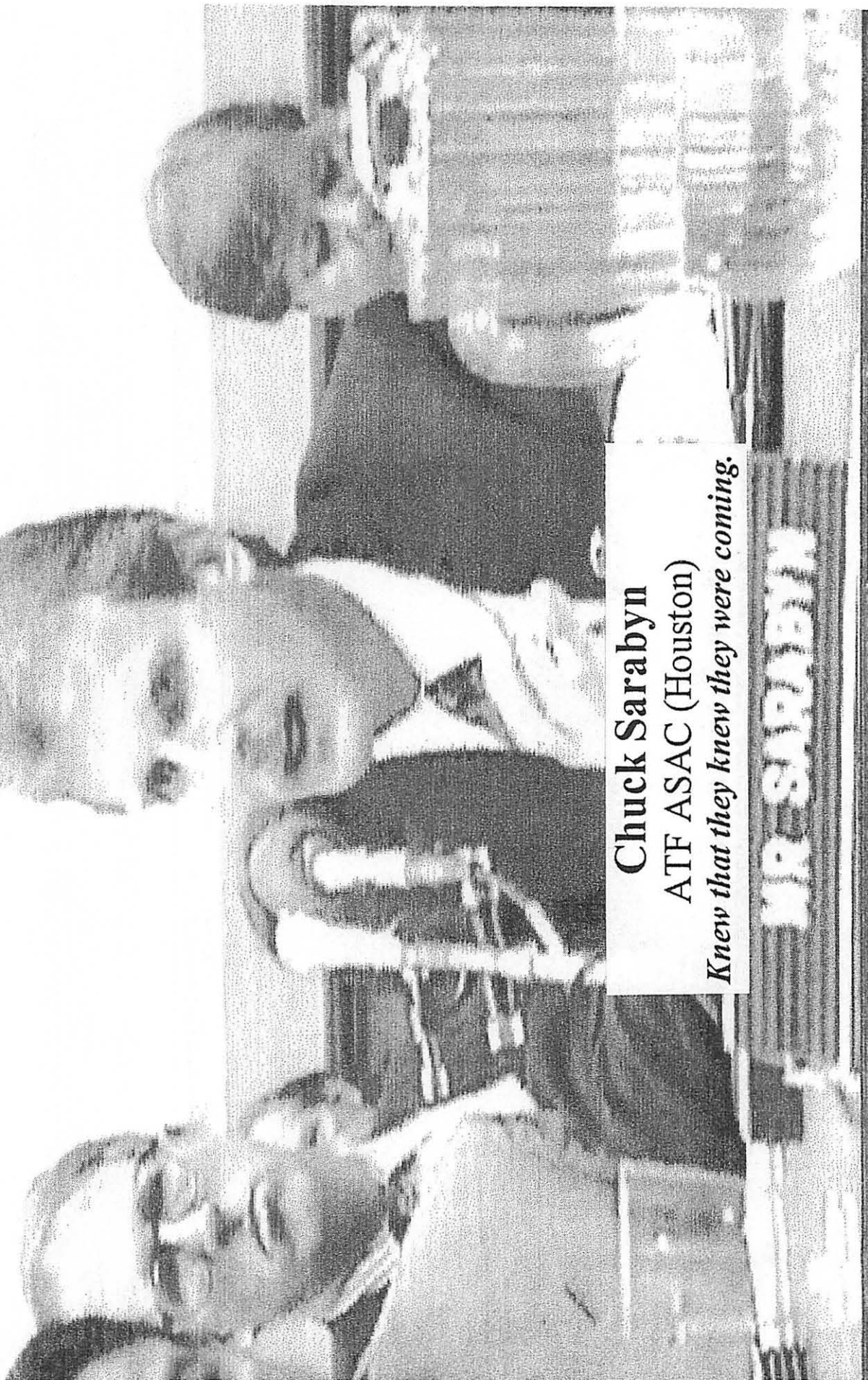


TOTAL HOURS OF CONTACT: 24.5 HOURS OVER 31 DAY PERIOD

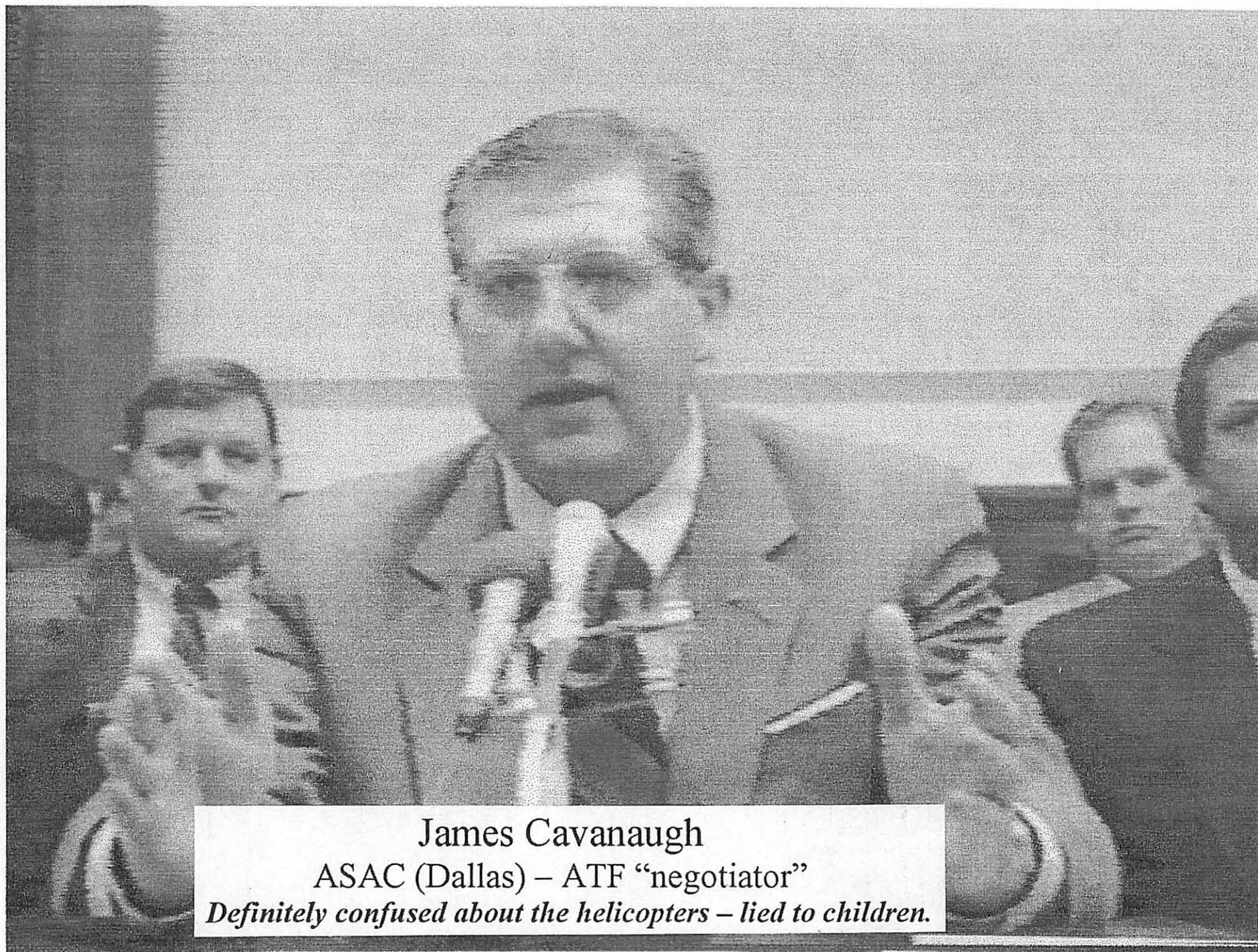
Figure 40: Rodriguez's undercover contacts with the compound.



Robert Rodriguez
ATF undercover Agent
Told supervisors: “..they know we’re coming..”



Chuck Sarabyn
ATF ASAC (Houston)
Knew that they knew they were coming.



James Cavanaugh

ASAC (Dallas) – ATF “negotiator”

Definitely confused about the helicopters – lied to children.



Ted Royster
ATF SAC (Dallas)

"...had a plan and a diversion, all put into effect.."



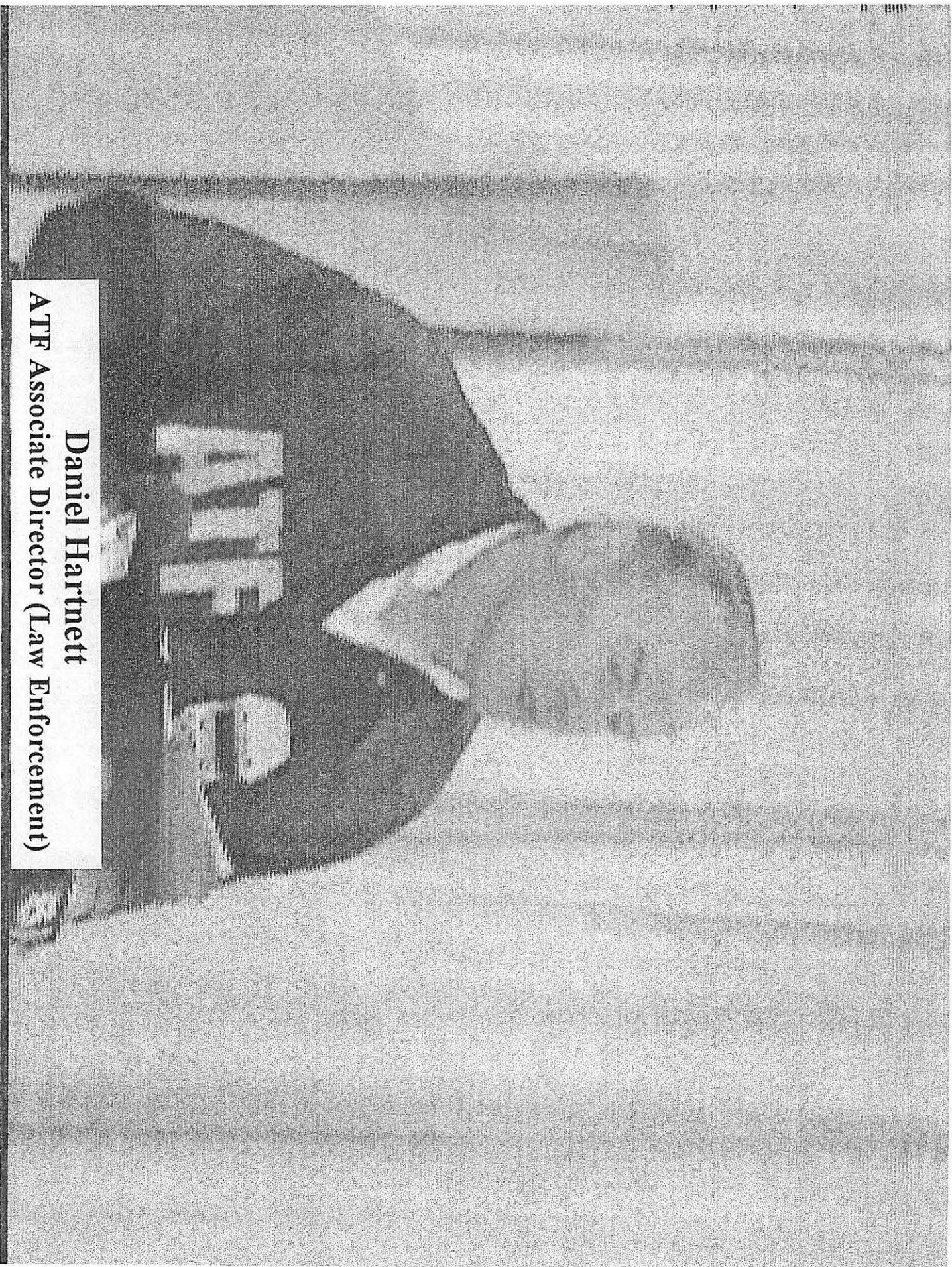
David Troy
ATF Special Agent
"David Koresh is a cheap thug..."



Sharon Wheeler

ATF Public Information Officer (Dallas)

Had a tough time opening videos – told lies about who had “bigger guns”



Daniel Hartnett
ATF Associate Director (Law Enforcement)



ASSISTANT SECRETARY

DEPARTMENT OF THE TREASURY
WASHINGTON

August 9, 1993

MEMORANDUM **BRIAN BRUH**
FOR: **DIRECTOR, FINANCIAL ENFORCEMENT CRIMES**
NETWORK (FINCEN)

STEPHEN E. HIGGINS
DIRECTOR
ALCOHOL, TOBACCO & FIREARMS

JOHN W. MAGAW
DIRECTOR
U.S. SECRET SERVICE

DONALD K. VOGEL
ASSISTANT COMMISSIONER
(CRIMINAL INVESTIGATION)
INTERNAL REVENUE SERVICE

GEORGE WEISE
COMMISSIONER
U.S. CUSTOMS SERVICE

CHARLES F. RINKEVICH
DIRECTOR, FEDERAL LAW ENFORCEMENT
TRAINING CENTER

FROM: **RONALD K. NOBLE** *RKN*
ASSISTANT SECRETARY (ENFORCEMENT)

SUBJECT: **MATTERS REQUIRING MY OFFICE'S ATTENTION**

This memorandum provides general guidelines on those matters upon which I need to be informed. This is especially important if I am effectively to serve the Secretary and his staff. In most cases, the decision regarding the manner in which these items are to be communicated will rely on the judgment and discretion of the Bureau heads. In addition, the liaison officers will play a key role in identifying matters occurring in your Bureau which should be brought to my attention. This memorandum supersedes Assistant Secretary Nunez instructions of March 28, 1990. In general, I would like to be apprised of the following:

109920

1. Significant, non-routine contacts (including meetings and telephone calls) with the following organizations: The Executive Office of the President, including the Office of Management and Budget and ONDCP; other Departments, Offices and Agencies, if contacts are at the Assistant Secretary level or higher; Congressional Committee or Subcommittee Chairman and ranking minority members; and foreign missions at the level of Deputy Chief of Mission or higher and foreign agencies at the level of Deputy Director or above. These non-routine contacts might include policy matters or significant operational issues. With the exception of the U.S. Secret Service, I would expect no initiated contacts with the White House, the National Security Council or the U.S. Trade Representative without prior notification of my office.

2. Significant cases, events or incidents involving personnel to include sexual harassment claims, alleged violations of equal opportunity laws and regulations, unique integrity problems, serious employee injury or loss of life, etc., in accordance with privacy and confidentiality guidelines and considerations.

3. Recent, current or upcoming media coverage highlighting the activities of Treasury or its Bureaus.

4. Significant new policies, programs or initiatives that may be announced or major changes or adjustments to a Bureau's mission.

5. Non-routine budget issues that could have an important impact on the Bureau's budget requests, funding levels or ability to carry out its missions.

6. Any significant operational matters that affect any of the Bureau's missions including major high risk law enforcement operations.

7. Major studies and reorganizations to be undertaken by the Bureau including their purpose and expected results.

8. Attendance at national conferences and any senior management conferences held outside of Washington D. C.

9. Significant litigation that could result in adverse press coverage, major outlays of funds or adjustments in a Bureau's missions.

10. Recommendations for the selection of all SES positions and major field office appointments.

0 2 6 5 0 3

The above information may be reported by the Bureau head or his/ her staff by whatever means is appropriate. This may include personal meetings, telephone calls to me or my senior staff, informal notes, etc., depending upon the exigencies of the information and the situation. See my memorandum of August 6, 1993 regarding forms and priority of communications within Treasury enforcement.

I wish to stress again that these are only guidelines. There is no substitute for good judgment, and as we work together we will gain an improved understanding of those matters that are sufficiently significant and important to deserve our joint attention. This will allow us to make adjustments to these guidelines and our management processes. Please ensure that these guidelines are disseminated throughout the Bureau so that the information we receive is accurate and timely.

Thank you for your personal attention to this matter.

02650?

TREASURY

INTEROFFICE MEMORANDUM

Date: 09-Apr-1993 01:17pm EST
From: Robert M. McNamara
MCNAMARAR
Dept: Asst GC Enforcement
Tel No: [REDACTED]

TO: Ron Noble

(NOBLER)

CC: Jean Hanson

(HANSONJ)

CC: Dennis I. Foreman

(FOREMAND)

CC: Faith Hochberg

(HOCHBERGF)

CC: Beverly Hadley

(HADLEYB)

Subject: Waco Press Release

I learned this morning that Jack DeVore does not want to incorporate into the press release the changes recommended by the Justice Department. There are a number of factors of which Jack may be unaware which strongly argue that the changes be adopted:

-- we asked Justice to review the press release 1) to determine whether any of the language could in any way prejudice the prosecution and 2) to ask the FBI negotiators whether any of the language could in any way interfere with their negotiation strategy.

-- Justice prosecutors in Washington and in Waco said that any words which could be interpreted as being critical of ATF must be avoided since it would play into the defense attorneys hands and aid the defense attorneys in making ATF the issue (e.g., "what went wrong", "investigation" of ATF);

-- the FBI said that the review might have a positive impact, but it was critical to that success that the phraseology be non-judgmental, so as not to play into Koresh's hands.

-- the mark-up I gave you was the FBI's and DOJ's consensus version which would satisfy these concerns. I spoke personally to the prosecutors and to the head of the FBI negotiating team in Waco when I was there this week, and they were very specific about this.

-- We are trying to get Justice to cooperate with us in getting the review of ATF off the ground and not opposing the measured approach which you have developed. As you know, the key to our somewhat successful meeting this morning was our promise to Justice that we would closely coordinate with them on every aspect of the review. If our first act is to reject

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the changes they requested because of prosecution or negotiation strategy, we have lost any credibility we had after the meeting this morning.

-- The ultimate success of the Secretary's review of ATF's action is going to require Justice's assistance and support. Unless there is a strong policy reason which overrides Justice's concerns, we should ask Jack to reconsider or raise the issue with Mr. Altman, since Web Hubbell is apparently opposed to even the compromise we have worked out.

00017723

MEASURY

INTEROFFICE MEMORANDUM

Date: 14-Apr-1993 02:05pm EST
From: Robert M. McNamara
MCNAMARAR
Dept: Asst GC Enforcement
Tel No: [REDACTED]

TO: John P. Simpson (SIMPSONJP)
TO: Michael D. Langan (LANGAN)

CC: John W. Mangels (MANGELS)
CC: Beverly Hadley (HADLEYB)

Subject: Preliminary Investigative Plan

CLOSE HOLD -- SOME INFORMATION IS LAW ENFORCEMENT SENSITIVE

First Stage:

o identify all existing ATF documents, reports, materials and files (both investigative and administrative) in the field, the region and headquarters relating to the Branch Davidians

-- segregate into time phases: pre-June '92 referral, post-referral to pre-warrant, post-warrant to planning, planning phase, training phase, pre-execution phase, execution phase(s)

-- begin to identify "categories" or "clusters" of person who should be interviewed for each of the time phases at the appropriate time (potentially identify those who will not, probably will not, probably will and will be witnesses for either the prosecution or the defense):

o determine whether ATF radio traffic was taped, and get copy of all 2/28 tapes;

o determine whether ATF took post-shooting statements from agents or conducted an internal post-shooting inquiry and get any reports or documents generated by such an inquiry;

o obtain copy of ATF procedures, manuals and instructions for agents relating to the planning and execution of warrants

o obtain copies of interviews, reports and other documents prepared or obtained by the Texas Rangers (TRs) for both the murder and leak investigations;

o obtain master copy of documents, index and log, and prepare working copies of necessary documents;

00018994

o have investigators review documents to identify missing, collateral or other source documents, and obtain these;

o collect news clippings and review for possible questions and issue areas which will need to be covered;

o have investigators and analysts review documents and prepare lists of questions to be answered, issues to be raised, topics to be discussed, individuals to be interviewed, and leads to be followed up;

o obtain copy of procedures, manual and instructions for agents from other Treasury and non-Treasury law enforcement agencies relating to the planning and execution of warrants;

o identify experts from other Treasury and non-Treasury law enforcement agencies relating to warrant execution, high risk entries, SWAT procedures, contingency planning etc.

o interview experts regarding the general principles, procedures and practices within their expertise (with a view toward later asking specific questions with reference to the Waco situation);

o develop historical information on previous ATF high-risk entries, number of shooting incidents, post-shooting reviews and any changes in procedures resulting from those reviews; interview participants in the more serious ones to determine whether agents had recommended changes during post-mortems;

Constraints:

o DOJ does not want Treasury to conduct any interviews or have discussions with any of the participants, who may be potential witnesses; the prosecutors do not want us to generate additional Jencks, Brady or Giglio material or oral statements which could be used for impeachment.

PROB: our information will be limited to what the TRs ask, which will focus on the gunfight and not necessarily on the other major topics in which we are interested; we may not have the first-hand information that we need to conduct our review;

-- at some point we are going to have to interview the crucial witnesses and perhaps may have to take statements; while we may be able to wait for some of them to have testified in the criminal trial, the passage of time will dim memories;

o DOJ does not want us to make any findings or draw any conclusions from what we review; the prosecutors are concerned that anything negative, even preliminary, could be grist for the defense mill;

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PROB: some sort of "findings" are inevitable as we work our way through the materials and will be necessary in order to make decisions about next steps in the review process

-- the Review Board will expect at least periodic reports on our efforts to date and briefing on "what we have learned" so far; these reports will be important to guide them in the exercise of their responsibilities;

o DOJ does not want us to generate gratuitous "expert witness" materials; the prosecutors are concerned that these people won't have all the facts upon which to base a thoughtful opinion and could play into defense hands (e.g. Weaver).

PROB: we are going to have to educate ourselves about how these operations are planned, approved and executed and what the "common denominator" is among the law enforcement agencies.

-- the Review Board will expect some type of benchmark against which to measure the actions of ATF; to the extent they will be recommending specific changes in procedures or modifications of policies, these recommendations should be supported expert opinion.

00018996

MEMORANDUM FOR RONALD K. NOBLE
ASSISTANT SECRETARY FOR ENFORCEMENT

FROM: Sarah Elizabeth Jones

RE: ATF Statements and Issues concerning ATF Knowledge
of the Loss of the Element of Surprise

DATE: September 17, 1993

March 1, 1993

Troy WAR Interview

ATF initiates a shooting review. David Troy and Bill Wood interview Rodriguez and Mastin(3/1), Chojnacki(3/3), Cavanaugh(3/3), Sarabyn(3/2). Troy tells Review they immediately determined that these stories did not add up. They communicated information to both Hartnett and Conroy on the day or day after each interview. Conroy gave Troy's handwritten notes to Hartnett. (Note- Johnston at this point advised Hartnett to stop the ATF shooting review because ATF was creating Brady material. Because Chojnacki had not yet been interviewed, Johnston authorized that interview but no notes were created.)

No statements

on 2/24 & 3/1

R. y. m. ?

What?

March 2, 1993

Killorin

UPI

"I think we lost the element of surprise."

March 3, 1993

Hartnett

Reuters Tr. Report
CNN, LETN

- Answered question "when the undercover agent heard this phone call, did he realize at the time that this was a tip?"
- "He did not realize this was a tip at the time."

March 4, 1993

Hartnett

L.A. Times

"An undercover operative who had penetrated the cult overheard Koresh receiving the call but was not aware that he knew about the raid. At the time the phone call was made to the compound the undercover agent did not realize that the raid had been compromised."



DEPARTMENT OF THE TREASURY
WASHINGTON

August 12, 1993

22
TRE - 3:00k

MEMORANDUM TO GEOFFREY MOULTON
DIRECTOR
WACO ADMINISTRATIVE REVIEW

FROM DEBRA N. DIENER *DN*
SENIOR COUNSEL
(LAW ENFORCEMENT)

SUBJECT Statutory and Regulatory Criteria and
Requirements for Requesting Military and National
Guard Assistance

Overview

You initially requested research on the statutory and regulatory criteria by which a law enforcement agency could request National Guard assistance. I have expanded the research to cover the requirements for requesting military and National Guard assistance since there are different statutes and procedures for each.

I. Military Assistance: Title 10: Counterdrug and Non-Counterdrug Support

A. Statutory Authority and Types of Assistance

Congress has expressed over recent years a clear intention that the military provide support assistance to local, State and Federal law enforcement agencies ("LEA") in their efforts. The kinds of routine law enforcement assistance which can be provided are outlined in 10 U.S.C. §371 et seq. These provisions, and the implementing regulations, 32 CFR §213.1 et seq. apply to all requests by an LEA for assistance.

The Department of Defense ("DoD") may provide equipment, training and expert advice in support of a LEA's law enforcement efforts. The equipment and personnel which can be provided under Sections 372 and 373 apply for a variety of law enforcement requests. This DoD support must be provided on a reimbursable basis to the requesting LEA but reimbursement may be waived if the support is: 1) provided in the normal course of military training or operations; or 2) results in a benefit to the DoD unit which is providing the support which is substantially equivalent to the kind of benefit which that unit would obtain from military operations or training. See, 10 U.S.C. § 377. If

008304

II. National Guard: Title 32: Counterdrug and Non-Counterdrug Support

A. Statutory Authority and Types of Assistance

National Guard personnel can serve in State active duty status (Title 32) or in Federal active duty status (Title 10; e.g., Gulf War). Their annual training and weekend drills are done in their Title 32 status, but the annual training is paid for by Federal funds. There is a real distinction between what State National Guard personnel can do in their State active duty status and their Federal active duty status.

An LEA may request assistance from a State National Guard for assistance in support of its counterdrug or non-counterdrug efforts. As with DoD, a State National Guard may loan an LEA equipment (tents, tanks, cots, desks, etc.) on a reimbursable basis because the equipment belongs to the Federal government.

However, if an LEA approaches a State National Guard requesting other kinds of assistance (e.g., training, personnel, operational support such as aerial reconnaissance) the nature of the law enforcement request becomes important. If it is for a non-counterdrug purpose, then the State National Guard may provide the requested support if: 1) the State Constitution authorizes the Guard's involvement in the type of requested assistance; and 2) the Governor is willing to expend State funds for that purpose.

I have been told that it is more likely that a State or local law enforcement agency, rather than a Federal law enforcement agency, would seek the kinds of assistance from a State National Guard which the Guard would provide in its State active duty status. I was told that it is more often the case that a Federal law enforcement agency will approach a State National Guard through a group such as Operation Alliance, seeking assistance based on the Guard's unique capabilities and thus tapping into the Federal source of funding. NB: However, there is nothing in the materials which I have found indicating whether such non-counterdrug support is provided to a Federal law enforcement agency if it is done on a reimbursable or nonreimbursable basis. I have contacted an attorney for the National Guard and will forward the answer after I speak with him.

B. Counterdrug Support

State National Guard efforts in support of counterdrug activities fall within a separate category of consideration as specified under 32 U.S.C. §112 and may be provided using Federal

008307



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

111 11 1000

Colonel Judith Browning
Counterdrug Coordinator
Department of Defense
The Pentagon, [REDACTED]
Alexandria, Virginia 20301

Dear Colonel Browning:

The Bureau of Alcohol, Tobacco, and Firearms (ATF) is currently investigating a case in Texas involving several dozen people in apparent violation of firearms and drug laws. As part of our investigation, we are establishing a forward command post for command and control.

We would appreciate the loan of office equipment as part of the DOD support for counterdrug efforts. We will pick up the furniture and ensure proper accountability.

We would appreciate your consideration of the enclosed support list. Our point of contact is LTC Lon Walker, at [REDACTED] fax [REDACTED]. Your support is appreciated.

Sincerely yours,

Richard L. Garner
Chief, Special Operations Division

Enclosure

004601

Made available for pick up anywhere near Waco, Texas,
on January 11, 1993

Tables, approximately 6 feet long: 4

Desks, office: 5

Desk chairs: 20

Cots: 6

Sleeping bags: 15, with cover and water proof bag

Refrigerator: 1, any size

Typewriter, electric: 2

004602



OFFICE OF THE DEPARTMENT OF DEFENSE
COORDINATOR FOR
DRUG ENFORCEMENT POLICY AND SUPPORT
WASHINGTON, DC 20301-1510



15 JAN 1993

Mr. Richard L. Garner
Chief, Special Operations Division
Bureau of Alcohol, Tobacco
and Firearms (ATF)
Washington, D.C. 20226


Dear Mr. Garner:

I am responding to your letter of January 6, 1993,
requesting the loan of office equipment to support an on-going
ATF operation.

The request was forwarded to the Regional Logistical Support
Office (RLSO) in El Paso, Texas. RLSO El Paso has contacted the
ATF representatives in Texas and I understand that we will be
able to support your request. Any requests for further support
should be addressed to:

RLSO El Paso
P.O. [REDACTED]
El Paso, TX 79908-8051
[REDACTED]

Sincerely,


Judith A. Browning
Colonel, U.S. Army
Director, Plans and Support

004602



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

JAN 22 1993

Major Victor Bucowsky
Officer-in-Charge
Regional Logistics Support Office
P.O. Box [REDACTED]
El Paso, Texas [REDACTED]

Dear Major Bucowsky:

We appreciate the assistance your office has provided the Bureau of Alcohol, Tobacco and Firearms. Our on-going case in central Texas, has developed to the point where we must ask for additional help.

We need the following support:

A MOUT site in central Texas, for Special Response Team training early in February 1993, preferably 3 consecutive days. Fort Hood is suitable for our needs if available, and a weekend is acceptable.

Driver training and on-call maintenance support for Bradley Fighting Vehicles, and the loan of seven Bradleys February 8 for 2 weeks. The Bradleys will be used only for their armor protection and thermal sight capability; no weapons system will be used.

The on-call support listed in the enclosure is required in the event the case requires a long-term siege.

This equipment and operational support is a continuation of the firearms and drug case supported by your office, based on our January 6 request to Colonel Judith Browning. The military personnel will be under

004606



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20521

JAN 21 1993

Major Victor Bucowsky
Officer-in-Charge
Regional Logistics Support Office
P.O. Box [REDACTED]
El Paso, Texas [REDACTED]

Dear Major Bucowsky:

We appreciate the assistance your office has provided the Bureau of Alcohol, Tobacco and Firearms. Our on-going case in central Texas, has developed to the point where we must ask for additional help.

We need the following support:

JTF-b ①
A MOVT site in central Texas, for Special Response Team training early in February 1993, preferably 3 consecutive days. Fort Hood is suitable for our needs if available, and a weekend is acceptable.

No ②
1-32 H
Driver training and on-call maintenance support for Bradley Fighting Vehicles, and the loan of seven Bradleys February 8 for 2 weeks. The Bradleys will be used only for their armor protection and thermal sight capability; no weapons system will be used.

③
The on-call support listed in the enclosure is required in the event the case requires a long-term siege.

This equipment and operational support is a continuation of the firearms and drug case supported by your office, based on our January 6 request to Colonel Judith Browning. The military personnel will be under

004610

WACO Case Military Support

271

ON CALL EFFECTIVE 0800 hrn, 15 FEB 91, TO BE DELIVERED
AND ESTABLISHED/SETUP WITHIN A 10 MILE RADIUS OF WACO,
TEXAS, WITHIN 8 HOURS

Tents- GP Medium 3: 2 sleeping, 1 command post
GP Small 2: 1 VIP sleeping and 1 VIP meeting

Field Tables with chairs= 12

Heaters- Herman Nelson, 5 for tents with operator

Light sets= enough for 5 tents with operator

Flood lights= enough to illuminate a large building
360 degrees with operator

Generators, with operators for 24 hr operation= enough
to operate lights and provide 110 volt battery
charger power in tents

Cots= 50

Sleeping bags= 90

Field phones= 12, with 6 miles of wire

Switchboard with operator for 24 hour operation, to
handle 12 phones

Immersion heaters= 4 Water Buffalo= 1

Smoke generators with operators to cover 2 square
kilometers with concealment smoke

Sand bags= 500 Drivers' goggles= 50

2 1/2 ton truck with 1 operator= 2 for water buffalo
movement and transport of agents on site.

Loud speakers with amp and power with operator

Night vision goggles= 15

Gas Masks= 100

MREs (for purchase) 100 cases

004612

SOJ3

9 Sep 93

MEMORANDUM FOR: DIRECTOR, JOINT STAFF

SUBJECT: Letter to BG M. B. Sherfield, ES OSD from Dept. of Treasury RE: Request Special Forces Training for Two Weeks

1. USASOC has indicated their ability to support subject request, and has provided two possible time frames, 6-17 Dec 93 and 13-26 June 1994. Concur in the provision of subject training subject to following:

a. Full reimbursement by BATF for all training subject to the provisions of the Economy Act, 31 USC 1535(a);

b. Class size not to exceed 20 students;

c. Training shall be scheduled so as not to conflict with or disrupt regular scheduled training at the USAJFKSWC.

2. Request these stipulations be incorporated into the DJS instrument forwarded to the Executive Secretary.

LLOYD W. NEWTON
Maj General, USAF
Director of Operations

D-1167

FOR OFFICIAL USE ONLY

AOSO-JA

3 February 1993

MEMORANDUM FOR RECORD

SUBJECT: RSU Mission JTF-6

1. About 031125 (all times Romeo) Feb 93, (25) SPC PROJ/CD, USASFC(A) G-3 came to this office seeking a legal opinion on a JTF-6 mission. According to (25) a Federal DLEA in JTF-6's AOR had identified a methamphetamine production site and requested RSU support to:

- a. Review and "scrub" the operations plan for the DLEA
- b. Assist in developing rehearsal site and conduct rehearsals with the DLEA.
- c. Provide 18D medical support at a casualty evacuation site (not on the "target" but in proximity thereto) where triage for casualties would be conducted before follow-on transportation to civilian medical facilities.

2. (25) further advised that both bad guys and "civilians" (i.e. women and children) were located at the drug production site (issue: SOT/CQB) that the civilian DLEA was intending to "take down". It was noted that this is an actual law enforcement mission with civilian targets and civilian property within CONUS to be attacked.

3. Advised (25) that I was of the opinion that 18 USC 1385 (the Posse Comitatus Act) was the first hurdle to clear in that with identified civilian subjects on an identified civilian lab site with an on-going federal (civilian) law enforcement investigation an exception under federal law would have to be found. Also discussed was the issue of METL related tasks, that this was operational, not training (requiring reimbursement under 31 USC 1535, the Economy Act), and was outside of the training concept of the RSU as I understood it, as well as missions not delegated to CINC per CJCS message 190050Z Dec 91 (as well as USASOC directives implemented in response to SECDEF Memo of 18 Sep 89).

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D-1168

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AOSO-JA

SUBJECT: RSU Mission JTF-6

4. I informed [redacted] that while 10 USC 373 allowed the military to provide training and expert advice to the DLEAs (Issue: can JTF-6 "loan" 3d Group soldiers they do not own?); we were not permitted direct participation in searches, seizures, arrests, or similar activity unless permitted by law (10 USC 375). I was of the opinion that the degree of involvement proposed crossed the line and exposed the RSU to criminal as well as civil liability. Unless the RSU is engaged in "free lance" activities, their element is not an expert on "take downs", discriminating fire, SOT/CQB, laboratory considerations (a DEA Criminal Laboratory Enforcement Team task), etc. The issue of 18D medical involvement in providing initial care to any civilian casualties was also outside of the MAST program, AR 40-1 and 3, was outside of scope and should best be provided by the appropriate civilian EMTs with responsibility for the AOR. Even in an "off set" the 18Ds would be involved in direct participation in the search and arrest of the civilians.

5. [redacted] called the RSU from my office. I also talked to [redacted] the Company Commander (RSU) and advised him that as I understood the mission, it was not permissible. I raised the issue of which AUSA was involved in the planning of this mission, since in some instances evidence has been suppressed by courts for this sort of activity. Additionally, any federal violations would most likely be tried in a US District Court and AUSA involvement would provide limited protection. I reiterated my opinion that although the line was gray, at the point where the RSU assisted in the actual planning and rehearsal of the take down, participation in the arrest was "active". This was my opinion based upon the law as interpreted after Army officers provided the FBI advice during the Wounded Knee occupation (for instance US v. Red Feather, 392 F. Supp. 916 (D.S.D. 1975), US v. Banks, 383 F. Supp. 368 (D.S.D. 1974), US v. Jaramillo, 380 F. Supp. 1375 (D. Neb. 1974)). NOTE: No AUSA is involved in the review of the proposed operation. While 10 USC 371 et seq. has expanded permissible activities, the case law is clear and the burden is still upon the government to prove beyond a reasonable doubt that the military's actions were permissible in order to convict the civilians in a US District Court. No "war on drugs" will be won if the guilty cannot be convicted...

6. Additionally the issue of civil liability and outside scope concerning the tasking on 18Ds was presented. Finally the training concept for the RSU and METL tasks was addressed. Since this was not an emergency situation, in full control of the civilian authorities on civilian lands with expert civilian laboratory "take down" teams available and civilian medical facilities presumably within the AOR, this appeared to go beyond the DoD guidance for these missions. I advised against the operation and [redacted] asked for my return number so JTF-6 legal advisor could contact me.

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D-1169

FOR OFFICIAL USE ONLY

AOSO-JA

SUBJECT: RSU Mission JTF-6

7. About 031150 Feb 93 I briefed the SJA and CSOL personnel on the context of what was discussed and all agreed that mission as stated was not advisable.

8. About 031332 Feb 93 I received a telephone call from (46) legal advisor to JTF-6. (46) was under the impression that the entire mission was permissible IAW US v. Yunis, 681 F Supp 891 (D.D.C. 1988). [The Yunis case involves the Navy allowing the FBI to use a Naval ship to apprehend a terrorist and addressed whether this was a violation of the Posse Comitatus Act - it's not.].

9. (46) explained that the proposed mission was merely providing expert advice as allowed by 10 USC 373. I tried to explain to the Colonel that the RSU did not have expertise in any of the functions proposed, that this was analogous to the SOT/CQB issue that others (civilians) were available and should be involved. (Note: To my raising the issue of US Attorney involvement, (46) responded, "that's a BATF problem" - in other words, there is no confirmation of US Attorney involvement). I raised liability issues as well as the Economy Act. I was told in so many words that I was wrong, that the mission was permissible, that the Wounded Knee issue didn't apply [it is raised in Yunis at p. 892] and that I was out to, "undermine" and "undercut" JTF's mission. I advised (46) that with my law enforcement background [over 6 1/2 years as a federal agent and 2 1/2 years with the State of SD] I would do anything legal to facilitate a mission and that I considered his words a personal attack. I was advised that I could take it personally. I again tried to get the Colonel to discuss legal analyses of the mission but either we were preempted or (46) hung up.

10. About 031348 Feb 93 I briefed the SJA and was advised to coordinate with SJA CINCSOC as well as SJA ASOC. I then attempted to call (47) OSJA USSOCOM who was TAD.

11. About 031351 Feb 93 I discussed the case with (5) SJA, USSOCOM who opined that the facts, as known, presented a problem and that before execution his office at USSOCOM should be informed. It was agreed that this is an operations issue and G-3 should take the lead action with SJA coordination.

12. About 031359 Feb 93 I discussed the case with (748) OSJA ASOC. In going over the facts, (748) offered the opinion that the RSU might go so far as to go over the DLEA plan (e.g. evaluate a 5 paragraph operations order per METL tasking) but the rehearsals probably went too far.

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AOSO-JA

SUBJECT: RSU Mission JTF-6

13. About 031410 Feb 93 I went to G-3 and met with CD personnel. It was agreed that G-3 would take the lead with input from OSJA (with my name listed as legal coordinator).

14. About 031421 Feb 93 [redacted] talked to SOF personnel at JTF-6. Personnel related that they "got their ass chewed" for talking to USASFC(A) OSJA personnel. Concept is going forward to DoD for approval via message traffic as well as for commo support (off-site), medivac assistance and no C2. We will receive info copy of message.

15. About 031509 Feb 93 returned to office. [redacted] JTF-6 legal advisor had left message to call 978-8758/9008. Attempted to call both numbers, no response.

16. Briefed SJA.

17. About 031715 Feb 93 advised to report to G-3. Briefed DCO who requested draft copy of this Memo.

18. Group JA, 3d SFG(A) came by office and was advised of the situation.

19. 031815 Feb 93, again attempted to return call to [redacted] JTF-6 at 978-8758. [redacted] answered the phone and indicated that [redacted] was down at the CG's office waiting to see the CG in reference to the mission we had discussed earlier. Asked [redacted] to relay that I had returned his call and was asked to stand by. After a short wait [redacted] stated that she had just seen [redacted] as he entered COMJTF-6's office and delivered the message. I was to be advised that [redacted] called to say the first call had been cut off and that his position had not changed. [redacted] stated that she was under the impression that this mission had been elevated one level in our chain of command and what was their position? I advised [redacted] that I did not suppose to speak for any higher HQs, but that the issue had been raised with [redacted] at ASOC as well as COL Decort at USSOCOM. In response to her questions I advised that although the opinions vary slightly, there existed problems with the mission as proposed, that USSOCOM and ASOC could speak for themselves, and that we were under the impression that JTF-6 would be sending message traffic to DoD for approval of the mission. I advised [redacted] that when that message was received, all our higher HQs could respond. The call was terminated with the understanding that we would await their message traffic.

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AOSO-JA

SUBJECT: RSU Mission JTF-6

20. 031856 Feb 93. Received message from SJA that 3d Gp JAG had just called. [REDACTED] informed 3d Gp JAG that medical mission was off and that plan was not going forward for execution. Only RSU involvement was to coordinate for army ranges and to teach DLEA how to develop 5 paragraph OPORD. Discussed entire case with SJA who agreed that our opinions are based upon facts as presented by our clients. Noted that perhaps there is some "garbled message traffic" here and that we should wait and see the actual mission message traffic before providing a written opinion on the mission.

21. 031928 Feb 93. Completed updated draft of Memo for record and terminated activities for the day. Noted that if paragraph 20 is correct, there exist no problems. If mission is to go as earlier planned, then 3/3 is not in a position to offer expert advice per 10 USC 373 on taking down a drug lab (military assistance to law enforcement). Since these are point targets with identified civilian subjects, this falls outside the scope of JTF mission approval and can not be accomplished under that theory either.

(26) [REDACTED]

D-1172

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8/14

3:05P - 3:05PM

(W)

(AGTX TO)

AUSTIN, TX 78763-5218

(PY)

1969 - GRAD. S. MARS SAN ANTONIO - BUSINESS

COMM 2 LT 6/1/69. 8/25/69 - EN - 2 ARM.

GRAD. FLT SCHOL 10/70. RELEASED 3/72.

4/74 JOINED GUARD TO PRESENT (COW)

REJECTED TO WARRANT OFFICER 1980; WANTED TO STAY IN

AVIATION AND HAVE ABILITY TO STAY IN.

W/4 - GULL TIME 590.

→ COMMANDING PILOT: UH60 (BUSHAWK), UH2 (HAWK - SPANISH)

2/29/83 - COW BACKHAWK

- MID - FEB 93: TOLD THEY HAVE 2 million in Waco (COW: ifu)
TOLD W/4.

- COW TOLD TO BE @ F. WOOD ON 2/29; TOLD AT 2/27

- TOLD BY 1st. COW TO BE AT F. WOOD ON 2/27 @ 12N.

Got info in bits & pieces; originally TOLD THAT THE

W/4 WAIT UNTIL REGS WAS SECURE THEN TESTIFY

EVIDENCE. LT. DICKENS SAID IT WAS

ACCORDING TO REGS.

005368

③
REF

RED EARLY 2/27

C-26 OUT OF HOUSTON DID "PRE-RAID" SURVEILLANCE
AND METH. LAB. SEARCH.

2/28/93 - TSTC BY 0830. WENT AS 3 CREW MEMBERS
A GROUP (058 + W/ 60 CREWS). TOMMY ELLINGLAS
PRE-FLIGHTED. LT. DICKENS SAID THEY GONE TESSINO.
WERE TRYING TO "START UP EARLY". DICKENS APPROX 5 ATF
WAS THE AIR MISSION COMMANDER. AGENTS
CRAIG BARNHART SAID - "THEY KNOW WE'RE WHO W/ STAFF
COMING" → TOOK OFF AND DID SLOW DO SO
CIRCLES 5 MILES TO NORTH OF NOT
THE COMPOUND. THAT'S NORMAL ACTIVITY
FOR WACO. WHILE CIRCLING HE HEARD O-
FIXED WING. SAW "THEY WANT YOU TO
COME IN." (ON GUARD FREQ (F.A.A. EMERGENCY FREQ))
FOLLOWED 058 IN, AT APPROX 9:45 AM (SOUND TO
BE 058). (JUST KNEW IT FROM EXPERIENCE)
- AS THE, CROSSED THE TREE-LINE (350 FT FROM)
COMPOUND) HE HEARD THEM GETTING
HIT BY ROUNDS; TOOK A HARD RIGHT.
SOUND LIKE A SEMI-AUTO RIFLE. BIG NOISE
IN THE TAIL, AND ONE UNDER THE
WING. HE REMEMBERS (1) SO MANY CARS
AROUND (2) 1000 TRAILER UNLOADED
AS HE CROSSED; SO HE THOUGHT THE
058 WERE ON THE SIMULTANEOUS
METH. LAB. HIT; 058 ANNOUNCED

005370

(4)

INTWO DEPT RANGERS

LANDED ON OTHER SIDE TRACKS. CHECKED THEIR AC THEN
MOVED IN TO LAND W/ OH58.

OH58 (1440) 3 ROUNDS

OH58 1 ROUND

UH60 - 2 ROUNDS

- AN AGENT SAID HE HEARD ^{ON RADIO THERE WAS NOISE} IN THE
TREE-LINE. ALL 3 WENT BACK TO
TSTC (10:30AM)

- SHUT-DOWN, WENT INTO C.P. & LISTENED
COL PETIT CALLED BILL ENNEY AND
THEY WERE INFORMED THAT A MAINTENANCE
BRO WOULD COME IN (IT DID EARLY AFTER)
STAYED IN CP 10:30AM - 2:00PM. PEOPLE (SA's)
WERE WATCHING TV. TRYING TO FIGURE OUT
WHAT WAS GOING ON. IT SEEMED THAT
SOMEONE WAS "DOING SOMETHING" IN A JOINT RM.

- 4:30PM: ARRIVED IN AUSTIN IN ^(UH60) MAINTENANCE
CHOPPER. MAINTENANCE PEOPLE FILLING
IN DAMAGED CRAFT.

- RE-FUELED AND FLEW BACK INTO WACO
AT ~~8:00PM~~ 8:00PM - BROUGHT A GENERATOR &
NIGHT VISION GEAR.

- INTO C.P.

005271

3/13/93 ON STICK 1 IN WACO

3/14/93 ON STICK 1 IN WACO

③

- HANGING OUT ON MONKEY HARNESS,

AND HEARD "POP-CORN PIPPING SOUNDS".

- HELD BANKED RIGHT AND PILOTS YELLED AT HIM TO LOOK FOR DAMAGE, HE COULDN'T SEE ANYTHING - WENT BACK IN

REF PILOTS REPORT FOR DETAILS
FOR RAID

- TOOK VIDEO OF HELO INSPECTION OF
ROUNDS, AT SECOND LANDING POINT W/
OTHER OH58s. GOOD VIDEO OF ROUNDS

- 10:30AM - BACK AT TSTC

STARTED BY HELO AND TOOK VIDEO
OF DAMAGED HELOS + PANORAMIC VIEW
OF OUTSIDE OF CP

- APPROX 8PM DROVE BACK TO CAMP MARIANA
W/ DUN EQUIP, AND BROUGHT T-BACK.

2/28/93 - WENT TO FORWARD C.P. AND GAVE

SA INFORMAL CLASS IN USE OF NIGHT
VISION EQUIPMENT FOR NIGHT JET SAF.

- STAYED R.O.N. BEST WESTERN

3/1/93 - 3/5/93 - MANNED NAT'L GUNBOAT DESK AT

- S-C C.P. (ADM V). DELIVERED + MAINTAIN

W/ V.S. W/ EQUIP TO FORWARD CP.

DUNC. APPROX 3/14/93

005376

DATE: JULY 14, 1993

**TO: GEOFF MOULTON
LEW MERLETTI**

FROM: COLLEEN CALLAHAN AND ROBERT TEVENS

SUBJECT: CHRONOLOGY AND WITNESSES RE: MILITARY SUPPORT OF ATF

December 4, 1992

- A meeting was held regarding the Howell investigation at the SAC/Houston Office. In attendance are LTC Walker, SAC Phillip J. Chojnacki, SAC Ted Royster, Assistant Special Agent in Charge (ASAC) James Cavanaugh, Resident Agent in Charge (RAC) Earl K. Dunagan, Special Agents Aguilera, Lewis, Petrilli, Buford, Lattimer, Williams, Carter, and John Henry.
- LTC Walker provided the ATF representatives with information about the military support available and suggested that an aerial reconnaissance overflight utilizing thermal imaging photography be conducted.
- LTC Walker maintained that he informed ATF that without a drug connection, military support provided would be on a reimbursable basis.
- Specifics regarding a drug connection were not discussed.

December 11, 1992

- Special Agent Jose G. Viegara, RAC/Austin, Texas met with William R. Enney, Texas State Interagency Coordinator and his assistant, Lieutenant Susan M. Justice, Assistant Interagency Coordinator; National Guard, Counterdrug Support Program, Camp Mabry, Austin, Texas. Mr. Enney is designated by Texas Governor Ann W. Richards as the Texas State representative for DoD coordination of the Texas National Guard Counterdrug Support Program.
- Agent Viegara asked general questions of Lieutenant Justice about the aerial reconnaissance photography capabilities of the Texas National Guard and provided her with a brief synopsis of the Howell investigation.
- Lieutenant Justice informed Agent Viegara of the various available surveillance assets and asked him if the Howell investigation was drug related.
- Agent Viegara responded that he can not provide Lieutenant Justice with information about any narcotics related violations. She then tells Agent Viegara that non-reimbursable military support of the investigation, without a drug nexus, is not possible.
- Mr. Enney also stressed the need for a drug nexus and told Viegara to return to his office for a determination as to whether or not such a nexus existed. Mr. Enney added that, if a drug case did exist within the Howell investigation, ATF should then prepare an official written request for support to be forwarded to the Counterdrug Support Office.
- Essentially, Mr. Enney had simply provided Agent Viegara with a verbal interpretation of NGR 500-2.

December 14, 1992

- Mr. Enney and Lieutenant Justice received a facsimile of a SAC/Houston

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letter, dated December 14, 1993, which requested military support for aerial reconnaissance photography of the Branch Davidian compound, McLennan County, Texas. The signature of RAC Earl K. Dunagan, RAC/Austin is on the SAC/Houston request. The request cited violations of the Gun Control Act of 1968 and the Organized Crime Control Act of 1970, Title XI, specifically the alleged manufacture of machine guns and explosive devices.

- The above memorandum also included a request for the transport of ATF agents aboard the aircraft during reconnaissance missions, as well as the interpretation and evaluation of the photographs. The request, which did not include any information about suspected drug violations, identified Agents Viegna and Jeffrey Brzozowski as contacts.
- Lieutenant Justice showed the request to LTC Pettit, who initialed his approval on the memorandum.

December 16, 1992

- Group Supervisor (G/S) Curtis D. Williams, SAC/Houston; USCS Criminal Investigator Gary Prior, Houston Aviation Branch; USCS Pilot Glen Goodwin, Houston Aviation Branch; and USCS Pilot Thomas Tait, Houston Aviation Branch flew a USCS Citation fixed wing aircraft over the Branch Davidian compound.
- The overflight mission included the use of an infra red sensor camera for the purpose of detecting "hot spots". The goal of the mission was to identify concentrations of individuals congregated within the compound, not to locate a methamphetamine laboratory.
- The mission, which was flown at a high altitude to evade detection, was not successful. A 35mm camera is also utilized, but the resulting photographs were of no investigative value.

December 17, 1992

- SAC Phillip J. Chojnacki held a meeting about the Howell investigation in his office. In attendance were SAC Chojnacki, Special Agent Ivan Kallister, Special Agent Davy Aguilera, and LTC David Lon Walker.
- LTC Walker told SAC Chojnacki that DoD could provide non-reimbursable military support of the investigation if there is a suspicion of drug activity. This meeting generated the ATF interest in obtaining information about any drug activity at the Branch Davidian compound.
- Consequently, Agent Aguilera was told to actively pursue information from his informants about a drug nexus.
- On December 17, 1992, LTC Walker received a telephone call from Agent Aguilera, who informed him of a facsimile transmission from Marc Breault in Australia that suggested the existence of an illicit methamphetamine laboratory at the Branch Davidian compound.
- Additionally, Intelligence Research Specialist Sandy Betterton queried the criminal records of Branch Davidians and identified "some" prior drug records.

December 18, 1992

- Mr. Enney and Lieutenant Justice received a facsimile copy of a SAC/Houston letter, dated December 18, 1993, which requested military support for aerial reconnaissance photography of the Mag Bag, Limestone County, Texas. The signature of RAC Dunagan was on the request. The request cited suspected violations of the Federal Firearms Laws, specifically the alleged illegal possession of firearms and "possibly

004590

narotics".

The request asked for an interpretation and evaluation of the photographs. Agent Brzozowski was identified as the contact for the request.

-This was the first ATF written request for military support that mentioned a drug nexus. It is based upon the suspicion of a methamphetamine laboratory and the prior drug records of Branch Davidians.

December 21, 1992

-Mr. Enney initialed/approved the December 18, 1992 National Guard support request.

Late December 1992 or early January 1993

-Special Agent Buford met with LTC Walker in his Washington office and provided him with more detailed information about the suspected methamphetamine laboratory.

January 4, 1993

-LTC Walker received a request for military support via facsimile from RAC Dunagan, Austin. The request was for command post furnishings.

January 5, 1993

-LTC Walker discussed the military support with ASAC Sarabyn.

January 6, 1993

-The first National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26, which is a fixed wing dual engine prop aircraft.

-Eugene Trevino, National Guard, coordinated scheduling/logistics for ATF, in regard to the Koresh investigation.

-Numerous aerial reconnaissance photographs were taken by the crew. Additionally, the mission included the use of the Thermal Imaging System (TIS) previously known as Forward Looking Infrared (FLIR).

-During the above mission, the TIS identified a "hot spot" inside the Branch Davidian compound and three sentries outside and behind the compound.

-Trevino offered unofficial interpretations to the Austin agents indicating that the photos could be indicative of "a meth lab"; but LTC Petit and Lieutenant Justice maintained that only information about grid coordinates were officially provided to ATF. No official opinion was provided to ATF regarding the "hot spot".

January 6, 1993

-LTC Walker prepared a letter with signature of Assistant Director Richard L. Garner, Chief, Special Operations Division, ATF Headquarters, addressed to Colonel Judith A. Browning, U.S. Army, Director of Plans and Support at the Pentagon.

-LTC Walker hand carried the letter to Commander Gary Harrell of Colonel Browning's staff. The letter requested the loan of office equipment in support of the Howell investigation.

-It should be noted that the request routing was unusual, but, met military guidelines. Walker told the WRT that he has since learned that it is preferable to initially coordinate with Operation Alliance.

January 14, 1993

004591

-The second National Guard sortie was flown over the Branch Davidian compound and the Mag Bag sites by the Alabama National Guard RF4-C A. Numerous OBLIQUE aerial photographs, providing low angle shots of the compound were obtained.

January 15, 1993

-Assistant Director Garner, Chief, Special Operations Division, received a letter from Colonel Judith A. Browning. In the letter, Colonel Browning acknowledged receipt of Mr. Garner's January 6, 1993 request for the loan of office equipment in support of an on-going ATF operation. She stated that she forwarded the request to the Regional Logistical Support Office (RLSO), Operation Alliance, El Paso, Texas. The letter is turned over to ATF Special Agent Tate and LTC Walker.

January 21, 1993

-With the concurrence of ASAC Chuck Sarabyn and Col. Browning, LTC Walker prepared a letter (with Col. Browning's concurrence) for signature of Assistant Director Garner, addressed to Major Victor Bucovsky, Officer in Charge of the Regional Logistics Support Office (RLSO), Operation Alliance.

-The memorandum requested seven Bradley Fighting Vehicles plus on-call maintenance support for a two week period to commence on February 8, 1993. An enclosure to the memorandum entitled, "WACO Case Military Support" requested additional field and office equipment/supplies.

-Major Bucovski received the above mentioned letter from Assistant Director Garner via facsimile transmission.

-That afternoon, Major Bucovsky brought the request to Agent Eddie S. Pali, ATF Coordinator for Operation Alliance, and informed him that the RLSD can not furnish an equipment request of such magnitude. Agent Pali told the Major that he is unaware of the request but that he will handle the matter. Agent Pali opined that the above listed equipment is indicative of a planned siege, not a raid, and that the request was the largest in ATF history.

January 22, 1993

-Agent Pali made the following telephone calls:

1. Assistant Director Garner- about his January 21, 1993 letter, which identified LTC Lon Walker as the point of contact for the request. Assistant Director Garner did not discuss the drug case during his conversation with Agent Pali and told him to contact LTC Walker for specific information about the request.
2. LTC Walker- learned that Walker had been working with ASAC Sarabyn and that LTC Walker has visited the SAC/Houston office prior to submitting the request. Agent Pali and LTC Walker did not discuss the drug case. (LTC Walker recalled the telephone conversation with Agent Pali, but could not recall relevant specifics about their discussion; However, sometime prior to the departure of LTC Walker for Waco, Agent Pali and LTC Walker had a discussion about "hot spots" and Branch Davidian criminal record checks that suggested the existence of a methamphetamine laboratory.)
3. ASAC Sarabyn- learned that ATF Houston Division Operations Officer Phillip A. Lewis was the Logistics Coordinator for the equipment request in the Howell case. During the above telephone conversation with ASAC Sarabyn, Agent Pali asked ASAC Sarabyn for more detail on

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the drug case. Agent Pali requested the information about the drug case because of questions he anticipated from the military and others that he had already received from LTC Bertholf, JTF-6. In response to Agent Pali's question, ASAC Sarabyn responded that there are several subjects with prior narcotics conviction records, who are "connected" with the Branch Davidian compound and that one individual was suspected of being a "cooker" in the operation of a methamphetamine production laboratory on the compound premises. Also, ASAC Sarabyn reportedly told Agent Pali that he had information about the receipt of chemicals at the compound which could be used as precursors in the production of methamphetamine. During the interview of Agent Pali by the WRT, he was asked if he believed the above details on the drug case provided by ASAC Sarabyn to be accurate, based upon the fact that the previous resident of the Branch Davidian compound, Roden, had been identified as being previously associated with the methamphetamine laboratory. Agent Pali admitted that ultimately, only "one" individual at the compound had a prior narcotics conviction, not several individuals. Additionally, Agent Pali mentioned that the chemicals being received at the compound could also be used as precursors for explosives.

4. Deputy Tactical Coordinator William Roshon, Senior Special Agent and Coordinator for the Drug Enforcement Administration (DEA), Operation Alliance: Agent Roshon offered the assistance of DEA to ATF in the form of on-site laboratory technicians. Agent Pali placed Agent Roshon in touch with the ATF SAC/Houston office. (Agent Pali maintained that two DEA officials were present at the Command Post at the Texas State Technical Institute on the day of the raid. During his interview with the WRT, Agent Rochon verified that DEA Group Supervisor Lex Henderson and DEA Special Agent Delfino Sanchez of the DEA Austin office, were on site at the Texas State Technical Institute ATF Command Post on February 28, 1993. Two DEA agents from the Waco office, Jay Ubanks and Brad Watson, were on stand-by.)
-It should be noted that Lex Henderson reported to WRT that DEA had independent information to corroborate ATF's suspicion regarding the meth. lab.
5. Agent Lewis- Arranged for a February 1 meeting at Operation Alliance. The purpose of the meeting was for Agent Lewis to brief LTC Jan Bertholf and other members of JTF-6, who could facilitate the request.

-Finally, Agent Pali completed the standard Operation Alliance Support Request Form which included the following comment in the remarks section: "Possible meth lab w/ wpns..."

February 2, 1993

- Agent Lewis provided a briefing about the Howell investigation to members of Operation Alliance. Agent Pali suggested the use of Light Armored Vehicles (LAV) instead of Bradley Fighting Vehicles. It was determined that the LAV's could not withstand fire from a 50 caliber weapon, which was believed to be in the possession of the Branch Davidians.
- Agent Lewis also provided an update about the suspected methamphetamine laboratory at the Branch Davidian compound, which is known to have received deliveries of chemical precursors for the manufacture of methamphetamine. (During his interview with the WRT, Operation Alliance Coordinator for DEA, Senior Special Agent William C. Rochon, advised that

004593

- he offered the assistance of a DEA Clandestine Certified Laboratory Team. Agent Pali declined the request, however Agent Rochon provides Agent Lewis with the telephone number of RAC Arthur C. Wilson, DEA/Austin, Texas.)
- Agent Rochon opined that precursor chemicals used in the manufacture of methamphetamine, of which he understood was for use by the Branch Davidians and not for sale off their compound, can also be used in the manufacture of explosives.
 - Deputy Senior Tactical Coordinator for Operations, U.S. Border Patrol Agent James E. Bowen, Operation Alliance, asked Agent Pali about the drug case in the Howell investigation. Agent Pali provided him with the background on the Branch Davidians at which time Bowen said he had no problem with the possibility that such a methamphetamine laboratory existed. Agent Bowen bases this on his experience with cult extremist groups that he has encountered in Southern California.
 - After the briefing of Agent Lewis to Operation Alliance personnel, Brigadier General John Pickler, Commander, JTF-6, stated that it is not the position of the military to question the veracity of a law enforcement request regarding a drug nexus. Agent Pali continued to work on the request with Agent Lewis for the next several days.

Later on February 2, 1993

- Acting Deputy Senior Tactical Coordinator for Operations, U.S. Border Patrol Agent George A. Gunnoe, Operation Alliance, signed a letter drafted by ATF Coordinator Pali and addressed to the Office of the Adjutant General, Texas National Guard, to request the assistance in the Howell investigation on behalf of ATF Headquarters.
- The letter mentioned the impending execution of a federal search warrant by ATF at a location known to be occupied by "...a dangerous extremist organization believed to be producing methamphetamine". DoD Liaison Officer to ATF Headquarters, LTC David Lon Walker, was identified as the point of contact for the request.
- Also on February 2, 1993, Agent Gunnoe signed a second letter, identical to the above mentioned letter, which was addressed to the Commander of the Joint Task Force Six, requesting assistance in the Howell investigation on behalf of ATF Headquarters.

February 3, 1993

- The Operation Alliance Support Request form, dated January 22, 1993, is approved and the time frame for the operation is estimated to occur within a two-week window to commence on February 22, 1993.
- RAC Earl K. Dunagan, RAC/Austin, Texas signed a request, which was addressed to LTC William G. Pettit, Texas National Guard and Texas State Interagency Coordinator William R. Enney. The request was for an additional photographic sortie over the Branch Davidian compound and the Mag Bag.
(LTC Pettit has informed the WRT that any interpretations of the aerial reconnaissance photographs provided by SRA Trevino are deemed "unofficial").
- The third National Guard sortie was flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26 aircraft. Numerous aerial reconnaissance photographs, which included infra-red video, were taken by the crew.

February 4, 1993

004594

WACO SUMMARY OF EVENTS

W-983-I
#183

November, asked by Ian Kalister to call Houston field division to discuss upcoming Waco case and see if there is a military support role. I can't remember who I spoke with but was not told of any drug connection.

December 4 Attended a meeting in Houston where the Dallas and Houston SACs and several others met for the first time to learn about the Waco investigation. I was asked about available military support. I explained that the military probably could provide a great deal of support and suggested things like aerial overflight thermal photography. Also explained that without a drug connection the military support would be on a reimburseable basis. AGUILERA SAID THERE WAS NO DRUG CONNECTION

December 16 Advised by SA Aguilera, case agent, of a fax he received from Australia regarding the presence of a meth lab in the Waco compound.

late Dec or early Jan Met with SA Bill Buford who advised of the meth lab presence explaining the drug connection.

Jan 4 Received fax from Earl Dunagan asking for military office equipment.

Jan 5 Discussed support with Chuck Sarabyn.

Jan 6 Prepared letter to Col Browning asking for support. Hand carried letter to Commander Gary Harrell on Col Browning's staff. Discussed drug connection. Was told there is no formal standard for a drug connection.

Jan 15 Received Col Browning's reply.

Jan 21 Prepared letter to Maj Bucowsky for additional support. Received Chuck Sarabyn concurrence.

Sometime prior to departure for Waco, was briefed by Eddie Pali of hot spots on aerial photos and told intell analysts said were indicative of a meth lab.

Feb 24 Picked up Ivan and Herman at Austin and drove to Ft Hood. Attended evening meeting.

25 Overflight confirmed hot spots
Feb 25 Training began. Long morning meeting with leaders. Pete Mastin and I briefed Ft Hood PAO. Picked up canvas for trailers from Army. Asked for smoke, denied based on Army legal decision.

Feb 26 Continued training. Even received call from



1) 2344
012011

ADJUTANT GENERAL'S DEPARTMENT

Post Office Box 5218
Austin, Texas 78763-5218
512-465-5001

AGTX-CD (500-2)

29 April 1993

MEMORANDUM THRU

The Adjutant General of Texas, Attn: AGTX-OT (LTC
PO Box 5218, Austin, Texas 78763-5218

The Adjutant General of Texas, ATTN: AGTX-A (MG Turk),
PO Box 5218, Austin, Texas 78763-5218

FOR Chief, National Guard Bureau, Attn: NGB-CD, The Pentagon,
Washington, D. C. 20310-2500

SUBJECT: After Action Report of Texas National Guard Counterdrug
Support in Waco, Texas

1. GENERAL

a. This narrative will provide explanation and clarification of the support provided by the Military Forces of Texas to the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Federal Bureau of Investigation (FBI) prior to, during, and after OPERATION TROJAN HORSE and a subsequent Hostage Rescue Mission in the vicinity of Waco, Texas. The format and verbiage selected for this presentation is intended to make this product understandable to both military and civil audiences. The purpose of this document is to provide fact in an objective manner. Texas National Guard (TXNG) support to law enforcement will be explained; debate over law enforcement actions beyond this support will be avoided.

b. Inclusive dates were: 11 December 1992 - 27 April 1993

c. Scope of Operation:

(1) The initial Texas National Guard objective was to provide quiet, honest, and professional counterdrug support in assisting ATF in an ongoing firearms and drug case in central Texas. This was done in accordance with National Guard Regulation (NGR) 500-2 and provided support from the following Office of the Secretary of Defense approved National Guard counterdrug missions:

AGTX-CD

SUBJECT: After Action Report of Texas National Guard Counterdrug Support in Waco, Texas

Mission #3 Surface Transportation Support
Mission #4 Aerial Reconnaissance
Mission #5 Aerial Surveillance
Mission #6 Aerial Transportation Support
Mission #11 Coordination, Liaison, and Management
Mission #13 Film Processing for Photo Reconnaissance
Mission #14 Administrative, Information, ADP, Logistics, and Maintenance Support
Mission #16 Aerial Interdiction Support

* ATF was loaned certain TXNG equipment authorized under NGR 500-2, Chapter 3, para 3-1, to meet their mission requirements in OPERATION TROJAN HORSE (serving the warrant).

(2) Exigent circumstance encountered during the initial ATF mission prompted both ATF and FBI to request certain TXNG equipment and supplies to meet their new mission requirements. Loans of such items is covered under Army Regulation (AR) 700-131. Strict adherence to said regulation was the order of the day.

(3) In addition to Texas National Guard Counterdrug support personnel, military members from the following Texas National Guard units provided support to both OPERATION TROJAN HORSE and the subsequent FBI Hostage Rescue Mission:

HQ, STARC
TROOP COMMAND
49TH ARMORED DIVISION

(4) The vast majority of TXNG personnel funding for this operation was accomplished by using congressional monies authorized under 32 USC 112. Fiscal year 1993 funds had been provided to the Governor of Texas for use authorized by Article 1, Section 8, Clause 16, U. S. Constitution for this purpose. The totals listed below include mandays, to reflect the efforts of TXNG staff members and support personnel who provided assistance in addition to performing their traditional and ongoing TXNG roles.

NUMBER OF MANDAYS
896

TOTAL PERSONNEL
PER DIEM & TRAVEL COSTS
\$102,301

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* Approximately 14% of the man-days were officers.

2. OPERATIONAL SUPPORT

Texas National Guard support provided the Bureau of Alcohol, Tobacco, & Firearms and the Federal Bureau of Investigation can best be portrayed in the following phasic manner:

(1) Initial Planning and Coordination (11 December 1992 - 27 February 1993)

An initial ATF inquiry seeking information on the availability of TXNG aerial photography to support an ongoing ATF investigation was received on 11 December 1992. This initial inquiry led to a series of requests from ATF and Operation Alliance seeking support for an upcoming ATF mission. The requests asked for aerial photography, aerial thermal imagery, and general operational support. A coordination meeting was held in ATF Headquarters, Houston, Texas on 4 February 1993. This meeting was attended by ATF & TXNG Counterdrug Command Group representatives.

(2) Support to OPERATION TROJAN HORSE Serving the Warrant (11 December 1992 - 28 February 1993)

Aerial photography missions requested by ATF were flown on 6 January and 3, 18, & 25 February 1993 by the Texas National Guard Counterdrug UC-26. On 14 January 1993 aerial photographs were taken by RF4-C aircraft from the Alabama National Guard. Additional aerial photography and infra-red video was requested by ATF and provided by the Texas National Guard UC-26 on 6 February 1993. A mission request with final general operational support needs was received on 24 February 1993 and the initial TXNG support package was dispatched to Fort Hood, Texas and Texas State Technical College (TSTC), Waco, Texas. All participating TXNG Counterdrug personnel attended training rehearsals and mission briefings 25 - 27 February 1993. All involved TXNG Counterdrug support personnel were in attendance of the final mission briefing at 1900 hours on 27 February 1993. On 28 February 1993 all TXNG support personnel reported to TSTC at 0800 hours. Certain TXNG ground support personnel staged at ATF assembly area, and TXNG aircrews prepared their aircraft for the mission. Final positions for TXNG Counterdrug ground support

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personnel was 600 - 700 meters from the Branch Davidian site. The TXNG Counterdrug aircraft final position was 300 - 450 meters north of the Branch Davidian site. Texas National Guard aircraft arrived at their predetermined operational position simultaneously with the arrival of ATF personnel at the Branch Davidian site. All three aircraft received gunfire while slowing to hover at their final position. All aircraft turned North, away from the Branch Davidian site, and departed the area.

- * The TXNG Counterdrug Task Force Commander was onboard one of the TXNG aircraft. His charge was to insure no existing regulation or law was violated in the provision of TXNG support to this law enforcement action.
- * No one on board TXNG aircraft was injured.
- * Damage encountered by TXNG aircraft amounted to \$ 13,948.
- * No TXNG personnel onboard the TXNG aircraft were armed.
- * Nothing, but videotape was shot from the TXNG aircraft on 28 February 1993!!!

(3) Hostage Rescue Mission
(28 February 1993 - 19 April 1993)

Initiation of hostile activities between ATF and the Branch Davidians resulted in a myriad of actions affecting Texas National Guard Counterdrug Support to both ATF initially, and later the FBI. These actions include but are not limited to:

- * The Adjutant General of Texas (TAG) and the Adjutant General's Department (AGTX) primary staff notified of situation.
- * National Guard Bureau (NGB) Emergency Operation Center (EOC) notified of situation.
- * Establishment of Texas National Guard EOC in Austin, Texas to coordinate with NGB EOC in Washington, D. C. on a 24-hour basis.
- * Office of the Governor informed of situation.

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- * Requests were received from ATF for Bradley fighting vehicles, night vision equipment, fuel, field rations, and personal protective equipment.
- * TXNG aviation safety personnel inspected and evaluated damage to TXNG aircraft.
- * Bradley fighting vehicles were transported from Gatesville, Texas to Waco, Texas.
- * ATF agents were trained to operate said vehicles.
- * Bradley fighting vehicles, combat engineer vehicles, personal protective equipment, field rations, fuel and drivers training was requested by the FBI.
- * Requested vehicles were transported to Waco, Texas.
- * FBI agents were provided vehicle driver's training.
- * Loan agreements were initiated for tracked vehicles between ATF, FBI, and Texas National Guard. Vehicles were released to the agencies.
- * Reimbursement agreements were initiated and expendable supplies were issued to the Federal agencies.
- * Daily vehicle maintenance, fueling, and support schedules were established and maintained.
- * A TXNG counterdrug representative was dispatched to NGB to explain and provide information to an NGB Focal Group.
- * Numerous situational requests for equipment, logistics, training facilities and general support were received, staffed, and either provided or passed to other agencies.
- * An equipment recovery plan was prepared, staffed, and coordinated.
- * Daily situation reports were provided to authorized audiences.

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(4) Recovery Plan Implementation
(20 - 27 April 1993)

Upon cessation of hostile activities between federal agencies and Branch Davidians, the Texas National Guard equipment recovery plan was activated. The objective of the recovery plan was to insure all TXNG equipment was accounted for, recovered, and that all losses, damages, and destruction were identified. Full cooperation with all supported agencies was evident. Activities involved in the recovery plan included:

- * Members of the Adjutant General's USPPD and Command Logistics Office were dispatched to assist TXNG Counterdrug personnel and Law Enforcement Agencies (LEA) in the action.
- * TXNG property was recovered and inspected.
- * Reimbursement documents for consumables were jointly prepared and agreed upon between TXNG and federal agencies.
- * Reimbursement documents for damage, loss, or repair to TXNG equipment were prepared and agreed upon by TXNG and federal agencies.
- * TXNG equipment was returned to TXNG, cleaned, and transported to lending TXNG units.

3. ADMINISTRATION

a. Public Affairs. As per NGR 500-2, para 2-10(a), the supported LEAs released and controlled information regarding TXNG support of the operation. The TXNG Public Affairs Office (PAO) coordinated with the Governor of Texas' Press Secretary. Thirty-nine (39) requests from media or agency representatives were received reference this operation or TXNG Counterdrug Support in general.

b. Personnel Actions. Publication of orders and travel related expenses were monitored and controlled by the TXNG Counterdrug Command Group.

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c. Morale and Discipline. The morale of TXNG support personnel remained high throughout the entire operation. A sense of camaraderie and purpose was evident.

d. Casualties/Injuries. NONE!

4. TXNG LOGISTICS/SERVICE SUPPORT

a. The following TXNG equipment was operated, flown by, or maintained by Texas National Guard personnel at some period in support of OPERATION TROJAN HORSE and the subsequent Hostage Rescue Mission:

UC-26 Aircraft	Fuel Trucks
OH-58 Helicopters	2 1/2 Ton Trucks
UH-60 Helicopters	Water Trailers
Utility Vehicles	Armored Personnel Carrier
Buses	Transport Trailers
Photographic Equipment	Power Generators

b. The following TXNG supplies and equipment were loaned to, provided to, purchased by, or maintained for federal agencies at some period during OPERATION TROJAN HORSE and the subsequent Hostage Rescue Mission:

Bradley Fighting Vehicles	Military Utility Vehicles
Combat Engineer Vehicles	1/4 Ton Jeeps
Ammunition Trailers	Search Lights
Tracked Recovery Vehicle	Field Rations
Protective Masks	Night Vision Equipment
Military Helmets	Flak Vests
Canteens	Tentage
Light Sets	Litters
Weapon Slings	Ammunition Magazines
Sandbags	Tables/Chairs
Wet Weather Gear	

*THE DAILY MAINTENANCE AND REPAIR OF THE LOANED TNG TRACKED VEHICLES TO FEDERAL AGENCIES WAS CRUCIAL TO THE MISSION AT HAND. THE PROFESSIONALISM AND RAPPORT DEVELOPED AND DISPLAYED BETWEEN TNG MAINTENANCE PERSONNEL AND FEDERAL AGENTS INVOLVED IN THIS MONUMENTAL TASK, WAS PHENOMENAL!!!!!!

*Coordination and communications requirements were greatly enhanced by the use of cellular phones (secure and non-secure)

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provided to the TXNG Counterdrug Program by Central Procurement actions at the National Guard Bureau Level.

5. TEXAS NATIONAL GUARD COSTS

a. The following costs were funded with existing FY93 TXNG Counterdrug funds supplied Texas for the purpose of supporting LEAs in such operations.

(1) <u>Personnel</u> (Pay, Travel, & Per Diem)	\$ 102,301
(2) <u>Ground Transportation</u> (Fuel)	410
(3) <u>Telephone</u> (Landline & Cellular)	1,995
(4) <u>Fixed Wing Aircraft</u> (UC-26)	8,032
(5) <u>Rotary Wing Aircraft</u> (UH-60 & OH-58)	3,120
(6) <u>Damage to Aircraft</u> (UH-60 & OH-58)	<u>11,948</u>
(7) <u>Total Costs Incurred</u>	\$ 129,806

b. Federal LEAs have agreed to reimburse the TXNG for consumables and loss, damage, or repair to TXNG equipment.

\$ 205,752

6. PROBLEM AREAS AND RECOMMENDATIONS

a. General Considering the magnitude, severity, and scope of this particular support mission, few, if any, major problems were encountered. Personalities, vanities, and opinions did surface to near problematic degrees, but this can be attributed to stressed and sleepless, but concerned personnel.

b. Public Affairs

(1) Problem: A law enforcement representative on three occasions presented information at daily press briefings that did not accurately portray specific military mission aspects or the specific military organization of an individual.

(2) Discussion: Para 2-10 a., NGR 500-2, directs that the supported law enforcement agency will assume the lead and make determinations as to what information will be released to the press. In this particular operation, both Title 10 and Title 32 forces were supporting law enforcement. The magnitude of information necessary for the law enforcement briefer to absorb was monumental. It is quite understandable, that in one case, a National Guardsman was reported injured; actually it was a Title 10 soldier. This caused a bit of consternation throughout the National Guard community. The misinformation was readily

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corrected through existing lines of communications between the Texas National Guard, the Office of the Governor of Texas, and the National Guard Bureau. Other misquotes were noted, but caused no immediate chagrin and don't appear at this time to be significant.

(3) Recommendation: Do not change NGR 500-2, Para. 2-10 a., this paragraph wisely allows for a single source of media release and prevents possible operational security problems.

7. CONCLUSION

There exists in NGR 500-2 a phrase, and that phrase is "EXIGENT CIRCUMSTANCE". It is a phrase difficult to define, but generally presents a condition that is an unforeseen, unavoidable, and omnipresent. The regulation states, "Exigent circumstances are situations in which immediate action is necessary to protect police officers, Guard personnel, and other persons from injury; to prevent the loss or destruction of evidence..."

What began as traditional Texas National Guard Counterdrug support to a federal law enforcement agency resulted in just such a condition. All previous Texas National Guard Counterdrug support situations had fallen within and been addressed by existing regulation and law.

Events in Waco tested and validated the Texas National Guard's ability to react to "EXIGENT CIRCUMSTANCE." The integrity, common sense, and ingenuity demonstrated by TXNG personnel and supported law enforcement agencies resulted in timely and necessary actions.

Existing regulation should and will be examined in wake of the previous mentioned events. REACTIVE REGULATION "shouldn't" be implemented to stifle, reduce, or hamper National Guard Counterdrug support that has to this point been performed in a fashion that is legally, ethically, and tactically correct in accordance with existing guidance, regulation, and law.

[REDACTED]

LTC, TXANG
Task Force Commander

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TXNG SUPPORT COSTS

OPERATION TROJAN HORSE & HOSTAGE RESCUE MISSION

WACO, TEXAS

Following costs were funded with existing FY93 TXNG Counterdrug funds supplied to Texas for the purpose of supporting LEAs in such operations

Personnel (Pay, Per Diem, & Travel)	\$102,301
Paid from Existing AGTX-CD Funds	
Fuel & Telephone Expenses	\$2,405
Paid from Existing AGTX-CD Funds	
Aircraft Operation	\$11,152
Paid from Existing AGTX-CD Funds	
Damage to Aircraft	\$13,948
Paid from Existing NGB-CD Funds	
Federal LEAs have agreed to reimburse the TXNG for consumables and loss, damage, or repair to TXNG equipment	\$205,752
TOTAL SUPPORT COSTS	\$335,558
TOTAL AMOUNT DUE TEXAS	\$205,752

use of existing AGTX-CD funds to support this operation will not detract from future planned Counterdrug Support FY93 activities

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CINCPAC . . . MCPHERSON GA//FCJ3-00/FCJ2-10/FCJ4/FCJ5//
INFO JOINT STAFF WASHINGTON DC//J3-CNOD/SOD//
SECDEF WASHINGTON DC//OCDEP-S//
DA WASHINGTON DC//DAMO-ODD/SAGC/SAILE/DAJA-IO//
USCINCSOC MACDILL AFB FL//SOJ3-SCN-C//
CDRUSASOC FT BRAGG NC//A00P-POC//
CDRUSASFC FT BRAGG NC//A0S0-GC0-0//
CDR3DSFGA FT BRAGG NC//S-3//
CDRIICORPS FT HOOD TX//AFZF-CG/AFZF-GT//
BATF WASHINGTON DC
OPERATION ALLIANCE FT BLISS TX

S E C R E T

OPER/JT002E-93/CJTF-6 002-93//

MSGID/ORDER/CJTF-6-J3/93-002/FEB//

AMPN/SUBJ: OPERATION ORDER - COUNTERDRUG TRAINING SUPPORT MISSION JT
002E-93//

REF/A/RMG/CJTF-6 FCJT-J3/172245ZSEP92/-/NOTAL/-//

AMPN/CONF MSG/SUBJ: COUNTERDRUG SUPPORT REQUEST FOR FY93 RAPID
SUPPORT UNIT (RSU) DEPLOYMENTS JT001-93, JT002-93, JT003-93 AND

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OPERATIONS OFFICER

DSN 978-8434/8888

JOHN M. PICKLER, BG, USA, CG

John M. Pickler

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JT004-93. (U)//

REF/B/RMG/CINCFOR FCJ3/013216Z0CT92/-/NOTAL//

AMPN/CONF MSG/SUBJ: APPROVAL TO EXECUTE COUNTERDRUG MISSION JT
001-93/JT002-93 (U)//

REF/C/RMG/CJCS/190050ZDEC91/-/NOTAL/-//

AMPN/UNCLAS MSG/SUBJ: DELEGATION OF AUTHORITY FOR APPROVING
OPERATIONAL SUPPORT TO DRUG LAW ENFORCEMENT AGENCIES AND COUNTERDRUG
RELATED DEPLOYMENT OF DOD PERSONNEL//

REF/D/LTR/CINCFOR FCJ3-09/09 MAR 92/-/NOTAL/-//

AMPN/UNCLAS MEMO/LIMITED DELEGATION OF AUTHORITY FOR APPROVING CD
OPERATIONAL SUPPORT TO DLEAS//

REF/E/LTR/OPERATION ALLIANCE/2 FEB 93/-/-/-//

AMPN/UNCLAS LTR/OPERATION ALLIANCE SUPPORT REQUEST//

ORDTYP/EXORD/JTF-6 JT002E-93//

TIMEZONE/Z//

NARR/PER REF D, BG PICKLER IS APPROVAL AUTHORITY FOR THIS
OPERATION.//

HEADING/TASK ORGANIZATION//

SUNIT

/UNITDES

/UNITLOC

/CMNTS


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/JTF-6

/FT BLISS, TX

/TACTICAL CONTROL//

/CINCSOC

/MACDILL AFB, FL

/RSU ASSETS//

GENTEXT/SITUATION/(S) OPERATION ALLIANCE HAS SUBMITTED A REQUEST TO JTF-6 ON BEHALF OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (BATF) FOR EMPLOYMENT OF RSU ASSETS IN SUPPORT OF AN UPCOMING BATF COUNTERDRUG OPERATION INVOLVING TASK ORGANIZED SWAT TEAMS FROM HOUSTON, NEW ORLEANS, AND DALLAS BATF DIVISIONS. THIS OPERATION HAS THE HIGHEST INTEREST OF BATF, WASHINGTON AND HAS BEEN APPROVED AT THAT LEVEL. ASSISTANCE IS REQUIRED TO ESTABLISH A TRAINING SITE FOR APPROXIMATELY 85 BATF AGENTS TO CONDUCT REHEARSALS PRIOR TO TACTICAL EXECUTION OF A WARRANT IN THE VICINITY OF WACO, TEXAS. THE SUSPECT GROUP IS AN EXTREMIST CULT/SURVIVALIST ORGANIZATION. INTELLIGENCE INDICATES AN ACTIVE METHAMPHETAMINE LAB AND DELIVERIES OF THE REQUIRED CHEMICALS TO PRODUCE THE SYNTHETIC METHAMPHETAMINES. EXTENSIVE BATF INTELLIGENCE INDICATES THE GROUP IS HEAVILY ARMED WITH LARGE CALIBER AUTOMATIC WEAPONS AND IS CONSIDERED WILLING TO USE THEM. BATF CONSIDERED TWO CONCEPTS PRIOR TO REQUESTING ASSISTANCE THROUGH OPERATION ALLIANCE: A SEIGE OR A DIRECT ASSAULT. BASED ON EXTENSIVE INTEL ON THE BACKGROUND OF THE CULT AND ITS LEADER, BATF CONCLUDED THAT A DIRECT ASSAULT WOULD BE THE MOST PRUDENT.

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LEA/CJTF-6 INTENT IS TO CONDUCT MODIFIED FOREIGN INTERNAL DEFENSE TRAINING AND PROVIDE GENERAL TACTICAL TRAINING ASSISTANCE TO THE BATF. LEA HAS ALREADY PLANNED THEIR OPERATION. RSU WILL NOT PROVIDE MISSION SPECIFIC ADVICE. JTF-6 HAS BEEN ASKED TO PROVIDE EXPERT TRAINING AND SAFETY ADVICE DURING LEA PREPARATION AT FORT HOOD. TRAINING ASSISTANCE WILL ADDRESS TACTICAL (COMPANY LEVEL) COMMUNICATIONS NET TRAINING, EMERGENCY MEDICAL EVACUATION TRAINING, PZ/LZ OPERATIONS TRAINING, AND TACTICAL VEHICLE DISMOUNT TRAINING. RSU TEAMS WILL NOT ACCOMPANY BATF TEAMS ON EITHER THE OPERATION NOR ANY SITE VISIT WITHIN THE AREA OF OPERATION. RSU ASSETS WILL COORDINATE RANGE, MOUT SITE, MANEUVER AREAS AND BILLETING WITH FT HOOD. RSU WILL PROVIDE RANGE SAFETY COVERAGE.//

GENTEXT/MISSION/(S) ELEMENTS FROM THE RSU CONDUCT MODIFIED FOREIGN INTERNAL DEFENSE TRAINING/MTT VICINITY FT HOOD, TEXAS FROM 22 TO 28 FEB 93 IN SUPPORT OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS.//

GENTEXT/EXECUTION: 1. (U) CONCEPT OF OPERATIONS:

A. (LEA) RSU ASSETS DEPLOYED INITIAL SURVEY TEAM TO HOUSTON, TEXAS ON 04 FEB 93 AND COORDINATED MISSION PARAMETERS/FINALIZED TRAINING PROGRAM WITH THE LEA.

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B. (LEA) TRAINING SITE SURVEY WILL DEPLOY TO FT HOOD TO VIEW PROSPECTIVE TRAINING AREAS/FACILITIES.

C. (S) RSU PHASES OF TRAINING/1. PRE-DEPLOYMENT - TEAM PREPARED LESSON PLANS AND CONTINUES TO CONDUCT REHEARSALS FROM 08 TO 21 FEB 93.

2. (S) DEPLOYMENT - TEAM DEPLOYS TO FT HOOD ON OR ABOUT 22 FEB 93.

3. (S) EMPLOYMENT - TEAM CONDUCTS TRAINING FROM 23 TO 28 FEB 93.

4. (S) REDEPLOYMENT - TEAM RETURNS TO MCGREGOR RANGE CAMP ON OR ABOUT 28 FEB 93, BEFORE THE ACTUAL OPERATION.

D. (U) THE MISSION WILL INVOLVE NO MORE THAN 10 PERSONNEL.

E. (U) ALL TRAINING SUPPORT WILL TAKE PLACE ON PUBLIC LANDS (FT HOOD).

2. (U) COORDINATING INSTRUCTIONS:

A. (U) RSU PERSONNEL WILL NOT BECOME INVOLVED IN SEARCH, SEIZURE, ARREST, OR SIMILAR LAW ENFORCEMENT RELATED ACTIVITIES. TRAINING WILL NOT INCLUDE PARTICIPATION IN LEA OPERATIONS.

B. (U) RSU PERSONNEL ARE AUTHORIZED TO BE ARMED WITH INDIVIDUAL WEAPONS FOR INSTRUCTIONAL PURPOSES. AMMUNITION IS BEING SUPPLIED BY LEA. JCS PEACETIME RULES OF ENGAGEMENT ARE IN EFFECT.

C. (U) MISSION APPROVAL CATEGORY IS PARA(2C)(TECHNICAL TRAINING SUPPORT) REF C. STATUTORY AUTHORITY IS UP SECTION 1004. PARA (B)(5)

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OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 91, AS AMENDED.
ADDITIONAL AUTHORITY IS UP TO USC 373.

D. (U) CJTF-6 HAS APPROVED EXECUTION OF MISSION JTD02E-93 UP OF PARA
2, REF D.

E. (U) RSU ASSETS WILL NOT BECOME DIRECTLY INVOLVED IN BATF
OPERATIONAL PLANNING, NOR ASSUME RESPONSIBILITY FOR THE BATF PLAN.
OBSERVING AND CRITIQUING THE REHEARSAL OF THE OPERATIONAL PLAN IS
AUTHORIZED, PARTICULARLY IN THE AREAS OF SAFETY. REHEARSAL CRITIQUE
COMMENTS WILL BE PROVIDED AS THE OPINION OF TRAINED MILITARY
OBSERVERS, NOT AN OFFICIAL DOD ENDORSEMENT OF THE SOUNDNESS OF THE
PLAN.

F. (S) CG III CORPS HAS BEEN EXTREMELY HELPFUL IN THE PROVISION
OF BILLETING, RANGE, MOUT SITE, AND MANEUVER AREA FOR THIS OPERATION.

3. (U) RSU WILL DEPLOY WITH M5 MEDICAL BAGS AND PROVIDE OWN MEDICAL
COVERAGE.

4. (U) ESTIMATED COST IS 9,500.00 DOLLARS, OPERATIONAL MANDAYS ARE
60.

5. (U) REIMBURSEMENT OF DOD BY SUPPORTED LEA IS WAIVED UNDER
PROVISIONS OF 10 USC 377 BECAUSE OF THE SUBSTANTIAL TRAINING BENEFIT
RECEIVED BY THE PARTICIPATING UNIT.//

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GENTEXT/COMMAND AND SIGNAL/1. (U) SIGNAL:

A. (U) RSU WILL UTILIZE LAND LINES TO REPORT DAILY STATUS OF TRAINING TO ADVANCED OPERATIONAL BASE (AOB). AOB PROVIDES DAILY STATUS TO JTF-6.

B. (U) PUBLIC AFFAIRS GUIDANCE WILL BE IAW ORIGINAL GUIDELINES OUTLINED IN THE RSU APPROVAL MESSAGES. ADDITIONS ARE AS FOLLOWS:

Q1. WHAT UNIT IS SUPPORTING JOINT TASK FORCE SIX AND OPERATION ALLIANCE?

A1. A U.S. ARMY UNIT ASSIGNED TO THE U.S. SPECIAL OPERATIONS COMMAND WILL BE CONDUCTING TRAINING IN REMOTE AREAS IN TEXAS, NEW MEXICO, ARIZONA, AND CALIFORNIA. WHILE CONDUCTING THE TRAINING, THE UNIT WILL BE WORKING WITH OPERATION ALLIANCE WHICH IS ASSISTING JTF-6 AND THE UNIT WITH IDENTIFICATION OF SUITABLE TRAINING SITES. (AT THIS TIME, ELEMENTS OF THE UNIT ARE TRAINING WITH THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (BATF) ON MILITARY RESERVATIONS.)

Q2. WHAT TYPE OF TRAINING IS THE UNIT DOING?

A2. THE UNIT WILL BE CONDUCTING NORMAL MISSION RELATED TRAINING. THE COMBINATION OF REMOTE, ISOLATED TERRAIN AND A HARSH DESERT ENVIRONMENT IN THE SOUTHWEST OFFERS MANY OPPORTUNITIES FOR SMALL UNIT TRAINING ON UNFAMILIAR TERRAIN WHICH IS IDEAL FOR MANY MILITARY

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UNITS. TRAINING EXERCISES WILL BE DESIGNED TO IMPROVE INDIVIDUAL AND UNIT SKILLS IN MAP READING, TERRAIN ORIENTATION, COMMUNICATIONS AND COORDINATION TECHNIQUES, AND UNIT LEADERSHIP RELATED TO COMMAND AND CONTROL OF SMALL UNIT MOVEMENT AND TACTICS.

Q3. WHERE WILL THE UNITS BE TRAINING?

A3. WE DO NOT COMMENT ON THE LOCATION OF TRAINING SITES NOR DO WE COMMENT ON THE EXACT IDENTIFICATION OF UNITS CONDUCTING TRAINING. THERE MAY BE SUPPORT ELEMENTS SUCH AS SUPPLY AND MAINTENANCE TEAMS FOR AVIATION AND VEHICLES ASSOCIATED WITH VARIOUS TRAINING EXERCISES. THE UNIT WILL BE BASED WITH JTF-6 AT FORT BLISS, TEXAS.

Q4. WHY IS THE MILITARY CONDUCTING THE TRAINING?

A4. THE DEPARTMENT OF DEFENSE SUPPORTS THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY BY SUPPORTING FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES ALONG THE SOUTHWEST BORDER. JTF-6 COORDINATES DEFENSE DEPARTMENT SUPPORT TO LAW ENFORCEMENT AGENCIES THROUGH OPERATION ALLIANCE. WHILE CONDUCTING TRAINING SPONSORED BY LAW ENFORCEMENT, MILITARY UNITS PROVIDE ASSISTANCE TO LAW ENFORCEMENT AND RECEIVE VALUABLE EXPERIENCE IN DEPLOYMENT FROM HOME STATION, PLANNING SUPPORT OPERATIONS, AND EXECUTING MISSION-RELATED TASKS WHILE PROVIDING ASSISTANCE TO LAW ENFORCEMENT.

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██████████, OPERATIONS OFFICER

DSN 978-8434/8888

JOHN M. PICKLER, BG, USA, CG

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Q5. HOW MANY PERSONNEL ARE INVOLVED IN THE TRAINING?

A5. WE DO NOT COMMENT ON THE SIZE OF UNITS OR THE EXACT NUMBER OF SOLDIERS TRAINING.

Q6. HOW LONG WILL THE UNITS BE TRAINING IN THE AREA?

A6. WE DO NOT COMMENT ON THE LENGTH OF TRAINING TO PRESERVE THE TRAINING REALISM FOR THE UNIT AND TO OPTIMIZE ACCOMPLISHMENT OF TRAINING OBJECTIVES. NORMALLY, UNIT TRAINING MISSIONS CONDUCTED WITH JTF-6 ARE SHORT-DURATION, INTENSE EXERCISES IN REMOTE AREAS ASSOCIATED WITH PUBLIC LANDS AND MILITARY INSTALLATIONS.

2. (U) COMMAND:

A. (U) JTF-6 EXERCISES TACON OF DEPLOYED RSU ASSETS.

B. (U) USCINCSOC EXERCISES OPCON OF DEPLOYED RSU ASSETS.

C. (U) RSU ASSETS ARE IN DIRECT SUPPORT OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS. //

GENTEXT/POC/ (9) (5) DSN: 978-8434 OR 8888 //

GENTEXT/AUTHENTICATION/ (37) DEPJ3/OFFICIAL: (12)

ACOS. //

AKNLDG/Y//

(9) OPERATIONS OFFICER

DSN 978-8434/8888

JOHN M. PICKLER, BG, USA, CG

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FEB 93

D-582

CINCFOR FT MCPHERSON GA//FCDJ//

CJTF SIX FT BLISS TX//FCJT-J3//

INFO JOINT STAFF WASHINGTON DC//J3-CN02/S02//

SECDEF WASHINGTON DC//ISA/OCDEPSS/ASDPA-DPL//

DA WASHINGTON DC//DAMO-0DD/SAGC/SAILE/DAJA-IO//

USCINCSOC MACDILL AFB FL//S0J3-SCN//

CDRUSASOC FT BRAGG NC//A00P-POC//

CDRUSASFC FT BRAGG NC//A030-GC0-0//

CDR3RDSFGA FT CAMPBELL KY//S3//

OPERATION ALLIANCE FT BLISS TX

BUREAU OF ALCOHOL TOBACCO FIREARMS WASHINGTON DC

UNCLAS E F T O LEA SENSITIVE

OPER/JT002E-93/CJTF-SIX/CINCFOR 7400-90//

MSGID/GENADMIN/FORSCOM FCJ3-0D/001/FEB//

SUBJ/APPROVAL TO EXECUTE COUNTERDRUG (CD) OPERATION JT002E-93//

REF/A/ORDER/CJTF-SIX J3/-----ZFEE93//

AMPN/SECRET MSG, SUBJ: OPERATION ORDER - COUNTERDRUG TRAINING

SUPPORT MISSION JT002E-93 (U)//

REF/B/MSG/CJCS/190050ZDEC93//

FCJ3-A0-0C-0D-RM, FCJA, FCPA, FCJ2, SJS

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FCJ3-0D, S010

16 FEB 93, TEH

C. G. MARSH, MG, FCDJ, 6448

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*Not Sent Due to
Ref D 9 previous
OPORD*

D-583

AMPN/SUBJ: DELEGATION OF AUTHORITY FOR APPROVING OPERATIONAL SUPPORT
TO DRUG LAW ENFORCEMENT AGENCIES AND COUNTERDRUG-RELATED DEPLOYMENT
OF DOD PERSONNEL//

REF/C/SYS.RRM/FORSCOM FCJ3-0D/251300ZMAR92/-/NOTAL//

AMPN/SUBJ: CD POLICY MESSAGE 02-92: CD OPERATION AFTER ACTION
REPORTS//

REF/D/MSG/FORSCOM FCJ3/111910ZSEP92//

AMPN/SUBJ: FY 93 COUNTERDRUG BUDGET GUIDANCE AND OBLIGATION REPORT//

NARR/REF A IS JTF-5 OPORD FOR APPROVAL TO CONDUCT CD TRAINING MISSION

JT002E-93, WHICH PROVIDES MODIFIED FOREIGN INTERNAL DEFENSE TRAINING

ASSISTANCE TO THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS (BATF)

FROM 22-28 FEB 93 IN THE VICINITY OF FT HOOD, TX. REF A IS

SUBMITTED FOR CINCPAC APPROVAL BECAUSE OF THE SENSITIVITY OF THIS

TRAINING SUPPORT. REF B IS CJCS DELEGATION OF AUTHORITY. REF C

PROVIDES AFTER ACTION REPORTING GUIDANCE. FUNDING LAW REF D://

POC/ [REDACTED] PRIPH: DSN 367-5010/-/-/SECPH: (434) 669-5010.//

AKNLDG/NO// (10)

RMKS/1. (LEA) LAW PARA 2.C OF REF B, CINCPAC APPROVES EXECUTION OF

JT002E-93 PER REF A. RAPID SUPPORT UNIT ASSETS WILL NOT BECOME

DIRECTLY INVOLVED IN BATF OPERATIONAL PLANNING, NOR ASSUME

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RESPONSIBILITY FOR THE BATF PLAN.

2. OBSERVING AND CRITIQUING THE REHEARSAL OF THE BATF OPERATIONAL PLAN IS AUTHORIZED. HOWEVER, REHEARSAL CRITIQUE COMMENTS WILL BE PROVIDED AS THE OPINION OF TRAINED MILITARY OBSERVERS, NOT AN OFFICIAL DOD ENDORSEMENT OF THE SOUNDNESS OF THE PLAN.

3. LEGAL ISSUES:

A. STATUTORY AUTHORITY IS SECTION 1004 (B) (5), NATIONAL DEFENSE AUTHORIZATION ACT (NDAA) FOR FY91 AS AMENDED. ADDITIONAL AUTHORITY IS UP 10 USC 373.

B. REIMBURSEMENT OF DOD BY SUPPORTED OLEA IS WAIVED UP 10 USC 377 SINCE PARTICIPANTS WILL RECEIVE SUBSTANTIAL TRAINING BENEFIT IN FOREIGN INTERNAL DEFENSE TRAINING.

4. DAILY REPORTS NOT REQUIRED. HOWEVER, SIGNIFICANT ACTIVITIES, TO INCLUDE START AND END OF MISSION SUPPORT, WILL BE REPORTED VIA COMMANDERS SITUATION REPORT (SITREP), AS THEY OCCUR. OPERATIONAL SUMMARIES WILL BE REPORTED IN JTF-6 WEEKLY REPORT TO FORSCOM. SUBMIT AFTER ACTION REPORT UP REF C WITHIN 15 DAYS OF COMPLETION.//

5. FUNDING IAW REF D.

C. G. MARSH, MG, FCDJ, 6448

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AASZYUW RUWANTX0125 0482155-SSSS--RUWASUU.

SSSS

2145Z FEB 93

CJTF SIX FT BLISS TX//CG//

CINCFOR FT MCPHERSON GA//FCJ3-OD/FCJ2-IO/FCJA/FCPA//

NJO JOINT STAFF WASHINGTON DC//J3-CNOD/SOD//

ECDEF WASHINGTON DC//OCDEP-S//

DA WASHINGTON DC//DAMO-ODD/SAGC/SAILE/DAJA-IO//

SCINCSOC MACDILL AFB FL//SOJ3-SCN-C//

DRUSASOC FT BRAGG NC//AOOP-POC//

DRUSASFC FT BRAGG NC//AOSO-GCO-O//

DRJDSFGA FT BRAGG NC//S-3//

DRIIICORPS FT HOOD TX//AFZF-CG/AFZF-GT//

BA1F WASHINGTON DC

OPERATION ALLIANCE FT BLISS TX

BT

~~SECRET~~

OPER/JT002E-93/CJTF-6 002-93//

MSGID/ORDER/CJTF-6-J3/93-002/FEB//

AMPN/SUBJ: OPERATION ORDER - COUNTERDRUG TRAINING SUPPORT MISSION JT 002E-93//

REF/A/RMG/CJTF-6 FCJT-J3/172245ZSEP92/-/NOTAL/-//

AMPN/CONF MSG/SUBJ: COUNTERDRUG SUPPORT REQUEST FOR FY93 RAPID SUPPORT UNIT (RSU) DEPLOYMENTS JT001-93, JT002-93, JT003-93 AND JT004-93: (U)//

REF/B/RMG/CINCFOR FCJ3/012218Z OCT92/-/NOTAL/-//

AMPN/CONF MSG/SUBJ: APPROVAL TO EXECUTE COUNTERDRUG MISSION JT 002-93/JT002-93 (U)//

REF/C/RMG/CJCS/190050Z DEC91/-/NOTAL/-//

AMPN/UNCLAS MSG/SUBJ: DELEGATION OF AUTHORITY FOR APPROVING OPERATIONAL SUPPORT TO DRUG LAW ENFORCEMENT AGENCIES AND COUNTERDRUG RELATED DEPLOYMENT OF DOD PERSONNEL//

REF/D/LTR/CINCFOR FCJ3-OD/09 MAR 92/-/NOTAL/-//

AMPN/UNCLAS MEMO/LIMITED DELEGATION OF AUTHORITY FOR APPROVING CD OPERATIONAL SUPPORT TO DLEAS//

REF/E/LTR/OPERATION ALLIANCE/2 FEB 93/-/-/-//

AMPN/UNCLAS LTR/OPERATION ALLIANCE SUPPORT REQUEST//

ORDTYP/EXORD/JTF-6 JT002E-93//

TIMEZONE/Z//

NARR/PER REF D, BG PICKLER IS APPROVAL AUTHORITY FOR THIS OPERATION.//

HEADING/TASK ORGANIZATION//

SUNIT

/UNITDES

/UNITLOC

/CMNTS

/JTF-6

/FT BLISS, TX

/TACTICAL CONTROL//

/CINCSOC

/MACDILL AFB, FL

/RSU ASSETS//

GENTEXT/SITUATION/(S) OPERATION ALLIANCE HAS SUBMITTED A REQUEST TO JTF-6 ON BEHALF OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (BATF) FOR EMPLOYMENT OF RSU ASSETS IN SUPPORT OF AN UPCOMING BATF COUNTERDRUG OPERATION INVOLVING TASK ORGANIZED SWAT TEAMS FROM HOUSTON, NEW ORLEANS, AND DALLAS BATF DIVISIONS. THIS OPERATION HAS THE HIGHEST INTEREST OF BATF, WASHINGTON AND HAS BEEN APPROVED AT AF LEVEL. ASSISTANCE IS REQUIRED TO ESTABLISH A TRAINING SITE FOR

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APPROXIMATELY 85 BATF AGENTS TO CONDUCT REHEARSALS PRIOR TO TACTICAL EXECUTION OF A WARRANT IN THE VICINITY OF WACO, TEXAS. THE SUSPECT GROUP IS AN EXTREMIST CULT/SURVIVALIST ORGANIZATION. INTELLIGENCE INDICATES AN ACTIVE METHAMPHETAMINE LAB AND DELIVERIES OF THE REQUIRED CHEMICALS TO PRODUCE THE SYNTHETIC METHAMPHETAMINES. EXTENSIVE BATF INTELLIGENCE INDICATES THE GROUP IS HEAVILY ARMED WITH LARGE CALIBER AUTOMATIC WEAPONS AND IS CONSIDERED WILLING TO USE THEM. BATF CONSIDERED TWO CONCEPTS PRIOR TO REQUESTING ASSISTANCE THROUGH OPERATION ALLIANCE: A SEIGE OR A DIRECT ASSAULT. BASED ON EXTENSIVE INTEL ON THE BACKGROUND OF THE CULT AND ITS LEADER, BATF CONCLUDED THAT A DIRECT ASSAULT WOULD BE THE MOST PRUDENT. LEA/CJTF-6 INTENT IS TO CONDUCT MODIFIED FOREIGN INTERNAL DEFENSE TRAINING AND PROVIDE GENERAL TACTICAL TRAINING ASSISTANCE TO THE BATF. LEA HAS ALREADY PLANNED THEIR OPERATION. RSU WILL NOT PROVIDE MISSION SPECIFIC ADVICE. JTF-6 HAS BEEN ASKED TO PROVIDE EXPERT TRAINING AND SAFETY ADVICE DURING LEA PREPARATION AT FORT HOOD. TRAINING ASSISTANCE WILL ADDRESS TACTICAL (COMPANY LEVEL) COMMUNICATIONS NET TRAINING, EMERGENCY MEDICAL EVACUATION TRAINING, PZ/LZ OPERATIONS TRAINING, AND TACTICAL VEHICLE DISMOUNT TRAINING. RSU TEAMS WILL NOT ACCOMPANY BATF TEAMS ON EITHER THE OPERATION NOR ANY SITE VISIT WITHIN THE AREA OF OPERATION. RSU ASSETS WILL COORDINATE RANGE, MOUT SITE, MANEUVER AREAS AND BILLETING WITH FT HOOD. RSU WILL PROVIDE RANGE SAFETY COVERAGE.// GENTEXT/MISSION/(S) ELEMENTS FROM THE RSU CONDUCT MODIFIED FOREIGN INTERNAL DEFENSE TRAINING/MTT VICINITY FT HOOD, TEXAS FROM 22 TO 28 FEB 93 IN SUPPORT OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS.//

NTEXT/EXECUTION: 1. (U) CONCEPT OF OPERATIONS:

- A. (LEA) RSU ASSETS DEPLOYED INITIAL SURVEY TEAM TO HOUSTON, TEXAS ON 04 FEB 93 AND COORDINATED MISSION PARAMETERS/FINALIZED TRAINING PROGRAM WITH THE LEA.
- B. (LEA) TRAINING SITE SURVEY WILL DEPLOY TO FT HOOD TO VIEW PROSPECTIVE TRAINING AREAS/FACILITIES.
- C. (S) RSU PHASES OF TRAINING/1. PRE-DEPLOYMENT - TEAM PREPARED LESSON PLANS AND CONTINUES TO CONDUCT REHEARSALS FROM 08 TO 21 FEB 93.
2. (S) DEPLOYMENT - TEAM DEPLOYS TO FT HOOD ON OR ABOUT 22 FEB 93.
3. (S) EMPLOYMENT - TEAM CONDUCTS TRAINING FROM 23 TO 28 FEB 93.
4. (S) REDEPLOYMENT - TEAM RETURNS TO MCGREGOR RANGE CAMP ON OR ABOUT 28 FEB 93, BEFORE THE ACTUAL OPERATION.
- D. (U) THE MISSION WILL INVOLVE NO MORE THAN 10 PERSONNEL.
- E. (U) ALL TRAINING SUPPORT WILL TAKE PLACE ON PUBLIC LANDS (FT HOOD).

2. (U) COORDINATING INSTRUCTIONS:

- A. (U) RSU PERSONNEL WILL NOT BECOME INVOLVED IN SEARCH, SEIZURE, ARREST, OR SIMILAR LAW ENFORCEMENT RELATED ACTIVITIES. TRAINING WILL NOT INCLUDE PARTICIPATION IN LEA OPERATIONS.
- B. (U) RSU PERSONNEL ARE AUTHORIZED TO BE ARMED WITH INDIVIDUAL WEAPONS FOR INSTRUCTIONAL PURPOSES. AMMUNITION IS BEING SUPPLIED BY LEA. JCS PEACETIME RULES OF ENGAGEMENT ARE IN EFFECT.
- C. (U) MISSION APPROVAL CATEGORY IS PARA(2C)(TECHNICAL TRAINING SUPPORT) REF C. STATUTORY AUTHORITY IS UP SECTION 1004. PARA (B)(5) OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 91, AS AMENDED. ADDITIONAL AUTHORITY IS UP 10 USC 373.

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D. (U) CJTF-6 HAS APPROVED EXECUTION OF MISSION JT002E-93 UP OF PARA REF D.

E. (U) RSU ASSETS WILL NOT BECOME DIRECTLY INVOLVED IN BATF OPERATIONAL PLANNING, NOR ASSUME RESPONSIBILITY FOR THE BATF PLAN. DEBATING AND CRITIQUING THE REHEARSAL OF THE OPERATIONAL PLAN IS AUTHORIZED, PARTICULARLY IN THE AREAS OF SAFETY. REHEARSAL CRITIQUE COMMENTS WILL BE PROVIDED AS THE OPINION OF TRAINED MILITARY OBSERVERS, NOT AN OFFICIAL DOD ENDORSEMENT OF THE SOUNDNESS OF THE PLAN.

F. (S) CG III CORPS HAS BEEN EXTREMELY HELPFUL IN THE PROVISION OF BILLETING, RANGE, MOUT SITE, AND MANEUVER AREA FOR THIS OPERATION.

3. (U) RSU WILL DEPLOY WITH M5 MEDICAL BAGS AND PROVIDE OWN MEDICAL COVERAGE.

4. (U) ESTIMATED COST IS 9,500.00 DOLLARS, OPERATIONAL MANDAYS ARE 60.

5. (U) REIMBURSEMENT OF DOD BY SUPPORTED LEA IS WAIVED UNDER PROVISIONS OF 10 USC 377 BECAUSE OF THE SUBSTANTIAL TRAINING BENEFIT RECEIVED BY THE PARTICIPATING UNIT.//

GENTEXT/COMMAND AND SIGNAL/1. (U) SIGNAL:

A. (U) RSU WILL UTILIZE LAND LINES TO REPORT DAILY STATUS OF TRAINING TO ADVANCED OPERATIONAL BASE (AOB). AOB PROVIDES DAILY STATUS TO JTF-6.

B. (U) PUBLIC AFFAIRS GUIDANCE WILL BE LAW ORIGINAL GUIDELINES OUTLINED IN THE RSU APPROVAL MESSAGES. ADDITIONS ARE AS FOLLOWS:

Q1. WHAT UNIT IS SUPPORTING JOINT TASK FORCE SIX AND OPERATION ALLIANCE?

A. A U.S. ARMY UNIT ASSIGNED TO THE U.S. SPECIAL OPERATIONS COMMAND WILL BE CONDUCTING TRAINING IN REMOTE AREAS IN TEXAS, NEW MEXICO, ARIZONA, AND CALIFORNIA. WHILE CONDUCTING THE TRAINING, THE UNIT WILL BE WORKING WITH OPERATION ALLIANCE WHICH IS ASSISTING JTF-6 AND THE UNIT WITH IDENTIFICATION OF SUITABLE TRAINING SITES. (AT THIS TIME, ELEMENTS OF THE UNIT ARE TRAINING WITH THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (BATF) ON MILITARY RESERVATIONS.)

Q2. WHAT TYPE OF TRAINING IS THE UNIT DOING?

A2. THE UNIT WILL BE CONDUCTING NORMAL MISSION RELATED TRAINING. THE COMBINATION OF REMOTE, ISOLATED TERRAIN AND A HARSH DESERT ENVIRONMENT IN THE SOUTHWEST OFFERS MANY OPPORTUNITIES FOR SMALL UNIT TRAINING ON UNFAMILIAR TERRAIN WHICH IS IDEAL FOR MANY MILITARY UNITS. TRAINING EXERCISES WILL BE DESIGNED TO IMPROVE INDIVIDUAL AND UNIT SKILLS IN MAP READING, TERRAIN ORIENTATION, COMMUNICATIONS AND COORDINATION TECHNIQUES, AND UNIT LEADERSHIP RELATED TO COMMAND AND CONTROL OF SMALL UNIT MOVEMENT AND TACTICS.

Q3. WHERE WILL THE UNITS BE TRAINING?

A3. WE DO NOT COMMENT ON THE LOCATION OF TRAINING SITES NOR DO WE COMMENT ON THE EXACT IDENTIFICATION OF UNITS CONDUCTING TRAINING. THERE MAY BE SUPPORT ELEMENTS SUCH AS SUPPLY AND MAINTENANCE TEAMS FOR AVIATION AND VEHICLES ASSOCIATED WITH VARIOUS TRAINING EXERCISES. THE UNIT WILL BE BASED WITH JTF-6 AT FORT BLISS, TEXAS.

Q4. WHY IS THE MILITARY CONDUCTING THE TRAINING?

A4. THE DEPARTMENT OF DEFENSE SUPPORTS THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY BY SUPPORTING FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES ALONG THE SOUTHWEST BORDER. JTF-6 COORDINATES DEPARTMENT SUPPORT TO LAW ENFORCEMENT AGENCIES THROUGH

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OPERATION ALLIANCE. WHILE CONDUCTING TRAINING SPONSORED BY LAW ENFORCEMENT, MILITARY UNITS PROVIDE ASSISTANCE TO LAW ENFORCEMENT. WE RECEIVE VALUABLE EXPERIENCE IN DEPLOYMENT FROM HOME STATION, PLANNING SUPPORT OPERATIONS, AND EXECUTING MISSION RELATED TASKS WHILE PROVIDING ASSISTANCE TO LAW ENFORCEMENT.

Q5. HOW MANY PERSONNEL ARE INVOLVED IN THE TRAINING?

A5. WE DO NOT COMMENT ON THE SIZE OF UNITS OR THE EXACT NUMBER OF SOLDIERS TRAINING.

Q6. HOW LONG WILL THE UNITS BE TRAINING IN THE AREA?

A6. WE DO NOT COMMENT ON THE LENGTH OF TRAINING TO PRESERVE THE TRAINING REALISM FOR THE UNIT AND TO OPTIMIZE ACCOMPLISHMENT OF TRAINING OBJECTIVES. NORMALLY, UNIT TRAINING MISSIONS CONDUCTED WITH JTF-6 ARE SHORT-DURATION, INTENSE EXERCISES IN REMOTE AREAS ASSOCIATED WITH PUBLIC LANDS AND MILITARY INSTALLATIONS.

2. (U) COMMAND:

A. (U) JTF-6 EXERCISES TACON OF DEPLOYED RSU ASSETS.

B. (U) USCINCSOC EXERCISES OPCON OF DEPLOYED RSU ASSETS.

C. (U) RSU ASSETS ARE IN DIRECT SUPPORT OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS.//

GENTEXT/POC/[REDACTED] DSN: 978-8434 OR 8888//

GENTEXT/AUTHENTICATION/[REDACTED]/OFFICIAL: [REDACTED]

ACOS.//

AKNLDG/Y//

DECL: OADR

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UNCLASSIFIED
PLANNING CHRONOLOGY
JT 002E-93, MTT, BATF

DATE	EVENT
6 Jan 93	Request from BATF to ONDCP for support for an ongoing drug case.
22 Jan 93	Letter received by Operation Alliance from BATF requesting MOUT site, Bradley Fighting Vehicles, tents, light sets, heaters, generators, and other military items of equipment.
1 Feb 93	JTF-6 makes informal inquiry with New Equipment Team (Ft Benning) to establish minimum training requirements to qualify operators for BFV. (5 days minimum was answer)
2 Feb 93	Briefing at Operation Alliance by BATF on the operational and logistics requirements. Support Request, 25.2.139.0293, forwarded by Operation Alliance to JTF-6 and TXNG. JTF-6 was to provide a mobile training team at Fort Hood, if possible.
3 Feb 93	MSG, 032140Z FEB 93(S) from JTF-6 to Cdr III Corps requests range and training areas for 18-21 Feb (initial dates).
4-5 Feb 93	JTF-6 J3Ops, and RSU Commander (with Det team planners) travel to Houston and participate in an initial planning conference to establish the minimum parameters, finalize training objectives, and assess subjects the RSU could provide IAW DoD policy. On-site trauma medical support is discussed. Mission connection to counterdrug identified.
4 Feb 93	Initial Warning Order to FORSCOM (OPNOTE, JVIDs, 041603Z FEB 93) indicating an RSU mobile training team support request is being planned. This warning order also introduces the possibility for CONTOMS (contingency tactical medical support-Bethesda, Md) to provide emergency trauma teams.

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DATE	EVENT
4 Feb 93	BATF decides to handle on-scene medical support with their own agents and local civilian medical assets. Notified FORSCOM J3OD that CONTOMS would not be necessary.
5 Feb 93	JTF-6 conducts IPR on specifics of support request. Counterdrug nexus reviewed (BATF and Operation Alliance again verified drug relationship) and overall JTF-6 concept narrowed to an MTT on Fort Hood. Overall commanders intent is to provide general training support on Ft Hood only. Title 10 personnel would not be use for C ² , specific mission planning, or medical evacuation.
5 Feb 93	Coordination is made with CINCSOC staff.
5 Feb 93	BATF changes their execution dates. JTF-6 notifies G3 staff action officer, III Corps, of new training dates (25-27 Feb) and for training area, ranges, and the MOUT site. Followed up with a new BATF request for billeting (for approx 95 personnel).
8 Feb 93	RSU Det ODA 381 begins lesson plan preparation at Ft Bliss, Texas.
11 Feb 93	SAC, Houston, BATF, briefed their concept to BATF, Washington DC. They receive approval.
12 Feb 93	JTF-6 Concept Message draft FAXed to FORSCOM for review and comment.
14 Feb 93	RSU ODA Detachment receives RSU Commander internal operations order for MTT.
15 Feb 93	ODA 381 RSU team begins isolation at Ft Bliss for MTT
16 Feb 93	FORSCOM FAXes proposed EXORD with language to be integrated in final message: "RSU assets will not become involved in BATF operational planning, nor assume responsibility for the BATF plan. Observing and critiquing the rehearsal of the operational plan is authorized, particularly in the areas of safety. Rehearsal critique comments will be provided as the opinion of trained military observers, not an official DoD endorsement of the soundness of the plan."

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DATE	EVENT
17 Feb 93	Operation Alliance and Houston BATF review content of JTF-6 support and agree to subjects and parameters of support.
17 Feb 93	Upon coordination with FORSCOM J3 and extensive legal review, confirmed delegation of authority lies with CG, JTF-6 for approval of this mission. CG, JTF-6 approves mission and releases EXORD MSG, 172145Z FEB 93 with specific FORSCOM recommended comments.
22 Feb 93	RSU team deploys to Fort Hood to begin actual preparations. (Range surveys and support facilities)
24 Feb 93	RSU commander arrives Ft Hood to provide supervision of his Detachment.
25 Feb 93	Range safety coverage of MOUT site provided. Test fire range and helicopter LZ/PZ is surveyed. Medical classes conducted (ABCs, two-man and one-man carries). Communications net training for company-level force given to communications support personnel.
26 Feb 93	Range safety coverage continues. RSU Det assists in MOUT site modifications (minor tape-off of building schematic and construction of a free-standing double door. RSU runs a known-distance range (KD) for confirmation of zero and function checks for "forward observer"/sharpshooters. AR15 zero and qualification range is supervised by RSU. Medical I.V. training is conducted.
27 Feb 93	RSU continues to provide range safety coverage for the MOUT site and KD range. A pistol and submachinegun range is run for the confirmation of zero and weapons function checks. RSU detachment polices, breaks down, and clears all range facilities.
27 Feb 93	Six personnel exfiltrated by Det 160 SOAR at 2000 to Ft Bliss. Arrived 0300 28 Feb.

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DATE	EVENT
28 Feb 93	The remaining 4 personnel cleared all billeting with Ft Hood and departed for Ft Bliss at 0430 by ground vehicle.

DECLAS: OADR

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Encl 2

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DEPARTMENT OF DEFENSE
JOINT TASK FORCE SIX
FORT BLISS, TEXAS 79816-0064



REPLY TO
ATTENTION OF

FCJT-J3 (340)

18 August 1993

MEMORANDUM THRU Commanding General, Joint Task Force Six

FOR Commander, Forces Command, ATTN: FCJ3-CD, Fort McPherson, GA
30330-6000

SUBJECT: Summary of Investigative Inquiries to Joint Task Force Six (JTF-6) Support to Bureau of Alcohol, Tobacco and Firearms, Mission 002E-93

1. Reference Fonecon with [REDACTED], Headquarters FORSCOM, FCJ3-CD, subj: SAB. (10)
2. As requested, provided below is a summary of inquiries directed to JTF-6 and responses provided to the Treasury Department's investigation of the Bureau of Alcohol, Tobacco and Firearms (BATF) Waco operation. The inquiries were telephonic and directed to [REDACTED] and [REDACTED]. (7, 23)
3. The interview was conducted by Secret Service Agent [REDACTED] who was part of a 21 agent team appointed by the Treasury Department to investigate the ATF Waco Operation. The intent of the investigative team was to determine methods to improve procedures involving assaults by law enforcement agencies. All information provided was taken directly from the chronology table of the 26 February 1993, Memorandum for Director of Operations, Forces Command (Encl 1), describing the history of JTF-6 support. [REDACTED] was interested in the support request process as it related to this mission. [REDACTED] described the standardized procedures which require law enforcement agencies to submit requests for military support through Operation Alliance to JTF-6. Described in detail were the following organizations and the types of support they normally provided to law enforcement agencies (LEA): (24, 25)
 - a. JTF-6 provides Title 10 forces to the Southwest Border (SWB) drug-related law enforcement agencies. Support falls into one of three categories: Engineer (horizontal and vertical construction), Operational (direct participation in a LEA drug

LEA SENSITIVE

D-549

AUG 18 1993 10:41 AM JTF6 J3-PLANS

LEA SENSITIVE

PCJT-J3 (340)

SUBJECT: Summary of Investigative Inquiries to Joint Task Force Six (JTF-6) Support to Bureau of Alcohol, Tobacco and Firearms, Mission 002E-93

operation within specified legal and policy constraints), and General (training or assistance to LEA in a nontactical role such as a Mobile Training Team). Mission 002E-93 fell into the general support category, specifically a Mobile Training Team.

b. The four-state SWB National Guards provide Title 32 support designed to increase efficiency and effectiveness of LEAs. [REDACTED] indicated that representatives of the Texas NG were present at the planning meetings and provided personnel, aircraft, and other military equipment for the Waco operation.

⑦ c. The Regional Logistics Support Office provides nonoperational logistic and training support. ⑦

⑦ 4. The subject of a drug connection to the Waco operation also received some attention. [REDACTED] affirmed that the determination of a drug connection was the primary responsibility of the law enforcement community as represented by Operation Alliance. Even though JTF-6 routinely provides Mobile Training Teams to Federal, state and local LEAs involved in drug-related operations, BG Pickler, due to the obvious sensitivities of this request, wanted to ensure that indeed there was a specific drug relationship. As a result, during a 4 February meeting in Houston, the BATF showed [REDACTED] several documents indicating that three individuals believed to be inside the compound had records of drug convictions or arrests. He was also told that the BATF had recent interviews from individuals inside the compound (who had subsequently left the cult) that Methamphetamine had been produced as recently as 1989. Furthermore, the BATF plan indicated that a special LEA Team was being incorporated into the operation to search for dangerous chemicals used in the conduct of drug production. JTF-6 felt that between the Operation Alliance request and the 4 February meeting in Houston, a solid drug connection was established.

FCJT-J3 (340)

SUBJECT: Summary of Investigative Inquiries to Joint Task Force Six (JTF-6) Support to Bureau of Alcohol, Tobacco and Firearms, Mission 002E-93

5. [REDACTED] provided an account of the specific support provided and a chronology of the Special Forces team's actions as outlined in enclosure 1. He emphasized the support provided by JTF-6 was a Mobile Training Team (MTT) and not operational support. The support took place at Fort Hood, Texas and consisted of weapons range support, coordinating billeting and mess support, MOUT site preparation, company level communications training, and emergency medical evacuation training. He reaffirmed that JTF-6 Title 10 personnel were not present in Waco and that the Special Forces Team redeployed to Fort Bliss prior to the BATF assault.

6. There were also some questions as to why the ~~CONTOMS~~ medical trauma teams from Bethesda were not used. [REDACTED] indicated that JTF-6 had discussed this asset with BATF during the initial MTT planning meetings. The BATF planners were satisfied with their medical arrangements; and as a result, the subject was dropped.

7. Inquiries concerning the use of armored vehicles were also made in the initial planning meetings, and the following was offered:

a. The initial request for Bradley Fighting Vehicles was made for ATF personnel protection only, not for assault purposes.

b. Because a Bradley could be penetrated by the .50 caliber machine guns which were suspected to be present on the compound, we mentioned during the planning phases that only the Abrams tank would afford total safety.

c. Because of the lengthy and involved training required for a new individual to drive the Bradley, we recommended that the Texas National Guard be contacted for this type of support.

[REDACTED] again reiterated that JTF-6 did not provide any support to BATF at the Waco compound.

LEA SENSITIVE

FCJT-J3 (340)

SUBJECT: Summary of Investigative Inquiries to Joint Task Force Six (JTF-6) Support to Bureau of Alcohol, Tobacco and Firearms, Mission 002E-93

8. [REDACTED] concluded his portion of the discussion asserting once again that the support provided consisted only of assisting the BATF teams in their preparation for the operation. The Special Forces team did not provide specific planning assistance concerning the actual assault. The BATF developed their operational plan, and their assault teams were already trained entities before they arrived at the Fort Hood MTT training site.

9. Following [REDACTED]'s discussion [REDACTED] talked very briefly with [REDACTED] reference his involvement in processing the BATF mission support request (SR) within Operation Alliance. He reviewed how the initial request proceeded through Operation Alliance. He described how it was staffed internally and discussed with planners at JTF-6 and Operation Alliance. This discussion centered around the feasibility of the support by Active and National Guard forces. The final discussion focused on the generic internal Operation Alliance SR process prior to a support request being forwarded to JTF-6.

Encl

[REDACTED]
[REDACTED]
COL, USA
[REDACTED]

LEA SENSITIVE

D- 552



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Houston, Texas 77060
March 15, 1990

LE:OA:H:EZP
3350

MEMORANDUM TO: SAC, Dallas
SAC, Houston
SAC, Los Angeles

FROM: Tactical Operations Coordinator
(Operation Alliance)

SUBJECT: Request for Military Support

Enclosed with this memorandum are two self-explanatory documents from the Operation Alliance (OA) Coordination Center in El Paso, Texas, regarding military assistance available to ATF as a "Drug Law Enforcement Agency (DLEA)" from the Joint Task Force - 6 (JTF-6) Command. In addition, we are working with JTF-6 to identify a list of specific items that are needed on a frequent, time sensitive basis, i.e. M-16's, grenades, etc., as props in on-going investigations that would be maintained as standard inventory at strategic military installations throughout the OA area. We envision these items would then be accessible through a telephonic request with a follow-up written confirmation. I will keep you advised on the progress of this initiative.

The referenced letter dated January 26, 1990, sets forth the requirements, as to content and procedure, for submitting a request for assistance through OA to JTF-6. But prior to this phase, the ATF requirements must be completed as follows:

1. Request and receive appropriate approvals as established in the pertinent ATF Manual Order.
2. Contact the ATF Coordinator to OA:
Eddie Z. Pali
(Beeper) 1-800-443-PAGE
Alternate:
Charles D. Sarabyn, SAC, Special Programs Br
(ATF Comm Center)

006661



OPERATION ALLIANCE

P.O. BOX 370637
EL PASO, TEXAS 79937

1/26/90

OAC 89

Eddie Z. Pali
Bureau of Alcohol, Tobacco and Firearms
[REDACTED]
Houston, TX [REDACTED]

Dear Mr. Pali,

Currently, representatives of the Joint Task Force-Six (JTF-6), are touring the Southwest Border while providing mission briefings to field managers of the various drug law enforcement agencies, (DLEA's). Following those presentations it is anticipated many requests soliciting military assistance will be generated. This letter is intended to clarify procedures when submitting such requests.

First, all requests by civilian law enforcement agencies must be routed to Operation Alliance in order to be considered by JTF-6. Requests which have not been submitted through Alliance and not approved by this office will not be accepted by JTF-6. Depending upon individual agency procedure, ie. Border Patrol, Customs, DEA or other Federal, state and local agencies, those requests for military assistance may involve higher level approvals within a particular agency prior to being transmitted to Operation Alliance. However in all cases, any request must eventually be sent via Alliance before JTF-6 will receive and act upon it.

Secondly, all requests should contain at a minimum, three items, which are; a description of the situation or the concept which may lend itself to an assistance role by the military; the frame when assistance is required; and the name and telephone number of a point of contact designated to serve as the official project officer in liaison with military J-3 planning element. Optionally, recommendations may be made if there is a certain type of equipment, or other resource capability considered desirable, however generally, those issues will be addressed by the JTF-6 J-3 planners who will research inventories and recommend unit tasking.

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Once a request from the field DLEA is received by Operation Alliance and is reviewed/concurred, it is sent to JTF-6, concurrently an acknowledgement will be sent to your office. Thereafter, as the request is processed by JTF-6 it will be tracked by Alliance to keep you apprised of it's status. During the processing period, JTF-6 J-3 planners will contact your designated point of contact personnel to develop a draft operation order. Once the planning phase is completed, the draft order, which includes field input, is returned to Alliance for concurrence. A third and final approval of the operation order is determined by a joint meeting of the heads of supported field DLEA, the military unit tasked by JTF-6 and the tactical coordinator for Alliance. This last step before actual implementation is to ensure all involved entities are in agreement with the intended action.

Approval of requests by Operation Alliance is not meant to usurp any agency's authority nor it's operational prerogatives, but rather is merely intended to prevent duplication of requests and ensure that agencies soliciting military assistance are fully aware, beforehand, of any costs or conditions associated with implementing that project. Alliance approval should be defined in this sense as acting as a liaison and coordinating body only.

At the present time, JTF-6 requires substantial lead time, sixty to ninety days, in order to evaluate requests and arrange unit tasking details; however, in the future as operations are conducted and assessed, a capability will be developed to more rapidly deploy units and resources for similar reoccurring scenarios so that response times are quickened substantially.

If you have any questions or comments concerning this matter do not hesitate to contact myself or one of the deputy tactical coordinators within Alliance at [REDACTED] or FTS [REDACTED]

Brian K. Pledger

Brian K. Pledger
Senior Tactical Coordinator
Operation Alliance

000004



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
P. O. Box 8051
El Paso, Texas 79908
June 15, 1993

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LE:OA:EP:EZP
3350


MEMORANDUM TO: Chief, Special Programs Division ✓
SAC, Dallas Field Division
SAC, Houston Field Division
SAC, Los Angeles Field Division

FROM: Deputy Senior Tactical Coordinator (ATF)
Operation Alliance

SUBJECT: Request Procedures for the Regional Logistics
Support Office (RLSO)

On June 11, 1993, Major Victor Buckowsky, RLSO III, El Paso, Texas distributed this document at the Operation Alliance Coordination Center, El Paso, Texas. It will provide you and your staff with the latest information regarding the types of support and procedures for Drug Law Enforcement Agencies (DLEA's) to request excess property, non-operational support or training from the Department of Defense. As a reminder, all RLSO support requests that have a drug nexus initiated in the states of Texas, New Mexico, Arizona and California (Southern half) must be submitted to Operation Alliance for action. We encourage that all requests in these states be submitted to Operation Alliance because of our ongoing, direct contact within the military command structure and the RLSO's ability to query their system, on an international basis, to determine the availability of the requested property.

It is requested that this document be furnished to your appropriate Branches and Field Offices. If I can be of further assistance, please contact me at the Operation Alliance Coordination Center, El Paso, Texas, [REDACTED] or via 1-800-Sky Page (Pin [REDACTED]).


Eddie Z. Pail

Enclosure

006665

MEMORANDUM OF INTERVIEW**PAGE: 7****LE TYLE: TING.RKT
INTERVIEWING AGENT: ROBERT E. TEVENS****DATE: March 16, 1995
WACO ADMINISTRATIVE REVIEW**

At approximately 7:00PM, Agent Pali and Texas National Guard personnel attend a briefing of the search warrant support team at the Best Western Hotel. Agent Pali recalls that some of the ATF personnel present include ASAC Sarabyn, SAC Chojnacki, Agent Lewis, Agent Robert Alley, SAC Peter Mastin, SAC Ted Royster, and Agent Davy Aguilera. The briefing consists of the specific assignments of the search warrant support team.

At approximately 9:45AM, the raid team encounters gunfire and begins to receive casualties. The Texas National Guard helicopters are not authorized to act as a medivac unit for the transport of wounded, due to liability constraints.

On Tuesday, 04/27/93, Colonel Philip W. Spence, National Guard Bureau, writes a summary of a focal group review of the Waco incident, which is addressed to the Director, Counterdrug Task Force. Attached to the summary is the focal group report, dated April 28, 1993. The summary and report reveal only one major issue. The issue deals with the pre-raid threat assessment of the Branch Davidians provided by ATF to the Texas National Guard as a "docile" environment. A second issue, which is not included in the written report of the focal group but has been vocalized by Colonel Spence, deals with the suspected methamphetamine laboratory at the Branch Davidian compound. Colonel Spence contends that the drug issue is not included in the focal group report due to potential media interest and any resulting Freedom of Information Act inquiries.

On Thursday, 04/29/93, LTC Pettit signs a memorandum addressed to the Chief, National Guard Bureau, The Pentagon, Washington, D.C. The memorandum serves as an after-action report, which provides an "...explanation and clarification of the support provided by the Military Forces of Texas to the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation prior to, during, and after OPERATION TROJAN HORSE and a subsequent Hostage Rescue Mission in the vicinity of Waco, Texas." Throughout the after-action memorandum, LTC Pettit never questions the veracity of the ATF drug case within the Howell investigation. Conversely, LTC Pettit writes, "The initial Texas National Guard objective was to provide quiet, honest, and professional counterdrug support in assisting ATF in an ongoing firearms and drug case in Central Texas."

008300

FILE TITLE: [REDACTED]
INTERVIEWING AGENT: THOMAS R. SMITH

DATE: June 13, 1993
WACO ADMINISTRATIVE REVIEW

fit the profile of a college student. Although he did not want to participate in the u/c operation, he felt that it was an honor to be selected.

4. On Monday, 1/4/93, S/A [REDACTED] attended a meeting in Austin, Texas which was set up by the ATF RAC, [REDACTED]. An initial briefing of the undercover operation took place at that time. Prior to that meeting, S/A [REDACTED] had no knowledge or information concerning the Branch Davidian/David Koresh investigation.
5. According to S/A [REDACTED], there were eight special agents assigned to the undercover detail and they were identified as follows: Special Agents [REDACTED] Robert Rodriguez and [REDACTED]. All agents were at the GS-12 grade level.
6. S/A [REDACTED] stated that the briefing on January 4th, which was given by RAC [REDACTED] and the case agent, Davy Aguilar, was well done and included a psychological profile of David Koresh. Also provided at the meeting on 1/4/93, were aerial photos of the compound and a list of cult members with their criminal records and photographs.
7. On Tuesday, 1/5/93, the undercover agents were driven past the compound for the first time. The undercover agents were also provided with a Texas drivers license, with their assumed name, and a school (college) identification card.
8. An apartment, also known as a "safe house", was obtained by the RAC Austin office for use by the u/c agents. This apartment, located in the Waco area, was used by the u/c agents as a place to relax and write reports.
9. On Monday, 1/11/93, the agents moved into the u/c house across from the compound. It should be noted that when the u/c agents were in the process of moving into the u/c house, David Jones, the postman, who was also a cult member and used for intelligence gathering, visited the u/c agents. According to S/A [REDACTED] there was no doubt that Jones was attempting to obtain background information from them. S/A [REDACTED] felt certain they were not compromised by Jones' visit.
10. Initially, the u/c agents were divided into two teams or shifts and scheduled a twenty four (24) hour surveillance of the compound from the u/c house. There schedules were established to work two days on duty and the third day as a day off.
11. Initially, the mission of the u/c agents was to conduct surveillance of the compound in-order to obtain tactical intelligence for the raid. Specifically, the u/c agents were directed by the Austin ATF RAC, [REDACTED]

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: THOMAS R. SMITH

DATE: June 13, 1995
MACO ADMINISTRATIVE REVIEW

16. During the end of January or early February, [REDACTED] the neighbor who resided next to the u/c house and who thought they (u/c agents) were students, said Koresh had one of his contacts check the license plates on the their vehicles. Koresh determined hat there were no liens on their vehicles. As a result of these checks, Koresh came to the conclusion that they (the u/c agents) were FBI agents because he felt that college students should have had liens on their vehicles. Following the information provided to them by [REDACTED] S/A [REDACTED] felt that the cult intentionally avoided contact with the u/c agents. However, S/A [REDACTED] stated that, it was his opinion, the cover of the u/c agents was not compromised.
17. S/A [REDACTED] stated that at no time did anyone from the undercover house observe Koresh leave the compound. He stated that the u/c agents attempted to infiltrate the compound by engaging cult members in general conversation when they jogged in front of the compound. Other attempted scenarios by the u/c agents included pretending one of their vehicles was disabled or discussing an interest in the bible during conversations with cult members. However, it wasn't until Robert Rodriguez fired an AR15 behind the u/c house that cult members inviting him to their firing range on the compound.
18. S/A Rodriguez subsequently went to the compound sometime during the end of January or early February and he demonstrated shooting of his AR15. Rodriguez began to develop a relationship with Koresh at that point.
19. S/A [REDACTED] stated that when the case agent, Davy Aguilera, was in California, his government vehicle was broken into and the Branch Davidian case file and his service revolver were stolen. The next day, the case file was recovered in a trash compactor. According to S/A [REDACTED] none of the undercover agents were advised that the case file was stolen which concerned all of them. Approximately two or three weeks after the theft in California, S/A [REDACTED] learned of the occurrence during a general conversation with a co-worker.
20. S/A [REDACTED] stated that after the u/c operation began, there was no feedback to the u/c agents on intelligence information forwarded to the case agent or management. The information developed by the undercover agents was usually documented by S/A [REDACTED] and forwarded to the RAC, [REDACTED] and/or the case agent, Davy Aguilera. Sometime during the beginning of February, S/A [REDACTED] a GS-13 agent from the RAC Austin office, was assigned to coordinate the activities of the u/c agents. According to S/A [REDACTED], the conditions improved at that point.
21. S/A [REDACTED] stated that there were may disagreements and arguments between the undercover agents during the first month of the u/c

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MEMORANDUM OF INTERVIEW

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEYDATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

There were no photos taken before [REDACTED] went on leave because the weather had been bad.

In January 1993, he helped [REDACTED] set up the Command Post at TSTC. [REDACTED] and [REDACTED] set up the repeater and antenna for the radio base station. [REDACTED] then helped test the range of the radio by driving all the routes around the compound area and the communications in DES mode were good. After the test, [REDACTED] raised the antenna for extra coverage.

On Monday, 01/11/93, [REDACTED] moved into the undercover house after meeting with the other seven agents and some of the technical people at the CP.

[REDACTED] They loaded some equipment into their cars and all 11 went to the Undercover House. Jones the mailman came over to the house almost as soon as they unloaded the cars and they felt like Jones was fishing for information. [REDACTED] the next door neighbor came over later. Their cover story was that they were students going to TSTI. They had gotten student identification cards through the Chief of Police at TSTI. [REDACTED] does not know who made those arrangements. They also had matching undercover driver's licenses.

His understanding of their duties was to find out the normal routines and movements of the compound. [REDACTED] said that there was a lot of movement in and out of the compound. David Jones, the mailman, and Wayne Martin, the attorney, seemed to come and go a lot. [REDACTED] never saw Koresh or the black Camaro leave the compound while he was at the undercover house. Koresh told Roderiguez sometime later that he was afraid to leave the compound because the people in town didn't like him. [REDACTED] watched the women and children take out 5 pound buckets filled with something and dump the contents. They did not find out later that the buckets were filled with human waste products until after the raid. He stated that the men seemed to work in the construction pit area from morning till night every day. [REDACTED] felt that the equipment provided for the undercover house was not very good and he said they never heard anything on the scanner.

[REDACTED]

[REDACTED] thought that the 24 hour surveillance lasted for approximately a month, but then thought about it and said it probably was no longer than 2 weeks. While on the 24 hour surveillance, his team included [REDACTED]

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MEMORANDUM OF INTERVIEW**PAGE: 4****FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEY****DATE: June 13, 1993
WACO ADMINISTRATIVE REVIEW**

cameras, we asked if they were able to read license tags through the use of binoculars. [REDACTED] stated that the binoculars they had were not powerful enough to read the license tags on the vehicles.

Sometime around 02/01/93, when the situation changed its focus from a surveillance operation to an undercover operation, the equipment was all placed in the closet. This was done for the security of [REDACTED] who by this time, had made contact with Vernon Howell/David Koresh and had been inside the compound.

ROUTINE AT THE COMPOUND

[REDACTED] felt that there was some routine at the compound which consisted of the women coming out of the compound with the buckets and the handicapped child being picked up and dropped off by a school bus. In addition, Kendricks would leave in his pickup truck to go to the MagBag every day and Wayne Martin would leave the compound at 8AM every day. We asked how he knew that it was Martin who was leaving if they hadn't gotten license tags, and he stated that they had been told that there was a black attorney living in the compound and this person who left was black and usually wore a suit, so they assumed it was Martin. They also observed a male believed to be a guard who slept in a white van right in front of the compound. [REDACTED] said they hardly ever saw the children outside and he thought that was unusual because children almost always love to play outside. They never observed Koresh jogging around the area. They also observed men playing football. Saturdays were quiet because that was their day of worship. [REDACTED] stated that when it was rainy and cold, most of the people would stay inside. If the weather was nice, the men would work outside in the construction pit area and by 10AM, most of the men would be outside. [REDACTED] said that he saw the black Camaro leave twice, but did not know that the car belonged to Howell and they had never been told to follow any cars. He stated that he had seen motorcycles on two occasions.

SURVEILLANCE LOGS/REPORTS

[REDACTED] stated that during the 24 hour surveillance period, it was the responsibility of the individual agents to maintain the surveillance logs and [REDACTED] would be responsible for the report and getting them to Aguilera. This procedure only lasted a short period of time and then Dale Littleton was appointed to act as the intermediary between the undercover agents and the Austin/Houston offices. [REDACTED] stated that [REDACTED] came to Waco on the average of once a week and picked up the logs and/or reports. He said that Littleton told them about the tactical planning, but didn't do much more than that. [REDACTED] stated that the undercover agents had no input into the tactical planning. After the operation changed from surveillance to

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MEMORANDUM OF INTERVIEW

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEYDATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

shooting. [REDACTED] came out of the neighboring house and asked him not to shoot so close to their house.

On Tuesday, 2/2/93, [REDACTED] drove to the compound and asked for Howell/Koresh. He was told that "David" was sick and that he would have to return at a later date.

On Friday, 2/5/93, [REDACTED] drove to the compound and was invited to his first "Bible study". Prior to driving to the compound, he arranged with [REDACTED] to come and get him if he was in the compound for more than 2 hours. At the end of 2 hours, the Bible study was still going on and [REDACTED] came into the compound and said that he was looking for [REDACTED] (undercover name) because they had a luncheon appointment. [REDACTED] stated that he was very happy to be rescued from what was a very intense (one on one) Bible study. [REDACTED] was given a Bible by David and also was given some homework to read in the Bible. [REDACTED] thought a lot about what David had preached to him and was worried, because so much of what David said made sense. At one point in the night, [REDACTED] asked him what he was doing. [REDACTED] had just been laying in bed with the lights out, but was still thinking about the Bible study earlier that day. [REDACTED] tried to keep him on track and kept telling him to remember why they were there. [REDACTED] felt very threatened by David and his Bible study and was not anxious to return to the compound. In fact, [REDACTED] said that he was always uncomfortable going into the compound and he said that he never got any instructions about whether he should wear a body wire. [REDACTED] stated that every time he made contact or went inside the compound, he would telephone [REDACTED] and write a narrative of the activity.

The undercover agents then began to receive pressure to shoot with the members of the compound. He believes that the pressure was coming from Sarabyn.

On Wednesday, 2/17/93, [REDACTED] again entered the compound and attended a Bible study, this time in the Chapel. Howell/Koresh told him that he did not leave the compound very often because the people in town did not like him. [REDACTED] was given the telephone number for the compound and asked to return the following day. On Thursday, 2/18/93, [REDACTED] went to the compound for 3 hours of Bible study and made arrangements to shoot with Howell/Koresh the following day.

On Friday, 2/19/93, [REDACTED] went to the compound with their firearms to shoot. Howell/Koresh examined their weapons carefully and told [REDACTED] that he had seen him shoot one of those weapons. Howell stated that he had seen [REDACTED] through binoculars. They shot in an open area in the back of the compound. To get to the rear of the compound, Howell took them through the compound halls and kitchen. Howell provided ammunition for them to shoot and brought some of his firearms outside. None of those

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MEMORANDUM OF INTERVIEW

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FILE TITLE: [REDACTED] RKT
INTERVIEWING AGENT: ROBERT E. TEVENSDATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

Administration (DEA) Special Agents [REDACTED] and [REDACTED] Austin, Texas at the Command Post. Agent [REDACTED] tells him that, upon the execution of the search warrant, he and Agent [REDACTED] are to perform the clean up of the suspected methamphetamine laboratory. He also meets with an Immigration and Naturalization (INS) agent, who reportedly films the execution of the warrant.

Although SRA [REDACTED] cannot recall a specific time, SAC Ted Royster, Special Agent Davy Aguilera and two other unidentified ATF agents board the UH-60 Blackhawk and lift off from the TSTI Command Post in route to the hover area, aka race track. While airborne, SRA [REDACTED] hears an ATF radio transmission from the ground, possibly Agent [REDACTED], who says something to the effect that, "...we need to go in..." or "...we need to go in now, they moved it up...". With that statement, the helicopters move toward the compound.

A few minutes later, SRA [REDACTED]'s aircraft receives gunfire from a ridge behind the Branch Davidian compound, not the compound itself. Sometime later that day when SRA [REDACTED] is able to return to the Command Post and assisted ATF in its additional requests for military support.

SUMMARY:

SRA [REDACTED] was under the direct and explicit supervision of Texas State Interagency Coordinator William R. Enney, Lieutenant Susan M. Justice, and LTC William G. Pettit, Jr. SRA [REDACTED] advised that he offered his personal opinions to ATF officials regarding the National Guard's aerial reconnaissance photographs of the Branch Davidian compound. LTC Pettit, Mr. Enney, and Lieutenant Justice have all maintained that, although the National Guard may comment about graph location on a map, it does not offer to law enforcement entities an official opinion on the results of Thermal Imaging System (TIS) or Infra Red photographs. This is traditionally not done, due to the inherent nature of numerous possible causes for "hot spots", such as a furnace or an oven. SRA [REDACTED] said that he offered his opinion about the existence of pipes sticking out of the compound pool area as a possible vent for a methamphetamine lab. He also told ATF personnel that the hot spot could possible be the result of a methamphetamine lab.

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MEMORANDUM OF INTERVIEW

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: KENNETH L. BUCK

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

11. [REDACTED] stated he did receive information about the cars Koresh drove. He stated several were registered to Koresh. He also saw pictures of Koresh before starting the assignment.
12. [REDACTED] left the surveillance assignment around 02/15/93 in order to prepare for the warrant.
13. [REDACTED] estimated there were 25 children in the compound with 25 to 30 women and 25 to 30 men.
14. [REDACTED] stated the U/C house was equipped with a radio scanner, which he did not know how to use, two 35mm cameras, video camera and night vision equipment, which was not powerful enough. The Technical Operations Officers were O.K., but didn't want to stick around long.
15. [REDACTED] does not know of any compound people coming into the U/C house. He said the house was clean and all equipment was kept in one room with a dead bolt lock.
16. [REDACTED] stated the undercover agents were in Waco the week prior to moving into the U/C house and stayed at hotels in Waco under their real names. [REDACTED] stayed at the Hilton.
17. [REDACTED] did not hear a radio conversation between Cavanaugh and Chojnacki concerning whether or not they should execute the warrant.
18. [REDACTED] stated information about Koresh locking up the weapons and that only he had access to the weapons probably came from the undercover agents. He did not know how the information was obtained, but he recalled being given that information by someone in the U/C house.
19. [REDACTED] does not know how information secured by the undercover agents made its way to the raid planners other than the meeting with Sarabyn and his statement regarding fighting with the compound members which he made at Fort Hood.
20. [REDACTED] stated the Austin people were responsible for taking care of all the paperwork.
21. [REDACTED] stated that he heard there was some controversy over the drug connection at the compound. He stated he had identified a drug connection at the compound. He stated the first time [REDACTED] and Rodriguez met Koresh, Koresh talked about how the Sheriff hated him, about machine guns, about watching out for the ATF, the shootout with Roden and about the allegation that there had been a meth lab at the compound. He stated Koresh told them the compound would be a great place for a meth lab because its in the open and the wind blows all the

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MEMORANDUM OF INTERVIEW**PAGE: 4****FILE TITLE:** [REDACTED]
INTERVIEWING AGENT: KENNETH L. BUCK**DATE:** June 13, 1995
WACO ADMINISTRATIVE REVIEW

time so no one could smell a lab. [REDACTED] stated Koresh volunteered the story about the machine guns and the meth lab and since ATF thought he was lying about the guns [REDACTED] felt Koresh might have a meth lab on the compound.

001507

FILE TITLE:
INTERVIEWING AGENT: ROBERT COCKRELL

DATE: July 8, 1993
WACO ADMINISTRATIVE REVIEW

SAC [REDACTED] stated that he was not certain of all the items that the National Guard supplied, but that S/A [REDACTED] was the focal point for National Guard supplies. SAC [REDACTED] did know that the National Guard supplied helicopters and crews, tents, a water buffalo and truck and that they videotaped the raid training.

SAC [REDACTED] stated that ATF asked for Bradley vehicles. He stated that DoD gave the vehicles to the National Guard, who in turn gave them to BATF. Initially, ATF got eight, and then two more. SAC [REDACTED] stated that ATF also got 8 - 10 4wd Blazers from the National Guard for stationary observation posts.

SAC [REDACTED] stated that there was never a problem with getting equipment from the National Guard. SAC [REDACTED] stated that S/A [REDACTED] has a list of all the equipment that either the National Guard or the Army provided.

SAC [REDACTED] stated that the National Guard was not present at the meetings concerning this raid, other than to be in Ft. Hood (helicopters and crew). SAC [REDACTED] stated that the National Guard was in Waco on Saturday evening for the briefing there.

Methamphetamine Laboratory

SAC [REDACTED] was questioned concerning the alleged methamphetamine laboratory. He stated that he did not know where the laboratory might have been located in the compound. SAC [REDACTED] did state that in his mind, there was the possibility that there might be equipment for a methamphetamine laboratory in the compound. SAC [REDACTED] stated that he did not believe that the cult members were cooking methamphetamine in the compound. SAC [REDACTED] did state that if the cult members had the proper chemicals, they could have made methamphetamine.

SAC [REDACTED] was questioned concerning the use of diversion devices (flash/bangs) if there was the possibility of a methamphetamine laboratory in the compound. SAC [REDACTED] stated that the diversion devices were only to be used by the teams that had been trained with them, and that there was a written plan that had to be followed when using diversion devices. Also, the diversion devices would only be used in certain areas (bedrooms, front of house) of the compound. Since SAC [REDACTED] had stated that there were written instructions that had to be carried out if diversion devices were used, he was asked if the possibility of a methamphetamine laboratory was mentioned in the memorandum. After reading the memorandum, SAC [REDACTED] stated that there was no mention of a methamphetamine laboratory in the request for use of diversion devices.

SAC [REDACTED] stated that there was a DEA supervisor at the site of the raid. The plan was that after the building had been secured, explosives experts

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FILE TITLE:
INTERVIEWING AGENT: ROBERT COCKRELL

DATE: July 8, 1993
WACO ADMINISTRATIVE REVIEW

would go in to examine the building. After their search, dogs would be sent in. If a laboratory was encountered, the laboratory technicians from DEA would be called in.

Communications

On the date of the raid, there were two radio technicians available. SCHLIDER and the Special Forces personnel set up the plan for the radio net. SAC [REDACTED] stated that he thinks that [REDACTED] brought up the fact that normally radio transmissions on the channel which sniper teams use are taped during raids. SAC [REDACTED] stated that he thought that that was a good idea and told SCHLIDER to tape the forward observers. Taping was accomplished through the communications van. The communications van did not have the capability to tape radio transmissions. Only channel # 4 was recorded.

SAC [REDACTED] stated that the National Guard helicopters had the Treasury frequencies, and while in the helicopter, SAC [REDACTED] had four channels available to him. SAC [REDACTED] stated that he did not know if the helicopter radio traffic was in DES or clear mode.

In the command post, at the time of the raid, was the National Guard with communications capability, the McClendon County Sheriff's Office with communications capability and ATF. The DPS did not put anyone in the command post.

Undercover House

Acting Austin RAC, [REDACTED] was in charge of the undercover house. The undercover house started with a 24 hour surveillance. After two weeks to a month, the 12 midnight to 6:00 a.m. shift was eliminated. During the last week of the operation, the SRT members who were working as undercover agents were released from undercover duty at the undercover house. According to SAC [REDACTED] because there was nothing to keep the undercover agents at the house during spring break, their story began breaking down. SAC [REDACTED] stated that he did not know that [REDACTED] had previously lived in the undercover house.

SAC [REDACTED] stated that he thought that all the undercover agents were volunteers. To the best of his knowledge, SAC [REDACTED] stated that there were no GS-13 grades or above who volunteered for the undercover house.

SAC [REDACTED] stated that there was an agent at TSTC as a support/contact agent for the undercover agents. There was also a "safe" house for the undercover agents to use while not at the undercover house. SAC [REDACTED] stated he did not know where the house was, only that ATF still had it and were paying \$285/month for it.

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: ROBERT E. TEVENSDATE: June 13, 1995
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Operation Alliance. A brief overview of Operation Alliance is also included in the Report of Interview of Agent [REDACTED]

REQUEST FOR MILITARY SUPPORT OF THE VERNON WAYNE HOWELL INVESTIGATION:

Agent [REDACTED] maintained that, he never questioned the validity of the drug nexus in the Howell investigation because he understood the primary thrust was the suspected Gun Control Act violations.

CHRONOLOGY OF EVENTS:

On Tuesday, February 2, 1993, Agent [REDACTED] attended the briefing during which ATF Special Agent [REDACTED] provided details about the Howell investigation to the Operation Alliance Joint Command Group in El Paso, Texas. Agent [REDACTED] provided an update of the suspected methamphetamine laboratory at the Branch Davidian compound, which had received deliveries of chemical precursors for the manufacture of methamphetamine. Agent [REDACTED] recalled that Agent [REDACTED] had displayed a list of names of the precursor chemicals to the group. Similar to the opinion of Senior Special Agent [REDACTED], Operation Alliance Coordinator for ATF, during his interview with the Waco Review Team (WRT), Agent [REDACTED] opined that chemicals used in the manufacture of methamphetamine could also be used in the manufacture of explosives. Additionally, Agent [REDACTED] understood that the alleged laboratory was for the production of methamphetamine for the exclusive consumption of the Branch Davidians on their compound and not for sale off the premises.

Upon the approval of military support of the Howell investigation by the Joint Command Group, Agent [REDACTED] offered the assistance of a DEA Clandestine Certified Laboratory Team. Although Agent [REDACTED] initially declined the request, Agent [REDACTED] provided Agent [REDACTED] with the telephone number of Resident Agent in Charge (RAC) [REDACTED], DEA/Austin, Texas. This was the extent of Agent [REDACTED]'s participation in the Howell investigation prior to the raid on February 28, 1993.

On Monday, March 1, 1993, Agent [REDACTED] learned of the failed raid and immediately telephoned RAC [REDACTED] to ascertain the involvement, if any, of DEA. RAC [REDACTED] informed Agent [REDACTED] that DEA Group Supervisor [REDACTED] and DEA Special Agent [REDACTED] of the DEA Austin office, were on site with a DEA clandestine laboratory truck at the Texas State Technical Institute ATF Command Post on Sunday, February 28, 1993. He added that two additional Clandestine Laboratory Certified DEA agents, [REDACTED] were on stand-by in Waco.

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MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: DEA
DATE OF INTERVIEW: JUNE 15, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: June 15, 1993Report prepared by: Susan G. RowleyContact Address: Drug Enforcement Administration
Austin, Texas

Contact Phone Number: [REDACTED]

[REDACTED] is a Group Supervisor with DEA/Austin. [REDACTED] has two task groups under his supervision. One of these task groups is in Austin and the other group is in Waco. He divides his time between Austin and Waco and was in Waco when I spoke with him.

[REDACTED] stated that he and the following DEA agents were present at the Command Post area at TSTC at approximately 9:30AM, Sunday, 02/28/93:

[REDACTED] (Waco Office)
[REDACTED] (Waco Office)
[REDACTED] (Austin Office)

[REDACTED] had also made arrangements for some DPS personnel including a chemist to be present. [REDACTED] will supply the names of the DPS personnel present at a later date over the phone. He could not remember their names off the top of his head.

When [REDACTED] was first informed by ATF of the information about a meth lab possibly being present at the compound, he stated that he was able to partially confirm this information. DEA had a confidential informant who had actually visited the compound and had seen the lab. [REDACTED] also said that in addition to providing this information to ATF, he also gave it to a Lieutenant in the Texas Rangers. [REDACTED] will supply the name of the Lt. in the Rangers at a later time. [REDACTED] stated that he would check that information to ascertain when the informant was inside the compound and volunteered to allow us to interview the informant.

I asked [REDACTED] whether he had any discussions with ATF about the volatility of the chemicals which would be in a meth lab and any precautions which should be used. [REDACTED] said that DEA and ATF constantly work

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MEMORANDUM OF INTERVIEW**PAGE: 2****FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEY****DATE: June 13, 1995
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together in the Austin area and have done joint raids on many labs. [REDACTED] feels that everyone in the Austin ATF office is aware of the precautions used in conducting a raid against an area which may house a meth lab and to further discuss those precautions would be a waste of time.

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FILE TITLE: [REDACTED]	DATE: June 13, 1995
INTERVIEWING AGENT: SUSAN G. ROWLEY	MACO ADMINISTRATIVE REVIEW

Investigative notes:

Related investigatory material:

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MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: GROUP SUPERVISOR/DEA
DATE OF INTERVIEW: July 8, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: July 8, 1993Report prepared by: Susan G. RowleyContact Address: Drug Enforcement Administration
Austin, Texas

Contact Phone Number: [REDACTED]

As a follow up to the initial interview, [REDACTED] supplied the name of Lt. Pierson as the Lieutenant in the Texas Rangers who he had told about the independent information on the meth lab in the compound. This information had been received from a confidential informant within 2-3 weeks of the ATF raid. The information was not old information about the time when Roden had been in control of the compound, but was fresh information about the Howell/Koresh period of time. [REDACTED] stated that he would make the informant available for interview if the Treasury Review Team wanted to interview him/her. [REDACTED] stated that he also gave this information to ATF and he believes that [REDACTED] was the one he spoke with.

In checking to ascertain which DPS lab persons were present at the CP that morning, he found out that [REDACTED] one of the DPS chemists, had been placed on standby, but had not actually been at the Command Post that morning. There were other DPS narcotics personnel present who had been invited by [REDACTED], one of the members of the DEA Waco task group. Dunkley had been requested by [REDACTED] to invite the DPS personnel and lab personnel.

[REDACTED]

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

Investigative notes:

Related investigatory material:

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WACO ADMINISTRATIVE REVIEW

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MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: GROUP SUPERVISOR/DEA
DATE OF INTERVIEW: AUGUST 24, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: August 24, 1993Report prepared by: Susan G. RowleyContact Address: Drug Enforcement Administration
Austin, Texas

Contact Phone Number: [REDACTED]

A DEA report (DEA 6) was received from [REDACTED] concerning the debriefing of a confidential informant who had given information which confirmed the information about the existence of a methamphetamine laboratory on the compound. As a result of a review of the DEA report by SSA Callahan, a question was raised about the timing of the information received by DEA from this informant. The report was dated in June 1993, which would have been after the fire at the compound.

I telephoned [REDACTED] and asked him when DEA had first received the information from the informant about the meth lab. [REDACTED] stated that the information may have actually been received prior to the date of the report, but would not have been before the raid on Sunday, 2/28/93. [REDACTED] stated that he had given me this information because he felt it would be important for ATF to have corroborating information of the meth lab from a separate source, even though the information was not received until after the raid and subsequent fire.

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
MACO ADMINISTRATIVE REVIEW

Investigative notes:

Related investigatory material:

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MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED] SGR
WITNESS: [REDACTED]
TITLE: DEA GROUP SUPERVISOR
DATE OF INTERVIEW: SEPTEMBER 13, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: September 13, 1993Report prepared by: Susan G. RowleyContact Address: DEA/Austin, Texas

Contact Phone Number: [REDACTED]

On Monday, 08/13/93, Group Supervisor [REDACTED] telephoned the Waco Review Team and left a message with SSA Dick Suekawa for SSA Susan Rowley. The message stated that the chemical potassium phenyl although not directly utilized in the manufacture of methamphetamine can, if processed be used. [REDACTED] stated that potassium phenyl can be converted into the chemical phenyl acetic (phonetic spelling) acid which is a major component of methamphetamine. [REDACTED] stated that the chemical phenyl acetic acid is monitored by drug enforcement agencies and when a supplier gets an order for this compound, the supplier will notify authorities (supply house canvas) and the purchaser will be monitored. Because of these known monitoring procedures, methamphetamine manufacturers will buy potassium phenyl and convert it to phenyl acetic acid in order to avoid coming to the attention of the authorities. [REDACTED]

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MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: SENIOR AIRMAN
DATE OF INTERVIEW: JUNE 16, 1993
INTERVIEWING AGENTS: ROBERT K. TEVENS

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Witness: Senior Airman [REDACTED]

Date of interview or action: June 16, 1993

Report prepared by: SSA Robert K. Tevens & SSA Colleen Callahan

Contact Address: Adjutant General's Department
Senior Airman
Texas National Guard Counterdrug Support Group
[REDACTED]
Austin, Texas 78763

Contact Phone Number: [REDACTED]

SYNOPSIS:

On Monday, June 14, 1993, Special Agent Colleen Callahan and I interviewed Senior Airman (SRA) [REDACTED] Counterdrug Support Group, Adjutant General's Department at the Texas National Guard Unit, [REDACTED] Austin, Texas. SRA [REDACTED] provided the following information about himself and about his involvement in the execution of Federal search and arrest warrants near Waco, Texas on February 28, 1993.

The intention of this report is to provide a detailed chain of events and specific knowledge of individuals who were involved in the Texas National Guard support of the Bureau of Alcohol, Tobacco and Firearms (ATF) investigation of Vernon Wayne Howell. To that end, this report represents a compilation of interviews conducted by the WRT with LTC Pettit as well as Texas State Interagency Coordinator William R. Enney, Assistant Texas State Interagency Coordinator Susan M. Justice, and Texas National Guard Senior Airman [REDACTED].

Additionally, funding of military support of U.S. law enforcement is either reimbursable or non-reimbursable. Generally, state, local and Federal law enforcement agencies are responsible for the reimbursement of military support in non-counterdrug operations. Counterdrug operations are Federally funded under the DoD Authorization Act. Mr. Enney maintained that because mere suspicion of a methamphetamine lab existed in the Howell investigation, the resulting National Guard support was non-reimbursable.

FILE TITLE: [REDACTED] MKT
INTERVIEWING AGENT: ROBERT K. TEVENS

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

PERSONAL BACKGROUND AND TRAINING:

Since December 1986, SRA [REDACTED] has held an SCI security clearance, which he obtained while he was assigned to Calclan Air Force Base.

In November 1987, SRA [REDACTED] graduated from Military Intelligence School, Goodfellow Air Force Base, San Angelo, California.

In 1989, he was assigned to the "Paladin" exercise at Davis, Air Force Base, Tucson, Arizona.

In 1990, he was assigned to the "Roving Sands" exercise at Holliman Air Force Base in New Mexico.

From December 5, 1990 up to and including the present, SRA [REDACTED] has been assigned to the Counterdrug Support Group, Adjutant General's Department at the Texas National Guard Unit, [REDACTED] Austin, Texas.

CHRONOLOGY OF EVENTS:

The following Chronology of Events is attributable to SRA [REDACTED] as well as Texas State Interagency Coordinator William R. Enney, Texas State Assistant Interagency Coordinator Susan M. Justice, and Texas National Guard Lieutenant Colonel William G. Pettit, Jr.

On December 11, 1992, Special Agent Jose G. Viegra, RAC/Austin, Texas visits the office of Lieutenant Susan M. Justice, Assistant Interagency Coordinator, Texas National Guard, Counterdrug Support Program, [REDACTED] Austin, Texas. Texas State Interagency Coordinator William R. Enney is present for part of the meeting between the Lieutenant and Agent Viegra. Mr. Enney is designated by Texas Governor Ann W. Richards as the Texas State representative for DoD coordination of the Texas National Guard Counterdrug Support Program.

During the above meeting, Agent Viegra asks general questions of Lieutenant Justice about the aerial reconnaissance photography capabilities of the Texas National Guard and provides her with a brief synopsis of the Howell investigation. He also shows the lieutenant an old color photograph of the Branch Davidian compound.

On December 11, 1992, Lieutenant Justice informs Agent Viegra of the various available surveillance assets and asks him if the Howell investigation is drug related. Agent Viegra responds that he can not provide Lieutenant Justice with information about any narcotics related violations. She then tells Agent Viegra that non-reimbursable military support of the investigation, without a drug nexus, is not possible.

FILE TITLE: [REDACTED]
INTERVIEWING AGENT: ROBERT E. TEVENS

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Upon overhearing the negative response of Lieutenant Justice to Agent Viegra's request for military support, Mr. Enney interrupts and asks Agent Viegra to once again present a brief synopsis of the investigation. Agent Viegra complies and provides Mr. Enney with a second brief synopsis of the case. Mr. Enney also stresses the need for a drug nexus and tells Viegra to return to his office for a determination as to whether or not such a nexus exists. Mr. Enney adds that, if a drug case does exist within the Howell investigation, ATF should then prepare an official written request for support to be forwarded to him at the Counterdrug Support Office. Essentially, Mr. Enney has just provided Agent Viegra with a verbal interpretation of NGR 500-2. Agent Viegra, Lieutenant Justice, and Mr. Enney have all informed the WRT that no case-specific information about a drug nexus within the Howell investigation was provided by Agent Viegra during the their meeting on December 11, 1992.

Also in early December 1992, ATF Group Supervisor Curtis Williams, SAC/Houston, Texas contacts the U.S. Customs Service (USCS), Houston Aviation Branch, Houston, Texas and requests the use of a USCS UH-60 Blackhawk helicopter for insertion of a Special Response Team (SRT) and a JSCS Citation fixed wing aircraft for surveillance of the Branch Davidian compound.

On December 14, 1992, Mr. Enney and Lieutenant Justice receive a facsimile (fax) copy of a SAC/Houston letter, dated December 14, 1992, which requests military support for aerial reconnaissance photography of the Branch Davidian compound, McLennan County, Texas. The signature of RAC Earl K. Dunagan, RAC/Austin is on the SAC/Houston request. The request cites violations of the Gun Control Act of 1968 and the Organized Crime Control Act of 1970, Title XI, specifically the alleged manufacture of machine guns and explosive devices.

Additionally, the above memorandum also includes a request for the transport of ATF agents aboard the aircraft during reconnaissance missions, as well as the interpretation and evaluation of the photographs. The request, which does not include any information about suspected drug violations, identifies Agents Viegra and Jeffrey Brzozowski as contacts.

On December 14, 1992, at 4:20PM, Lieutenant Justice writes the following comments on the above ATF request for military support, "What about drugs...OK...C-26 Photo...1620 14Dec92... SRA [REDACTED] coordinating dates". The Lieutenant has already briefed Senior Airman (SRA) [REDACTED] Texas National Guard, about the case. Additionally, when the Lieutenant shows the request to LTC Pettit, he approves the request by writing the following comments on the request, "OK...BW... 14Dec92". The letters, "BW", stand for Buckwheat, LTC Pettit's nickname.

It is noted that, during his interview with the WRT, SRA [REDACTED] said that he read the SAC/Houston request, dated December 14, 1992, and was not

FILE TITLE: [REDACTED]
INTERVIEWING AGENT: ROBERT K. TEVERS

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

comfortable with it because there was no mention of a drug case. He said that Lieutenant Justice assured him that there was in fact a drug nexus based upon conversations that she and Mr. Enney had with ATF officials.

On December 14, 1992, Lieutenant Justice receives a telephone call from Agent Viegra for verification of her receipt of the request and to inform her of an additional request. Lieutenant Justice acknowledges receipt of the first request and tells Agent Viegra that any subsequent requests also need to be in writing. Lieutenant Justice does not discuss the drug case with Agent Viegra during their telephone call.

On December 18, 1992, Mr. Enney and Lieutenant Justice receive a second fax copy of a SAC/Houston letter, dated December 18, 1992, which requests military support for aerial reconnaissance photography of the Mag Bag, Limestone County, Texas. The signature of RAC Dunagan is again on the request. The request cites suspected violations of the Federal Firearms Laws, specifically the alleged illegal possession of firearms and "possibly narcotics". The request asks for an interpretation and evaluation of the photographs. Agent Brzozowski is identified as the contact for the request. This is the first ATF written request for military support that mentions a drug nexus, which is based upon the suspicion of a methamphetamine laboratory and the prior drug records of Branch Davidians.

On December 21, 1992, Mr. Enney writes the following comments on the December 18, 1992 request, "OK...Enney...21Dec92".

On Wednesday, January 6, 1993, the first National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26, which is a fixed wing dual engine prop aircraft. Numerous aerial reconnaissance photographs are taken by the crew. Additionally, the mission includes the use of the Thermal Imaging System (TIS) previously known as Forward Looking Infrared (FLIR). The improved TIS provides a more comprehensive view of the compound due to its ability to film thermal objects at various angle.

During the above mission, the TIS locates a "hot spot" inside the Branch Davidian compound and also identifies three sentries outside and behind the compound. Although the ATF has officially requested an interpretation and evaluation of the photographs, LTC Pettit and Lieutenant Justice maintain that only information about grid coordinates are officially provided to ATF. No official opinion is provided to ATF about the "hot spot".

On Monday, January 11, 1993, SRA [REDACTED] receives the developed photographs from the January sixth National Guard sortie and transports them to the RAC/Austin office. The RAC/Austin is pleased with the photographs and asks SRA [REDACTED] to fly an oblique aerial mission, which would provide low angle shots of the compound.

FILE TITLE: [REDACTED]
INTERVIEWING AGENT: ROBERT K. TEVENS

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On Thursday, January 14, 1993, the second National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Alabama National Guard RF4-C A, which is a jet aircraft. Numerous oblique aerial photographs are obtained.

On Friday, January 15, 1993, SRA [REDACTED] speaks with Alabama National Guardsman Doug Truell, Intelligence, who informs him that the photo enlargements of the January fourteenth National Guard sortie would arrive at SRA [REDACTED]'s office no later than January 21, 1993.

On Wednesday, February 3, 1993, RAC Earl K. Dunagan, RAC/Austin, Texas signs a request, which is addressed to LTC William G. Pettit, Texas National Guard and Texas State Interagency Coordinator William R. Enney. The request is for an additional sortie over the Branch Davidian compound and the Mag Bag. The letter includes the statement, "The interpretation and evaluation of the photographs by SRA [REDACTED] have greatly assisted in our on-going investigation...".

UTC Pettit has informed the WRT that any interpretations of the aerial reconnaissance photographs provided by SRA [REDACTED] are deemed "unofficial". Lt. Susan Justice acknowledges receipt of the letter by making an ink notation that reads, "O.K. SRA [REDACTED] coordinating w/LEA [signed] Justice 8 Feb 93".

On Wednesday, February 3, 1993, the third National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26 aircraft. Numerous aerial reconnaissance photographs, which include infra-red video, are taken by the crew.

On Thursday, February 4, 1993, another meeting is held at the SAC/Houston office regarding military support in the Howell investigation. In attendance at the meeting are Mr. William R. Enney, Texas State Interagency Coordinator; Major Lenn M. Lannahan, JTF-6 Liaison; Special Agent Eddie Z. Pali, ATF Coordinator to Operation Alliance; Special Agent Phillip A. Lewis, Houston Division Operations Officer; and Assistant Special Agent in Charge Charles O. Sarabyn.

Discussions about the suspected existence of a methamphetamine lab are addressed at the meeting. ASAC Sarabyn reportedly offers ATF documents, which include a list of methamphetamine precursor chemicals, in support the drug nexus. ATF documentation suggest that, "...a dangerous extremist organization is believed to be producing methamphetamine." Additionally, military assistance is being requested, "...in direct support of interdiction activities along the Southwest Border". As a result of the meeting, military support of the Howell investigation continues.

On Saturday, February 6, 1993, the fourth National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas

FILE TITLE: [REDACTED] RKT
INTERVIEWING AGENT: ROBERT K. TEVENS

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National Guard Counterdrug UC-26 aircraft. Numerous aerial reconnaissance photographs, which included infra-red video, are taken by the crew.

On Thursday, February 18, 1993, the fifth National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26 aircraft. Numerous aerial reconnaissance photographs are taken by the crew.

On Wednesday, February 24, 1993, Special Agent Phil Lewis, Houston Division Operations Officer, signs a letter addressed to LTC William G. Pettit, Texas National Guard Task Force Commander, and Mr. William R. Enney, Texas State Interagency Coordinator, which requests the following military support.

QUANTITY	SUPPORT
1	44 passenger bus with driver
1	two and one-half ton truck with driver with water buffalo
4	GP medium sized tents
1	GP small sized tent
14	tables
60	chairs
1	paper shredder
1	video taper personnel
2	pathfinder personnel
1	photo interpreter
2	OH-58 Bell Helicopters Rangers with crews
1	UH-60 Blackhawk helicopters with crew

The aircraft is identified in the request of Agent Phil Lewis as necessary for the use of the Thermal Imaging Systems "...and as an airborne command and control platform." The request mentions nothing about the aircraft being used as a diversionary tactic for the impending raid.

On Wednesday, February 24, 1993, Lt. Justice arrives at Fort Hood, Killeen, Texas via official Government vehicle and meets with Special Agent Phil

FILE TITLE: [REDACTED] RKT
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Lewis. The lieutenant has with her a Texas National Guardsman who is responsible for the video taping of the Fort Hood training exercises of ATF agents. All video tapes are immediately turned over to the ATF upon completion of recording. She remains overnight at the Best Western Hotel.

On Thursday, February 25, 1993, Lt. Justice returns to her office at Camp Mabry in Austin for the purpose of coordinating the final C-26 aerial reconnaissance mission over the Branch Davidian compound.

On Thursday, February 25, 1993, the sixth and final National Guard aerial reconnaissance sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26 aircraft. Numerous aerial reconnaissance photographs are taken by the crew. Black and white film is utilized to expedite film processing.

On Friday, February 26, 1993, Lt. Justice returns to Fort Hood via official Government vehicle with the Texas National Guard Pathfinders. She meets with ASAC Chuck Sarabyn and makes introductions of the Pathfinders to him. ASAC Sarabyn comments to her that he is pleased with the military support of ATF. She does not recall attending a meeting that day prior to going to her room at the Best Western Hotel for the evening. Due to National Guard policy, she is careful not to violate operational security.

On Friday, February 26, 1993, Colonel Carl D. Shores, Chief, Counterdrug Support Division, National Guard Bureau, Washington, D.C. approves a request of The Adjutant General, Austin, Texas for permission to perform an engineering counterdrug support mission in the Howell investigation.

On Saturday, February 27, 1993, SRA [REDACTED] arrives at the Fort Hood MOUT site via an official Government vehicle and observes training of the ATF Special Response Teams (SRT). Sometime that day, LTC Pettit shows him a copy of the Waco Tribune article of David Koresh, aka Vernon Wayne Howell and the Branch Davidians with its accompanying photograph of the Branch Davidian compound. LTC Pettit questions SRA [REDACTED] as to where the Tribune obtained the photograph of the compound. Upon looking at the photograph, SRA [REDACTED] responds that the photograph has been taken a considerable time before the Texas National Guard conducted its aerial reconnaissance missions of the compound.

At approximately 7:00PM, SRA [REDACTED] attends a briefing at the Best Western Hotel in Waco. ATF Agents, who preside over the briefing, utilize a diagram and aerial photographs of the Branch Davidian compound. SRA [REDACTED] is to board the Texas National Guard UH-60 Blackhawk helicopter and assist ATF personnel with the resulting transport flights of the Blackhawk after the compound is secured.

On Sunday, February 28, 1993, at approximately 7:00 AM, SRA [REDACTED] arrives at the TSTI Command Post. SRA [REDACTED] meets with Drug Enforcement

FILE TITLE: [REDACTED] RKT
INTERVIEWING AGENT: ROBERT K. TEVENS

DATE: June 13, 1995
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Administration (DEA) Special Agents Delfino Sanchez and Lex Henderson, Austin, Texas at the Command Post. Agent Sanchez tells him that, upon the execution of the search warrant, he and Agent Henderson are to perform the clean up of the suspected methamphetamine laboratory. He also meets with an Immigration and Naturalization (INS) agent, who reportedly films the execution of the warrant.

Although SRA [REDACTED] cannot recall a specific time, SAC Ted Royster, Special Agent Davy Aguilera and two other unidentified ATF agents board the UH-60 Blackhawk and lift off from the TSTI Command Post in route to the hover area, aka race track. While airborne, SRA [REDACTED] hears an ATF radio transmission from the ground, possibly Agent Ivan Kallister, who says something to the effect that, "...we need to go in..." or "...we need to go in now, they moved it up...". With that statement, the helicopters move toward the compound.

A few minutes later, SRA [REDACTED]'s aircraft receives gunfire from a ridge behind the Branch Davidian compound, not the compound itself. Sometime later that day when SRA [REDACTED] is able to return to the Command Post and assisted ATF in its additional requests for military support.

SUMMARY:

SRA [REDACTED] was under the direct and explicit supervision of Texas State Interagency Coordinator William R. Enney, Lieutenant Susan M. Justice, and LTC William G. Pettit, Jr. SRA [REDACTED] advised that he offered his personal opinions to ATF officials regarding the National Guard's aerial reconnaissance photographs of the Branch Davidian compound. LTC Pettit, Mr. Enney, and Lieutenant Justice have all maintained that, although the National Guard may comment about graph location on a map, it does not offer to law enforcement entities an official opinion on the results of Thermal Imaging System (TIS) or Infra Red photographs. This is traditionally not done, due to the inherent nature of numerous possible causes for "hot spots", such as a furnace or an oven. SRA [REDACTED] said that he offered his opinion about the existence of pipes sticking out of the compound pool area as a possible vent for a methamphetamine lab. He also told ATF personnel that the hot spot could possibly be the result of a methamphetamine lab.

FILE TITLE: ██████████
INTERVIEWING AGENT: ROBERT K. TEVENS

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

Investigative notes:

Reference is made to my investigative notes, dated Wednesday, June 16, 1993. This report has relevance to Central Issue I.

Related investigatory material:

Reference is made to the report of Senior National Guard Liaison Officer to the Drug Enforcement Administration, Colonel Philip W. Spence, dated Wednesday, April 27, 1993, and the After Action Report of LTC Pettit, dated Thursday, April 29, 1993. Further reference is made to the WRT Reports of Interviews of Mr. William R. Enney, Lieutenant Susan M. Justice, LTC William G. Pettit, Jr., and to the WRT Time Line entitled, "Military Support".

A R R I C O

WACO ADMINISTRATIVE REVIEW

PAGE: 1

MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED] WITNESS: [REDACTED] TITLE: DEA DATE OF INTERVIEW: JUNE 15, 1993 INTERVIEWING AGENTS: SUSAN G. ROWLEY	THIS REPORT IS THE PROPERTY OF THE DEPARTMENT OF THE TREASURY, WACO ADMINISTRATIVE REVIEW. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE TREASURY DEPARTMENT
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Witness: [REDACTED]

Date of interview or action: June 15, 1993Report prepared by: Susan G. RowleyContact Address: Drug Enforcement Administration
Austin, TexasContact Phone Number: [REDACTED] Office
[REDACTED] Beeper

[REDACTED] is a Group Supervisor with DEA/Austin. [REDACTED] has two task groups under his supervision. One of these task groups is in Austin and the other group is in Waco. He divides his time between Austin and Waco and was in Waco when I spoke with him.

[REDACTED] stated that he and the following DEA agents were present at the Command Post area at TSTC at approximately 9:30AM, Sunday, 02/28/93:

[REDACTED] (Waco Office)
[REDACTED] (Waco Office)
[REDACTED] (Austin Office)

[REDACTED] had also made arrangements for some DPS personnel including a chemist to be present. [REDACTED] will supply the names of the DPS personnel present at a later date over the phone. He could not remember their names off the top of his head.

When [REDACTED] was first informed by ATF of the information about a meth lab possibly being present at the compound, he stated that he was able to partially confirm this information. DEA had a confidential informant who had actually visited the compound and had seen the lab. [REDACTED] also said that in addition to providing this information to ATF, he also gave it to a Lieutenant in the Texas Rangers. [REDACTED] will supply the name of the Lt. in the Rangers at a later time. [REDACTED] stated that he would check that information to ascertain when the informant was inside the compound and volunteered to allow us to interview the informant.

I asked [REDACTED] whether he had any discussions with ATF about the volatility of the chemicals which would be in a meth lab and any precautions which should be used. [REDACTED] said that DEA and ATF constantly work

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
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together in the Austin area and have done joint raids on many labs. [REDACTED] feels that everyone in the Austin ATF office is aware of the precautions used in conducting a raid against an area which may house a meth lab and to further discuss those precautions would be a waste of time.

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WACO ADMINISTRATIVE REVIEW

PAGE: 1

MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED] WITNESS: [REDACTED] TITLE: OPERATION ALLIANCE/DEA DATE OF INTERVIEW: JUNE 24, 1993 INTERVIEWING AGENTS: ROBERT TEVENS	THIS REPORT IS THE PROPERTY OF THE DEPARTMENT OF THE TREASURY, WACO ADMINISTRATIVE REVIEW. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE TREASURY DEPARTMENT
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Witness: Senior Special Agent [REDACTED]
Operation Alliance Coordinator for DEA

Date of interview or action: June 24, 1993

Report prepared by: SSA Robert K. Tevens

Contact Address: Drug Enforcement Administration
Operation Alliance Coordinator
Biggs Army Air Field
Building 11606
El Paso, Texas 79908

Contact Phone Number: [REDACTED]

SYNOPSIS:

On Thursday, June 24, 1993, at 12:00 Noon, I interviewed Senior Special Agent [REDACTED], Coordinator for the Drug Enforcement Administration (DEA), Operation Alliance, Biggs Army Air Field, Building, El Paso, Texas 79908, telephone number (915) 540-6130, at his office. Agent [REDACTED] provided the following information about himself and about his involvement in the execution of federal search and arrest warrants near Waco, Texas on Sunday, February 28, 1993.

With respect to the military support of the ATF in its investigation of Vernon Wayne Howell, this report does not attempt to substantiate, with proof beyond a reasonable doubt, the existence of a methamphetamine laboratory on the premises of the Branch Davidian compound. It does however, provide insight into the portrayal of the alleged existence of such a laboratory by the Bureau of Alcohol Tobacco and Firearms (ATF) to DEA and the Operation Alliance Joint Command Group.

OPERATION ALLIANCE:

To understand the approval process of the request for military support in the ATF Vernon Howell investigation, reference is made to the copy of the "Operation Alliance Briefing Book II", dated April 1993, as well as the "Joint Task Force Six - Operational Support Planning Guide", dated January 1993, supplied by Special Agent Eddie Z. Pali, ATF Coordinator for

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FILE TITLE: [REDACTED]

DATE: June 13, 1995

INTERVIEWING AGENT: [REDACTED]

WACO ADMINISTRATIVE REVIEW

Operation Alliance. A brief overview of Operation Alliance is also included in the Report of Interview of Agent Pali.

REQUEST FOR MILITARY SUPPORT OF THE VERNON WAYNE HOWELL INVESTIGATION:

Agent [REDACTED] maintained that, he never questioned the validity of the drug nexus in the Howell investigation because he understood the primary thrust was the suspected Gun Control Act violations.

CHRONOLOGY OF EVENTS:

On Tuesday, February 2, 1993, Agent [REDACTED] attended the briefing during which ATF Special Agent Phillip Lewis provided details about the Howell investigation to the Operation Alliance Joint Command Group in El Paso, Texas. Agent Lewis provided an update of the suspected methamphetamine laboratory at the Branch Davidian compound, which had received deliveries of chemical precursors for the manufacture of methamphetamine. Agent [REDACTED] recalled that Agent Lewis had displayed a list of names of the precursor chemicals to the group. Similar to the opinion of Senior Special Agent Eddie Z. Pali, Operation Alliance Coordinator for ATF, during his interview with the Waco Review Team (WRT), Agent [REDACTED] opined that chemicals used in the manufacture of methamphetamine could also be used in the manufacture of explosives. Additionally, Agent [REDACTED] understood that the alleged laboratory was for the production of methamphetamine for the exclusive consumption of the Branch Davidians on their compound and not for sale off the premises.

Upon the approval of military support of the Howell investigation by the Joint Command Group, Agent [REDACTED] offered the assistance of a DEA Clandestine Certified Laboratory Team. Although Agent Pali initially declined the request, Agent [REDACTED] provided Agent Lewis with the telephone number of Resident Agent in Charge (RAC) Arthur C. Wilson, DEA/Austin, Texas. This was the extent of Agent [REDACTED] participation in the Howell investigation prior to the raid on February 28, 1993.

On Monday, March 1, 1993, Agent [REDACTED] learned of the failed raid and immediately telephoned RAC Wilson to ascertain the involvement, if any, of DEA. RAC Wilson informed Agent [REDACTED] that DEA Group Supervisor Lex Henderson and DEA Special Agent Delfino Sanchez of the DEA Austin office, were on site with a DEA clandestine laboratory truck at the Texas State Technical Institute ATF Command Post on Sunday, February 28, 1993. He added that two additional Clandestine Laboratory Certified DEA agents, Jay Banks and Brad Watson, were on stand-by in Waco.

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MEMORANDUM OF INTERVIEW

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: ROBERT K. TEVENS

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

SUMMARY:

Agent [REDACTED] does not believe that ATF embellished or concocted information about the suspected methamphetamine laboratory at the Branch Davidian compound for the purpose of obtaining non-reimbursable military support in the Vernon Wayne Howell investigation. Although he felt that the evidence of such a laboratory was weak, Agent [REDACTED] did not question the validity of the claim due to the fact that the primary concern of ATF in the case were the suspected violations of the Gun Control Act.

000287

FILE TITLE: IROCHON.RKT
INTERVIEWING AGENT: ROBERT K. TEVENS

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

Investigative notes:

Reference is made to my investigative notes, dated June 24, 1993, and to the ATF log entries of Agent Pali from January 21, 1993 through February 28, 1993, inclusive. This report has relevance to Central Issue I.

Related investigatory material:

Reference is made to the WRT Report of Interview of Agent Pali.

Further reference is made to the memorandum of Agent Pali, dated June 4, 1993, addressed to the Chief of Special Operations Division, ATF Headquarters, in which Agent Pali provided information he discussed with House Appropriations Investigators.

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FILE TITLE: MILITARY
INTERVIEWING AGENT: ROBERT E. TEVENS &
COLLEEN CALLAHAN**DATE: September 14, 1993**
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6. Two sofas
7. Two sofa chairs
8. Six beds with linens
9. Six waste baskets
10. One microwave
11. One large coffee pot, cups, towels, cream/sugar
12. Refrigerator
13. Paper shredder

Also that day, CI Prior receives a telephone call from G/S Williams, who requests additional training on the USCS UH-60 Blackhawk helicopter for the SAC/Houston SRT. The training, which is scheduled to take place the week of January 11, 1993, incorporates the use of full raid gear for the SRT.

On Tuesday, January 5, 1993, LTC Walker discusses military support of the Howell investigation with ASAC Sarabyn.

On Wednesday, January 6, 1993, the first National Guard sortie is flown over the Branch Davidian compound and the Mag Bag sites by the Texas National Guard Counterdrug UC-26, which is a fixed wing dual engine prop aircraft. Numerous aerial reconnaissance photographs are taken by the crew. Additionally, the mission includes the use of the Thermal Imaging System (TIS) previously known as Forward Looking Infrared (FLIR). The improved TIS provides a more comprehensive view of the compound due to its ability to film thermal objects at various angles instead of the forward looking only view of the FLIR.

During the above mission, the TIS locates a "hot spot" inside the Branch Davidian compound and also identifies three sentries outside and behind the compound. Although the ATF has officially requested an interpretation and evaluation of the photographs, LTC Pettit and Lieutenant Justice maintain that only information about grid coordinates are officially provided to ATF. No official opinion is provided to ATF about the "hot spot".

Also that day and as a result of the January fourth request of RAC Dunagan, LTC Walker prepares a letter for signature of Chief Garner addressed to Colonel Judith A. Browning, U.S. Army, Director of Plans and Support at the Pentagon. LTC Walker hand carries the letter, which requests the loan of office equipment in support of the Howell investigation, to U.S. Navy Commander Gary Harrell of Colonel Browning's staff. LTC Walker is told that the request can be directed to the RLSO but he chooses to secure the approval of Colonel Browning. Additionally, Commander Harrell informs LTC Walker that there is no formal standard by which the military defines a drug nexus within a law enforcement investigation. The request for the following equipment, which is never facilitated by the RLSO but ultimately by the Texas National Guard, is to be made available for pick up anywhere near Waco on January 11, 1993:

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FILE TITLE: MILITARY
INTERVIEWING AGENT: ROBERT E. TEVENS &
COLLEEN CALLAHAN

DATE: September 14, 1993
WACO ADMINISTRATIVE REVIEW

On Tuesday, January 19, 1993, CI Prior, USCS, again provides classroom training to G/S Williams and members of the SAC/Houston SRT. The training consists of a safety briefing, emergency procedures, and practice on entry and exit techniques with the UH-60 flying in and landing quickly.

On Thursday, January 21, 1993, with concurrence of ASAC Sarabyn, LTC Walker prepares another letter for signature of Chief Garner, addressed to Major Victor Bucovsky, Officer in Charge, RLSO, Operation Alliance. The letter, which is in addition to the January sixth seven-item list of Chief Garner, requests "seven Bradley Fighting Vehicles plus on-call maintenance support for a two week period to commence on February 8, 1993". The request cites, "This equipment and operational support is a continuation of the firearms and drug case supported by your office, based on our January 6 request to Colonel Judith Browning." An enclosure to the memorandum entitled, "WACO Case Military Support" requests the following additional equipment:

1. Three GP Medium Tents (2 sleeping, 1 command post)
2. Two GP Small Tents (1 VIP sleeping and 1 VIP meeting)
3. Twelve Field Tables with Chairs
4. Five Herman Nelson Heaters with Operator (for use in tents)
5. Five Light Sets with Operator (for use in tents)
6. Flood Lights with Operator (enough to light large building 360 deg)
7. Generators with Operators (for 24 hour operation)
8. Fifty Cots
9. Ninety Sleeping Bags
10. Twelve Field Telephones with Six Miles of Wire
11. One Switchboard with Operator (for 24 hour operation)
12. Four Immersion Heaters
13. One Water Buffalo
14. Five Hundred Sand Bags
15. Smoke Generators with Operators for 2 sq km & Concealment Smoke
16. Fifty Driver's Goggles
17. One 2 1/2 Ton Truck with Operator (for water buffalo and agents)
18. Loud Speakers with Amp and Power plus Operator
19. Fifteen Night Vision Goggles
20. One Hundred Gas Masks
21. One Hundred Cases of MRE's (for purchase)

Subsequently, Major Buckowski receives the above mentioned military support request from Chief Garner via facsimile transmission and walks the request over to the office of Senior Special Agent Eddie Z. Pali, Deputy Senior Tactical Coordinator for ATF, Operation Alliance. Major Buckowski informs Agent Pali, who is unaware of his agency's request, that the RLSO cannot furnish an equipment request of such magnitude. Agent Pali tells the Major that he will handle the matter and opines that the above list, which represents the largest military request in ATF history, is indicative of a planned siege, not a raid.

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WACO ADMINISTRATIVE REVIEW

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MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: LT. TEXAS DEPT OF SAFETY (DPS)
DATE OF INTERVIEW: JULY 7, 1993
INTERVIEWING AGENTS: DICK M. SUEKAWA

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Witness: [REDACTED]

Date of interview or action: July 7, 1993Report prepared by: Dick M. SuekawaContact Address: 1617 East Crest st., Waco, TexasContact Phone Number: (817)867-4600

On July 7, 1993, I interviewed Lt. [REDACTED] at the captioned address. He has been a Texas Department of Public Safety (DPS) Trooper for eleven years, nine of which have been in the narcotics unit.

[REDACTED] heard about the pending ATF operation against the Davidian compound about one week prior to the event. He understood the search warrant was to be served on Monday, March 1, 1993. He had discussed the case with SA Wayne Appelt and understood ATF had some information about drugs. Appelt was not specific, saying only there was some evidence of drug involvement with in the Davidian compound.

[REDACTED] said the suspected drug involvement really didn't make a difference to him, since he would have assisted the ATF in the search as a sort of reciprocity for ATF assistance in the past. All ATF had to do was ask and he and his team would have assisted in any legal search.

[REDACTED] said later that week he was notified by Sgt. Bob Wilkerson (DPD) the search was to be moved to Sunday, Feb. 28th. [REDACTED] said he notified his superiors, Don Cohn and Jim Murray. He did not inform any one else of this change.

[REDACTED] said when he arrived at the TSTC airport area, he saw the following individuals:

Lex Henderson	DEA
Brad Watson	DEA
Jay Eubanks	DEA
Andy Dunklin	DPS
Bill Johnston	AUSA
Dan Morris	IRS
Terry Lee	DPS

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FILE TITLE: ██████████

INTERVIEWING AGENT: DICK M. SUKKANA

DATE: June 13, 1995

WACO ADMINISTRATIVE REVIEW

Cal Ludke	SO
John Haigood	SO
Bob Wilkerson	DPS
John Cottle	DPS
Dick Wales	SO reserve officer
Gene Barber	SO
David Evans	SO

and numerous ATF agents.

████████ said upon arrival at the TSTC, he and others were briefed by Appelt and they were told they were to assist the ATF in serving a search warrant on the "Mag Bag". They got half way to the "Mag Bag" then were called back. They stayed at the TSTC for about one and half hours and while there were told to serve the warrant on the "Mag Bag", then were told not to. There seemed to be some confusion by the ATF agents at the TSTC and were finally allowed to proceed to the "Mag Bag" and upon arriving there, secured the perimeter around the building.

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WACO ADMINISTRATIVE REVIEW

PAGE: 1

Date: June 13, 1995

MEMORANDUM OF INTERVIEW

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: GROUP SUPERVISOR/DEA
DATE OF INTERVIEW: July 8, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: July 8, 1993Report prepared by: Susan G. RowleyContact Address: Drug Enforcement Administration
Austin, TexasContact Phone Number: [REDACTED]
[REDACTED] Beeper

As a follow up to the initial interview, [REDACTED] supplied the name of Lt. Pierson as the Lieutenant in the Texas Rangers who he had told about the independent information on the meth lab in the compound. This information had been received from a confidential informant within 2-3 weeks of the ATF raid. The information was not old information about the time when Roden had been in control of the compound, but was fresh information about the Howell/Koresh period of time. [REDACTED] stated that he would make the informant available for interview if the Treasury Review Team wanted to interview him/her. [REDACTED] stated that he also gave this information to ATF and he believes that Earl Dunagan was the one he spoke with.

In checking to ascertain which DPS lab persons were present at the CP that morning, he found out that Debbie Reagan, one of the DPS chemists, had been placed on standby, but had not actually been at the Command Post that morning. There were other DPS narcotics personnel present who had been invited by Andy Dunkley, one of the members of the DEA Waco task group. Dunkley had been requested by Henderson to invite the DPS personnel and lab personnel.

[REDACTED] stated that he had been present when Hartnett had told the ATF personnel that the FBI HRT would be coming in. He stated that there was an immediate negative reaction among the ATF agents. This reaction was not a vocal one, but one you could literally see and feel. Even [REDACTED] who was an outsider, said that this was a particularly low and demoralizing point.

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PAGE: 1

Date: June 13, 1995

MEMORANDUM OF INTERVIEW

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: GROUP SUPERVISOR/DEA
DATE OF INTERVIEW: AUGUST 24, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: AUGUST 24, 1993Report prepared by: Susan G. RowleyContact Address: Drug Enforcement Administration
Austin, Texas

Contact Phone Number: [REDACTED]

A DEA report (DEA 6) was received from [REDACTED] concerning the debriefing of a confidential informant who had given information which confirmed the information about the existence of a methamphetamine laboratory on the compound. As a result of a review of the DEA report by SSA Callahan, a question was raised about the timing of the information received by DEA from this informant. The report was dated in June 1993, which would have been after the fire at the compound.

I telephoned [REDACTED] and asked him when DEA had first received the information from the informant about the meth lab. [REDACTED] stated that the information may have actually been received prior to the date of the report, but would not have been before the raid on Sunday, 2/28/93. [REDACTED] stated that he had given me this information because he felt it would be important for ATF to have corroborating information of the meth lab from a separate source, even though the information was not received until after the raid and subsequent fire.

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WACO ADMINISTRATIVE REVIEW

PAGE: 1

MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED] RAG
WITNESS: [REDACTED]
TITLE: SPECIAL AGENT
DATE OF INTERVIEW: JULY 22, 1993
INTERVIEWING AGENTS: RALPH A. GONZALES

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Witness: [REDACTED]

Action: July 22, 1993

Report prepared by: Ralph Gonzales

Contact Address:

Contact Phone Number: [REDACTED]

This is a subsequent interview with SA [REDACTED]. He was not present during the May 18th meeting with ASAIC Sarabyn. The contents of this report of interview contains information relevant to the surveillance/undercover operation.

The 3270 status reports taken from the surveillance logs were typed by Diana House and Reynatta LNU from the Houston Office. They alternated every two (2) weeks to assist the Austin Office with their administrative workload. After the reports were typed SA D. Littleton was responsible for reviewing the reports and signing them. [REDACTED] only reviewed the first week of reports. This was too much of a load for [REDACTED] and so after Littleton took over as supervisor over the undercover agents, [REDACTED] was no longer involved with the surveillance/undercover operation.

According to [REDACTED], the operation was always both surveillance and undercover. [REDACTED] requested that SA Robert Rodriguez of McAllen be included as one of the undercover agents. The rest of the agents were selected by the Houston District Office.

A week into the operation, [REDACTED] noticed a box containing approximately 50 rolls of exposed film taken by the undercover agents. Since it was obvious that no arrangements had been made to have the film processed, [REDACTED] packaged it up and sent it to the ATF Photolab in Maryland. Approximately 3 or 4 weeks later, [REDACTED] received a telephone call from a male photolab technician. The technician told him that most of the film had been processed and that it was of very poor quality. Approximately 7 rolls were not developed. All of the remaining undeveloped film taken by the undercover agents for the remainder of the operation were not processed until the week of 07/12/93. According to [REDACTED], there are hundreds of photographs of the Davidians working and playing outside. There are also photographs of the undercover meetings which took place outside the compound. These photographs are being held as evidence and are available at the Waco ATF Office.

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MEMORANDUM OF INTERVIEW

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FILE TITLE: [REDACTED] RAG
INTERVIEWING AGENT: RALPH A. GONZALES

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

Investigative notes:

Related investigatory material:

24-809 2901

WACO ADMINISTRATIVE REVIEW

PAGE: 1

MEMORANDUM OF INTERVIEW

Date: June 13, 1995

FILE TITLE: [REDACTED] SGR
WITNESS: [REDACTED]
TITLE: CASE AGENT
DATE OF INTERVIEW: JUNE 8-9, 1993
INTERVIEWING AGENTS: SUSAN G. ROWLEY

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Witness: [REDACTED]

Date of interview or action: June 8 & 9, 1993

Report prepared by: S/A Susan G. Rowley and S/A Ralph A. Gonzales

Contact Address: [REDACTED]

Austin, Texas 78759

Contact Phone Number: [REDACTED]

(Austin RAC office)

(Pager)

(Waco Office)

(Waco Temporary Residence)

Work Experience: [REDACTED] stated that he went into the Marine Corps after high school and was stationed at the American Embassy in Tokyo as an Embassy Marine Guard. He first became interested in law enforcement on this assignment. He attended Southern Illinois University and graduated with a BA in History. He speaks Japanese and Spanish. While in college, he spent a little time with the auxiliary police. He started with the Border Patrol in 1984 and was stationed in Harlingen, Texas until 1987. In May 1987, he was hired by ATF in Brownsville, Texas, then transferred to McAllen, Texas, then transferred to his present post at Austin, Texas. He has been in the Austin office since 1989.

Before this investigation, he had no knowledge of a cult calling itself the Branch Davidians. His first knowledge of possible violations by the Branch Davidians came in the form of a handwritten note from Charlie Meyer, one of the senior agents in the Austin office. The note asked him to call Chief Deputy Dan Weyenberg at McLennan County Sheriff's Office, Waco, Texas. The note (Exhibit 1) states that firearms and parts are being shipped to the MagBag and to the Branch Davidian Compound through UPS. The note says to talk with Bert Reyna, a Probation officer in Waco whose secretary's husband has information about UPS deliveries to the Mt. Carmel Center. The note also asks [REDACTED] to check with Jim Skinner in ATF Compliance who is checking names and businesses.

Approximately one week after receiving the note from Charlie Meyer, [REDACTED] contacts Weyenberg and meets with him on 5/26/92. Weyenberg tells him that he should meet and work with Lt. Barber.

001345

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FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
WACO ADMINISTRATIVE REVIEW

On 5/27/92, [REDACTED] contacted ATF Compliance Officer Jim Skinner and asked him for the status on requests for local FFLs providing black powder to the compound. Officer Skinner gave [REDACTED] a list of possible sellers in the Waco area.

On 6/4/92, [REDACTED] met with AUSA Bill Johnston in Waco before his meeting with Lt. Barber at McLennan County Sheriff's Office. Johnston told him that [REDACTED] someone was going to do something with this information. [REDACTED] felt like it was going to be a big case. Johnston told [REDACTED] that the Sheriff's Office, the McNamaras in the Marshal's Office, and Blossman in US Secret Service all had information on the compound. Blossman's information was about a neighbor's daughter who had wanted to join the compound, and her parents were able to talk her out of it. [REDACTED] said that he didn't talk with the McNamaras about their information at that time. When he did meet the McNamaras, they spoke in general terms and they did not seem to have any information which he didn't already have.

On 6/4/92, [REDACTED] met with Lt. Barber who had a lot of background information which included depositions given to DPS intelligence from ex-cult members. These depositions gave him some idea of what Howell was like. Barber had also obtained information from UPS and gave [REDACTED] copies of all of this information including the invoices. Barber stated that the UPS driver, Larry Gilbreath said that the deliveries were made to the MagBag and usually, Bob Kendricks was present to meet the UPS shipments. Kendricks would call someone in the compound and let them know about the shipment and the amount due since most of the shipments were COD. Occasionally, the UPS driver saw guards at the compound and described a "deer blind" which was over the front door of the compound. The UPS driver thought to himself at this point, that this was not normal. Barber had a photo of this which he gave to [REDACTED]. Barber also gave [REDACTED] aerial photos of the compound, including one which showed the burial of the school bus. Lt. Coy Jones may have originally obtained the information from UPS because there were some notes from Lt. Jones in the material. There was also a list of names of persons who may be in the compound. Barber told him that they had originally referred the matter to the FBI, but believed that the FBI had not done anything with that information.

[REDACTED] eventually met up with FBI S/A Freddie Vela in Waco to find out whether he had gathered any other information or was working an active investigation on the Branch Davidians. S/A Vela stated that he had opened a "number" (presumably a case file number) on the Branch Davidians because his HQs wanted him to. S/A Vela had in his possession some photos and a drawing of the compound from Joyce Sparks which [REDACTED] photocopied. The photos were of the bunker area, the kitchen area, and the trap door. S/A Vela stated to [REDACTED] "If you find out anything, let me know." [REDACTED] got the impression that S/A Vela had not done anything and wasn't going to do anything.

FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
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[REDACTED] continued to obtain additional invoices from UPS through the McLennan County Sheriff's Office. Since [REDACTED] was 100 miles away in Austin, and the Sheriff's Office had a good rapport with UPS, he felt like this arrangement was agreeable to everyone.

On 6/8/92, [REDACTED] contacted Olympic Arms to get the exact description of the firearms and parts which had been sold to the compound. The Olympic Arms invoice [REDACTED] though to ascertain whether the components necessary to convert a semi-automatic weapon to an automatic weapon had been sold to the compound. There is apparently a loophole in the laws and regulations which allows the gun dealers to use their own descriptions and part numbers which may or may not match a standardized numbering system. [REDACTED] identified himself as an ATF Special Agent to Olympic Arms.

On 6/9/92, [REDACTED] submitted all of the known names of persons and businesses connected with the receiving of firearms to determine NFA checks, FFL checks, and criminal history checks.

On 6/9/92, Lt. Barber contacted [REDACTED] and told him that there was a guy named Henry McMahon who was selling AK-47s out of his Suburban. Lt. Barber had known that [REDACTED] was trying to find an FFL in the local area who had been supplying the compound with arms, ammunition, and/or black powder. A confidential informant of Barber's claimed that McMahon had sold thousands of dollars of firearms to Howell. (The Sheriff's Office would not reveal the identity of the source of information.) Based on this information, [REDACTED] contacted ATF Compliance Officer Jim Skinner and asked him to do a background check on Henry McMahon. Sometime later, [REDACTED] told Skinner that he wanted to have a compliance inspection performed on McMahon and [REDACTED] would go along and pretend to be another compliance inspector. [REDACTED] prepared the initiating report on this investigation (ATF form 3270) on 6/9/92 and included most of the information gathered up to that date. (Copies of all of the ATF 3270s are in the Volumes given to the Review Team by ATF and are a very good chronology of [REDACTED] investigation)

The normal routing for an ATF report of investigation is as follows:

1. This type of report would originate with the case agent ([REDACTED]);
2. Be approved by his first line supervisor (in this instance the Resident Agent in Charge: Larry Sparks);
3. Be submitted for approval to the Special Agent in Charge (Chojnacki) through the Assistant Special Agent in Charge (Sarabyn).
4. The Special Agent in Charge (SAC) would forward the report to the appropriate Headquarters area for information or monitoring.

This particular report was prepared by [REDACTED] approved by Sparks and forwarded to the SAC/Houston. On 6/17/92, the SAC Chojnacki faxed some handwritten notes (Exhibit 2) concerning this investigation to the RAC/Austin

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FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEYDATE: June 13, 1995
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morning before the raid, but did show up later; he remembers seeing AUSA Johnston and Phinizy and the US Marshals (McNamara brothers).

[REDACTED] was asked if he notified the Marshals Service about the raid. He stated that he went to the Marshal's Office on Thursday or Friday and asked for the McNamara brothers. They were not there and he told Alonda (Guilbeau) that "We are going to execute the warrant against the compound on Sunday 7/26". [REDACTED] stated that they were not supposed to go on warrants. So he said "Just have Parnell or Mike call me". Neither one called [REDACTED] but he assumes that someone gave them the information because they were at the CP before the raid. [REDACTED] was asked if he had briefed the McNamara brothers prior to his notification and he said no. He stated that when he was in court, Parnell McNamara asked him when he was going to do the thing on the compound and to be sure to let them know. Because of this conversation, he believed that they were aware of the pending action, but does not know who told them.

[REDACTED] stated that apparently there were a lot of people who knew about the raid that he hadn't informed. He stated that on Thursday or Friday at the courthouse, Phil Reyna with Pre-Trial Services told him to be careful out there. [REDACTED] stated that he thought that Reyna probably knew too, but did not know who had told him. [REDACTED] stated that everytime he told someone about the raid, he told them to keep the information close to guarantee the security of the operation.

The majority of the actions taken and interviews conducted in this investigation were documented by [REDACTED] in ATF reports (3270s) in a timely manner. A lot of the information contained in interview reports was transmitted immediately to the SRT team leaders for their use by telephone. [REDACTED] had his case file with him for this interview and appears to be very well organized and complete.

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Date: June 13, 1995

MEMORANDUM OF INTERVIEW

FILE TITLE: [REDACTED]
WITNESS: [REDACTED]
TITLE: ATF SPECIAL AGENT
DATE OF INTERVIEW: JULY 22, 1993
INTERVIEWING AGENTS: KENNETH L. BUCK

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ADMINISTRATIVE REVIEW. NEITHER IT NOR ITS
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TREASURY DEPARTMENT

Witness: [REDACTED]

Date of interview: [REDACTED]

Interviewing agent(s): Special Agent Kenneth L. BuckContact Address: [REDACTED]
Houston, Texas

Contact Phone Number: [REDACTED]

On the above date, ATF Special Agent [REDACTED] was interviewed and provided the following information:

1. [REDACTED] has not attended the advanced undercover school. He understood he was selected for the undercover assignment because he looked like a cowboy and because he was on the SRT team and could be of assistance in evaluating information secured from the surveillance for use in the tactical operation.
2. He understood the assignment was for the purpose of securing probable cause for the warrant and to support a tactical operation (search warrant).
3. The first week of January [REDACTED] went to a meeting in Austin headed by Earl Dunagan. He recalls being told to blend in like college students and to keep an eye on the compound. He stated the agents were to use the cover of TSTC students because those students, unlike Baylor University students, are all ages. The assignment was originally to last two weeks, but was changed to three weeks, then open ended.
4. The teams maintained 24 hour surveillance for approximately two weeks. The teams were on eight hour shifts. Each team tried to maintain at least two of the four team members at the U/C house.
5. Sarabyn visited the U/C house approximately two weeks into the assignment. It was agreed at this point that night surveillance was a waste of time and should be dropped. [REDACTED] does not recall who made the suggestion, but the shifts were changed with one team responsible for the surveillance from noon of day one through noon of day three. At

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FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

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[REDACTED] was asked when he first realized he was losing control of his investigation. He stated that Larry Sparks had a lot of confidence in him, but when he left and Dunagan became acting RAC, in August or September, he started losing control. The first thing that was taken away was the tactical planning of the warrant. He was told at the Houston meeting that he was only to concern himself with establishing the probable cause for the warrant. He began to get more and more requests for things and follow-up investigations for the management. It was decided at the Austin meeting. Buford and [REDACTED] would go to California to re-interview 4-5 former cult members to obtain more information about the layout of the compound interior and to obtain more information about the cult itself. The day before the raid, he lost total control of the investigation. He had not even been given an assignment for the execution of the warrant on his own investigation. They told him he could do whatever he wanted to do, so he decided to go in one of the helicopters.

[REDACTED] is currently TDY to Waco for an indeterminate time working on the Paul Fatta prosecution. Fatta turned himself in to the US Marshal's in Houston on 4/26/93. Fatta is not cooperating.

[REDACTED] stated that to his knowledge, only two persons in the compound had jobs outside the compound and they were David Jones, the rural letter carrier, and Wayne Martin, an attorney who had an office in town. He thinks that the office may be in the same building as the District Attorney.

[REDACTED] stated that he believed that the probable cause on this investigation became a reality with the information from the David Block interview, the determination from Jerry Taylor in Explosives (California), and the determination from Bartlett in HQs Firearms. Those three factors helped seal the case for probable cause in [REDACTED] opinion. (Copies of the determinations from Firearms and Explosives are attached as Exhibit 5)

The safe house obtained and used by the agents in the undercover house was at Island Condominiums (Apt. 120). This apartment was obtained by Brzozowski.

[REDACTED] stated that he thought that Sarabyn had a copy of the operational plan (written) and that it had been in a blue folder which everyone had been given. He thought he still had the folder and sent us a copy. (Exhibit 6) The information sent was the medical plan, police, fire, etc.

[REDACTED] was asked about the different agencies who were notified of the raid and the identity of the agencies who were at the Command Post the morning of the raid. He stated that he had notified Immigration & Naturalization Service and he remembers seeing some INS agents there (in particular, Jan Baumgardner); he had notified DEA and he remembers seeing some of the DEA agents there (in particular, Lex Henderson and Delphino Sanchez); he did not notify DPS narcotics, but remembers seeing them there and thinking that DEA must have notified them; he notified IRS, but they were not at the CP in the

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FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
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Investigative notes:

Issue: I, II, & IV

Related investigatory material:

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: KENNETH L. BUCK

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11. [REDACTED] stated he did receive information about the cars Koresh drove. He stated several were registered to Koresh. He also saw pictures of Koresh before starting the assignment.
12. [REDACTED] left the surveillance assignment around 02/15/93 in order to prepare for the warrant.
13. [REDACTED] estimated there were 25 children in the compound, 25 women and 25 to 30 men.
14. [REDACTED] stated the U/C house was equipped with a radio scanner, which he did not know how to use, two 35mm cameras, video camera and night vision equipment, which was not powerful enough. The Technical Operations Officers were O.K., but didn't want to stick around long.
15. [REDACTED] does not know of any compound people coming into the U/C house. He said the house was clean and all equipment was kept in one room with a dead bolt lock.
16. [REDACTED] stated the undercover agents were in Waco the week prior to moving into the U/C house and stayed at hotels in Waco under their real names. [REDACTED] stayed at the Hilton.
17. [REDACTED] did not hear a radio conversation between Cavanaugh and Chojnacki concerning whether or not they should execute the warrant.
18. [REDACTED] stated information about Koresh locking up the weapons and that only he had access to the weapons probably came from the undercover agents. He did not know how the information was obtained, but he recalled being given that information by someone in the U/C house.
19. [REDACTED] does not know how information secured by the undercover agents made its way to the raid planners other than the meeting with Sarabyn and his statement regarding fighting with the compound members which he made at Fort Hood.
20. [REDACTED] stated the Austin people were responsible for taking care of all the paperwork.
21. [REDACTED] stated that he heard there was some controversy over the drug connection at the compound. He stated he had identified a drug connection at the compound. He stated the first time [REDACTED] and Rodriguez met Koresh, Koresh talked about how the Sheriff hated him, about machine guns, about watching out for the ATF, the shootout with Roden and about the allegation that there had been a meth lab at the compound. He stated Koresh told them the compound would be a great place for a meth lab because its in the open and the wind blows all the

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MEMORANDUM OF INTERVIEW**PAGE: 4****FILE TITLE: [REDACTED]**
INTERVIEWING AGENT: KENNETH L. BUCK**DATE: June 13, 1995**
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. time so no one could smell a lab. [REDACTED] stated Koresh volunteered the story about the machine guns and the meth lab and since ATF thought he was lying about the guns [REDACTED] felt Koresh might have a meth lab on the compound.

24-809 2919

FILE TITLE: [REDACTED]
INTERVIEWING AGENT: KENNETH L. BUCK

DATE: June 13, 1995
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- .that time there was not a 100% eyeball on the compound. Again they attempted to keep at least two agents at the U/C house at all times. The logs were not as elaborate after the first two weeks, but [REDACTED] does not recall anyone telling the agents to cut back on the entries they were making regarding routine occurrences at the compound.
6. The nature of the assignment did change somewhat after the first two weeks, but not drastically. [REDACTED] did not insist. He stated, "we want to [REDACTED] the compound, but use your judgement." At the meeting there was a discussion about what role they should play so the compound members would accept them. It was suggested someone pretend to be a lost soul. They talked about what they had observed over the past two weeks, including not seeing guards, no one occupying the guard shack, not seeing radios or guns and other key items concerning tactical matters. [REDACTED] could not recall if the 10 a.m. time period for all men working at the construction site was discussed, but he said it was a definite pattern. He stated it had to be bad weather to keep the men from working at the site. He stated he was sure they would have told Sarabyn about this routine. He stated people started working at the site before dawn and that most were on the site working by 10 a.m.
7. [REDACTED] stated the people at the compound should have been out working on Sunday, 02/28/93, because, although it was cool and overcast and there was a little rain, they would normally have been out in those type of conditions. He stated it would have to be pouring rain for them not to come out and work.
8. [REDACTED] drove a 1992 Blue Chevy Truck registered to Roberto Gonzales. He stated this happen to be the undercover name for Roberto Rodriguez, but that was by accident. He stated his student card at TSTC used a bogus social security number.
9. [REDACTED] felt there was a lack of supervision in the sense that there was little direction given. The U/C agents were basically told to keep an eye on the compound and hang out. He stated the agents were like props. The objectives were not clarified after the original objectives of determining if there were guards and guns visible.
10. [REDACTED] stated his only input on the raid was when he was at SRT training at Fort Hood and they were advised to treat the compound members politely. He advised that these people would fight when agents attempted to handcuff them. The agents knew there would be fights breaking out when they executed the warrant.

001505

T

FILE TITLE: [REDACTED]
INTERVIEWING AGENTS: FREDERICK R. KIARE

DATE: November 18, 1993
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"During the briefing [REDACTED] stated the following in front of Austin agent personnel. 'I was told to lie about the element of surprise issue by Dan and Dan. The truth will come out. I have a wife and three children. I was afraid of losing my position. [REDACTED] then became emotional and began to cry.'"

ASAC [REDACTED] categorically denied that he had been told to lie and denied that he cried while at the meeting in Austin.

ASAC [REDACTED] described the events after the raid. He stated that he travelled back to the command post. He noted that it was chaotic and did not stay for very long. He stated that he returned to the area around the compound where SAC Mastin was one of the few agents there and he stayed there until late. After that he returned to the command post. He was aware that ASAC Cavanaugh was on the telephone with Koresh. ASAC [REDACTED] stated that he was on the phone until late while he spoke to SRT personnel.

On some date after the raid, ASAC [REDACTED] stated that he was questioned by Chief David Troy along with ATF SAs Wood and Benton before ATF discontinued their own internal inquiry. Following that he was questioned by ADL Hartnett and ADLE Conroy at the command post. ADLE Hartnett questioned him about two issues. First, "Didn't I say that we would hit the compound only if Koresh was in 'the pit'". ASAC [REDACTED] stated that he explained that this condition was never discussed. Moreover, since the configuration of the compound was such that you could not tell if Koresh was in the pit. ASAC [REDACTED] stated that it appeared that his explanation of this satisfied ADL Hartnett. Secondly, ADLE Hartnett asked if ASAC Cavanaugh and someone else (name not provided) had instructed ASAC [REDACTED] to "call off the raid." ASAC [REDACTED] stated that he was really offended by this question. ASAC [REDACTED] stated that he explained to ADLE Hartnett that he rode in the front of the first truck that entered the compound. Further, he had a wife and family. ASAC [REDACTED] stated that he explained that he would not lead a group of agents into an ambush. Reportedly, ADLE Hartnett was not aware that ASAC [REDACTED] was in the truck.

ASAC [REDACTED] stated that he has never been asked by ATF to officially explain what happened on February 28th. ASAC [REDACTED] stated that he was told by SAC Chojnacki, [REDACTED], they are never going to believe this."

ASAC [REDACTED] observed that ADLE Hartnett micro managed everything. ASAC [REDACTED] was assigned the task of liaison with the FBI Hostage Rescue Team and was not asked to provide a briefing or an explanation to ADLE Hartnett except the one occasion (described above) when ADLE Hartnett accused him of leading the agents into an ambush.

ASAC [REDACTED] explained that there was one meeting (date un-recalled) that occurred over dinner at the Holiday Inn Restaurant in Waco. At this dinner was Chief Troy, ADLE Hartnett, SAC Chojnacki and ASAC [REDACTED]. At the

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FILE TITLE: [REDACTED]
INTERVIEWING AGENT: KENNETH L. BUCK

DATE: June 13, 1995
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Investigative notes:

Related investigatory material:

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FILE TITLE: [REDACTED]
INTERVIEWING AGENTS: FREDERICK R. KLAREDATE: November 18, 1993
VACO ADMINISTRATIVE REVIEW

meeting these agents told ADLE Hartnett that the press were "beating us to death." They all urged ADLE Hartnett to open up to the press and tell what happened. They explained that the agents wanted this to occur. ADLE Hartnett responded that the U.S. Attorney did not want ATF to do this. These agents reportedly presented the view that it was necessary to prepare a potential jury for ATF's account of the action as opposed to not having an opportunity to explain what happened. ADLE Hartnett responded that it was ATF's goal to put the Davidians in jail.

ASAC [REDACTED] was asked what he was prepared to suggest specifically to ADLE Hartnett in order to give the press. ASAC [REDACTED] stated that he was unprepared to say what should be given. He stated that he just wanted an opportunity to tell the press what SA Rodriguez said to him.

ASAC [REDACTED] was asked, knowing what he knew at the time, if he would do the raid again. ASAC [REDACTED] responded, "Yes, I would."

On Thursday, 07/01/93 ASAC [REDACTED] was briefly re-interviewed. He was questioned regarding the information provided by RAC [REDACTED] during his interview on Friday, 06/25/93. At that time RAC [REDACTED] stated the following:

"The day before Steve Willis' funeral, [REDACTED] saw [REDACTED] sitting in a room and he appeared to be more nervous than usual. His legs were moving rapidly and the legal pad he had on his lap was in danger of falling. [REDACTED] went over to him and asked him if he was alright. [REDACTED] said, 'Uh uh, what what'. This was a common response from Sarabyn, but [REDACTED] still felt like something was wrong. Lewis told [REDACTED] to come take a drive with him because he didn't think that [REDACTED] was alright. When [REDACTED] asked him what was wrong, [REDACTED] said that he had had a meeting with Hartnett and Hartnett had accused him of lying to him and had berated him and had generally shouted at him. [REDACTED] said, 'I guess they found their scapegoat.' Later when [REDACTED] dropped him off at his house, he said [REDACTED] looked like a 'beaten man' walking up to his house."

ASAC [REDACTED] stated that this information was correct. He stated that the incident with ADLE Hartnett was the one he described during the previous interview (reported above) where ADLE Hartnett questioned him on two issues about the raid.

ASAC [REDACTED] offered no additional relevant information during interviews.

00013292

FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

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Larry Sparks. These notes concerned some suggestions which Chojnacki felt should be followed and also included the information that the SAC/Houston office had changed the classification of the case from "general" to "sensitive" which meant that ATF Headquarters would automatically begin monitoring the reports on this investigation. [REDACTED] stated that this fax from Chojnacki was unusual and he initially was upset because he felt like Chojnacki did not have faith in him to do a competent investigation based on some of his suggestions. [REDACTED] suggestions concerned the assignment of a GS-13 Special Agent to the investigation. [REDACTED] and Sparks discussed this suggestion and Sparks supported [REDACTED] as the case agent, but said that he would assign Wayne Appelt (a GS-13) as co-case agent to appease the SAC. Sparks agreed that Appelt would help [REDACTED], but would not run the investigation. [REDACTED] stated that he did not receive much assistance from Appelt.

On 6/23/92, Robert Souza, an ATF Compliance Officer in Seattle, Washington, telephoned [REDACTED] because he had learned from Olympic Arms that an ATF agent in Austin had been inquiring at Olympic about sales to Howell. Souza related that he had learned that Howell and McMahon had been purchasing receivers and firearms which had been shipped to them.

Sometime in August, a meeting was held with the UPS supervisor who agreed to cooperate with law enforcement. Sparks, [REDACTED], Lt. Coy Jones and Lt. Barber attended this meeting.

In August, Sparks was temporarily transferred to Houston as a result of an Internal Affairs investigation and Earl Dunagan became the Acting Resident Agent in Charge/Austin. [REDACTED] stated that Dunagan was very helpful to him in this investigation.

On 7/21/92, [REDACTED] interviewed Robert Cervenka who verified that he had previously heard automatic gunfire and 50 cal. fire coming from the compound area. (Note: The 50 cal. gun sales to the compound were not documented until after the raid when the seller called ATF.) Cervenka stated that he was familiar with both sounds because of his Army experience. Cervenka cultivated the land around the compound just outside of the compound property

SENSITIVE MATERIAL - REDACTED

On 7/22/92, [REDACTED] forwarded a request to the ATF Headquarters Chief of Explosives for a determination and evaluation of possible explosives manufacture based on the components received at the compound. On Tuesday,

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FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
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7/23/93, [REDACTED] forwarded a request to the ATF Headquarters Chief of Firearms for a determination and evaluation of possible automatic weapons manufacture/conversion based on the firearms and components received at the compound. (Both requests are attached as Exhibit 3)

A compliance inspection was arranged for 7/30/93 at the residence of McMahon, which was also his business premises. Compliance Officer Skinner and [REDACTED] (who was undercover as Skinner) performed the inspection. The audit revealed that McMahon's records were not in order, but [REDACTED] did not want reprimands at this time to avoid McMahon from becoming too suspicious. The audit revealed that 36 firearms had been sold to Howell and additional firearms had been sold to other cult members by McMahon. The records showed that the firearms were purchased at gun shows. (Apparently, showing the sale of firearms at gun shows is one way that FFLs get around some of the ATF regulations.) There were approximately 65 lower receivers in McMahon's records which were not in his stock/inventory. When asked about their location, McMahon replied that they were being stored at his preacher's house. McMahon offered to get them for them. They asked for the identity of his preacher and he stated David Koresh. [REDACTED] stated that McMahon definitely did not offer to take them to the preacher's house, rather he offered to have the receivers brought to them. When asked "Who's this Vernon Howell?" McMahon stated that he was just a friend of his and never volunteered the fact that Howell and Koresh were the same person. It was at this point that [REDACTED] felt like this investigation might lead to a big case. Skinner and [REDACTED] left without pressing too much and Skinner told McMahon that he would be back to give him some regulations regarding recordkeeping. Skinner returned approximately one month later and McMahon had receipts for the sale of 64 lower receivers to Vernon Howell. McMahon and his girlfriend moved to Pensacola, Florida, shortly thereafter.

[REDACTED] was assigned to Secret Service protective details and would be gone for up to three weeks at a time every three weeks during this period continuing until the election in November 1993. [REDACTED] was also carrying a full case load in addition to this case up to November 1992. In November, his other cases were reassigned and he was instructed to work fulltime on this investigation. Phil Lewis is the person responsible for having [REDACTED] cases reassigned. Also during this time, UPS continued to deliver shipments to the compound and give copies of these invoices to Lt. Barber, who supplied them to [REDACTED].

During November 1993, [REDACTED] received a reply from Roy Parker in the Explosive's Section (This reply said that explosives could not be manufactured with the listed materials); interviewed three persons (Andrade, Leak, Ojena) in California with present and former ties to the compound; and interviewed Sgt. John Hackworth, Laverne, California Police Department who was able to give him a list of names of persons living in a known Branch Davidian house in California.

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T

FILE TITLE: [REDACTED] SGR
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
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In late November, early December, information was received about Marshall Keith Butler, a machinist who occasionally does work for Koresh.

On 12/4/92, [REDACTED] asked ATF S/A Carlos Torres to interview Joyce Sparks, an investigator with the Texas Department of Human Services regarding her visits to the compound and her knowledge about the compound.

On 12/4/92, a meeting was held in Houston about the investigation of [REDACTED] and Dunagan. The meeting lasted all day and was attended by [REDACTED] Dunagan, Chojnacki, Royster, Lewis, Cavanaugh, Petrilli, Buford, Lattimer, Williams, Carter, and John Henry. Sarabyn was not at this meeting, as he was TDY to HQs. [REDACTED] and Dunagan gave an extensive oral briefing and answered many questions. Photos and maps were given to the participants and copies of the 3270s were later made and distributed. There were questions about violence and [REDACTED] stated that there was a high potential for violence and indicated that Koresh's personality had been changing to a more violent character. There were questions about the religion and whether there were any parallel groups in operation. The participants asked [REDACTED] to obtain topographical maps, aerial photos, and infrared photos. They talked about setting up a command post and staging area; obtaining a pen register and trap & trace, as well as telephone tolls. They also talked about luring Koresh away from the compound as a strong option. [REDACTED] stated that he had an idea for a diversion that he brought up at the first meeting, but it was rejected. [REDACTED] idea was to have three helicopters appear to go down near the ridge line close to the compound and then explode some C-4 explosives making it appear that the helicopters had crashed. He felt this would draw the people in the compound outside. [REDACTED] was told at this meeting that his job from now on would be to obtain the probable cause necessary for a search warrant.

After this initial meeting, there was a meeting every two weeks. [REDACTED] stated that ASAC Sarabyn would call from time to time and was totally up to date on this investigation.

[REDACTED] had asked Lt. Barber if he could locate a place to set up a command post and a staging area. On 12/8/92, Lt. Barber introduced [REDACTED] to Pat McGee, the airport manager at TSTC. [REDACTED] Brzozowski, O'Flaherty, Viegra, and Shidler met with Pat McGee. [REDACTED] stated that McGee was told nothing about the operation, but did know that [REDACTED] was with ATF.

On 12/11/92, [REDACTED] met with Sgt. Hackworth in California who gave him more information and organized an introduction for him with Robyn Bunds, Jeanine Bunds, David Bunds, and Deborah Bunds. Sgt. Hackworth also told [REDACTED] about Marc Breault, the former cult member now residing in Australia. Reports were initiated on the intelligence gained by these interviews and was also passed on to the team leaders as he received it.

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FILE TITLE: [REDACTED] SGR -
INTERVIEWING AGENT: SUSAN G. ROWLEY

DATE: June 13, 1995
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On 12/15/92, [REDACTED] submitted a list of names and addresses to Sandy Betterton who is the Intelligence Research Specialist in Houston. Betterton was able through various computer checks to find approximately 40 persons suspected of being in the United States illegally through visa overstay. [REDACTED] spoke to Immigration & Naturalization Service (INS) sometime after learning this information. Also on 12/15/92, [REDACTED] submitted a list of names to ATF HQs Intelligence Section and asked for any information which they might have on the Branch Davidian Cult. (ATF HQs had no additional information on the Branch Davidians)

On 12/15/92, [REDACTED] learned from Sgt. Hackworth that Marc Breault was supplying information about the cult and the compound to Mark England at the Waco Tribune. Based on this information, [REDACTED] decided to telephone Breault "cold" and try to persuade Breault to stop supplying Mark England and to begin supplying him with any information. Breault agreed to this request and thereafter began faxing information to [REDACTED] on a regular basis. [REDACTED] stated that Breault's motivation for supplying information was that he felt that Koresh was taking everyone for a ride and he felt responsible for the recruitment of some of the Australians who were still at the compound. [REDACTED] requested Breault to draw a chart of the command structure in the compound listing the persons in command. [REDACTED] also asked Breault for a list of names and addresses of former cult members.

On 12/17/92, a second meeting on this investigation was held in Houston. This meeting was attended by basically the same persons, but also included Ivan Kallister from HQs. and Col. Lon Walker, the ATF DOD liaison officer assigned at ATF HQs. Col. Walker stated that DOD could support this operation, but needed some drug activity to justify their involvement.

[REDACTED] was told to actively ask about any drug activity on the compound after this meeting, and as a result, Breault related the circumstances about the methamphetamine lab to [REDACTED]. In addition to the meth lab, ATF Intelligence Research Specialist Betterton ran computer checks on the names and addresses of persons believed to be in the compound and came up with some prior drug records. [REDACTED] stated that in the Bunds custody hearing records, there was mention of the fact that Howell/Koresh stayed awake ranting and raving for long periods of time. The Bunds felt like Howell/Koresh may have been utilizing the meth lab for himself. This last information from the Bunds was not utilized as justification for DOD support. [REDACTED] never wrote any letters requesting DOD assistance in this investigation. However, copies of the letters were in his file which he gave to us. (Exhibit 5)

On 12/28/92, there was a third meeting in Austin attended by [REDACTED], Dunagan, Brzozowski, Lattimer, King, Petrilli, Sarabyn, Williams, Buford, Cavanaugh, and maybe Shidler. [REDACTED] Dunagan, and Brzozowski took the participants to Waco to look at the compound. [REDACTED] believes that they met Mr. [REDACTED] on this trip and negotiated his consent for the undercover

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house. Brzozowski took care of the details on obtaining the undercover house and Viegra made the initial contacts with the Texas National Guard for aerial photographs.

The undercover house was initiated on Monday, 1/11/93 and the complaining began almost immediately from the agents assigned. After the first week, [REDACTED] went to the undercover house and listened to the complaints. [REDACTED] had them to document the significant events as well as the traffic coming and going. They had started to put insignificant things in the logs like the sighting of a dog on the property. [REDACTED] had initially wanted to oversee and be a part of the undercover house, but because of the tremendous amount of work involved in the probable cause search, he did not have the time. There was a Monday morning meeting a week after the undercover house started which was attended by [REDACTED], Dunagan, Appelt, Littleton, Brzozowski and Rayburn. The purpose of this meeting was to appoint one or two control agents for the undercover house. Appelt and Littleton were appointed to handle that assignment. Littleton was told to work things out or replace the "bitchers and moaners". Littleton was also supposed to pick up the undercover logs every other day and synopsize the logs into a 3270 report. [REDACTED] told Littleton "Make sure when you get the written logs to give them to me for the case file." It was at this point that Littleton told [REDACTED] that since he was putting the information from the logs into the reports, he was shredding the surveillance logs. Littleton said to [REDACTED] "We won't need them". [REDACTED] expressed some concern about the way the undercover house was operating but did not have the time to keep that close an eye on it. [REDACTED] stated that in his opinion, Rodriguez was the only one assigned to the undercover house who was not too scared to go into the compound. He also stated that Sarabyn told Rodriguez that he did not need to wear a body wire or transmitter when he went into the compound. [REDACTED] also stated that he had originally requested that Carlos Torres, an ATF agent be assigned the duty of supervising the undercover house, but Torres was unavailable during this time.

[REDACTED] stated that the only discussion about the media that he remembers occurred at one of the Houston meetings. This discussion centered around the need for someone to contact the Waco Tribune in order to delay the publication of the story on the Branch Davidians. At this meeting, he remembers someone saying that if the paper agreed to hold off on the article, that ATF would inform them of the warrant and let them go to the raid but remain out of the way.

On Monday, 1/25/93, [REDACTED] interviewed [REDACTED], a former cult member who was knowledgeable about the conversion of automatic weapons in the compound. At this point, [REDACTED] felt like he had the probable cause necessary for a search warrant. [REDACTED] told [REDACTED] about the milling and lather machinery on the compound for manufacturing "grease guns". [REDACTED] also talked about manufacturing grenades and nuclear bombs. This interview is documented in an ATF 3270.

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MEMORANDUM OF INTERVIEW

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On Monday, 2/11/93, [REDACTED], Sarabyn, and Chojnacki travelled to ATF HQs and briefed Hartnett and all the HQs Chiefs, with the exception of Conroy who was out of town. There had been an earlier meeting scheduled at HQs, which had been postponed until Monday, 2/11/93. Hartnett asked extensively about the probable cause. Hartnett also wanted to extend the surveillance before executing the warrant. Chojnacki told Hartnett that the indications were that Koresh was not coming out. Hartnett wanted to know if there was any way that Koresh could be [REDACTED]. Hartnett wanted to know why they were going to execute the warrant at 10.00AM. The answer given was because the men are working in the construction area and are separated at the time from the women, children, and the guns. Hartnett wanted to know how many SRT teams were going to be utilized. Hartnett asked [REDACTED] specifically "How does the AUSA feel about the probable cause?" Hartnett was given a copy of the draft affidavit and stated that he would take it home and read it that night. Hartnett asked what the cost factor was and about where the flashbangs were going to be used in relation to the children's location. [REDACTED] stated that Dick Garner asked some good questions also, but could not remember them.

On Friday, 2/12/93, [REDACTED], Sarabyn, and Chojnacki briefed the ATF Director, Steve Higgins in the presence of Hartnett and the other Chiefs. Higgins expressed a lot of concern about the potential for injuries and wanted to make sure that they had everything they needed. Chojnacki stated that they needed some more money and Higgins referred him to Benton who is a financial officer in HQs. Higgins stated that he didn't want anyone getting hurt because of a lack of requested supplies or other items. Higgins asked Chojnacki if he was comfortable with the plan and Chojnacki replied that he was. Higgins asked about the flashbang training and wanted to make sure that they would not be utilized where the children were located.

On Monday, 2/22/93, [REDACTED] drove [REDACTED] and [REDACTED] to be interviewed by Joyce Sparks (DHS) and Beth Tobin (Assistant District Attorney). This interview was to establish probable cause to obtain an arrest warrant for Howell/Koresh on a charge dealing with aggravated sex with a minor. There was not enough evidence obtained through this interview to allow the State to obtain an arrest warrant. There was some thought that the DHS would cooperate in trying to lure Koresh out of the compound if there was a warrant for his arrest. [REDACTED] stated that both Sparks and Tobin knew that there was going to be some type of action within the week at the compound. [REDACTED] stated that he emphasized the importance of not repeating this information to anyone for the security of the operation.

On Monday, 2/22/93, [REDACTED] and Dunagan attended a meeting at the McLennan County Sheriff's Office with Weyenberg, Jones and Barber. Dunagan gave a briefing to them and requested their assistance in supplying manpower for roadblocks, etc. Sheriff Hartwell came in subsequent to the briefing and offered to provide some buses, food, coffee, etc.

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The rest of the week, [REDACTED] spent working on the search and arrest warrant affidavits with the US Attorney's Office. The judge signed the warrants on Monday, 2/25/93 at about 8:00PM. After the warrants were signed, [REDACTED], AUSA Johnston, AUSA Phinizy, and Chojnacki went to eat at Chili's and Chojnacki paid for the meals. [REDACTED] believes that Chojnacki was telling Johnston about the training at Ft. Hood and they also discussed the news article and sending the undercover agent into the compound to get a feel for the climate of the compound after the raid.

[REDACTED] did not stay overnight in Waco until Saturday, 2/27/93. Prior to that time, he drove home to Austin every night. On Friday night, [REDACTED] drove home to sleep and get his gear. He got a page and was telephoned by Rodriguez on Saturday morning. Rodriguez was concerned about having to go back into the compound that day and the next. [REDACTED] left Austin around noon and drove to Waco where he checked into the Best Western. After checking in, he drove to the Command Post and was there when the helicopters landed. [REDACTED] stated that that was the first time he realized that the National Guard was going to be used for the helicopter support. He stated that the ATF bomb trucks were too prominent where they were and asked for them to be moved to a more "out of sight" position.

[REDACTED] attended the briefing at the Best Western Saturday evening and then went to the CP to wait for the call from Rodriguez. Sarabyn, the forward observers, Brzozowski, and O'Flaherty were also at the CP Saturday night. [REDACTED] kept calling the undercover house to find out if Rodriguez was out of the compound. [REDACTED] finally left the CP between 2-3 AM to go to the motel. He did not sleep well that night and went to the CP around 6:00AM. [REDACTED] thinks that Rodriguez was at the CP in the morning talking about being nervous about going back into the compound that morning.

Sometime while [REDACTED] is outside the Command Post talking to his friends, he hears "It's a go". Lt. Barber stops [REDACTED] before he gets on the helicopter and asked him if this deputy sheriff can go on the helicopter and videotape the raid. [REDACTED] talked to Lt. Susan Justice to get permission and the deputy is included on the manifest. Later, the newspapers "made a stink" about this person being on the helicopter because he is only a reserve deputy. While [REDACTED] was in the helicopter, he could not see anything on the ground. He was in a middle seat and there was no place to look. He heard the "pops" of the gunfire. While they were still in the air, Trevino motioned with two fingers and said two agents are down. They landed and could hear the gunfire at the compound after getting out of the helicopter. Chojnacki had a cellular phone with him. When [REDACTED] got off the helicopter and saw everyone standing around, he got mad. Later, they returned to the CP and Rodriguez was there.

Rodriguez said to [REDACTED] "I can't believe they went" "I told them [REDACTED]". Then Rodriguez wanted his gun back from [REDACTED] and they fought about that for a while. [REDACTED] had borrowed Rodriguez' gun because his was stolen in

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California. About this time, Darrell Dyer came out of the CP and said "Do what I tell you and don't deviate". [REDACTED] Rodriguez, Dunagan, Salas, Dodd, and Lisa (couldn't remember her last name) went to the roadblock at FM 2491 and Double EE ranch road. The shooting was still going on when they first got there, but they could hear that negotiations for a cease fire were taking place.

Cavanaugh and Dunagan had a conversation in which Cavanaugh told [REDACTED] to standby to come in and pick up the wounded agents. Dunagan commandeered an ambulance and started driving down Double EE ranch road. Dunagan was driving, [REDACTED] was on the passenger side, Salas and Rodriguez were in the back. Cavanaugh told them to move to the compound slowly and stop by the bus, which they did. At this point, [REDACTED] said that no one was moving. Cavanaugh said "OK, get up and holster your weapons. Do not make any threatening moves. I've called a cease fire. Don't shoot. Don't run. Move toward the ambulance." Then Pete Mastin stood up and put his hands up and started walking out. Then everyone did the same. [REDACTED] stayed inside the ambulance per his instructions from Cavanaugh while the ambulance was loaded. Someone commandeered the media truck to use for the wounded because the ambulance was full. The ambulance headed for the gate. [REDACTED] got out of the ambulance and a wounded person was put in the passenger side. He looked down at the undercover house and saw the black pickup truck and started running toward it. Cavanaugh said "Don't run, don't run". [REDACTED] saw O'Flaherty and yelled to him to bring the pickup truck in. They put 2 of the dead agents in the truck (one was still breathing at the time) and [REDACTED] tried to go fast in the truck. Someone performed CPR on the agent in the back of the truck until the medivac helicopters got there.

[REDACTED] moved to another roadblock at Mr. Peery's ranch. Buses came and picked up agents, but [REDACTED] stayed at the roadblock. He said that the highest ranking person at the roadblock was Mastin. No one seemed to be taking charge, there were no perimeters set up and [REDACTED] was concerned about the people who were still in the undercover house. At the roadblock, Rodriguez is still talking about how they shouldn't have gone.

Sometime around dark, [REDACTED] went back to the CP and stayed there all night. At the CP, he heard that the FBI was coming in and he also heard that additional SRT teams were coming. He also heard later that negotiations between Howell and Cavanaugh indicated that Howell was talking about coming out shooting to take his people to the hospital in a bus. Because of that threat, he had heard that the people were to be allowed to go. Either Chojnacki or Lewis told him that he had to brief FBI S/A Sykes, which he did around 8:30PM in the squad room. The Kansas City SRT arrived and Chojnacki and [REDACTED] briefed them. When Hartnett arrived, he went into the radio room in the CP and hardly came out. [REDACTED] was never asked to brief Hartnett or Conroy. He left the CP around 5:30-6:00AM. [REDACTED] was asked to drive Hartnett to the gym for the question and answer session on Monday at noon, which he did.

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[Excerpts]
Report of
THE DEPARTMENT OF THE TREASURY
on the

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Investigation
of
Vernon Wayne Howell
also known as
David Koresh



September 1993

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CONCLUSION

On February 28, 1993, near Waco, Texas, a major law enforcement operation failed. The Bureau of Alcohol, Tobacco and Firearms tried to carry out a flawed raid plan based on one critical element, the element of surprise. Despite knowing in advance that the element of surprise was lost, the raid commanders made the decision to go forward. This decision was brutally exploited by Koresh and his followers. Despite the courageous efforts of ATF agents, four agents were murdered and twenty others were wounded. The vivid and painful conclusion of the operation focussed national attention on these events and on ATF. The Review was a response to that public concern.

This review of ATF's investigation of Koresh, ATF's attempt to plan and to execute search and arrest warrants at the Compound, and its efforts to "manage" the aftermath of the raid, provides a rare opportunity to identify what went wrong, to understand the mistakes that were made, and to learn from this experience to make future operations wiser and safer. Although a few in ATF's management saw the Review as an effort to be resisted, the line agents, throughout the process, have been partners with the Review team. They have been cooperative and committed to finding the truth as an essential effort to advancing the professionalism of their agency.

In the course of its examination, the Review identified significant failures on the part of a few individuals. But more importantly, it uncovered serious, systemic defects in ATF's ability to plan for and to conduct a large scale, tactical operation in the context of the difficult circumstances confronted near Waco. These shortcomings, however, should not minimize the difficult challenge such a situation presents to all law enforcement.

ATF should not be judged by the events of February 28 alone. There is strength, experience and professionalism throughout the agency, and this Review identifies no problems that cannot be corrected. ATF's leadership can take steps to repair the agency's bruised morale and sharpen and refocus its skills on those unique capabilities which have

contributed to its pride and its effectiveness in the past. However, to do so the leadership must be committed to positive change and reform.

The Review has greatly benefited from the wisdom and experience of the three distinguished independent reviewers and the six renowned tactical experts. In addition to the contributions they have made to the Review itself, all nine have drawn generously on their substantial expertise to make concrete, forward-looking recommendations to improve ATF's future performance. Treasury's Office of Enforcement, working in partnership with ATF's leadership, must embark upon a process of evaluating these recommendations.

Specific recommendations will be provided separately to ATF's leadership in such areas as improving oversight of major operations through early notification; clarifying the rules regarding media contacts; developing effective supervisory training programs; improving the agency's capacity to perform intelligence operations and to integrate them with the overall tactical operation; and reexamining the uses of Special Response Teams.

ATF's leadership has much to accomplish; they also have much to build upon. Despite the flaws exposed by the events outside Waco, the agency is made up of dedicated, committed and experienced professionals, who have regularly demonstrated sound judgment and remarkable courage in enforcing the law. ATF has a history of success in conducting complex investigations and executing dangerous and challenging law enforcement missions. That fine tradition, together with the line agents' commitment to the truth, and their courage and determination has enabled ATF to provide our country with a safer and more secure nation under law.



DEPARTMENT OF THE TREASURY
WASHINGTON

ASSISTANT SECRETARY

LESSONS LEARNED -- ACTIONS TAKEN

A Summary: One Year After the Events Near Waco

February 28, 1994

026563

Introduction

As we look back one year after ATF's tragic experience near Waco, Texas, the Department of the Treasury's Office of Assistant Secretary (Enforcement) determined that it would be appropriate to take stock of both the lessons learned from that experience and the actions taken since the Waco Report was issued on September 30, 1993. The following summary represents its overview of significant lessons learned and actions taken.

In addition, the Bureau of Alcohol, Tobacco and Firearms (ATF) has prepared a more detailed report of lessons learned and actions taken by ATF -- which will serve as a blueprint for ATF's continuing efforts to build upon the lessons learned from the Waco experience. Because of the sensitive nature of that report, and its discussion of law enforcement techniques, it is not being made public -- although certain appropriate portions of it are quoted here.

Although no inquiry and no reforms can bring back any of the lives lost near Waco, it is Treasury Law Enforcement's goal that the review and its resulting changes will prevent the recurrence of such a tragedy in the future.

The Waco Administrative Review

One of the most powerful lessons learned from the Waco tragedy is that Government can, when properly directed and motivated, investigate its own conduct objectively and fairly. In accordance with the President's directive to conduct a "vigorous and thorough" review of the events leading to the loss of law enforcement and civilian lives, Secretary Bentsen established the Waco Review, a team of agents and attorneys drawn from outside the Department of the Treasury and inside Treasury law enforcement's ranks (excluding ATF). The Review Team was guided and supervised by three prominent independent reviewers, Los Angeles Chief of Police Willie Williams, former chief Watergate prosecutor Henry Ruth and Pulitzer Prize winning journalist Edwin Guthman, and led by Assistant Secretary (Enforcement) Ronald K. Noble. Noble promised that the Review would "leave no stone unturned." The Review delivered on his promise.

As Secretary Bentsen said after the Review's Report of the Department of the Treasury on the Bureau of Alcohol, Tobacco and Firearms Investigation of Vernon Wayne Howell, also known as "David Koresh," (the "Report") was released:

The Review gave me the truth and a full accounting of the facts, good and bad. That enabled me to tell

the American people what really happened near Waco. The Review became a model for internal investigations. It showed government can investigate itself -- do it right -- and do it quickly.

The American public hailed the Report for its fairness and thoroughness. Representative Gordon Lightfoot emphasized that the Report "reflects the hard work and dedication of many individuals." According to Senator Dennis DeConcini, the Report was "thorough, impartial and self-effacing." Representative Steny Hoyer called the report "comprehensive," the *Los Angeles Times* called it a "courageous, candid evaluation" and the *Sacramento Bee* proclaimed "no punches have been pulled."

The objective, fair, searching and thorough review conducted by the Waco Review identified and discussed in a systematic manner the weaknesses that needed to be addressed. The Report, released on September 30, 1993, after a five month investigation, set forth a roadmap for Treasury and ATF to follow to strengthen the agency.

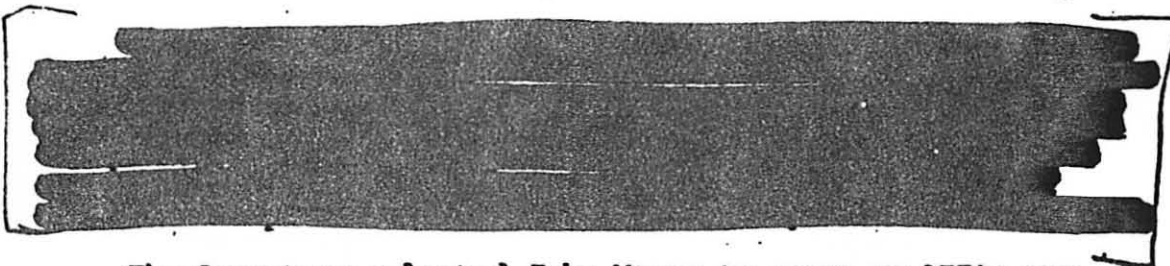
Moreover, a significant added benefit to staffing the Review with agents drawn from all of Treasury's law enforcement bureaus, (Customs, Secret Service, IRS, FLETC and FinCEN), is that each of those agents brought back to their respective bureaus three important messages: 1) Treasury law enforcement's bureaus can work together cooperatively and successfully as a team to produce a comprehensive and honest product; 2) Some things went wrong near Waco and 3) How to avoid such occurrences in the future. In a sense, these agents, upon the Review's completion became ambassadors for the Review -- teaching their fellow agents about the lessons they had learned through the review process.

The Report as a Tool for Learning

The Review's Report, unlike many government reports, has not simply been gathering dust since its issuance. To the contrary, it is very much a living document. One of incoming ATF Director John Magaw's first directives was to make the Report mandatory reading for all ATF agents -- from those on the line all the way up through the agency's command. In so doing, Director Magaw made significant strides in educating ATF's agents about the errors made near Waco and how to avoid them in the future. As one ATF agent was quoted shortly after the Report was released, "the Report could spur the reinventing of a better Bureau." In addition, both at the Federal Law Enforcement Training Center ("FLETC") and in law enforcement training courses across the nation, the Report is used as a teaching device.

Personnel Actions

One lesson learned from Waco was that ATF needed better leadership -- most importantly, in light of the Report's findings, the Bureau needed experienced leadership with unquestionable integrity. Upon receiving the Report, Secretary Bentsen took swift action to provide ATF with new leadership.



The Secretary selected John Magaw to serve as ATF's new Director. Magaw, who was previously the Director of the Secret Service, brought a wealth of law enforcement experience to the Bureau as well as a reputation for integrity. The Secretary and Magaw, who recognized that Higgins had not been kept properly informed by his subordinates, acted to tighten the lines of authority at ATF and to insure that the Director was kept properly informed. First, they restructured the composition of ATF's command by creating a "Deputy Director" position; second they filled that slot with Daniel Black, a veteran of over 25 years in federal law enforcement. In addition, Secretary Bentsen placed ATF's law enforcement operation in the capable hands of Charles Thomson, a career ATF agent who previously headed ATF's New York office and led its successful investigation of the World Trade Center bombing. Magaw also replaced Chojnacki and Sarabyn, the field commanders who had led the failed raid, and lied afterwards, with top notch agents.

In so doing, Secretary Bentsen provided ATF with a new leadership team, both in the field and at headquarters -- a team committed to change and to improving the agency's performance after Waco. Moreover, Secretary Bentsen sent a powerful message to all Treasury law enforcement that honesty must be guarded.

During the five months since the release of the Report and Secretary Bentsen's personnel actions, both ATF and Treasury have taken significant additional actions.

Rebuilding Morale -- Trust in Leadership

After Waco, Assistant Secretary Noble, Director Magaw and ATF's other new leaders undertook an intense effort to rebuild the Bureau's morale and its trust in ATF leadership. To show their commitment to this rebuilding effort, these leaders visited on multiple occasions Dallas, Houston and New Orleans, the

offices which contributed agents to Waco, and which bore the brunt of the casualties. During those trips, agents and employees were given the opportunity to ask any questions they wished. All questions were answered.

Improved Communication between Treasury and the Agencies

One of the key problems identified by the Report was that the Office of Enforcement received less than 48 hours advance notice of the Waco plan, despite the fact that ATF was about to embark on the biggest and most unusual raid in its history. As the Report stressed, this lack of adequate notice was the product of a pattern of inadequate oversight by the Office of Enforcement and insufficient communication between that office and the bureaus it is charged with supervising.

Accordingly, Assistant Secretary Noble has taken definitive action to improve oversight and increase communication with the bureaus. He has sought to achieve a reasonable balance between providing the bureaus with flexibility, yet maintaining sufficient accountability. Shortly after Waco, Noble instituted several regular forums for communication between the bureaus and the Office of Enforcement -- none of which had existed before his tenure. First, the bureau chiefs now meet once a week with Noble to review significant issues. Second, each of the bureau chiefs meets individually with Noble on a monthly basis to review their respective bureau's operations. Third, Noble has enhanced greatly the level of informal communication between his office and the bureaus -- in large part because he has strengthened and better organized the Office of Enforcement. In so doing, he has increased the points of contact for the bureaus. Fourth, Noble has established a Treasury Law Enforcement Council, consisting of the Directors of ATF, Secret Service and FLETC, the Commissioner of Customs and the Assistant Commissioner for the Criminal Investigative Division of IRS. The formation of this Council ensures that all Treasury law enforcement is part of a team. Finally, in August 1993, Noble sent a directive to all the bureaus outlining those matters which require meaningful advance notice for the Office of the Assistant Secretary (Enforcement). Among those matters are any involving "non-traditional groups and guns" of the sort encountered near Waco.

In addition, both ATF and the other bureaus are in the process of training personnel in the field to better identify sensitive matters that require early involvement of headquarters. Taken together with the experience and judgment of ATF's new leadership, these actions go a long way toward preventing a repeat of the inadequate notice given by ATF to the Office of Enforcement before the Waco raid.

Awareness that Certain Missions Require Additional Resources

One of the strongest criticisms of ATF, both in the Report and in the media, was that the Bureau failed to recognize that the mission they were undertaking near Waco required assistance and resources from outside the agency. ATF has recognized and taken action to address this problem at two levels.

First, with respect to those occasions when the Bureau confronts non-traditional adversaries such as Koresh and the Branch Davidians, particularly when the situation involves groups of people possessing large amounts of weapons, ATF has taken comprehensive measures to insure that agents recognize the need for outside assistance and that outside experts are consulted in a timely manner:

- *ATF has established criteria for ATF agents to use to determine if an investigation calls for outside experts;

- *ATF is training their field agents to recognize those situations which require outside experts;

- *ATF has established a reporting structure to insure that headquarters learns promptly when an investigation involves groups or organizations which require seeking outside assistance; and

- *ATF is developing a resource library and network of contacts of credible experts both in the tactical and the behavioral science fields. This information will be shared with the Department of Justice. As part of that effort, ATF is in the process of establishing a working relationship with a major American university and also will consult with other federal agencies.

Second, on those occasions when ATF seeks to undertake an operation of the scale similar to that mounted near Waco, ATF has recognized that it cannot and should not go it alone. As their report states:

The first lesson we learned is that an agency of ATF's size cannot independently carry out every conceivable operation that might be encountered....[P]rior to Waco we did not have a formal plan for other Federal agencies to become involved where an operation was larger or more complex than ATF was equipped to handle. Waco has taught us that we must be prepared to seek help and assistance from other agencies when necessary.

Both ATF and Treasury have taken action to insure that ATF has the resources it needs to conduct such operations. ATF has developed formal plans for seeking assistance from other agencies

under appropriate circumstances. Treasury's Office of the Assistant Secretary (Enforcement) is conducting an evaluation of whether Treasury law enforcement needs a "Treasury National Response Team" or similar such entity to conduct large scale operations or specialized activities such as those attempted near Waco. Such a Team would focus on situations currently handled by ATF's Special Response Teams (SRTs) and would not specialize in hostage rescue missions that are presently handled by the Federal Bureau of Investigation's Hostage Rescue Team (FBI HRT).

The Department of the Treasury and the Department of Justice formally recognized and agreed that any future Treasury law enforcement action of the nature undertaken near Waco requires timely notification of the Department of Justice -- either through the U.S. Attorney's Office responsible for the investigation, as was done with the Waco investigation, or through communication in Washington, D.C. at the departmental level -- preferably both. In addition, the Assistant Secretary (Enforcement) and the Deputy Attorney General have instituted bi-weekly meetings.

Waco Confirmed ATF's Powerful Investigative Capabilities

The Report concluded that ATF's investigation of Koresh and the Branch Davidians, which posed difficult investigatory challenges for the Bureau, was both properly initiated and developed sufficient evidence to support the issuance of search and arrest warrants. The Report, in fact, commended ATF both for its willingness to take on an investigation which involved a cult possessing an enormous arsenal of weapons, including dozens of machineguns and a large cache of grenades and for the evidence generated by its investigators.

ATF is building upon its investigative capabilities and reputation. In the past year, ATF has made thousands of arrests and executed numerous search warrants without incident. Moreover, not only was ATF instrumental in the successful investigation of the World Trade Center bombing, but its actions with regard to the series of bombings in upstate New York a few months ago demonstrated the Bureau's expertise in firearms investigations and quickly solved a case with national implications.

ATF Has Addressed Its Significant Operational Weaknesses

The Report determined that ATF had significant weaknesses in its tactical planning capabilities, including its intelligence operation, its operational security, its command and control during the raid and its ability to handle scrutiny after the raid failed. ATF is making progress with respect to each of these

areas.

ATF Has Improved Its Tactical Planning and Intelligence Operations

ATF's tactical planning effort in the Waco operation was seriously flawed. First, ATF failed to consider adequately all available options before it chose to raid the Compound. Specifically, the tactical planners prematurely abandoned efforts to lure Koresh away from the Compound. Moreover, because of weaknesses in their intelligence operation and planning process, ATF's tactical planners and raid commanders failed to reach a common understanding of their plan's key assumptions. And they were mistaken about key facts -- especially their flawed belief that the men and the weapons would be separated at the time of the raid. ATF has acted to improve both its intelligence operations and its tactical planning capabilities.

With respect to its intelligence operation, ATF has taken steps to develop the tactical intelligence structure that the Bureau was lacking before Waco. That structure includes an intelligence program manager in headquarters, an intelligence officer in each of ATF's 24 field offices and an "Intelligence Response Team" of specialists to support major investigations. The intelligence specialists will work to make sure tactical planners seek appropriate intelligence from agents in the field and that the intelligence gathering process insures accurate and timely intelligence. In addition, although the undercover agent in the Waco investigation did an excellent job, to insure that undercover agents receive the support they need, and to improve communication between tactical planners and undercover agents, ATF has instituted a program of pairing each long-term undercover agent with a trained "control agent" who will regularly debrief them.

ATF has also overhauled its process for selecting both tactical planners and raid commanders. At Waco, they were chosen based on their rank and geographical proximity to the site of the investigation. In the future, ATF will select the planners and the commanders based on their training and expertise. To prepare them for situations like Waco, potential commanders and planners, as well as key headquarters leaders, are also receiving crisis management training from the International Association of Chiefs of Police (IACP). Moreover, to insure that tactical planners adequately consider the full range of options, ATF agents are receiving additional training in non-dynamic entry techniques -- including containment callouts, sieges and the use of "lure techniques" to arrest suspects away from their premises.

ATF Has Taken Measures to Enhance Operational Security

The Report identified a number of lapses in operational security -- several of which could have led to Koresh being tipped. Among other things, advance notice of the raid was provided to a private ambulance service and movements by ATF agents on the day of the raid could have been detected. ATF is developing a full fledged operational security policy. The heart of ATF's policy will entail the identification of an "operational security supervisor" for each major operation who will have responsibility to maintain operational security and to review all tactical plans for that purpose. In addition, ATF has implemented an operational security training program to increase all potential field commanders' awareness of ways in which investigations can be compromised. Furthermore, ATF has expanded its capacity to provide medical support for large operations -- and thereby obviate the need to rely on outside services. ATF is also increasing the level of security it maintains regarding radio communications.

ATF Has Taken Steps to Improve Raid Execution

During the Waco operation, one of the key commanders was in a helicopter and the other was pinned down in front of the Compound. The commanders were not clear about who had authority to abort the raid. To improve command and control during raids, ATF's potential raid commanders are now receiving intensive command and control training from the Army's Special Forces and other sources. As part of the military training, ATF agents will be taught Tactical Operations Center (TOC) functions, stress/crisis management and decisionmaking. In addition, ATF has developed a close working relationship with the tactical experts who served with the Waco Review. Among others, ATF has relied on John Kolman, a former commander with the Los Angeles SWAT team, for expert advice on tactical planning and command and control during raids. Kolman is helping ATF develop its curriculum for advanced training for SRT members.

One lesson learned from Waco that can be built upon is that ATF agents can count on each other under fire. All ATF agents involved in the shootout not only acted bravely to help their fellow agents, but they exhibited remarkable discipline when returning fire -- only aiming at armed Branch Davidians. As Director Magaw recently stated, "Waco confirmed that our ATF men and women are capable of individual and collective heroic actions under the most intense firefighting conditions ever experienced in modern law enforcement history."

Post Raid Conduct

After the failed raid, certain ATF officials misled their superiors and the American public. They badly mishandled media relations. Part of the failure was attributable to reliance on line agents who had participated in the exhausting raid to speak to the media. In addition, institutional pressure to protect ATF was partly responsible for ATF's post-raid efforts to claim falsely that the raid commanders did not know they had lost the element of surprise. ATF has established a new policy to promote objectivity and composure in media relations which requires the agent assigned to communicate with the media not to have any other operational responsibilities during crises. Most importantly, ATF's new leadership has emphasized the value they place on truth and integrity -- both when dealing with fellow agents and the media.

Conclusion

Treasury and ATF are building on the lessons learned from the Waco experience to minimize the likelihood that such a tragedy will occur in the future.



DEPARTMENT OF THE TREASURY

**THE BUREAU OF
ALCOHOL, TOBACCO AND FIREARMS**

**Summary of Issues and
Corrective Actions Taken
by the Bureau of Alcohol,
Tobacco and Firearms as
a Result of the Waco, Texas
Raid.**

October 1995

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**A SUMMARY OF ISSUES AND CORRECTIVE ACTIONS
TAKEN BY THE BUREAU OF ALCOHOL,
TOBACCO AND FIREARMS
THROUGH OCTOBER 1995
AS A RESULT OF THE WACO, TEXAS RAID ON
FEBRUARY 28, 1993**

INTRODUCTION

The tragic events surrounding ATF's raid on the Branch Davidian Compound near Waco, Texas, on February 28, 1993, profoundly affected this agency. We mourned the loss of four agents, we cared for our injured, and we honored the bravery of all who participated in the raid. The final step in achieving closure to Waco is to learn from the experience and emerge better prepared to execute our law enforcement responsibilities in the future. To this end, we engaged in a careful self-assessment of what went wrong and why. We considered the views of our own personnel at every level of the organization, we studied the Treasury Review, and we have examined the comments of tactical operation experts.

OVERVIEW

The following report addresses the major problems identified in connection with the Waco raid and describes the corrective actions we have or will be undertaking to ensure that our tragedy of Waco is never repeated. We have attempted to carefully define the problem and offer solutions that are realistic and effective. Some lessons are specific to large-scale operations involving cults, and others apply equally to even smaller operations against the more standard criminal element. Before we address the Waco raid specifically, we will offer in a more general nature the lessons learned from Waco.

The first lesson we learned is that an agency of ATF's size cannot necessarily carry out alone every conceivable tactical operation we might encounter. Until now, the assumption in our National Response Plan was that certain operations were larger or more complex than one division could handle, and assistance from other divisions would be necessary. However, prior to Waco, we did not have a formal plan for involving other Federal agencies when an operation might be larger or more complex than ATF is equipped to handle. Waco taught us that we must be prepared to seek help and assistance from other agencies when necessary.

In addition, the Waco experience taught us a number of valuable lessons on the planning, execution, and postraid aspects of an enforcement operation.

PLANNING

- Raid planners must have accurate and timely intelligence.
- Raid planners must have training in a wide range of tactical options.
- Raid plans must contain carefully constructed contingency plans so that the momentum of going forward does not take control over rational decision making.
- Raid commanders must be chosen based on their ability to handle the type of operation involved and not simply on the basis of territory jurisdiction.

EXECUTION

- Raid commanders must receive accurate and timely intelligence.
- Raid commanders must have clearly defined duties and responsibilities.
- The incident commander must be located at the command post where he/she can have access to all relevant intelligence and operational developments.
- There is a need for greater attention to operational security.

POSTRAID

- In crisis situations, agents who are emotionally involved and exhausted should not be left to handle media relations.
- ATF personnel, at all times, must be prepared to tell the truth and admit mistakes. If misstatements are made, correct them as quickly as possible.

The corrective actions described in this report address specific failures identified in connection with the Waco raid, but these actions will also ensure that we operate in accordance with the more general principles described above.

FINDINGS AND CORRECTIVE ACTIONS

I. SACs/ASACs WITH LIMITED SPECIALIZED TACTICAL EXPERIENCE/TRAINING WERE INAPPROPRIATELY USED TO OVERSEE LARGE-SCALE ENFORCEMENT OPERATIONS.

DISCUSSION:

ATF's National Response Plan, ATF O 3350.10, dated February 18, 1993,¹ was the subject of significant discussion in the Treasury review. In subsequent conversations with John Kolman, who served as a tactical consultant for the review team, it was learned that the directive was perceived as an effective deployment plan, but it was flawed in certain critical areas. The most significant deficiency required the special agent in charge (SAC) in the geographic area wherein the major operation was occurring to be assigned as "Incident Commander," with no consideration given as to that individual's background or experience. Similarly, assistant special agents in charge (ASACs) who serve as "Tactical Coordinators" must have specialized training and experience to serve in this critical role. Accordingly, certain modifications were required.

CORRECTIVE ACTIONS:

A. Rewrite National Response Plan to Correct Deficiencies

ATF's National Response Plan is an activation protocol for critical incident management to effectively respond to an incident of national proportion in a timely fashion, jointly or independently of any other law enforcement agency. Its objectives are to preserve life, to ensure the coordinated response and rapid

¹ National Response Plan, ATF O 3350.10, dated February 18, 1993; Bates Stamp Number 06719-06740.

deployment of ATF manpower and resources to a known or anticipated critical incident when the situation exceeds the capabilities and/or resources of one field division, and to enforce the laws over which ATF has jurisdiction. This plan is currently under revision concerning the Bureau's Special Response Team (SRT) restructuring.² ATF has determined it can be better served by reducing the SRTs from 24 divisional teams to 5 regional teams. With the implementation of the regional teams, a revision in the current National Response Plan was needed as it applies to a tactical response by ATF. The "Incident Commander" and "Tactical Coordinator" positions in the plan have been redefined, and high criteria have been established for individuals selected for these positions. From our Waco experience, it is clear that the individuals selected to fill these key positions must be significantly detached from the investigation so that they can be objective in their decision making. In addition, areas such as operational security and intelligence functions have been addressed.

B. Provide Command and Control Training

In drawing from our Waco operation, we learned that serious mistakes were made in our command and control structure. More specifically, not all high-level personnel had a clear understanding as to who had the authority to abort the raid, and indeed, certain individuals who did were in helicopters and not readily accessible to tactical leaders. To correct this deficiency, policy changes, as well as training, were required. ATF contacted the U.S. Army Training and Doctrine Command regarding its need for command post training. This training includes Tactical Operations Center functions, stress/crisis management, media relations, and decision making. ATF developed a list of 35 individuals to receive this training.

² Draft revision of the National Response Plan; Bates Stamp Number 026630-026651.

They comprise ATF's Crisis Incident Management Response Team (CIMRT).¹ These individuals consist of top Headquarters management personnel, SACs and ASACs, firstline supervisors, and a select group of special agents who will act as advisors to the aforementioned and who will become ATF's future leaders.

ATF's CIMRT members attended this training in September 1994. Several CIMRT members also received training from the Los Angeles Police and Sheriff's Departments in handling critical incidents.

Future training will include attendance at the aforementioned school by other members of the CIMRT program. The Special Operations Division (SOD) is also planning a joint venture with the International Association of Chiefs of Police (IACP) for FY 96. This training operation will involve the activation of multiple SRTs with the utilization of the CIMRT under ATF's National Response Plan. Also contained in this training will be ATF's Enforcement Operations Center (EOC) at Bureau Headquarters. This exercise will require the coordination of all facets of a national incident from the field to Bureau Headquarters much like what was involved in ATF's response to the bombing of the Oklahoma City Federal building.

The CIMRT was recently activated during the Oklahoma City bombing, which occurred on April 19, 1995. CIMRT was used to run the Enforcement Operations Center (EOC) located in Headquarters and the on-scene command located in Oklahoma City. This lasted for over 2 weeks until the situation was downgraded from search and rescue to investigative.

The CIMRT program is constantly being updated due to the changes taking place inside ATF management in order to achieve higher goals for its employees. During FY 95, ATF sent first line supervisors, senior managers, public information

¹ ATF's Crisis Incident Management Response Team (CIMRT) Chart; Bates Stamp Number 026652.

officers, and National Response Team (NRT)/SRT team leaders to crisis management schools given by the U.S. Army and IACP. With the recent personnel moves made by ATF with respect to its executive staff, additional responsibilities will be changed on the CIMRT roster.

C. Provide Crisis Management Training To Key Personnel

ATF implemented training programs and plans for eliminating this deficiency. In September 1993, ATF provided crisis management training to each SRT supervisor and team leader. This training was provided by the IACP. The IACP also provided training to all ATF SACs in March 1994 and to the Director's Headquarters staff in late 1994.⁴ This training continued in FY 95 with one class taking place. There are two classes scheduled for FY 96. To date, 154 ATF employees have been trained in this area. Course attendees in the past have included senior and firstline supervisors; however, five public information officers were added to the list of attendees during a session held in September 1995. Two crisis management classes will be held in FY 96 with a total of 48 students scheduled to attend.

ATF's CIMRT members attended this training in September 1994. Several CIMRT members also received training from the Los Angeles Police and Sheriff's Departments in handling critical incidents.

Future training will include attendance at the aforementioned school by other members of the CIMRT program. SOD is also planning a joint venture with the IACP for FY 96 in this area.

⁴ Training Manual provided by the International Association of Chiefs of Police to ATF trainees on the subject of "Advanced Tactical and Leadership Management." Bates Stamp Number 027252-027452.

D. Recognition of Need for Outside Expertise

Our experience at Waco clearly taught us that the mind set of some criminal organizations and groups falls outside the "normal" behavioral patterns of suspects routinely encountered by law enforcement personnel. For those occasions, it is essential that we identify any unique behavioral patterns and determine if we should seek outside expertise of trained professionals (e.g., cult experts, psychologists, behavioral science personnel, etc.) who could provide analytical advice and opinions for tactical considerations.

ATF realizes the need to seek outside expertise at all levels. We have looked to outside experts from the Treasury Review Committee and the IACP in the development and formulation of both our National Response Plan and our new Advanced SRT Training. We have also looked to outside experts at the State and local level. ATF is constantly contacting individuals involved in all aspects of the tactical arena. We are now instituting a program with the National Tactical Officers Association (NTOA) to link us directly with its data base. This data base will allow us access to a library index of tactical articles and information published by the NTOA, a case law index of legal bulletins concerning tactical operations, a policy index concerning tactical policies and procedures, an operational analysis index that lists analyses of tactical operations from across the country, and a training resource conference that provides a listing of NTOA training materials.

Since 1986, ATF has maintained a joint program with the Federal Bureau of Investigation (FBI) at the Arson and Bombing Investigative Services Subunit (ABIS) of the National Center for the Analysis of Violent Crime. ATF agents assigned to ABIS are trained in the techniques of preparing analyses on serial arsonists and bombers to assist law enforcement in identifying possible suspects based on characteristics particular to incidents.

The concepts employed in these analyses are also applied by ATF to other areas such as on-site crime scene assessments, suspect interviewing techniques, and investigative strategies as they relate to criminal organizations and groups operating outside normal behavior patterns.

ATF has begun an initiative with the U.S. Customs Service (USCS) involving enhanced coordination and cooperation between the two bureaus. Plans are currently being formalized for the sharing of resources, instructors, and information in the area of tactical operations. Several initiatives already underway include:

1. Recognizing that communication is a vital component of any successful endeavor, ATF and the USCS are developing an operational tactical glossary of terms and are standardizing tactical hand signals. This will provide a foundation for effective communication between the two bureaus in all aspects of tactical operations.
2. ATF has assisted the USCS in the procurement of tactical body bunkers. ATF has also provided the USCS with training in the effective use of body bunkers.
3. ATF and the USCS are adopting the same numbering system for identifying buildings during tactical operations.
4. Both bureaus are sharing tactical instructors.
 - a. ATF provided an instructor to the USCS during its Confrontational Safety Awareness programs. This training is provided to teach winning tactics and techniques to individual agents.
 - b. USCS aviation personnel are serving as assistant instructors at ATF's SRT schools.
 - c. The USCS Warrant Entry and Tactical Program Manager attended an ATF SRT basic school as an observer and also assisted ATF with the development of its advanced SRT school.

- d. ATF's SRT Program Manager at Fort McClellan will attend the next USCS tactical school in September as an observer and assistant instructor.

Both bureaus agree that agency-specific needs dictate that advanced tactical training be conducted by each individual agency. However, both recognize that continuing the new enhanced level of cooperation and coordination will ensure the best training for the agencies and even greater success in future joint operations.

Additionally, ATF's Intelligence Division has initiated ongoing intelligence information-sharing meetings that have proven to be useful among all Treasury law enforcement agencies. In this regard, ATF hosted a conference on violent antigovernment groups on July 10, 1995. The U.S. Secret Service hosted a followup meeting on September 27, 1995, to share current domestic intelligence information.

ATF has also had several informal information sharing meetings with representatives of the FBI, primarily concerning violent antigovernment groups. Additionally, ATF field offices routinely contact their FBI counterparts concerning open investigations of violent antigovernment groups.

ATF is currently involved in several pilot programs that promote rapid interagency communications among law enforcement agencies in regard to their ongoing operations. This promotes immediate safety of law enforcement personnel in terms of preventing unintentional operational conflicts. One such program occurring in the Washington/Baltimore HIDTA region is called the Deconfliction Event Information System (DEIS). This program, currently voluntary, allows law enforcement agencies to report any of their anticipated investigatory activity in a particular area to a central HIDTA Watch Center. The DEIS system will allow the querying agency to determine if another agency is conducting an investigation or operation in the same area or on the same individual.

Another ATF initiative is the ATF Gun Hotline. The hotline allows a forum for telephone information on gangs, drugs, and guns to be received. This system is currently in use, by ATF, throughout the United States. Any information that does not directly relate to ATF's jurisdictional purview is immediately given to the appropriate law enforcement agency. In New Orleans, a pilot computer program, called SIUSS, is being tested. The system would allow intelligence data to be rapidly organized for dissemination.

II. THERE WAS A FAILURE OF THE TACTICAL INTELLIGENCE PROCESS TO ENSURE THAT TACTICAL PLANNERS WERE PROVIDED CURRENT AND ACCURATELY EVALUATED INFORMATION.

DISCUSSION:

Although tactical intelligence was generated at various times and locations, no structure was in place that would allow for the flow of information into a central location where intelligence would be analyzed and disseminated to the appropriate individuals.

Had a structure been in place to bring together all available information and make it immediately accessible, the decision makers would have processed sufficient information to abort the raid rather than proceed based on fragmented, inaccurate, and/or misleading information.

CORRECTIVE ACTIONS:

A. Development of a Tactical Intelligence Structure

ATF has developed a program to ensure interface of tactical intelligence with the planning process of the raid by the raid management team (incident commander, case agent, SRT team leaders, etc.). The program, as outlined in the "Intelligence Program Review," dated January 1994,⁵ resulted in the following:

⁵ ATF's Intelligence Program Review dated January 1994; Bates Stamp Number 026504-026529.

- A Program Manager (Major Investigations) position was created in the Tactical Intelligence Branch. This position was selected and became effective on May 29, 1994.
- A field division intelligence officer position has been established in each of the 24 field divisions. The duties of the intelligence officer include the gathering, analysis, and dissemination of intelligence information that affects the field division's area of responsibility and/or which has national ramifications.
- An Intelligence Response Unit (IRU) was assembled and will be available to support major investigations. The unit will consist of a Headquarters Intelligence Division special agent or the Program Manager (Major Investigations), Headquarters intelligence research specialist (IRS), field division intelligence officer, field division IRS, and SRT intelligence officer.

The Program Manager,⁶ Major Investigations, will

Monitor, evaluate, and serve as a conduit for daily intelligence information that is sent through the field division intelligence officers nationwide.

Disseminate intelligence information to the appropriate Intelligence Division IRS for analysis.

Disseminate intelligence information back to the field divisions through the intelligence officer.

Conduct daily intelligence briefings with the Chief, Intelligence Division.

Ensure training of intelligence officers (to include formalized training and handbook).

⁶ ATF's Intelligence Officer Training manual produced in 1994; Bates Stamp Number 026973-027251.

Maintain control of Intelligence Response Teams.
This position has been in place since May 28, 1994.

The field division intelligence officer⁷ (IO) will

Collect, evaluate, and prepare preliminary analysis of intelligence information for the field division.

Write intelligence reports and timely disseminate these reports to the Intelligence Division through the Program Manager, Major Investigations, and when appropriate, to the field division special agents.

Assist the field division SAC and Headquarters Intelligence Division with the identification of intelligence targets for the field division.

Serve as liaison with other law enforcement intelligence units.

Conduct intelligence, from case initiation, for all major investigations that affect the field division.

The SRT IO will

Be selected from each SRT team and trained in tactical intelligence techniques.

Coordinate all SRT-related tactical intelligence.

Be a member of the IRU and assume responsibility for disseminating SRT-related tactical intelligence information to other team members.

⁷ Memorandum dated April 20, 1994 Intelligence Officer Position; Bates Stamp Number 026536-026539. Also Intelligence Officer position description dated April 23, 1994, Bates Stamp Number 026540-026544.

The IRU¹ will

Monitor, coordinate, and serve as a point of contact for all intelligence information pertaining to major investigations.

Provide all analytical intelligence assistance for a major investigation.

Be responsible for the timely dissemination of information to the management team and Headquarters management.

B. Assigning of Specific Responsibilities

To ensure effective interface during major investigations, the following will be adhered to:

1. The Program Manager, Major Investigations, will have oversight of all intelligence operations for the investigation. This will include surveillance, debriefing of informants and undercover special agents, intelligence data bases, intelligence gathered from other sources, etc. The program manager will be supported by the IRU.
2. The program manager and IRU will disseminate all available intelligence information in an accurate, timely manner to the raid management team and Headquarters management.
3. When it is not necessary for the program manager to be present at the scene, the field division intelligence officer will assume responsibility for the coordination of all intelligence matters. The program manager will continue to monitor these investigations and give timely briefings to the Chief, Intelligence Division and Headquarters management.

¹ ATF description of the Intelligence Response Unit dated March 16, 1994; Bates Stamp Number 026916. Also ATF's "Activation Plans for ATF's Intelligence Response Unit"; Bates Stamp Number 026917-026923.

4. In the case of an investigation involving several field divisions, multiple intelligence officers and field IRSs will be on the IRU.

C. Improved in-house Intelligence Support to ATF Field Divisions

1. An annual training program for field IOs has been developed and implemented. A 2-week IO Training Course was initiated in September 1994. An IO Conference was held in July 1995.⁹
2. Intelligence checklist on ATF's Local Area Network (LANS) computer system was created and implemented. The intelligence checklist was designed to assist special agents concerning all of the intelligence resources that are available, and it provides them with a document with which to track these resources.¹⁰
3. Intelligence News was created and implemented on the LANS. This forum allows time-sensitive intelligence information to be made available to all special agents on a daily basis.
4. Enhanced intelligence sharing with other agencies is accomplished on specific cases and regular intelligence information sharing meetings.
5. The Intelligence Division expanded the number of intelligence publications produced. Nine bound intelligence publications were produced in FY 95, six of which were first-time publications. They included the following:
 - a. Violent White Supremacist Gangs
 - b. Militia Overview

⁹ Intelligence Officer Training manual produced in 1994; Bates Stamps Number 026973-027251.

¹⁰ ATF Intelligence Program Review, dated January 1994; Bates Stamp Number 026526-026529.

- c. Russian OC
- d. Destructive Sects and Cult-Type Groups
- e. Information Security on secure documents
- f. Operation Security Lessons Learned

Bound publications were up over 40 percent from FY 94 to FY 95 and distribution to State and local law enforcement agencies also surpassed the previous year. Three additional publications are in the process of being printed:

- International Traffic in Arms (ITAR) Publication
- Militia Update
- Hells Angels World Run

- 6. There is now a greater involvement of the Intelligence Division in foreign field offices.

The International Enforcement Branch (IEB) was transferred into the Intelligence Division where it is more appropriately located.

Expanding the responsibilities of IEB has been enacted, realigning all of our foreign field offices under the Intelligence Division.

On-site reviews of the operations of intelligence division employees assigned outside of ATF Headquarters including Lyon, France; Ottawa, Canada; Bogota, Colombia; Mexico City, Mexico; El Paso, Texas; and Johnstown, Pennsylvania.

- 7. Increase collection and dissemination of intelligence information with Regulatory Enforcement.

- a. Assigned a Regulatory inspector to the Tactical Intelligence Branch on August 21, 1995. This is the second inspector who has been assigned to the division.

- b. Developed a joint Regulatory/Criminal Enforcement Alcohol/Tobacco Training Program in mid-1995. A conference was held from September 11 to 15, 1995, in order to accumulate data and share information to be used in this new initiative. The conference was attended by 60 people, including special agents, Regulatory field inspectors, Chief Counsel, and management. Presenters at this conference included the Royal Canadian Mounted Police, staff from the Department of Justice, and two assistant U.S. attorneys.
 - c. Developed joint alcohol/tobacco training course.
 - d. Enrolled a Regulatory inspector into IO Training.
 - e. Established monthly meetings with Regulatory Enforcement Branch level personnel.
 - f. The Chief, Intelligence Division began periodically attending Regulatory Enforcement DAD(RE)/Division level staff meetings in July 1995.
 - g. In March 1995, began routinely providing Regulatory personnel intelligence briefs.
8. During FY 95, 10 Advanced Serial Case Management (ASCME) requests for assistance were conducted. The ASCME computer software program assists special agents with analytical and intelligence support in the event of major case incidents.
9. An ATF ASCME training course¹¹ has been developed to meet the demands on this program while at the same time decreasing training costs by eliminating contractor training. In

¹¹ ATF's "Advance Serial Case Management System manual produced in 1995; Bates Stamp Number 026817-026904.

September 1995, this course was presented at the Federal Law Enforcement Training Center to 26 employees. Course participants included intelligence analysts, investigative assistants, intelligence clerks, and special agents. In addition, appropriate portions of this course will be taught during the explosives segment of NRT to special agents.

10. An increase in on-site case specific support has been provided to field divisions on several occasions. This includes on-site support to the Nashville, San Francisco, Los Angeles, New Orleans, and Dallas Field Divisions.
 11. Both toll analysis and link analysis requests were up in FY 95.
 12. The IRU was created to assist special agents in intelligence matters on major investigations.
 13. One fulltime Headquarters IRS was assigned to work asset forfeiture/major cases.
 14. A threat data base to track and analyze the increasing number of threats received by Bureau personnel has been developed.
 15. Intelligence News on our LANS published over 150 articles in FY 95. Also, retrieval capabilities through word search were added in FY 95.
 16. Over 20 intelligence briefs were sent to both Criminal Enforcement and Regulatory Enforcement during the past 6 months.
 17. The Intelligence Division has routinely coordinated with Training and Professional Development personnel on course development and foreign training issues.
- D. Better intelligence coordination between SRTs and Investigating Agents

Intelligence officer positions were created in the SRTs. This position assists the SRT with time-sensitive tactical intelligence information.

E. Implement an audit program to continually ensure proper utilization of the existing field division IRGs and IOs

III. LACK OF OPERATIONAL SECURITY.

DISCUSSION:

The Waco report has identified several operational security deficiencies in the preparation and execution of the raid at the Branch Davidian Compound.

The Waco report particularly identified the following flaws in the operational security:

1. Advance notice was given to an ambulance service during final preraid preparations, which resulted in the raid being compromised.
2. Mass movement of ATF vehicles and personnel from Fort Hood to Waco occurred on Sunday morning, February 28, 1993.
3. Communications concerning the pending operation took place with the Waco Tribune.
4. An agent was not assigned to oversee operational security.
5. Nonsecured cellular telephone communications and radio traffic in the clear (nonsecured) mode was occurring prior to, during, and following the attempt to execute the raid.

CORRECTIVE ACTIONS:

A. Develop Policy

ATF has developed an operational security policy that supplements the National Response Plan. This plan identifies a special agent as the operational security supervisor of large operations. This supervisor will be solely responsible for all operational security in support of the mission and will have the authority, through the commanders involved in the operation, to remove persons who do not adhere to security policies. The supervisor will also be involved in developing and overseeing the plans of the operation in an effort to ensure operational security in all facets of the mission.

B. Provide Training

ATF is in the process of implementing several changes in training programs in an effort to develop a more comprehensive awareness of operational security for all special agents. We have received training in operational security from the National Security Agency and the U.S. Secret Service.

ATF has implemented operational security training¹² in a crisis management course for all SACs and ASACs.¹³ This course has been designed by the IACP. It will heighten all potential field commanders' awareness of our need to be ever mindful of such pitfalls that could compromise an investigation.

C. Expand In-House Capabilities

On September 17, 1995, a new position of Program Manager, Operations Security, was filled in ATF Headquarters and is assigned to the Deputy Associate Director Criminal Enforcement (Programs). The incumbent will develop policies and programs on a national level to enhance operational security within ATF.

ATF has also expanded its in-house capabilities to provide medical support with operational security. It has entered into a memorandum of understanding (MOU) with the Uniformed Services University of the Health Sciences Casualty Care Research Center which will provide ATF with medical support teams for specific law enforcement operations.¹⁴ Further details of this program are emphasized in finding "V" of this report.

¹² Operational Security Lessons Learned, dated June 15, 1995; Bates Stamp Number 026714-026733.

¹³ Investigative Operational Security Course Outline; Bates Stamp Number 026747-026750. Also ATF B 8800.1, Disposing of Sensitive but Unclassified Information; Bates Stamp Number 26751.

¹⁴ Memorandum of Understanding between ATF and The Uniformed Services University of the Health Sciences; Bates Stamp Number 026963-026965. Also ATF's Emergency Medical Program Position Paper; Bates Stamp Number 026752-026754.

ATF is in the process of developing a higher level of security regarding radio communications. On each operation, ATF will examine the operational security of radio communications, in particular, use of the digital encryption privacy mode for all members of the operation. The digital encryption privacy mode prohibits the interception of communications by subjects, news media, or the general public. On special operations, ATF would also consider providing Bureau communications to any assisting State and local law enforcement. This would enable ATF to become self-reliant and would eliminate the need to use additional outside law enforcement communications. ATF is planning to utilize an updated communication system that will enable each radio to receive a secure digital encryption code change over the radio frequency.

In this way, ATF will be able to make secure code changes to all radios simultaneously during an operation without having to change each radio code manually.

Additional secure communication measures are provided for under ATF's regional SRT concept. Portable cellular secure telephone units (STU) and STU facsimile machines will be used to enhance operational security. Operations plans and other sensitive documents will be sent via STU facsimile to prevent unauthorized interception. Utilization of cellular STU telephones will ensure that voice communications will not be compromised.

IV. ATF'S POLICY WAS INADEQUATE IN DEALING WITH THE MEDIA.

DISCUSSION:

The Waco review pointed out several areas where ATF performed poorly in its interaction with the news media. This experience has enabled us to identify our weaknesses so that we may improve our performance in future crisis situations.

CORRECTIVE ACTIONS:

A. Proper Public Information Officer Selection

In crisis situations, maintaining command and control is critical, but just as critical is the need to communicate quickly and effectively with the media and the public.

A tremendous burden is placed on personnel who are emotionally and physically involved in the situation. As soon as it is practical, personnel who are not involved in the command and control of the operation should assume responsibility for interacting with the media on a routine basis.

In future crisis situations, personnel assigned to the operation, in order to provide the public and the media with initial information, should not be given other operational assignments during the crisis situation.

B. Quality Control and Accountability

A law enforcement crisis will generate national and international media attention. Command and control of the public information process will transfer to the Director and Deputy Director through the Assistant Director (Liaison and Public Information). This will ensure the timeliness of information being forwarded (not in competition with vital operational decisions) and appropriate coordination of information.

When misstatements are made or contradictory statements are reported, every effort will be made to determine the facts and correct the inaccuracies.

The field public information officers and Headquarters public information managers are included in the agency's Crisis Management Training Course for senior managers and incident commanders.

Those responsible for public communications during a crisis will actively participate in planning sessions both prior to and during the crisis. This is essential to providing accurate information and to preventing the mishandling of sensitive information that could impair operational plans.

C. Media Response Team

The Office of Public Information has been working with the Enforcement Directorate on developing a Media Response Team concept. The Media Response Team will be comprised of senior special agents with extensive experience as public information officers in national incidents. They will coordinate the activities of media response teams and provide on-site public information oversight

and coordination with the Headquarters Office of Public Information. For example, in the Oklahoma City bombing, two public information officers were included in the response, and they shared office space with the incident commanders.

D. Crisis Communications Policy

Personnel from the Office of Public Information have met with representatives from BP Oil and Pepsico to discuss how they handle crisis management at their companies. Field public information officers have also obtained crisis management plans from many companies for staff review. In addition, we are also receiving proposals from companies that may assist the Bureau with training in crisis management/communication.

ATF's EOC has also developed a detailed, four-level notification and coordination protocol for major incidents.¹⁵ It provides for a procedure in which all ATF senior managers can be immediately notified and brought together to appropriately respond to major incidents.

There are several categories of callouts, most of which include contacting either the Assistant Director, Liaison and Public Information, or the Chief, Office of Public Information.

E. Public Information Officer Conferences

The first national Public Information Officer Conference was held in 1993, and focused on post-Waco improvements to our public information program. In June 1995, a training conference for the public information officers nationwide focused on crisis management. Speakers for the course included Lieutenant Robert O'Toole of the Boston Police Department Office of Public Information, and Ms. Lee Hancock, Lead Reporter with the Dallas

¹⁵ ATF's New Notification Procedures for Bureau Officials released in the memorandum of April 10, 1995, and addressed in the briefing paper dated February 17, 1995; Bates Stamp Number 026966-026972.

Morning News. Lieutenant O'Toole spoke regarding the public information officer's role in crisis management. Ms. Hancock spoke on the reporters perspective of the Waco and Oklahoma City incidents.

F. Restructuring

As a result of ATF's restructuring, the functions of ATF's public affairs and congressional affairs offices have been divided between one executive office and one directorate. The Liaison and Public Information Directorate now includes both the public information and liaison functions and is the clearinghouse for all information disseminated to the press and the public. This office coordinates closely with both the Public Affairs and Enforcement Offices at the Treasury Department. ATF's Executive Assistant, Legislative Affairs oversees all congressional matters for the agency in coordination with both the Legislative Affairs and Enforcement Offices at the Treasury Department.

V. ATF'S SRT CAPABILITIES WERE TOO LIMITED.

DISCUSSION:

Although the departmental review praised the discipline and heroic acts of ATF/SRT personnel, it also pointed out a need to expand the capabilities of the SRT. More specifically, the review correctly concluded that the teams should be better equipped and provided with more specialized training.¹⁶

CORRECTIVE ACTIONS:

The implementation of the Regional SRT Program will greatly enhance ATF's tactical capabilities. The teams will consist of 30 special agents; team positions will include a fulltime SRT team leader, four assistant team leaders, a Forward Observer team, two tactical intelligence agents, and a

¹⁶ Draft ATF O 3210.9A, Guidelines for the Use of Field Division Special Response Teams; Bates Stamp Number 026653-026713.

crisis negotiation coordinator. The regional team concept reduces the number of agents currently in the program but improves the overall quality of the teams. The regional teams will receive advanced training in all areas of tactical operations. In addition, these teams will be under the direction of the SAC of the Tactical Response Branch (TRB). This direct line of authority will lead to more effective management of training, operations, and resources.

The TRB has developed "The Operational Risk Assessment"¹⁷ designed to identify critical elements that effect high-risk tactical operations in an effort to increase the safety to all agents, other law enforcement officers, suspects, and the public involved in tactical operations. The operational risk assessment is divided into four major categories to include the type of enforcement activity, the criminal history of the suspect/associate, the weapons possessed by the suspect/associate, and the location of the suspect/associate. Each major category is divided into subcategories. Each subcategory is assessed a numerical value. The numerical sum of all the categories is the starting point for development of the operational plan. Based on the information gathered from the operational risk assessment, planners will have at their disposal critical intelligence information needed to develop an operational plan. On a case-by-case basis, the tactical options considered may include use of rouses to lure out the suspect/associates and give law enforcement the advantage, the use of crisis negotiators to negotiate the crisis to a peaceful solution, waiting the suspect out, and as a last resort making a static entry. Given the choice, the first tactical option will be luring the individual out which will reduce the risks to the public and agents and ensure a safe peaceful resolution to the situation. ATF managers and in particular, SRT team supervisors, are firmly committed to the principle that a dynamic type entry is the last resort for any enforcement activity, and only to be used when all other options have been exhausted.

¹⁷ Draft Operational Risk Assessment; Bates Stamp Number 026628-026629.

The implementation of the ATF operational plan was necessitated by the increase in violence encountered by agents during the execution of search warrants, arrest warrants, and undercover operations. The operation plan is designed to identify parameters of enforcement operations in an effort to increase the level of preparation and safety of all agents.

The ATF operation plan will be prepared during the planning process of all search warrants, arrest warrants, and undercover operations where ATF is the responsible agency for any one of the above enforcement activities. The use of a well written operations plan in concert with a thorough briefing substantially enhances the safety of the agents, public, and suspects.

A. Develop Better Contingency Plans/Perimeter¹¹

The SRT training developed after the Waco investigation at Fort McClellan, Alabama, includes several small-scale tactical problems and one large-scale tactical problem. These will require the teams involved to plan for perimeter security and support. A contingency plan will also be required to support the primary raid plan. This contingency plan must be incorporated into every phase of the raid plan from method of arrival through securing the scene.

B. Develop Interface Between SRTs and Forward Observer Teams

Forward observer teams were invaluable at Waco but could have been used more effectively. These teams should have been involved in formulating the tactical plan and deployed strategically in order to provide 360-degree coverage of the compound. Furthermore, although this was a new program with ATF, the forward observer training needed to be formalized and expanded so that intelligence gathering techniques, as well as shooting skills, could be emphasized.

¹¹ ATF Special Response Team Forward Observer Training; Bates Number 07010-07272.

In order to improve this program, ATF's training in this area has been greatly modified. Our first extended SRT training was held in October 1993. It included classroom instruction, as well as practical exercises in the integration of the forward observers into the SRT program.

C. Develop Hostage Negotiation Capabilities

At present, the TRB, in conjunction with the Houston Police Department, has developed a Hostage/Crisis Negotiations School for agents in each field division who are selected by their SAC to attend a basic course in this discipline. The training consists of an 80-hour course on the art and science of hostage/ crisis negotiations. The first training course for 24 special agents was completed on September 29, 1995.

D. Pursue Title III Application

ATF currently has Title III authority for use in the investigation of specific firearms and explosives violations. ATF has incorporated a course on the emergency application for Title III interception into its 2-week Hostage/Crisis Negotiations School. ATF will also incorporate this same course into the next advanced SRT school.

Under current status, no specific Title III authority exists for ATF to gather criminal intelligence for the express purpose of agent safety. However, the possibility does exist that during the course of conducting a routine and lawfully obtained Title III intercept, information may be acquired which could be utilized to avoid a possible crisis situation.

E. Weapons/Special Equipment Selection and Training

Much discussion has been generated regarding the types of weapons carried by ATF agents at Waco. Because the plan called for the quick entry into a thin-walled structure that contained both women and children, only a limited number of AR-15 rifles were requested by SRT team leaders to complement the MP-5 tactical carbines carried by other agents.

Once the firefight occurred, some agents recognized that their supply of ammunition was limited, as others expressed concern over the lack of AR-15 rifles that had been made available.

Suffice to say, hindsight clearly reflects that there was insufficient weaponry, ammunition, and tactical capabilities (e.g., smoke, tear gas, etc.) to successfully overcome such an unprecedented attack. However, our need to constantly review our weaponry, policies, and equipment is a valid issue.

Currently, all ATF agents are armed with Sig Sauer .9mm semiautomatic pistols. In addition, auxiliary firearms, tactical carbines, shotguns, and Colt AR-15 rifles are issued and/or available to all agents. Members of the forward observer teams are issued .308-caliber Remington sniper rifles. Agents must qualify quarterly with their issued weapons (with the exception of members of the forward observer teams who qualify on a monthly basis).

Furthermore, SRTs have specialized training and capabilities in the following areas:

- **Diversionsary Devices** - All field division SRTs are qualified to use diversionsary devices (tactical equipment designed to create a noise distraction in order to give additional time advantage to law enforcement personnel when executing some high-risk warrants).
- **Tear Gas** - This training has now been incorporated on a limited scale into the SRT training at Fort McClellan.

F. Improved Command Post Management

The need for improved command post operational management became apparent following the Waco operation. A need was recognized to train SAC/ASAC personnel on how to set up a functional command post. This training has been incorporated into the crisis management training and is provided to ATF management and SRT team leaders by the IACP.

G. Enhance Technology

ATF's SOD conducts ongoing research to continually improve the technology and tactics used by the SRTs. As a result of this effort, all ATF field agents have been issued new level III body armor. SOD has acquired Simrad night vision equipment for use by SRT forward observers. SOD's Air Operations Branch currently has seven OV-10 aircraft which are equipped with a forward looking infra-red system (FLIR). The FLIR is an advanced thermal imaging system which can be used in conjunction with SRTs for surveillance in condition of low visibility or darkness.

H. Teach Nondynamic Entry Techniques

A large number of ATF high-risk warrants involve narcotics. One of the goals of the SRT in these cases is to "dynamically" secure the premises before suspects have an opportunity to destroy the evidence or to resist the agents in any manner. This type of entry is common with most Special Weapons and Tactics (SWAT) teams, especially those that serve drug warrants. This is the most common technique used by SRTs, and training in this area is extensive at Fort McClellan during the SRT basic school.

Some teams, including the Los Angeles SWAT, are hesitant to use dynamic entries when there is no evidence on the premises that can be easily destroyed. They prefer to surround the premises and, from covered positions, call the subjects out. Even though this technique has some negative aspects (subjects can refuse to come out, neighborhood has to be evacuated, etc.), it has enough merit for our SRTs to always consider using this as the first option when planning tactical operations.

The SRT basic course curriculum has been revised to include instruction of some on the techniques needed to conduct siege operations. The development of the hostage negotiation program will further provide the teams with the resources needed to make this option more viable. The new basic school will also emphasize that dynamic entries are the last option, and containment callouts should be considered whenever possible.

In May 1994, ATF invited select members of our SRT instructor cadre, experts from the IACP, and members of the USCS Warrant Entry Team training cadre to Fort McClellan to assist in the development of our Advanced SRT Training. As a carryover from our Basic SRT Training, areas such as operational planning, contingency planning, and interfacing between SRTs and forward observers will continue in our advanced school.

I. Expand Medic Program

In August 1993, ATF conducted a Pre-hospital Trauma Life Support course for 52 special agents and Bureau Headquarters personnel. Two agents from each field division and the ATF National Academy attended. The training was held at Fort Bragg and was given by U.S. Army Special Forces medics.

In addition to the above, a MOU has been established between ATF and the Uniformed Services University of the Health Sciences (USU) Casualty Care Research Center, a Department of Defense agency that employs a multitude of combat trained physicians, nurses, and paramedics who continually support law enforcement agencies throughout the country. This MOU encompasses training a select number of ATF agents as national register emergency medical technicians (EMTs), and as advanced tactical emergency medical technicians, who are capable of functioning in extremely volatile law enforcement situations.

In addition to training under the aforementioned MOU, the USU will also provide medical consultation services to ATF, as well as advanced medical support (e.g., doctors, nurses, paramedics) for out agents in dangerous situations.

Working in close conjunction with the USU, the TRB proposes to train two or three agents per field division as national register EMTs. This proposal has already been initiated with the participation of 24 agents in a 3-week intensive National Emergency Medical Technician School. This school was sponsored by the USU and supported by ATF's SOD and the Training and Professional Development

directorates in July 1995. Another basic national EMT school is already scheduled for January 1996, in addition to an advanced Tactical Emergency Medical Technician School, which is scheduled in August 1996. This school will include the attendance of all ATF EMT certified agents who have previously attended the Basic National Register EMT class in July 1995, as well as the agents scheduled for the January 1996 school.

Once trained and certified, the agent EMTs will be able to support all tactical situations in the field whether SRT-related or not. This would include undercover operations, NRT operations, and any other potentially dangerous law enforcement operations encountered by ATF. This ability alone will add an important level of agent safety.

In addition, these SRT EMTs will be capable of training all agents in first aid/first responder techniques as well as cardiopulmonary resuscitation. Because of the in-house nature of this training, the emergency medical knowledge obtained by each agent in the field will remain up-to-date and very cost effective.

VI. LACK OF UNDERCOVER CONTROLS (TO INCLUDE FIXED SURVEILLANCE OPERATIONS).

DISCUSSION:

The undercover operation lacked a control agent to debrief the undercover agent and transmit the information developed by the undercover agent to the incident commander/management team.

CORRECTIVE ACTIONS:

A. Policy Development

As investigations become more complex and extensive, coordination and direction of all facets of the investigation may well exceed the capabilities of the case agent.

ATF's Tactical Intelligence Branch, Intelligence Division, has developed a formal policy and training program to address this issue. ATF Brief 3220.2, entitled, "Oversight and Control of Undercover and Surveillance Operations," was

adopted on August 22, 1994, and is currently in place.¹⁹

According to the brief, at the discretion of the SAC, the field division IO may be used to assist the case agent in large investigations to ensure that undercover and surveillance activities are properly conducted and that the information required from these activities is properly collected, documented, and evaluated. During these investigations, the IO should also ensure that the information is disseminated to those requiring it in a timely and accurate manner. The IO is not part of the supervisory chain of command and operates under the direction and control of the supervisor responsible for the investigation he/she is assisting on.

B. RESPONSIBILITIES

When the SAC designates the IO to assist during a long-term and/or large-scale undercover operation, the IO will ensure that the responsibilities of the undercover and surveillance agent(s) are clearly defined and adhered to and that the following is accomplished:

1. Debriefing of the undercover agent(s) as soon as possible after an undercover contact and dissemination of developed information to appropriate individuals in a timely manner.
2. Maintenance of an accurate undercover activity log.
3. Timely preparation of written reports of contacts by undercover agents.
4. Proper and accurate maintenance of a surveillance log.

¹⁹ ATF B 3220.2 Oversight and Control of Undercover and Surveillance Operations dated August 22, 1994; Bates Stamp Number 026534-026535. Also memorandum dated February 22, 1995, Guidelines for Sensitive Undercover Operations; Bates Stamp Number 026799-026813.

5. Proper handling, storage, and duplication of surveillance evidence (e.g., photographs, videos, audio recordings). Ensure timely dissemination of this evidence to appropriate individuals.
6. Ensure that proper equipment is utilized in intelligence gathering operations.
7. Implementation and adherence of proper communications and operational security procedures.
8. Ensure that the raid management team must have the most up-to-date and complete intelligence information available to use in their raid planning.

ATF has made significant strides to enhance the Bureau's undercover operations. Recently, SOD developed a uniform operational plan.²⁰ This operational plan provides several essential guidelines, while stressing the safety of agents, violators, and the general public. ATF is also establishing guidelines for sensitive undercover operations and subsequent review by the newly formed undercover review committee (URC). The URC is comprised of upper level supervisory personnel who will be responsible for reviewing and approving all sensitive undercover operations. These sensitive guidelines require the ultimate approval and consultation of the Associate Director (Enforcement).

ATF has implemented ATF 3210.9, Development of Sensitive Undercover Guidelines, which outlines the duties of the Undercover Review Committee and the manner in which they examine and approve sensitive undercover operations.²¹

²⁰ ATF B 3210.8, Implementation of ATF Operational Plan, dated January 27, 1995; Bates Stamp Number 026601-026611.

²¹ ATF B 3210.9, Development of Sensitive Undercover Guidelines and Undercover Review Committee dated May 5, 1995; Bates Stamp Number 026612-026627.

VII. ATF HEADQUARTER'S RESTRUCTURE

In order for the changes made at ATF after Waco to truly make a difference, the Director determined that ATF needed to completely revamp the way it does business on a broader scale. He determined that ATF needed to improve its organizational structure.²²

Director Magaw completed the restructuring of his Headquarters staff in October 1994. He believed that the successful future of ATF was dependent upon a well-trained, professional work force, and to this end, he elevated the training function to an executive level position, and created the Training and Professional Development directorate. Furthermore, in the face of constant demands to do more with less, he created a Science and Information Technology directorate to ensure that ATF would keep pace with science and technology developments that can improve our effectiveness. On science and technology issues, ATF now coordinates with other Treasury agencies through the Treasury Enforcement Council. He also strengthened the internal review processes to provide for a strong, well-staffed inspection unit to conduct both operational reviews and internal investigations.

Additionally, Director Magaw established the Office of the Ombudsman to provide all levels of the Bureau direct access to the Office of the Director.

²² Approved Restructuring Proposal, September 1994; Bates Stamp Number 26322-26500.

CONCLUSION

No law enforcement operation is risk free, and not all mistakes can be eliminated by systemic changes. The human factor of making difficult decisions under stressful circumstances is inherent in law enforcement operations. The existing ATF systems and the quality of people involved have, in fact, established a remarkable track record of success in carrying out our mission. What we have learned from Waco, however, is that despite these successes, there are a number of areas where we were deficient. The events of Waco taught us painful but important lessons that cause us to improve our ability to safely and effectively carry out a mission that brings us into contact with some of the most violent and dangerous criminals in America.

REFERENCES

¹ National Response Plan, ATF O 3350.10, dated February 18, 1993; Bates Stamp Number 06719-06740.

² Draft Revision of the National Response Plan; Bates Stamp Number 026630-026651.

³ ATF's Crisis Incident Management Response Team (CIRMT) Chart; Bates Stamp Nuber 026652.

⁴ Training Manual provided by the International Association of Chiefs of Police to ATF trainees on the subject of "Advanced Tactical and Leadership Management." Bates Stamp Number 027252-027452.

⁵ ATF's Intelligence Program Review dated January 1994; Bates Stamp Number 026504-026529.

⁶ ATF's Intelligence Officer Training Manual produced in 1994; Bates Stamp Number 026973-027251.

⁷ Memorandum dated April 20, 1994, Intelligence Officer Position; Bates Stamp Number 026536-026539. Also Intelligence Officer Position Description dated April 23, 1994; Bates Stamp Number 026540-026544.

⁸ ATF Description of the Intelligence Response Unit dated March 16, 1994; Bates Stamp Number 026916. Also ATF's "Activation Plans for ATF's Intelligence Response Unit"; Bates Stamp Number 026917-026923.

⁹ Intelligence Officer Training Manual Produced in 1994; Bates Stamp Number 026973-027251.

¹⁰ ATF Intelligence Program Review, dated January 1994; Bates Stamp Number 026526-026529.

¹¹ ATF's "Advance Serial Case Management System Manual produced in 1995; Bates Stamp Number 026817-026904.

¹² Operational Security Lessons Learned, dated June 15, 1995; Bates Stamp Number 026714-026733.

¹³ Investigative Operational Security Course Outline; Bates Stamp Number 026747-026750. Also ATF B 8800.1, Disposing of Sensitive But Unclassified Information; Bates Stamp Number 026751.

¹⁴ Memorandum of Understanding between ATF and The Uniformed Services University of the Health Sciences; Bates Stamp Number 026963-026965. Also ATF's Emergency Medical Program Position Paper; Bates Stamp Number 026752-026754.

¹⁵ ATF's New Notification Procedures for Bureau Officials released in the memorandum of April 10, 1995 and addressed in the briefing paper dated February 17, 1995; Bates Stamp Number 026966-026972.

¹⁶ Draft ATF O 3210.9A, Guidelines for the Use of Field Division Special Response Teams; Bates Stamp Number 026653-026713.

¹⁷ Draft Operational Risk Assessment; Bates Stamp Number 026628-026629.

¹⁸ ATF Special Response Team Forward Observer Training; Bates Stamp Number 07010-07272.

¹⁹ ATF B 3220.2, Oversight and Control of Undercover and Surveillance Operations dated August 22, 1994; Bates Stamp Number 026534-026535. Also memorandum dated February 22, 1995, Guidelines for Sensitive Undercover Operations; Bates Stamp Number 026799-026813.

²⁰ ATF B 3210.8, Implementation of ATF B Operational Plan, dated January 27, 1995; Bates Stamp Number 026601-026611.

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