

COPY Waco

# United States District Court

WESTERN DISTRICT OF TEXAS

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

## SEARCH WARRANT

residence of Vernon Wayne Howell, and others, Rt 7 Box 471-B, AKA: Mount Carmel Center, Waco, McLennan County, TX, its appurtenances, vehicles, underground structures located on entire premises of the 77 acre compound. See attached photos & property description Attachments A, B and C

CASE NUMBER: 6093-15M

TO: Special Agent Davy Aguilera and any Authorized Officer of the United States

Affidavit(s) having been made before me by S/A Davy Aguilera who has reason to believe that  on the person of or  on the premises known as (name, description and/or location)

the residence of Vernon Wayne Howell and others, Rt 7 Box 471-B, AKA: Mount Carmel Center, Waco, McLennan County, Texas, its appurtenances, vehicles, underground structures located on entire premises of the 77 acre compound. See Attached photographs and property descriptions.

in the Western District of Texas there is now concealed a certain person or property, namely (describe the person or property)

SEE ATTACHED SHEET FOR CONCEALED PROPERTY (ATTACHMENT D)

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before February 28 1993

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night ~~as I find reasonable cause has been established~~) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to DENNIS G. GREEN as required by law. U.S. Magistrate Judge

February 25, 1993 8:43 p.m.  
Date and Time Issued

at Waco, Texas  
City and State

DENNIS G. GREEN  
Name and Title of Judicial Officer

U.S. Magistrate Judge

Dennis G. Green  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

FILED  
FEB 26 1993  
CLERK, U. S. DIST. COURT  
BY        DEPUTY

UNITED STATES OF AMERICA )

v. )

IN RE: SEARCH OF THE RESIDENCE )  
OF VERNON WAYNE HOWELL, AND )  
OTHERS, RT. 7, BOX 471-B, )  
ALSO KNOWN AS THE MOUNT CARMEL )  
CENTER, WACO, MCLENNAN COUNTY, )  
TEXAS, ITS APPURTENANCES, )  
VEHICLES AND UNDERGROUND )  
STRUCTURES LOCATED ON THE )  
ENTIRE PREMISES OF THE 77 )  
ACRE COMPOUND )

CRIMINAL NO. 1593-1511

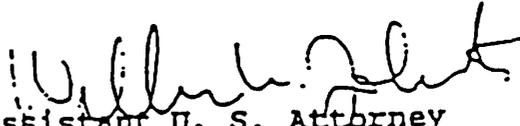
GOVERNMENT'S MOTION TO SEAL

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas, and moves this Honorable Court for an order that this motion, along with the Search Warrant and Affidavit and other related papers in this case be placed under seal of the Court until further order. The basis for this action is the need to ensure the integrity of an ongoing criminal investigation against Vernon Wayne Howell and others. It is believed that evidence may be altered or destroyed should the direction of the investigation become evident.

Respectfully submitted,

RONALD F. EDERER  
UNITED STATES ATTORNEY

By:

  
Assistant U. S. Attorney  
P. O. Box 828  
Waco, TX 76703  
(817) 757-6245

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

FILED  
FEB 26 1993  
CLERK, U. S. DIST. COURT  
BY M. E. H. W. DEPUTY

UNITED STATES OF AMERICA, )

v. )

IN RE: SEARCH OF THE RESIDENCE )  
OF VERNON WAYNE HOWELL, AND )  
OTHERS, RT. 7, BOX 471-B, )  
ALSO KNOWN AS THE MOUNT CARMEL )  
CENTER, WACO, MCLENNAN COUNTY, )  
TEXAS, ITS APPURTENANCES, )  
VEHICLES AND UNDERGROUND )  
STRUCTURES LOCATED ON THE )  
ENTIRE PREMISES OF THE 77 )  
ACRE COMPOUND )

CRIMINAL NO. W 93-1511

ORDER TO SEAL

The Government having moved to seal the Search Warrant and Affidavit, and all other related papers in this case, and the Court finding said motion meritorious;

IT IS HEREBY ORDERED that the Government's Motion to Seal the Search Warrant and Affidavit, and all other related papers in this case be sealed until further ordered by this Court.

SIGNED on this the 25<sup>th</sup> day of February, 1993.

  
UNITED STATES MAGISTRATE JUDGE

FILED

FEB 26 1993

# United States District Court

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

WESTERN DISTRICT OF TEXAS

W93-15M

In the Matter of the Search of

NAME, ADDRESS OR OTHER DESCRIPTION OF PERSON, PROPERTY OR PREMISES TO BE SEARCHED  
residence of Vernon Wayne Howell, and others, APPLICATION AND AFFIDAVIT  
Rt 7, Box 471-B, also known as the Mount Carmel FOR SEARCH WARRANT  
Center, Waco, McLennan County, Texas, its appurtenances, vehicles  
and underground structures located on the CASE NUMBER:  
entire premises of the 77 acre compound. See attached photos and property  
descriptions, Attachments A, B and C.

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

Official Title

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

in the WESTERN District of TEXAS

there is now concealed a certain person or property, namely describe the person or property to be seized  
SEE ATTACHED "DESCRIPTION OF PROPERTY" WHICH IS INCORPORATED BY REFERENCE HEREIN  
AS THOUGH FULLY SET FORTH. SEE ATTACHMENT D.

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

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

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

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

Continued on the attached sheet and made a part hereof.

Yes  No

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

Sworn to before me, and subscribed in my presence

February 25, 1993  
Date

Waco, TX  
City and State

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

[Signature]  
Signature of Judicial Officer

ATTACHMENT A

The residence of Vernon Wayne Howell, and others, described as a large two story tan structure with a light grey composition roof, several breaks in the roof line and white shutters on the windows; with a three or four story square addition to the structure near the center of the complex which appears to be an observation tower. There is a rusty cylindrical water tank at the north end of the structure which is approximately 60 feet in height. There are also numerous vehicles of various makes and models around the structure, as well as several outbuildings located on the premises which is approximately 70 to 80 acres in size. At the entrance driveway to the premises is a small frame shack.

To locate the property begin at Exit number 330, Loop 340 and Texas Highway number 6, at its intersection with Interstate Highway 35, just south of Waco, McLennan County, Texas, go east on Loop 340, which curves into a northerly direction for approximately 8.1 miles to its intersection with Texas Farm Road number 2491. Turn right, or east on Farm Road 2491, and proceed for approximately 5.6 miles to its intersection with Double EE Ranch Road/County Road number 222. Turn left, or north and proceed approximately .4 of a mile to the entrance driveway which is on the right or east side of Double EE Ranch Road. At the entrance to the property is one small mailbox and one large mailbox accompanied by a Waco Tribune Herald delivery box which is yellow in color with black printing upon it. Affiant and other authorized agents seek to search the entire 70-80 acre compound, including all buildings, vehicles and structures on the premises located both above and below the ground.

PHOTOGRAPHS OF PROPERTY ARE ATTACHED AND MADE A PART HERETO.

ATTACHMENT D

The following property is concealed:

A quantity of firearms, including but not limited to: an assortment of AR-15 rifles and AK-47 rifles, and parts thereof, along with a quantity of assorted machinegun conversion parts, which, when assembled, would be classified as machineguns, machinery and implements used or suitable for use in converting semi-automatic weapons to fully automatic and for constructing destructive devices such as pipe bombs and homemade grenades, this machinery would include, but not be limited to metal lathes and milling machines, .50 caliber anti-tank rifle, sten guns, grenade launchers, practice rifle grenades, practice I. M. grenades, various chemicals, including but not limited to black powder, ignitor cord, aluminum metal powder and potassium nitrate, magnesium metal powder, metals in various forms, inert "pineapple" type hand grenades, pipe bombs and parts thereof, and other suitable casings of unknown description which, when assembled, would be classified as destructive devices as those terms are defined in Section 5845 (b), and Section 5845 (f), Chapter 53, Title 26, United States Code, which are not registered with the National Firearms Registration and Transfer Record, Washington, D.C., as required by law, and documentary and computerized evidence of receipt, ownership and instructions for converting semi-automatic firearms into machineguns, and the construction of improvised explosive weapons, including computer hardware, peripheral equipment and software containing files and directories and the information thereon. This is to include any disks, manuals, printouts and other assorted computer equipment.

AFFIDAVIT

Affiant alleges the following grounds for search and seizure:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

search was negative.

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

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

One hundred four (104), AR-15/M-16, upper receiver groups with barrels.

Eight thousand, one hundred (8,100) rounds of 9mm and .223 caliber ammunition for AR-15/M-16.

Twenty (20), one hundred round capacity drum magazines for AK-47 rifles.

Two hundred sixty (260), M-16/AR-15, magazines.

Thirty (30) M-14, magazines.

Two (2) M-16 EZ kits.

Two (2) M-16 Car Kits.

One M-76 grenade launcher.

Two hundred (200) M-31, practice rifle grenades.

Four (4) M-16 parts set Kits "A".

Two (2) flare launchers.

Two cases, (approximately 50) inert practice hand grenades.

40-50 pounds of black gun powder.

Thirty (30) pounds of Potassium Nitrate.

Five (5) pounds of Magnesium metal powder.

One pound of Igniter cord. (A class C explosive)

Ninety-one (91) AR/15 lower receiver units.

Twenty-six (26) various calibers and brands of hand guns and long guns.

90 pounds of aluminum metal powder.

30-40 cardboard tubes.

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

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

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

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

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

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

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

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

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

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

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

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

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

and other residents, Koresh refused, stating they were not available. She said that during her conversation with Koresh, he told her that he was the "Messenger" from God, that the world was coming to an end, and that when he "reveals" himself the riots in Los Angeles would pale in comparison to what was going to happen in Waco, Texas. Koresh stated that it would be a "military type operation" and that all the "non-believers" would have to suffer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

  
Davy Aquilera, Special Agent  
Bureau of ATF

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

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