

Appendices

LA Sherriff's
IP PWS David
Rhi Koss

↓

Appendix A

Independent Reviewer Chief Willie Williams' Report

September 22, 1993

The Honorable Lloyd Bentsen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear Mr. Secretary:

I am pleased to submit my comments as an independent reviewer of the Waco Administrative Review. I have found that the investigative team which you assembled is of the highest quality and integrity. These men and women have worked tirelessly to uncover the facts surrounding the events which led up to and included the raid on David Koresh's residence near Waco, Texas, on the 28th of February 1993.

I arranged my thoughts focusing first on the propriety to investigate Mr. Koresh, and second on the facts surrounding the probable cause to seek a Search Warrant and Arrest Warrant. I then moved to the tactical operation on the 28th of February. My comments address the serious issues of managerial oversight by both the Treasury Department and the Bureau of Alcohol, Tobacco and Firearms. Training is discussed as I conclude my comments by offering several insights which I believe will help both the Bureau of Alcohol, Tobacco and Firearms and the Treasury Department continue to serve this country in the manner we have come to expect.

It has been a pleasure to assist you in this very important undertaking.

Very truly yours,



WILLIE L. WILLIAMS
Chief of Police
Los Angeles, California

Enclosure

Report for the Waco Administrative Review

Independent Reviewer Report

1. My first comments go to the brave men and women of the Bureau of Alcohol, Tobacco and Firearms (A.T.F.) who were involved in the service of the Search Warrant at the Branch Davidian compound in Waco, Texas. These federal officers had a difficult task to accomplish if everything in the plan had worked as designed. The plan unraveled and the raiding party was ambushed and assaulted with the type of firepower that no municipal or federal law enforcement agency had ever before experienced.

The men and women in the A.T.F. SRTs, when faced with overwhelming gunfire, still made every attempt to meet and complete their objective. Several acts of bravery saved lives and prevented further serious injury to members of the warrant service teams. All of these agents should be commended for their actions.

2. The Special Investigative Team

The team of investigators assembled by the Treasury Department are, in my opinion, among the most experienced and knowledgeable that one could ask to conduct such a critical review. I am pleased to report that the investigative review was conducted with the highest degree of honesty and integrity.

Mr. Ronald K. Noble, Assistant Secretary (Enforcement) is to be complimented for his leadership of this review. Mr. Noble has been quite candid and insisted that no stone be left unturned in the quest for what occurred in the planning, execution, and recovery after the A.T.F. raid in Waco, Texas.

3. Appropriateness of the investigation of David Koresh

The investigative report is correct when it asserts that A.T.F. had probable cause to investigate David Koresh for his purchases of huge amounts of weapons parts, firearms and ammunition. The purchase of many of these parts was done for an illegal purpose -- that is to assemble prohibited weapons. It was appropriate to conduct a full investigation when it became apparent that David Koresh had also unlawfully purchased AR-15 lower receivers which could be used to convert semi-automatic rifles into fully automatic weapons similar to M-16 machine guns. This type of information, coupled with other intelligence, was more than

enough to justify the opening of an investigative case on David Koresh who resided with others known as the Branch Davidians.

4. Justification to seek Search Warrants and Arrest Warrants

The evidence which the A.T.F. investigators accumulated to justify seeking either arrest warrants or search warrants was more than sufficient by January/February 1993.

It was known that Koresh had received M-16 parts which could be used to convert AR-15 semi-automatic rifles into fully automatic weapons. It had also been verified that Koresh had purchased AR-15 weapons. When A.T.F. investigators learned that an arms dealer had intentionally lied to them and tried to hide the purchase of AR-15 lower receivers by Koresh, this further strengthened the evidence that Koresh was unlawfully possessing and manufacturing machine guns or converted fully automatic weapons.

Investigators also had evidence that Koresh had in his possession gunpowder and other ignition items which, when coupled with the grenade shells he purchased, gave him the ingredients to manufacture live grenades.

The A.T.F. investigators consulted with the U.S. Attorney's office during the investigation and did in fact secure a Search Warrant for the Branch Davidian Compound from a Magistrate Judge.

5. The Tactical Operation of February 28th, 1993

The tactical operation planned by A.T.F. personnel was designed with several key assumptions being present to ensure a reasonable chance of success. These critical success factors include the following.

- A. Surprise arrival of the A.T.F. SRT's and the inability of the persons in Koresh's compound to have time to react to these events. This was a key critical success factor.
- B. Finding most of the men outside and working in the pit area north of the compound.
- C. The quick and successful entry of the compound by designated SRTs and the separation of persons inside from weapons in the upstairs arms room.
- D. Seizing the arms room by surprise entry from outside while the residents were being detained both outside in the pit area and on the first floor of the compound.

An examination of the planning for the operation indicates that there is no copy of the entire raid plan available. It is apparent that the planners had the raid plan in their heads but never reduced it to writing. This omission led to a series of later failures by all personnel involved in the planned operation to have an opportunity to review a completed plan and question the assumptions. This lack of a completed written plan also ensured that all those agents who should have had a clear understanding of what was expected of them and others did not. This is made very clear when you examine the type of information and direction given to the agents in the undercover house.

The fact of not having a clear written plan which listed the critical success factors almost ensured from the start, that when these success factors began to unravel, no one would grasp the significance of the unfolding events.

When examined in totality some reviewers agree that the plan was not well thought-out. The reasons include: no provision for contingencies; a less than adequate command and control of the SRTs and their support units; the failure to design an intelligence system which gathered all pieces of data and provided an analysis of this information; the failure of adequate oversight from senior A.T.F. management and the Office of the Assistant Secretary of Treasury for Enforcement; and insufficient reserve personnel available or enough first aid and medical support on site.

After reviewing interviews conducted with A.T.F. personnel who planned the raid on February 28th, and all of those who had support or other roles in the planning, it is my belief that the planners never thought about, nor planned for a partial or full failure of the operation. This, in my opinion, is one of the greatest failures of management in A.T.F.

6. Management Oversight - Structural Deficiencies

The management oversight responsibilities between the Treasury Department and A.T.F. must be re-examined. At the time of the Waco raid on February 28th, 1993, there was no written policy delineating areas of responsibility that for example, required A.T.F. to notify anyone in the Treasury Department that A.T.F. was planning, or about to implement a raid such as the one planned and executed on February 28th. There was no policy that required the notification of the Treasury Department when an investigation of the magnitude of this one was contemplated or had already begun.

The lack of active oversight by the Office of the Assistant Secretary for Enforcement, Treasury Department, was one reason that there was no early notification by A.T.F. of the Waco raid. The fact that this was the same policy for several years only magnifies the problem. The investigative report correctly points out that had oversight taken place, many questions which needed to be asked may have come up much earlier.

The investigative report correctly states that had the Office of Enforcement been involved in the early planning stages, its intervention might have led the planners to reevaluate the faulty factual assumptions on which they had relied. This failure contributed to a condition where little or no analysis of intelligence information was made by those at A.T.F. headquarters or at the Treasury Department.

The understanding of the importance of intelligence and the operational decisions which were being built around these assumptions was inadequate at nearly every level of ATF's management from the command personnel in Texas who planned and executed the raid, to personnel at the National Command Center to the leadership at A.T.F. Headquarters. Moreover, because such matters were outside the scope of the Office of Enforcement's defined responsibilities, the office did not have an adequate opportunity to rigorously scrutinize these matters.

7. Training Issues

This report points out several areas where training is needed in areas such as command and control decision-making. Training is needed at all levels on the importance of understanding what is meant by intelligence gathering, how to analyze it and most importantly how to build a tactical operation around the facts and assumptions based on an investigation and the intelligence gathered. It is very apparent that senior managers in A.T.F. need advanced training in Media Relations. This investigation shows that the A.T.F. leaders in Texas never successfully managed the growing interest by the media in both the Branch Davidians and the escalating activities by A.T.F. personnel in and around Waco, Texas.

Training is required to ensure that all members of A.T.F., particularly field supervisors, have the requisite skills necessary to plan and execute an investigation and operation such as the raid on the compound of David Koresh.

I will not go into detail about all of the other training issues, but they include command and control skills for SRT operations and particularly the SRT team leaders. Training must include how to set up an undercover operation and what is expected of the undercover operatives. In this case, the agents in the undercover house were never given a clear mission. The agents in the undercover house as an example, were never told of the raid planners' assumption that the men in the compound would be outside when the raid began.

CONCLUDING COMMENTS:

I was asked to be an independent reviewer of the work product of the Waco Administrative Review Team's report to the Secretary of Treasury.

The investigation team conducted an exhaustive and thorough review of the events which led up to the raid on February 28th. The investigative team's report also offers clear and factual analysis of the events as they unfolded and what caused the plan to disintegrate as the first SRT personnel alighted from the cattle trailers.

The investigative report appropriately identifies improper planning and offers guidance to help ensure that A.T.F. does not repeat the same errors in the future.

I would recommend that upon review of the investigative report and each of the Independent Reviewers' Reports, that the following should be undertaken.

1. New procedures must be put in place to ensure appropriate oversight by the Department of Treasury with each of its subordinate agencies.
2. The Director of A.T.F. and the other senior managers in headquarters must take a more active role in oversight of field operations, especially when they are potentially of the magnitude of the David Koresh investigation.
3. A.T.F. must examine its goals and objectives and determine what type of enforcement role it is going to require its agents to fulfill. Once that role is determined then it is the responsibility of both A.T.F. and the Treasury Department to ensure that the employees receive the training necessary to meet the objectives of the organization.

Appendix B

Expert Reports

Appendix B

Tactical Operations Experts (alphabetically by author)

Wade Y. Ishimoto

John A. Kolman

George Morrison

John J. Murphy

Rod Paschall

Robert A. Sobocienski

**AN INDEPENDENT ASSESSMENT
OF THE
BUREAU OF ALCOHOL, TOBACCO &
FIREARMS**

**RAID OF THE BRANCH DAVIDIAN COMPOUND
IN WACO, TEXAS**

**PREPARED BY:
Wade Y. Ishimoto, Consultant**

FOR THE U.S. DEPARTMENT OF TREASURY

August 16, 1993

TABLE OF CONTENTS

Executive Summary	B-9
I. Introduction	B-11
II. Command and Control	B-11
III. Intelligence	B-17
IV. Operations Security	B-21
V. Training and Exercises	B-22
VI. Support Operations	B-23
VII. Weaponry, Armament, and Other Equipment.....	B-27
VIII. Concluding Remarks	B-28

EXECUTIVE SUMMARY

This Executive Summary is prepared in response to the major concerns raised during my tenure on the Department of Treasury's Waco Review team. My remarks represent independent analysis, and that analysis is found in the body of this report. The body of the report also addresses a number of potential improvements which are not discussed in this Executive Summary.

- I. The Bureau of Alcohol, Tobacco, and Firearms (ATF) raid plan, *as conceived*, had a reasonable chance of success.
- II. The critical success factors for the raid plan were not necessarily recognized nor understood by the leaders of the ATF operation because of inexperience or lack of training. The leaders I refer to extend from the Special Response Team (SRT) Leaders all the way to the ATF Director. These critical success factors were:

- a. Surprise consisting specifically of:

- (1) Insufficient advance warning of the impending raid to allow cult members to arm and deploy.

- (2) The Branch Davidians not understanding the significance of the trucks/cattle trailers until these vehicles were at least at the intersection of the compound road and Double EE Ranch Road which would have provided about 30 to 45 seconds of advance warning. The Branch Davidians would have found it difficult to arm and deploy themselves in the manner witnessed during the actual execution of the search and arrest warrants.

- b. Isolation of the majority of the cult's weapons and ammunition from cult members through seizure of the arms room located next to Vernon Howell's living quarters.

- c. Successful entry by the ATF SRTs through the front door of the compound which was critical to separating cult members from the bulk of their weapons in the arms room.

- d. Finding the men in the compound working in the outdoor (excavated pit or underground) area to the North of the compound.

- III. The reason for the raid's failure is directly attributable to the fact that the critical success factors defined in II. above were, at best, only partially achieved. The fact that the cult members were armed and deployed as ATF deployed from their cattle trailers is particularly relevant.

- IV. When viewed in totality, the raid plan was not well conceived regardless of my opinion that it had a reasonable chance of success. The plan did not provide for contingencies, lacked depth, and did not provide adequate command and control of support and tactical forces. My assessment is that the SRTs possessed the minimal amount of training and experience to meet the raid's objectives. However, in an operation of this magnitude, the SRTs require equally well-

trained and experienced command, control, and support personnel. These personnel lacked a requisite amount of training and experience.

V. Other factors that contributed to the subsequent loss of life and failure to complete the mission include:

- a. A complex command, control, and communications mechanism.
- b. Less than adequate training in a number of different areas.
- c. An intelligence system which was weak.
- d. A lack of well-developed Operations Security (OPSEC) policy and procedures.
- e. Equipment limitations.
- f. Task organization that principally centered on SRT actions.
- g. A lack of reserve forces.
- h. A plan that was not developed in-depth to include contingency actions.

These and other factors pertinent to future success are discussed in the main body of this report.

VI. Key Recommendations and Findings:

- a. ATF will require a future and continuing SRT capability as long as that organization continues to have an enforcement versus compliance-only mission.
- b. Improvements are required in policy and procedural guidance pertinent to high risk operations requiring the use of ATF SRTs. This guidance must include command and control matters, technical support (communications and surveillance), investigative techniques to include electronic monitoring, intelligence in support of tactical operations, reorganization of SRTs to include Forward Observers, media relations, OPSEC, use of the military, equipment to include armament, and training.
- c. The key to success in raid operations, no matter how large or small, always resides in the field and with field personnel. The actions of ATF Headquarters personnel on February 28, 1993, did not significantly contribute to the success or failure of the mission. The proper role for ATF Headquarters is one of planning oversight, plan approval, and resource allocation *prior* to execution of the operation. All parties must strenuously avoid trying to run a field operation from a headquarters location with subsequent micro-management and loss of decisive action and decision-making in the field.

I. INTRODUCTION

The missions of the Bureau of Alcohol, Tobacco, and Firearms (ATF) bring the men and women of this agency face-to-face with a wide variety of criminal adversaries. The very nature of the laws they must enforce in the firearms and explosives arena virtually ensures that ATF agents are subject to life-threatening situations in a high percentage of their operations. They are also subject to a great deal of public criticism from special interest groups who are particularly vociferous over ATF enforcement of firearms statutes.

During the last decade and a half, ATF's mission has expanded to meet greater criminal sophistication in the use of explosives and firearms. Explosive attacks have always been a favored tactic of those who wish to terrorize the public; and the use of automatic weapons has also become much more prevalent in the execution of crimes.

I respect the difficulty of the ATF mission along with the dedication and bravery of their personnel. The death of four agents and the wounding of sixteen in one action is unprecedented in American law enforcement. After-the-fact criticism and "Monday-morning quarterbacking" are very easy traps to fall into and made preparation of this report difficult.

However, my review of the Branch Davidian event detects a very definite need to provide ATF personnel with additional tools to allow them to better deal with situations like they faced in Waco, Texas. These tools include more defined policy in some areas, the need for written procedural references, training, and some equipment. I attempt to avoid individual criticism as that is a matter best left to Department of Treasury personnel. Unfortunately, my analysis also discovers some questionable individual performance; and I would be remiss not to discuss these possible shortcomings.

II. COMMAND AND CONTROL

A. ATF Headquarters

1. Concerns over the role of ATF Headquarters in commanding and controlling large raid operations are expressed by members of Congress, Treasury officials, and by ATF personnel at all levels. These concerns evolve around possible poor performance and future roles for ATF headquarters personnel.

a. I believe the overall performance of ATF Headquarters in command and control of the Waco raid was adequate except in the area of providing pre-raid support to the field. The headquarters role included plan review and approval, provision of oversight (e.g., asking of questions pertinent to the investigation and need for a raid, and involvement of the Special Operations Division), and provision of support.

b. There are two matters which I believe are worthy of further inquiry. The first is whether the raid could have been conducted earlier in February and the second concerns procedures to obtain military support.

- With respect to the possibility of conducting the raid earlier in February, there are reports that the Houston office proposed conducting the raid a week before February 28, 1993. This meeting was supposedly postponed because some key Headquarters personnel were unavailable. This implies that the raid could have occurred prior to publication of the Waco Tribune article and any subsequent rise in awareness or paranoia by the Branch Davidians. This is speculation but is worthy of additional inquiry to determine whether there is a need to improve ATF policy and procedures with respect to approval of an operation.
- Based on my review, I am not confident that ATF Headquarters understands and has appropriate policy to obtain military support for large-scale operations. The ATF Military Liaison Officer appears to be assigned from the Office of the Department of Defense (DOD) Coordinator for Drug Enforcement Policy and Support. Interviews indicate that statements were made by the Military Liaison Officer that narcotics-related activity was needed to justify military support. If true, those statements are contrary to existing DOD policy which permits support to law enforcement on a reimbursable basis. The alleged Branch Davidian narcotics activity was tenuous, at best, and subjected ATF to intense scrutiny by Congress. In addition, the Special Operations Branch Chief does not appear to understand how military support is obtained. This is unacceptable since the Military Liaison Officer works for the Branch Chief and proper oversight cannot occur unless the Branch Chief has a better understanding of this matter. Finally, field personnel also appear to only understand how to obtain military support through narcotics-related activity.

c. Other headquarters shortfalls include a policy which limits the firepower available to the field; limited ability to provide intelligence support; a lack of understanding of electronic surveillance operations; and not providing additional technical support to the field.

d. Over-reaction to the proper role of ATF Headquarters in command and control of future operations must be avoided. Studious attempts must be made to avoid micro-management and the accompanying deleterious effect it will have on decisive action and decision-making in the field. The key to success in raid operations resides in the field and with field personnel. I believe that the proper role for ATF Headquarters is planning oversight, plan approval and resource allocation prior to the conduct of an operation.

e. Recommendations:

- Existing ATF policy and procedures should be reviewed to ensure that streamlined plan approval with appropriate oversight will occur in the future.
- Military support policy should be fully documented and either included or referred to in the National Response Plan for ATF.

- The policy on electronic surveillance should be reviewed and consideration given to improving ATF capabilities to include possible augmentation of field personnel from headquarters. (Note: The FBI has had a long-standing plan and capability to augment their Field Divisions during crisis situations.)
- The ATF National Response Plan should be modified to better define the role of ATF Headquarters and their field organizations.

2. The National Response Plan (NRP) provides a basis for planning any future operation of the magnitude encountered in Waco.

a. A very necessary first step towards a mature planning process was taken with the creation of the NRP. As in any initial endeavor, the NRP can be improved.

b. The NRP, as currently written, is a combination of a Headquarters policy document along with providing a variety of procedural guidance. Some of the procedural guidance is quite detailed (e.g., the logistical support officer being responsible for obtaining water) while some of it does not address important concepts. For example, there is no conceptual guidance concerning command post operation and selection of a command post location.

c. Recommendations:

- The NRP should be reviewed and modified in light of the Waco incident.
- The military model of a stand-alone policy document (e.g., a Department of Army Regulation) with separate implementation and procedural guidance (e.g., Field Manuals) should be considered versus one all-encompassing document.
- Implementation and procedural guidance should be expanded and training in the NRP conducted for anyone that is an ATF supervisor.

B. Field Command, Control, and Planning

1. The Command, Control, and Communications mechanism for the raid was complex, and a comprehensive understanding of roles and missions for the organization was not evident.

a. At the individual SRT level (e.g., Houston) command, control, and communications was established in an adequate manner except for two matters. First, it is not evident that a chain of command within the individual SRTs was established to provide for leadership succession in the event that the leader became disabled. Secondly, the Forward Observers did not appear to be in direct support of a specific team and the teams could not directly communicate with the Forward Observers. The Forward Observers provide a means of

both information/intelligence and "heavy" fire support (i.e., rifles) which may be used as an essential element of a raid or to assist in contingency situations.

b. The chain of command and specific role for the Forward Observers was not clear. The interviews of the Forward Observers reflect this observation and the fact that they had different understandings of their rules of engagement and to whom they were responsive. The military would describe the Forward Observer role on the raid as being in General Support of the operation versus Direct Support (e.g., directed to support a specific SRT). Both concepts have their merits, but a direct support role is generally favored for raid operations. The net result on the Waco raid was that the Forward Observers were not positioned advantageously (i.e., to provide adequate coverage of the compound in a timely manner) and could have been used more effectively in an information gathering role (e.g., determining whether compound members were deployed or working in the pit area).

c. The focus on command and control was on the SRTs. I believe that the same statement applies to planning matters. The coordination of other agencies appeared to be in the hands of one individual, Phil Lewis, at the Texas State Technical College (TSTC) Command Post (CP). He performed admirably, but the system and process should provide for better coordination of activities with outside agencies and more than one individual from ATF tasked with this responsibility.

d. The TSTC CP did not function well. The Incident Commander was airborne and was therefore less able to command and control activities. There did not appear to be an adequate means of providing status information to other agencies from the CP, much less to ATF personnel. Roles and missions were not adequately stated to these staff members. These observations reflect the need for policy and procedural guidance along with training of personnel.

e. The equivalent of a Tactical Operations Center (TOC) was not established. Whereas field CPs normally concentrate on interagency coordination and overall command and control, a TOC focuses on the tactical aspects of the operation. In a TOC, Forward Observer information may be consolidated and analyzed, reserve forces deployed and coordinated (these were not available at Waco except from outside agencies), negotiations with suspects conducted (this was a happenstance), and other matters directly important to the success of the tactical mission coordinated and controlled. The TOC needs to be staffed with personnel who have defined roles and responsibilities. The Tactical Coordinator may choose to operate from a TOC or, as was the case at Waco, forward with the SRTs. The Undercover (U/C) house was suitable as a TOC and had some TOC type functions under ASAC Cavanaugh, but in reality did not contain the staffing nor the planning of a true TOC. One of the advantages of commanding from a TOC was evident when Cavanaugh became the person most able to coordinate tactical activities versus ASAC Sarabyn who was pinned down in a firefight. The Tactical Coordinator unfortunately chose a position where he was at the forward edge of the battle and less able to command and control the SRTs...I believe this illustrates the need for better procedural guidance and training versus individual negligence on the part of Sarabyn.

f. The plan was developed principally by SRT personnel whose focus was primarily in actions at the compound. My observation is that they could have benefitted from trained staff planning assistance. This is especially true in intelligence support which is addressed later in this report.

g. ATF personnel (possibly due to inexperience coupled with policy and procedural guidance gaps) sought advice, guidance, and assistance from persons and agencies who were not the best qualified to provide such help. This comment is particularly pointed at the manner in which military support was obtained. For example, there are reports that ATF went to Operation Alliance (a counter-narcotics related organizational grouping) to request military support. The ATF Headquarters Military Liaison Officer could have gone through the Department of Defense (DOD) Director of Military Support (DOMS) organization to obtain more complete military support. In another example, ATF appeared to be ill-advised by a member of the Texas Governor's staff to use the Texas National Guard for various operations with a strong implication that such support could be provided for free if there were a narcotics relationship...tenuous at best. A third example is the use of a Special Forces Communications NCO to design and "approve" the communications network. Additional observations on military support are found in other sections of this report.

2. Inexperience in crisis management and operational planning skills for a large scale operation such as Waco was clearly evident in the planning and execution of the raid. The lack of a written operations order is one indication of this inexperience. Other examples include:

a. The lack of in-depth planning for contingencies as witnessed by the lack of an alternative means of entry should the first fail; and an "Oh shit" plan consisting of running away from the compound rather than using supporting fire and maneuver or the use of armored vehicles to provide cover and to recover personnel.

b. The briefings that I observed on videotape (one at Fort Hood and one in Waco) are reflective of this inexperience. The briefings rambled instead of focusing on key issues and presenting information succinctly.

c. The lack of a functional staff (no matter how reduced in size) at a TOC location or in the CP are also indicative of inexperience, the need for more training, and the need for additional procedural guidance on command and control matters.

d. The lack of depth in the communications plan, undercover house operation, the medical plan, and media plan are also indicative of inexperience.

e. The failure to conduct the Mag Bag raid resulted in a fire fight and additional actions to apprehend suspects. These actions would not have been necessary if the plan to raid the Mag Bag had been executed as planned.

3. The number of courses of action and tactical options available to ATF were limited because of limitations on equipment, training, experience, and policy along with the presence of presumably innocent children and females.

a. Equipment considerations are discussed elsewhere in this report and include the paucity of night vision equipment, technical surveillance equipment, and restrictions on weaponry. The decision to follow the advice of a member of the Texas Governor's staff may have caused problems with ATF not receiving better helicopter capability and armored vehicles. Going through the military's DOMS mechanism for military support rather than Operation Alliance and Joint Task Force (JTF) 6 might have made a difference in ATF getting smoke generating devices, armored vehicles, and other assistance.

b. Training and experience gaps are reflected throughout this report. The training gaps can be remedied and, if done properly, can make up for the lack of experience. Training is addressed in greater detail elsewhere in this report.

c. Policy limitations which impacted on the operation included restrictions on weaponry, restrictions on chemical agents and distraction devices, uncertainty over electronic surveillance issues, and failure of policy to address the provision of military support through the DOMS organization.

4. The raid plan lacked depth and did not provide for adequate consideration of contingencies. Improvement in these matters can be attained through additional training and the development of doctrinal guidance (e.g., reference manuals and checklists on SRT operations).

5. There are feelings that the ATF Incident Commander and other key leaders in the ATF chain should be limited to those from SRT ranks. My belief is that will not prove adequate. This belief is based on a general need for additional training in crisis management procedures and operational planning which are not well-developed at any level within ATF. I do agree that SACs and ASACs should at least attend the SRT courses as observers to enhance their knowledge and that they should also receive additional training on crisis management and planning.

6. Recommendations: The observations listed above are reflective of ATF's relative lack of experience in command and control of operations of the magnitude seen in Waco. Policy needs to be established, procedural guidance provided in writing, and strenuous training provided to personnel at all levels who may become involved in these kinds of operations in the future. If ATF or the Department of Treasury cannot provide the resources to pursue doctrinal development and training, then serious consideration must be given to limiting the scope of ATF tactical operations.

III. INTELLIGENCE

A. Organization

1. The ATF organization to provide intelligence support during the investigative and operational (raid) phases was not effective.

a. Intelligence analytical support did not effectively bridge the gap between the investigative support mission and tactical support. Analysis appeared to be a function of different individuals (e.g., the Case Agent, RAC Buford, ASAC Sarabyn, etc.) rather than a function of a defined system and process. There was no clear focal point where all intelligence flowed and was fully analyzed and subsequently delivered to the tactical planners.

b. There were numerous instances of assumptions being made on the basis of incomplete, dated, or overstated information which adversely influenced operational planning. For example:

- The number of people in the compound was estimated at 75, a 25% error. The surveillance logs and interviews of former cult members did not substantiate the 75 person figure. Therefore, I question how those numbers were derived.
- The U/C Agent had about eight limited visits into the compound. Yet there were those that felt he had continuing access and gave more credence to his information than was true.
- Information on the physical structure of the compound was a composite of a few visits by the U/Cs and information from unvetted sources that was a year old in some cases.

c. A number of incorrect assumptions could have been put into proper perspective if there were trained, experienced personnel working within a defined organizational structure to conduct in-depth intelligence analysis.

2. The existing intelligence structure does not tie all-source intelligence (e.g., technical surveillance, U/Cs, Forward Observers, aerial photography) together in a systematic fashion. Overall intelligence collection and planning is not centrally managed. Analysis occurs in pockets rather than through a capable, defined organizational structure; and dissemination of intelligence (the product of recording, evaluation, and interpretation...i.e., analysis of information) versus raw information is not consistent with proven techniques used by other organizations.

3. The organization of the U/C house and its activities was marked by no clear chain of command or direction of their actions. The rapid establishment of the U/C operation is commendable, but poor organization neutralized what could have been a major source of intelligence and confirmation that the Branch Davidians were waiting in ambush.

B. Intelligence Operations

1. General Comments: The remainder of this section is organized into a discussion of typical intelligence operations disciplines: Intelligence Liaison activities; Human Intelligence operations (to include undercover activities); Imagery Intelligence (including aerial intelligence collection, photographic and video collection); and Electronic Intelligence.

2. Intelligence Liaison:

a. It appears that ATF worked closely with McClellan County law enforcement officials to obtain intelligence about the Branch Davidian organization, its operations, and its physical facilities (i.e., the Mag Bag and the Mount Carmel compound). This interface was, in my opinion, highly useful in the investigative and tactical planning phases of the operation. Unfortunately, there was limited information available from this source. Also to its credit, ATF exploited information and sources available from the Texas Human Resources Department and the Texas Department of Public Safety. With the latter organization, it is not clear whether all aspects of information and intelligence were explored...i.e., Criminal Intelligence, Narcotics, Texas Rangers.

b. Various interviews indicate that ATF attempted to obtain information available from Interpol, Immigration and Naturalization Service, and the El Paso Intelligence Center (through Operation Alliance). I found only one approach to the Federal Bureau of Investigation, no attempts to obtain information from the Customs Service, and none through the Department of State and Central Intelligence Agency. Since there were foreign nationals in the compound, inquiries should have been made of these agencies whether intelligence was available or not. I sense, but cannot substantiate, that interagency rivalry coupled with inexperience may have led to this incomplete search for information.

c. Recommendation: ATF should review its policy and procedures to obtain intelligence from other agencies and provide guidance to their field organizations and headquarters personnel on that matter.

3. Human Intelligence:

a. My previous discussion of the lack of central control of intelligence planning and collection also applies to ATF's human intelligence operations. Central control of policy should be established at ATF headquarters along with national Intelligence Community interfaces. However, the field organization must be able to control intelligence operations in support of tactical operations.

b. There were several successes in human intelligence operations to include information obtained from United Parcel Service personnel, the use of a U/C to obtain physical information about the Mag Bag and one trip into the Mount Carmel compound, the recruitment of the Double EE Ranch owner, and the information gleaned from former cult members by the Case Agent, RAC Buford, and others.

c. The interview of the former cult members posed a difficult problem in terms of determining their reliability and accuracy of information. Again, a system was not in place to pool information coming from these sources, to fully analyze it, and to disseminate the resulting intelligence in a useful way to tactical and support personnel.

d. The U/C house operation was an excellent idea which did not pay high dividends because of a lack of organization, proper tasking, and supervision of their activities. The logs which I reviewed were incomplete and do not substantiate many of the assumptions which were made on activity in the compound. For example, the tactical planners were adamant that a "routine" was evident in the compound with the males working outside at 10:00 AM onwards...logs from the U/C house do not corroborate this assumption. At best, the U/C house operation resulted in limited information about the physical structure, incomplete observation of activities, and information about a few of the personnel inside the compound. The U/C house operation was capable, in my opinion, of providing much more intelligence. One of the supposed goals of the U/C house was to obtain additional information on probable cause for a search or arrest warrant...it is not evident to me that this occurred.

e. The Forward Observers were not effectively used and a TOC was not in place to exploit information coming from the Forward Observers. The lack of effectiveness in this event refers to gaps in tasking, limited deployment around the compound, lateness of deployment, and the provision of extremely limited amounts of collection devices to the Forward Observers.

f. Recommendations:

Without access to all ATF policy, procedural guidance, and training information for intelligence, I am not able to make detailed recommendations on improvement of human intelligence operations. I therefore recommend that ATF or an outside organization conduct a more in-depth review of intelligence operations to determine whether there is need for changes/additions to policy, procedure, and training.

4. Imagery Intelligence:

a. In-house ATF capabilities to collect and process imagery intelligence appear extremely limited. There are references to a (i.e., only one) 35mm camera in the U/C house, a pole camera which did not work very well and was positioned poorly (both physically and in terms of how permission was obtained to install it), poor intelligence analysis and posting of information from the U/C house photographic operations, and little or no use of night vision equipment with video or photographic capability.

b. ATF capability to collect aerial imagery intelligence appears to be very limited. ATF turned to both Customs and the Texas National Guard for support in these areas. I do not find strong evidence that the ability to plan and collect imagery intelligence using aerial platforms was well planned or directed by ATF. The offer by a member of the Texas Governor's Office to overfly the compound and to use relatively unsophisticated Forward Looking Infrared

Radar (FLIR) to obtain information does not give me a great deal of confidence in the knowledge of system capabilities by either ATF personnel or the person who offered that advice to ATF.

c. I do not believe shortcomings in imagery intelligence had a direct bearing on the failure of the raid. However, these shortcomings in knowledge, planning, and equipment capabilities do not bode well in the future if ATF must engage in raid operations against adversaries of similar or greater levels of sophistication as the Branch Davidians.

d. Recommendations:

- ATF should improve their ability to manage the collection, processing, and dissemination of imagery intelligence; increase their knowledge of existing capabilities available from other Federal agencies; and develop methods to obtain proper support from those agencies.
- ATF should also review their in-house capabilities and determine whether there were performance problems with cameras and video equipment (rectifiable through training), or policy and procedural gaps, or gaps caused by inadequate equipment.

5.. Electronic Intelligence:

a. Electronic intelligence operations suffered because of poor management and equipment limitations. In hindsight, increased electronic intelligence capability (e.g., Title III installation on telephones or listening devices within the compound) might have provided information on whether the raid was compromised.

b. There are a number of conflicting statements from ATF personnel concerning why a full Title III installation (much less a Pen Register) was never pursued. This indicates misunderstanding on the part of ATF personnel. A current ATF Order provides adequate guidance for Title III surveillance, but senior ATF personnel did not appear to understand this. In addition, there are conflicting statements on whether a scanner in the U/C house was operating or whether U/C personnel knew how to use the equipment.

c. Recommendation:

- ATF should review its electronic intelligence equipment, policy, procedures, and training for inadequacies. Reduced electronic intelligence capability affects their ability to conduct very sophisticated operations in a world where criminal adversaries have demonstrated increased counterintelligence capabilities.

IV. OPERATIONS SECURITY (OPSEC)

A. Policy and Procedural Guidance:

1. It is not clear to me that ATF has published OPSEC policy and procedural guidance, or provided appropriate OPSEC training to its personnel.

2. **Recommendation:** Review and provide such guidance with accompanying training at all levels of the organization.

B. OPSEC Planning and Execution:

1. OPSEC operations are not easy to plan nor execute. There are always trade-offs in an open society and in an environment where it is difficult for ATF to divert personnel from on-going cases and other missions. The key ingredient to OPSEC success is to systematically plan, understand the risks involved, and then decide on actions based on the risk. Proper planning and execution of OPSEC measures requires appropriate policy, documented procedural guidance, and training. I did not find these ingredients for OPSEC success within ATF's Waco operation.

2. There were numerous chances for compromise of the operation through inadvertent disclosure. These include the Command Post opening days before the operation began and its location in a semi-secured area; the selection of the U/C house and the manner in which U/C operations were conducted; the pole camera operation; the training at Fort Hood; the need to involve other agencies, etc. ATF attempted to strike a reasonable balance between security and OPSEC measures, but it did not appear that OPSEC was centrally planned nor managed. OPSEC and other security practices appeared to occur as a happenstance and as a result of individual intuition rather than being deliberately planned and orchestrated.

3. Current resource allocation does not allow ATF to be self-sufficient and in total control of all operations subject to security and OPSEC measures. The United States military establishment comes close to self-sufficiency only in a combat environment, but Federal law enforcement agencies do not have that advantage. These comments should not be construed to be in support of self-sufficiency. I mention this phenomena only to illustrate that there will always be risks for compromise even when the operation may be totally self-contained. These risks must be managed, and some risks must be taken on any operation.

On the assumption that ATF will examine and strengthen their security and OPSEC policy, procedures and training, ATF should include measures to deal with the risks posed by a number of activities to include: Was an open-stance with the media was in the best interests of ATF? Would bus transportation have been better versus the car convoy on the morning of the 28th? Was backstopping of the U/Cs enrolled as TSTC students sufficient?

4. **Recommendation:** ATF should develop additional policy and procedural guidance and provide different levels of training to all personnel on security and OPSEC measures

applicable to various operations. Different levels of training refer to the fact that at the entry level, personnel should be provided with reasons and basic methodology while at the journeyman and above level the emphasis should be on planning for security and OPSEC.

V. TRAINING AND EXERCISES

A. General Comments:

1. I identify numerous potential training needs throughout this report. ATF has identified their training needs and instituted considerable training already. However, in the vein of continuous improvement and in the wake of deficiencies identified in my review, there is a need to expand those training efforts. I also suggest that ATF expand their efforts to determine "best-in-class" processes to achieve specific training goals. For example, mention was made of using a one to two week seminar by a private organization to achieve executive level training in crisis management. I submit that this would not be an example of a best-in-class process. Those areas which I identify as definitely needing training improvement include:

- Advanced SRT training
- Forward Observer training
- Intelligence Operations (management, analysis, intelligence in support of tactical operations)
- Command and Control

3. There are other areas which may require additional training but where I am not clear as to whether they represent performance problems or the need for more training. These include:

- Intelligence Analysis and Operations during the Investigative Phase.
- U/C Operations.
- Technical Support Operations.
- Media Relations.

B. Improved Sophistication of Training Management:

1. Overall, the Lesson Plans and training design which I reviewed do NOT reflect a high level of sophistication in training management. For example, most SRT lesson plans do not use performance-oriented, measurable objectives. Improvements are needed in what is to be learned and how it is to be measured to ensure that the learning has occurred.

2. Significant gaps exist in the completeness of all training. For example, the proposed Forward Observer Course syllabus only devotes two hours towards observation and recording skills and no time towards establishment of a command and control mechanism and TOC for the Forward Observers.

3. SRT Basic training does NOT result in a skilled team member, team leader, or in any other particular skill. The SRT course appears to be delivered as an overview of most skills found on a Special Response Team. The current training could be viewed as being barely adequate for small-scale operations; however, if ATF is to continue with the mission of tackling adversarial groups which require the use of multiple SRTs, more sophisticated training is required to help ensure success. At a very minimum, additional training is required in command and control skills for SRT operations.

To also improve, ATF should carefully review the usefulness of specific instructional blocks to their course objectives. For example, the SRT Course includes time for physical training. Rhetorically, should physical training be a pre-requisite for attendance and the time better spent on practical exercises designed to reinforce entry team skills and techniques? Physical fitness in a realist situation could be demonstrated in these exercises.

4. Very importantly, it was suggested that crisis management skills could be learned by attending an IACP seminar on crisis management. This is absolutely the wrong approach. ATF must develop its own in-house training for these important skills and teach current ATF policy and procedures, thereby making the training specific to ATF's needs. This type of training must also include extensive practical exercises to further the learning and retention of those skills that are taught. "Best-in-class" benchmarking would show that the U.S. Army presents command and control skills during Basic Officer Training, Advanced Officer Training, Command and General Staff College, and the Army War College. I do not have the exact time spent on command and control matters in those four courses, but a rudimentary estimate would be that the training is months long.

C. Exercises:

1. Individual and small group training activities must be expanded to include periodic exercises to hone and evaluate preparedness. This is missing from the training program within ATF.

2. Exercises should studiously avoid becoming a vehicle to learn new skills. Instead, exercises should be used to evaluate and verify preparedness to conduct specific missions. The learning of new skills is most conducive to other training endeavors.

VI. SUPPORT OPERATIONS

A. Military Support:

1. It appears that there are several performance related problems associated with ATF's acquisition of military support. The ATF Headquarters Military Liaison Officer was quoted as saying there needed to be drug activity to justify military support. This is simply not true. Perhaps he meant that drug activity was needed to justify non-reimbursable military support, but that is an exceedingly poor reason (i.e., non-reimbursement) to seek military support of law enforcement for ATF.

An ATF Headquarters manager to whom the Military Liaison Officer reports stated that he was not aware of how military support was obtained and that he trusted the Military Liaison Officer to do what was right. I do not accept that as good management practice because the manner in which military support may be obtained by Federal law enforcement agencies is not complicated and should be known by all ATF Supervisors.

2. The reliance on Operation Alliance as a main source of obtaining military support is also a poor practice since the focus is on narcotics related activity. When such activity does not exist or when information must be stretched to provide such a connection, ATF is subjected with either not obtaining military support or being in danger of civil or criminal liability if information is fabricated or does not provide good probable cause.

3. One person from the Texas Governor's office appeared to favor the use of National Guard assets versus active duty military support. Through innuendo, there are appearances that he also hinted at the need for narcotics relationship so that the support could be provided for free. I do not feel that this attitude served ATF very well. For example, better imagery intelligence support could have been obtained from other Federal law enforcement organizations or active military forces; armored vehicle support would have been more readily available; smoke grenades might have been obtained if regular Fort Hood forces were used versus Special Forces advisors; and the use of U.S. Customs Service helicopters would have provided better capabilities than those supplied by the National Guard.

B. Air Operations:

The decision not to use U.S. Customs helicopters ostensibly stemmed from a concern over OPSEC. I am of the opinion that it was due more to interagency rivalry rather than OPSEC. The use of Customs helicopters and crews offer several advantages to include communications capabilities not found on the National Guard helicopters and the ability to fire from the helicopters.

C. Communications:

1. There are many conflicting statements concerning the adequacy of communications and communications support during the operation. At the very least, planning for communications shows a need for improvement. Communications planning should help to ensure continuity of command and control and is therefore closely linked to the adequacy of training and procedural guidance on command and control. Simply stated, if one cannot or will not communicate, then command and control will not exist. For example, the Tactical Coordinator appeared to be out of the command and control loop once the raid ran into difficulty. I was not able to determine what the cause for this was.

2. There are a large number of examples which point towards performance problems, planning problems, potential training shortfalls, and a few possibilities of inadequate equipment. They include:

- Linkages to local law enforcement and other supporting organizations were not outlined well in terms of net control and communications responsibility or redundant communications links between ATF and these organizations.
- There appears to be confusion concerning who was to operate the open-line with ATF Headquarters and what their duties were.
- The Forward Observers were not able to communicate directly with the Tactical Coordinator nor the SRT Leaders.
- The Incident Commander was not effectively communicating from the helicopters to the Tactical Coordinator nor to any other segment of the ATF operation. This was especially true when the helicopter he was on had to land once it received fire from the ground.
- Cavanaugh in the U/C House was not provided with sufficient communications personnel support to allow him to control all the activities (e.g., crisis negotiations, control of the Forward Observers, control of the deployed SRTs) which fell on his shoulders when the raid ran into difficulty.
- The Forward Observers and other ATF personnel on the back side of the compound ran into communications problems.

D. Medical:

1. Overall medical planning and preparations were excellent. The Special Forces personnel appeared to provide excellent assistance in planning and helping ATF personnel prepare and rehearse for medical emergencies. One gap in the plan appears to be that mass casualty situations were not anticipated with no plans in place to handle such a contingency. The contracted medical services could have been easily overwhelmed if the Branch Davidians had attempted mass suicide. When faced with a well-armed or potentially suicidal group, medical planning should consider mass casualty situations.

2. Improvement opportunities for ATF exist in developing policy and procedures to ensure that appropriate planning support is obtained or to develop an in-house capability for medical planning.

E. Media:

1. ATF's problems with the media potentially began with the interview of Mark Breault who was already in contact with the media; were exacerbated with the meetings and

discussions with the media prior to the raid; were compounded by the media being suspected of compromising the raid on February 28th; and were further fueled by media relations in the aftermath of the raid.

2. I find four potential areas for improvement of ATF's media relations:

- ATF personnel can benefit from strengthened media policy, publication of procedural guides for media relations, and additional training. Many media situations are judgemental calls (e.g., Chojnacki deciding to meet the media in Waco), so additional training based on coherent policy is a key to help ATF personnel understand the potential risks and benefits of dealing with the media.
- ATF ASACs and above should be prepared to accept press conference responsibilities or to ensure that the ATF spokesperson is physically and emotionally prepared. I refer specifically to the poor judgement shown by the use of Special Agent Wheeler as the spokesperson in the aftermath of the raid's failure when she had not slept for a reported 36 hours.
- ATF Headquarters should be prepared to augment field personnel on major operations which have the potential to attract major media attention.
- The Department of Treasury, in conjunction with Justice and the Congress, examine the potential of enacting legislation to provide criminal penalties for willful and negligent acts contributing to the loss of life on law enforcement or national security operations.

F. Coordination of Other Agencies:

1. There are numerous indicators that ATF's preparations to coordinate their actions with other agencies were less than optimal. They include:

- The lack of a written operations order which would have provided specific instructions to ATF personnel to coordinate the activities of other agencies while providing overall guidance to those agencies.
- The failure to rapidly transfer the 911 call from the Branch Davidian compound to ATF control from McClellan County.
- The inordinate length of time required to get military armored vehicles on-scene.
- The lack of instructions on pursuit of suspects that could have fled the compound.

2. The appearances are that ATF personnel require additional training and procedural guidance to plan large-scale operations which require close coordination with a variety of non-ATF organizations.

VII. WEAPONRY, ARMAMENT, and OTHER EQUIPMENT:

A. Automatic Weapons:

1. The ATF SRT leaders do not feel that automatic weapons capability is a necessity. I recommend that ATF review their current policy and consider the use of automatic weapons situationally...if the adversary has full auto weapons, then ATF should have the capability to overcome these. The use of automatic weapons by a criminal adversary could be overcome through ways other than using comparable weapons (e.g., better tactics, use of vehicles for entry, explosive entry). The difficulty in such a strategy is that ATF personnel will have to be much better trained to overcome a firepower deficiency.

B. Rifles (Assault and Forward Observer):

1. There is a definite need for ATF to review their decision to limit the use of rifles. Sub-machine or machine pistol type weapons simply do not have the range nor the accuracy inherent with longer barreled weapons such as AR-15s or other assault rifles. One ATF report refers to accuracy of the M16 weapon out to 300 meters, but that ignores the fact that rural and some urban operations may require longer shots. In addition, the ability to penetrate some materials and to incapacitate a human is better with rifle rounds such as the 5.56mm and 7.62mm than with 9mm ammunition. In addition, 7.62mm weapons should also be considered since they can prove highly useful on vehicle stops and road blocks...not to mention longer range forward observer shots.

2. A number of SRT members raised questions over the availability of rifles to support their operations. They question the ATF Headquarters proclamation that AR-15s will be phased out. Since these personnel are the ones tasked with mission execution, it is my belief that they should have a greater say in what weaponry they are allowed to use.

C. Suppressed Weapons:

1. ATF personnel have not mentioned the potential need for suppressed weaponry on extremely high-risk operations. Suppressed weapons are useful in a variety of situations and provide a means of providing a critical edge to SRT-type units. There are a number of military and law enforcement organizations which possess such weapons and have proved their ability to use them discriminately. ATF should consider their need for such weapons if they are to continue with missions similar to the one they faced in Waco.

D. Chemical Munitions:

1. ATF is limited by their own policy on the use of smoke and disabling chemical agents. Again, these capabilities are found in a number of law enforcement and military organizations tasked with SRT type activities and have been used discriminately by these organizations for years. The ability to use chemical munitions can provide a needed advantage to

SRTs and can be used to lessen the chances of loss of life. For these reasons, ATF should reconsider their policy on the use of chemical munitions.

E. Distraction devices:

1. The use of distraction devices such as the commonly referred to "Flash Bang" are limited by ATF policy. The policy requires that ATF personnel use a "peek and throw" philosophy on ALL operations. Such a policy is extremely limiting and can result in additional danger to ATF personnel.

2. ATF policy should be modified to allow the use of distraction devices other than through a "peek and throw" technique. The policy and any accompanying procedural guidance should specify situations in which exclusions from the "peek and throw" method are permissible. In addition, all SRTs within ATF should receive training on the use of distraction devices.

F. Vehicles.

1. Armored vehicles would have been highly useful in Waco for a variety of operations ranging from use in recovering wounded, protecting personnel during retrograde movement, use in entry, etc. The fact that armored vehicles were not available appears to be a significant planning oversight.

2. ATF should qualify a number of their personnel on the use and operation of specified armored vehicles to include use of on-board weapons systems such as machine-guns and smoke generators. The procedures to obtain military support for these types of vehicles should be reviewed and solidified to ensure their availability for operations similar to Waco in the future.

VIII. CONCLUDING REMARKS: Throughout my report and analysis of information there has been a continuing theme of:

- The need for policy review and modification
- Providing additional procedural guidance beyond policy documents to ATF personnel
- A very definite need for improved training in a number of areas

Perhaps these sound overly redundant. I submit that it is only through sound policy, supported by additional reference (i.e., procedural) materials, and thorough training that the tragedy which befell ATF at Waco can be prevented in the future. These focus on system fixes rather than individual actions along with the development of processes which provide a sound foundation for operational actions.

CURRICULUM VITAE FOR
Wade Y. Ishimoto

Education	M.A., Human Resources Development, Webster University B.A., Asian Studies, University of Hawaii
Professional Schooling	U.S. Army Special Forces Operations and Intelligence Course U.S. Army Counterintelligence Agent's Course U.S. Army Special Warfare Center Instructor Training Course Numerous courses relating to intelligence, security, and special operations
Current Occupation	Technical Manager, Sandia National Laboratories, Albuquerque, NM
Instructional Experience	University of New Mexico, Division of Continuing Education and Community Services, 1985-Present U.S. Air Force Special Operations School, 1987-Present U.S. Department of Energy Nuclear Emergency Search Team courses, 1985-present California Department of Justice Terrorism Course, 1984-1986 Delta Force Operator's Training Course, 1977-1982 University of Santa Clara, 1975-1977 U.S. Army J.F. Kennedy Special Warfare Center, 1973-1975 Mobile Training Team special operations assignments to foreign, allied military and law enforcement organizations Numerous instructional engagements with law enforcement organizations to include the Calgary Police Service, Royal Canadian Mounted Police, Canada Security & Intelligence Service, Los Angeles Police and Sheriff's Departments, Texas Narcotics Officers Association, and the National Tactical Officer's Association, 1962-present
Pertinent Experience	Nuclear Emergency Search Team (NEST) 1978-Present; founder of the NEST Training Management Working Group; project leader to reorganize and restructure the organization in 1989; Exercise Director of several Interagency (FBI, DOD, DOE, FEMA, local law enforcement) terrorist-related national exercises; planner or participant in other NEST exercises; developed a Key Leader Training Course. Nuclear Security Systems Directorate 1985-1992, led numerous projects related to high-threat security situations including a Defense Nuclear Agency funded Insider Study, a Recapture and Recovery of Nuclear Weapons Study involving overseas and domestic situations, documentation of R&D requirements to support the TSWG for terrorist incidents; and

Curriculum Vitae for Wade Y. Ishimoto (continued)

Pertinent Experience (continued)

participation on a U.S. Physical Protection Bi-Lateral Team to Korea and Japan. Also performed liaison functions to various military special operations organizations and the FBI's Hostage Rescue Team. Designed and implemented the construction of a new Emergency Operations Center for Sandia National Laboratories and revamped their emergency operations program.

Security and Intelligence Specialist, U.S. Department of Energy, 1984-85, Key member of a Tiger Team assigned to revamp emergency operations within the Albuquerque Operations Office complex which included over 40,000 employees at six locations from Florida to New Mexico. Inspection staff duties. Organized mobile training teams for special response team training.

Vice-President for Operations, SAS of Texas, 1982-1984; led a White House directed examination of security preparations for the 1984 Summer Olympic Games in Los Angeles with over 2/3 of the recommendations being adopted; led security projects in support of the Nuclear Regulatory Commission, other governmental agencies, and private concerns.

Delta Force, 1977-1982; Intelligence Officer leading the effort to automate terrorist information in a interagency data base; Team Leader on the 1980 attempt to rescue 53 American hostages in Tehran; participant in several real-life counterterrorist operations; liaison and consulting duties to the FBI, Secret Service, Navy SEALS, overseas counterterrorist forces, and other special operations units.

Other pertinent experience includes Special Forces assignments in the U.S., Korea, Japan, Taiwan, the Philippines, and Vietnam (three tours) including training duties, exercise development, and combat operations; Counterintelligence and Human Intelligence collection duties in Korea, Hawaii, and the continental U.S.; and Military Police and investigative duties.

A Selective Analysis
of
Operation Trojan Horse
Conducted by
the Bureau of Alcohol, Tobacco and Firearms

Conducted by
John A. Kolman, Captain (L.A.S.D. retired)

for the Staff
of the
Waco Administrative Review
United States Department of the Treasury

TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY	B-35
Chapter	Page
1. THE PROBLEM AND DEFINITIONS OF TERMS USED	B-39
INTRODUCTION	B-39
The BATF Special Response Team Program — An Historical Overview	B-39
A Synopsis of Operation Trojan Horse	B-40
THE PROBLEM	B-44
Statement of the Problem	B-44
Limitations of the Project	B-44
RESEARCH METHODS	B-44
DEFINITIONS OF TERMS USED	B-45
OPSEC	B-45
TEMS	B-45
Dynamic Entry	B-45
T.S.T.C./T.S.T.I.	B-45
2. ANALYSIS	B-46
PLANNING AND PREPARATION	B-46
Tactical Alternatives	B-46
Chapter	Page
Tactics and Related Matters	B-50
Logistics	B-53
Emergency Medical Service	B-54

Communications	B-56
Intelligence Function	B-57
Briefing	B-60
Training/Rehearsal	B-61
COMMAND AND CONTROL	B-63
Decisions Impacting the Operation	B-63
Organization and Structure	B-66
OPERATIONS SECURITY	B-70
MEDIA INVOLVEMENT	B-73
3. CONCLUSIONS AND RECOMMENDATIONS	B-76
CONCLUSIONS	B-76
RECOMMENDATIONS	B-77
REFERENCES	B-80

EXECUTIVE SUMMARY

The attempted service of search/arrest warrants by agents of the Bureau of Alcohol, Tobacco and Firearms (BATF) on February 28, 1993, at the Branch Davidian Compound near Waco, Texas, was, in all probability, unprecedented within American law enforcement. Although many agencies (Federal, state and local) have conducted countless major high-risk warrant operations involving heavily armed multiple suspects, within the experience of the evaluator, none have rivaled the weaponry and fervent opposition which confronted the brave men and women of the BATF during Operation Trojan Horse. Certainly none have resulted in the tragic loss and wounding of so many law enforcement officers.

The purpose of objectively analyzing this or any other tactical incident is not to castigate or condemn, but rather to learn from what occurred with a view toward future improvement. The loss of Steven Willis, Robert Williams, Conway LeBleu, and Todd McKeehan, and the wounding of numerous other dedicated agents, make it essential that an objective evaluation be conducted.

The purpose of this project was: (1) to conduct a selective analysis of the planning, preparation, and subsequent attempted service of search/arrest warrants on February 28, 1993, by BATF personnel at the Branch Davidian Compound, (2) to develop conclusions based upon the analysis of BATF efforts in this regard, and (3) to make recommendations related to possible future operational improvements.

This project relied upon an extensive review of numerous documents, reports, videotapes, and training curricula provided by Waco Administrative Review staff; personal monitoring of Congressional hearings on June 9 and 10, 1993; personal interviews of selected BATF personnel; a review of the limited literature available in this subject area; personal observation of the areas surrounding the Branch Davidian Compound, as well as the Command Post, undercover residence, and Staging Areas; personal knowledge of contemporary policy, procedure and training within the tactical community; and extensive personal experience within the field of law enforcement tactical operations.

The results of this analysis are believed to support the following conclusions:

1. BATF personnel involved in planning Operation Trojan Horse were dedicated, experienced law enforcement professionals.
2. Much time and effort was expended in planning and preparing for Operation Trojan Horse.
3. Planners relied upon and trusted intelligence information which, in many cases, lacked corroboration.
4. A lack of knowledge existed on the part of both command and operational personnel concerning the proper utilization and deployment of countersniper (Forward Observer Team) personnel.
5. Insufficient attention was directed by command personnel to the Operations Security (OPSEC) process.
6. There was an apparent lack of supervision over the intelligence gathering mechanism in terms of direction, coordination, corroboration, dissemination and control.
7. Though well intentioned, contacts initiated by command personnel with the Waco Tribune-Herald violated basic principles of operations security.
8. No media contacts should have been initiated by BATF before the operation's conclusion.
9. Command personnel lacked experience and training in directing major tactical operations.
10. The Incident Commander should have been located at the designated command post to facilitate communication and control.
11. Once information had been received and corroborated that the operation had been compromised through the loss of surprise, command personnel should have aborted the mission.
12. There was no planned alternative course of action to be taken if the mission was aborted.
13. Following the negotiation of a cease fire to remove and evacuate the dead and wounded, perimeter positions should not have been abandoned until relief

personnel had assumed them.

14. Had the operation not been compromised, there was a high probability that the tactical plan would have succeeded.
15. Sufficient oversight was exercised by BATF Headquarters during all phases of Operation Trojan Horse.
16. Numerous acts of heroism were displayed by the men and women of the BATF during, and subsequent to, the extensive firefight with the Branch Davidians.

These conclusions, and others of less significance, contained within the body of the full report, constitute justification for considering the following recommendations.

1. Assign personnel to command positions (Incident Commander, Tactical Coordinator, Deputy Tactical Coordinator) based upon qualifications — not rank or position.
2. Develop and provide tactical crisis management training for those assigned to these positions.
3. Explore the feasibility of selecting and training an on-call cadre of personnel with proven decision-making and leadership ability to assume the roles of Incident Commander and Tactical Coordinator.
4. Ensure that all command and supervisory personnel understand their joint responsibility to abort an operation if circumstances justify doing so.
5. Increase the training time of Division Special Response Teams to a minimum of twice a month.
6. Explore the feasibility of establishing regional, full-time Special Response Teams for deployment during major operations.
7. Review and modify, as necessary, the criteria for selecting Special Response Team members.
8. Review and modify, as necessary, the curriculum of Special Response Team training.
9. Establish a Tactical Emergency Medical Support (TEMS) program and formally assign EMS-trained personnel to each Special Response Team.

10. Develop and implement a hostage negotiation program as an integral part of Special Response Team operations.
11. Evaluate existing Special Response Team equipment based on contemporary standards within the tactical community (to include chemical agents).
12. Review the organization, structure, and functions of the Technology and Tactical Issues Committee to ensure the timely evaluation and approval of tactical equipment and procedures.
13. Conduct meetings, at least annually, of Federal special operations team leaders and command personnel (BATF, FBI, Marshals, Customs) to discuss past tactical analyses and contemporary procedures. Emphasize necessity for interagency cooperation and training.
14. Ensure familiarity with guidelines related to requesting and utilizing air support.
15. Review and modify, as necessary, OPSEC training for all command and operational personnel.
16. Review and modify the media notification process.
17. Review and modify the BATF National Response Plan.
18. Pursue legislation enabling electronic surveillance and monitoring under circumstances such as existed at the Branch Davidian Compound.
19. Empanel a committee comprised of representatives from affected BATF entities to review these and other recommendations made by the Tactical Advisory Expert Panel.

In spite of extensive planning and preparation by well-intentioned, experienced agents, success was not achieved at the Branch Davidian Compound. It eluded them, not because of a lack of ability or resources, but rather deficiencies in policy and procedure, which were exposed by the magnitude of the situation.

Prior operations conducted by BATF Special Response Teams (433 in the past two years) apparently failed to reveal these deficiencies, due to their varying circumstances, as well as the reduced size of many of the operations.

Chapter 1

THE PROBLEM AND DEFINITIONS OF TERMS USED

INTRODUCTION

The BATF Special Response Team Program — An Historical Overview

In recent years, the Bureau of Alcohol, Tobacco and Firearms (BATF) responsibility to enforce Federal firearms, explosives, and arson statutes has met with increasing resistance from those individuals and groups involved in these activities (10). Because of the nature of these laws, almost every arrest or search warrant executed by the BATF involves armed suspects.

Accordingly, in 1989, after reviewing the Bureau's capabilities and limitations in managing these incidents, each of the twenty-two Field Divisions were authorized to form what were then called high-risk entry control teams. These teams, comprised of specially selected volunteers, initially made use of available state and local training resources within their particular areas. However, in 1991, a decision was made to develop a centralized training program in order to ensure uniformity and the ability of agents to meet required physical fitness standards. Ultimately, Fort McClellan, Alabama, home of the U.S. Army's military police, chemical, and special response team training schools, was selected as the site of the basic two-week BATF Special Response Team (SRT) training program. Each Field Divisions team is now required to attend this rigorous course.

The live-in program, consists of approximately 130 hours of training over a 10-day period, and places heavy emphasis on promoting teamwork. Subject areas vary from building entry and tactics to firearms training, trauma aid, operational planning, and physical conditioning. A high instructor-to-student ratio of one per two is maintained during training to enhance the learning process and enable appropriate performance evaluation (9:38). Instructors are selected based upon their background and experience. Over one half of the instructional cadre have past pertinent military experience, and one third are former members of law enforcement tactical units.

Following successful completion of the basic program at Fort McClellan, each team is required to train a minimum of 24 hours each quarter. Much of this training is conducted in conjunction with area state and local SWAT teams. Special Response Team members are equipped with the best tactical safety equipment available, including body

armor, ballistic shields, firearms, and communications equipment.

Since their inception, the Special Response Teams have actively proven their worth. During the past two fiscal years, BATF SRT's were activated 433 times to resolve cases determined to be the most dangerous (10). These activations varied from assisting at the scene of the 1992 riots in Los Angeles, to providing assistance in capturing murder suspects in Idaho that same year.

Significantly, until Operation Trojan Horse on February 28, 1993, only one SRT member had been injured by gunfire (10).

A Synopsis of Operation Trojan Horse

The Bureau of Alcohol, Tobacco and Firearms officially became aware of the Branch Davidians and David Koresh on June 4, 1992. This awareness resulted from a referral by the McLennan County Sheriff to the Austin ATF Office. Additional referrals of complaint were received from a Congressman, the U.S. Attorneys Office, and the media. These complaints basically addressed allegations of sexual abuse by David Koresh, as well as firearms violations. Concern was also expressed over why nothing had been done by the authorities to alleviate the problem. As a result of this information, a case agent was assigned, and an extensive investigation initiated to determine if violations of laws enforceable by BATF were occurring. Information related to probable cause was later presented to the Assistant U.S. Attorney, who expressed the belief that there was sufficient information for a search warrant based upon the purchase of firearms and items necessary to convert them to fire in full automatic mode.

The continuing investigation next placed emphasis on linking Koresh's purchases of chemicals with the manufacture of explosive devices. Because of the sensitive nature of the investigation, activities were closely monitored by BATF Headquarters. In anticipation of obtaining search and arrest warrants, operational planning commenced in December, 1992. Numerous planning meetings were conducted, and after extensive discussion, focused on utilizing three Special Response Teams with support personnel to effect service of the warrants.

Although many options were explored by planners (i.e., siege [contain and call out], luring Koresh away from the Compound, doing nothing, etc.), for reasons that will be addressed later in this report, a dynamic raid of the Compound, using helicopters as a diversion, was agreed upon. As a result of intelligence gathered from the continuing investigation, which included undercover operations at and in the vicinity of the Compound, and selected interviews of disillusioned former cult members, a plan was finalized and approved.

The plan called for the raid to be initiated at approximately 1000 hours on a date to be specified. This time was selected because, according to intelligence sources, following Bible study, the men of the Compound would be outside working on a construction project and separated from their weapons, which were kept in a storeroom on the second floor of the Compound adjacent to Koresh's living quarters. Women and children would reportedly be studying the Bible or involved with chores. Containment (cover) personnel would be responsible for isolating and securing the men at the construction site, or anyone outside the structure. One SRT team would secure men on the first floor, and another would isolate and secure women and children on the second floor and clear the towers. Lastly, a third team would secure the second floor weapons room and arrest David Koresh.

It was recognized early on that it would be difficult to approach the Compound undetected because of the terrain and remoteness of the area. Therefore, planners opted to use two pickup trucks and cattle trailers to transport the raid force to the Compound. These vehicles were known to be very common to the area, and consequently would not cause alarm or suspicion if driven in the vicinity of the Branch Davidian Compound. Surprise and speed of execution were believed critical to achieve success. As the raid force arrived at the front of the Compound, three Texas National Guard helicopters would arrive shortly before, some distance to the northwest. The presence of helicopters would hopefully attract the attention of the men working at the rear of the Compound and mask the arrival of the raid force. Once the Branch Davidians and the Compound were secure, support personnel would handle arrestees and search for and process evidence. A search warrant for a second location associated with the Compound, referred to as the "Mag Bag", was to be served simultaneously. This location was a screening point for UPS deliveries destined for the Compound, and was manned by cult members. Undoubtedly, it also functioned as an early warning system for the Compound.

The operational plan provided for the assignment of ATF Emergency Medical Services (EMS) personnel to each Special Response Team. Medivac helicopters would be on standby at the Command Post, and an ambulance and crew would be staged at a roadblock position. Unfortunately, it would not be possible for civilian EMS personnel and ambulances to accompany the raid force to the Compound because of the potential hazard, as well as the fact that their presence would alert the Compound to the impending warrant service. Contingency plans provided for the mission to be aborted at any time after the raid force left the Staging Area, but prior to the vehicles turning into the Compound. The abort decision would be based upon continuous surveillance of the location from an undercover site.

In late 1992, BATF became aware of local media interest in the Branch Davidians and David Koresh. Specifically, the Waco Tribune-Herald was preparing a

series of articles on the cult and its leader. Concerned that any article of this nature might cause Koresh to become more alert and paranoid about possible law enforcement action against him, and prompt an increase of curious onlookers in the area, an ATF representative contacted the paper in an effort to delay publication of the series until after March 1, 1993. These and subsequent negotiations with the newspaper concerning this issue were fruitless. BATF representatives were told that the series would begin as soon as it was complete. Eventually, they were advised on February 26, 1993, that the first article in the series would be released on February 27, two days before BATF planned to serve the warrants. At this point, support personnel and equipment had already arrived in the Waco area, and Special Response Teams, along with selected support personnel, were rehearsing and training for the operation at Fort Hood, Texas. Consequently, it was decided to advance the scheduled date of execution by one day to February 28, 1993. The final decision would be kept in abeyance until David Koresh's reaction to the first article could be assessed through undercover contacts. These contacts revealed nothing untoward at the Compound as a result of the article. It was decided that prior to the raid on February 28, one last undercover contact would be made. In the meantime, support elements and Special Response Team personnel had responded from Fort Hood to a staging area at Bellmead, a Waco suburb, to await the final command to proceed with the operation.

On the morning of February 28, 1993, an undercover contact was made with David Koresh. During the conversation, Koresh was interrupted by a cult member and advised that England is on the phone. Note: Mark England was one of the reporters who wrote the first article. When he returned, according to the undercover agent, Koresh was very nervous, quoted the Bible, and remarked to the effect that "the ATF and National Guard are coming for me. They'll never get me. The undercover agent left the Compound as soon as he could without arousing suspicion, and provided this information personally to the Deputy Tactical Coordinator, and by telephone to the Tactical Coordinator. The Tactical Coordinator personally related the information to the Incident Commander, and after consultation with him, it was decided the operation could still be carried out successfully (even though compromised) if done quickly, before Koresh could distribute weapons and prepare his defenses.

Accordingly, the Tactical Coordinator went to the Staging Area and ordered personnel to obtain their equipment, load on the cattle trailers, and respond to the Compound to effect service of the warrants. The Tactical Coordinator was in communication with the Deputy Tactical Coordinator throughout the 8-mile drive from the Staging Area to the Compound, and was given periodic situation reports from the undercover surveillance location. Nothing unusual was reported. In fact, no activity at all was noted in the vicinity of the Compound. Apparently not recognizing the significance of the no activity report (the men were supposed to be working at the

construction site), the convoy continued toward the Compound. While enroute, the convoy passed two vehicles, one of which displayed a Waco Tribune-Herald sign on the door. These vehicles followed the convoy, unchallenged, almost to the Compound. Other media vehicles, perhaps the same, had been noted on the road in front of the Compound earlier in the morning by surveillance personnel. However, they were believed to be a reaction to the first newspaper article, and not viewed as a threat to the warrant service operation.

After passing the final checkpoint (and last opportunity to abort), the convoy turned into the Compound and parked in front of the main structure (approximately forty minutes after the undercover agent had reported Koresh knew they were coming). As the cattle trailers were being unloaded, the front door opened slightly and a man (believed to be Koresh) was seen standing in the doorway. The door was quickly shut and gunfire was immediately initiated through the closed door directed at the approaching agents. The helicopters arrived simultaneous with the raid force, and were almost immediately taken under fire, causing all three to land and subsequently withdraw. Only the Special Response Team assigned to secure the arms room was able to reach their objective, and although they were able to enter the arms room through a second-story window, were forced to exit because of intense gunfire directed at them. Other SRT and support personnel were forced to seek cover behind whatever was available. Cult members utilized both semi- and fully automatic weapons, as well as fragmentation grenades, against the raid force.

During the ensuing firefight, four agents were killed and at least fifteen wounded. Because of the continuing heavy gunfire, it was impossible to remove the dead and wounded. A few wounded agents were tended to by assigned EMS personnel, but others lay untreated. After approximately an hour, a negotiated cease fire was arranged by telephone through the efforts of the Deputy Tactical Coordinator and a lieutenant from the McLennan County Sheriff's Department.

As a result of the cease fire, ambulances and other vehicles were utilized to evacuate the dead and wounded. The most seriously wounded were evacuated by helicopter once safe landing zones could be established.

Orders were subsequently given, presumably by the Incident Commander, to abandon the Compound entirely. A few agents remained of their own volition to maintain loose containment, but eventually, they too were ordered to leave. Because of the severity of the situation at the Compound, the search warrant for the "Mag Bag" was not served. Later, three men left this location and while attempting to return to the Compound, engaged departing BATF agents in a gun battle. One was killed, another surrendered, and the third fled but was later captured. Fortunately, a number of local

SWAT teams arrived and assumed containment positions around the Compound.

As a result of a decision made at high levels of BATF management, control of the operation was relinquished to the Federal Bureau of Investigation on March 2, 1993. Selected BATF agents remained in support roles until the siege ended on April 19, 1993.

THE PROBLEM

Statement of the Problem

The purpose of this project was: (1) to conduct a selective analysis of the planning, preparation, and subsequent attempted service of search/arrest warrants on February 28, 1993, by BATF personnel at the Branch Davidian Compound, (2) to develop conclusions based upon the analysis of BATF efforts in this regard, and (3) to make recommendations related to possible future operational improvements.

Limitations of the Project

In accordance with the charter given the evaluator, this project will explore only the actions of BATF personnel leading up to, and including, the attempted service of search/arrest warrants at the Branch Davidian Compound. It will not address actions of the Federal Bureau of Investigation, which assumed control of the operation on March 2, 1993.

For simplicity, the non-gender-based pronoun "he" is used in place of "he/she" throughout this document, and no inference should be drawn as to gender.

RESEARCH METHODS

This project utilized the following data collection methods:

1. A review of documents, reports, videotapes, and training curricula provided by Waco Administrative Review staff.
2. Personal monitoring of Congressional hearings on June 9 and 10, 1993, regarding the operation.
3. Personal interviews of selected BATF personnel.
4. A review of available literature related to the subject area.

5. Personal observation of the geographical area surrounding the Branch Davidian Compound, as well as the Command Post, undercover residence, and Staging Area.
6. Personal knowledge of contemporary policy, procedure, and training within the tactical community.
7. Extensive personal experience within the field of law enforcement tactical operations.

DEFINITIONS OF TERMS USED

OPSEC

An acronym for Operations Security. Developed by the military during the Vietnam War, OPSEC is a process by which specific programs or operations are viewed from an adversarial perspective to identify possible vulnerabilities.

TEMS

An acronym for Tactical Emergency Medical Support. TEMS involves the integration of emergency medical services with SWAT/tactical units. Tactically trained, commissioned or non-commissioned paramedics/Emergency Medical Technicians, directly provide EMS at the scene of tactical operations. They may be supplemented by an on-scene physician(s) operating in either an active or advisory capacity.

Dynamic Entry

A type of entry which is sudden, vigorous, and unexpected.

T.S.T.C./T.S.T.I.

The Texas State Technical College (T.S.T.C.), or Texas State Technical Institute (T.S.T.I.). Both terms are used interchangeably in this report.

B.A.T.F./A.T.F.

The Bureau of Alcohol, Tobacco and Firearms (B.A.T.F.), or Alcohol, Tobacco and Firearms (A.T.F.). Both terms are used interchangeably in this report.

Chapter 2

ANALYSIS

The attempted service of search/arrest warrants by agents of the Bureau of Alcohol, Tobacco and Firearms on February 28, 1993, at the Branch Davidian Compound near Waco, Texas, was in all probability unprecedented within American law enforcement.

However, although unprecedented, the BATF operation can be examined objectively by comparing various phases of the operation with contemporary law enforcement/military concepts, principles, and practices. By approaching the analysis in this manner, it is possible to reveal both positive aspects as well as areas of deficiency. It is important to note that the purpose of conducting this analysis is not to castigate or condemn, but rather to learn from what occurred with a view toward future improvement.

PLANNING AND PREPARATION

Preparing and implementing a comprehensive plan is one of the most important factors in achieving operational success. In order to ensure that nothing is left to chance, and all foreseeable problems are considered, it is imperative that a definite course of action be followed (1:143).

There is no doubt in the mind of the evaluator that those involved in preparing for Operation Trojan Horse fully appreciated the importance of their efforts in achieving operational success. Although there were others who provided assistance, the Special Response Team Leaders from Dallas, Houston, and New Orleans became the principal planners. Over the ensuing weeks, in addition to their other duties, they sought out and utilized all sources of information and assistance known to be available to them. After considering and evaluating information thus obtained, and relying upon their individual and collective experience, both within and outside of law enforcement, they formulated a plan of operation which they believed would afford the highest probability of success.

Tactical Alternatives

During the course of preparing for Operation Trojan Horse, planners discussed and refined a number of tactical alternatives, or options. For reasons to be discussed subsequently, circumstances prompted them to select a dynamic warrant service, or raid, as the most viable of available options. The following alternatives were considered by planners:

Take No Enforcement Action

This alternative was quickly determined to be unacceptable. Numerous complaints had been received concerning firearms violations by the Branch Davidians, and the violent takeover of leadership by David Koresh from George Roden in 1987, along with alleged threats against former cult members, demonstrated a high propensity for violence. The BATF simply did not want to risk the added possibility that cult members would turn their weapons against members of the community.

Additionally, the alleged physical and sexual abuse of children at the Compound, combined with complaints of inaction and lack of concern by local and outside law enforcement agencies, left little, if any, doubt that the problems had to be addressed.

Arrest David Koresh Away From the Compound

Planners recognized early on that it would be advantageous to arrest David Koresh away from the Compound because of the weaponry believed to be maintained there, and the obvious control he exercised over the cult members.

If cooperative after his arrest, Koresh would be asked to call the Compound and encourage his followers to comply with instructions of the authorities. In the event Koresh refused, the Compound would be notified by authorities of his arrest, and cult members instructed not to resist the lawful service of the search warrant. Failure of the cult members to comply would result in containment (siege) of the Compound until compliance was achieved.

Plans to lure Koresh from the Compound using the ruse that the Texas Division of Children's Protective Services wanted to discuss allegations of child abuse at the Compound with him failed when a supervisor at the agency refused to approve the request. This avenue apparently was not pursued further.

Other ruses were discussed and rejected. Additional ideas (follow Koresh to town and arrest him, etc.) were also rejected when information was received from the undercover site (a residence in view of the Compound) that Koresh had not left the Compound in the past two months, and there was nothing to indicate he would do so in the immediate future. This information was based upon the belief that the undercover location was being operated around the clock, and would have been able to determine if, and when, Koresh left the Compound. Unfortunately, this was an honest, but false, assumption on the part of planners and others, who should have been able to rely upon information provided by undercover agents.

Contain and Call Out (Siege/Negotiate)

This alternative had been utilized successfully in the past by the BATF — most notably in Arkansas during a 1985 joint operation with the FBI to effect service of search warrants at a heavily fortified compound. Armed members of a right-wing group known as the Covenant of the Sword and Arm of the Lord (CSA), occupied the compound, and surrendered after three days of negotiations.

Although there were similarities in the two cases, information received through interviews of disgruntled former cult members and other sources made it apparent that this alternative would be extremely risky at the Branch Davidian Compound for the following reasons:

- There was a great risk of mass suicide.
- The physical and sexual abuse of children could continue.
- The evidence necessary to prosecute Koresh for firearms violations was capable of being destroyed.
- There was reportedly enough food stored on the Compound to sustain cult members for at least three months. Water was also available in quantity.
- The Compound could continue to be barricaded and fortified.
- The operation could involve a lengthy commitment in terms of personnel and logistics.
- The resources of local agencies could be strained, and neighboring areas disrupted.
- The lack of sufficient and adequate cover would make it extremely difficult to effectively contain the Compound without the use of heavily armored vehicles.

Dynamic Entry (Raid)

The very nature of a dynamic entry necessitates the existence of three elements in order to achieve success: (1) surprise, (2) speed of implementation, and (3) diversion. BATF planners were well aware of the significance and importance of these elements, as evidenced by their inclusion not only in the tactical plan, but also the rehearsal and

training segments conducted at Fort Hood.

Experience has shown, and it is generally conceded, that while diversion is not always critical to the success of every dynamic operation, surprise and speed are absolutely essential. Certainly, if surprise is lost, the likelihood of achieving success is reduced greatly, because it is difficult to overcome its compromise through speed and diversion. By incorporating all three elements into their dynamic scheme, planners ensured a high probability of success, and enhanced the safety of participating agents as well as cult members.

Undercover observations, interviews of former cult members, and patterning of cult activities confirmed the selection of this tactical alternative. For example, it was determined that:

- o Weapons were stored in a second-floor room at the east side of the Compound.
- o Following Bible study, male followers left the Compound structure to work on an outside construction project at the west side of the Compound, thus separating them from the arms room.
- o Women and children were separated from the men.
- o No armed guards accompanied the men, and it was likely very few, if any, persons on the Compound would be armed.

The successful implementation of the dynamic entry option would prevent mass suicide, alleviate the continued physical and sexual abuse of the children, and enable cult members held against their wishes to leave. In addition, it would facilitate the arrest of David Koresh and the recovery of evidence.

One of the controversial areas confronted by planners in "selling" this tactical alternative was the selection of when the warrants would be served. Generally speaking, the most advantageous time of service would be during the hours of darkness or early dawn, when occupants are more likely to be asleep. However, in the case of the Branch Davidians, intelligence information reflected that several of Koresh's most trusted followers, the "Mighty Men", slept with assault rifles under their mattresses. This potential threat, along with the estimated number of cult members believed to be in the Compound (75), the fact that the men would be close to the arms room, and the size of the complex, prompted planners to reject service during the hours of darkness. Instead, the decision was made to effect service at 1000 hours, because, as previously noted,

patterning reflected that by then the men would be busy at the construction site at the opposite end of the Compound from the arms room, and the women and children would be separated from the men, performing their chores elsewhere.

As mentioned before, planners realized from the outset that the safest and most effective alternative available to them was to arrest David Koresh away from the Compound. However, relying upon misleading intelligence, and rejection of other suggested means of enticing Koresh from the Compound, they abandoned what was believed to be the best tactical option. In fairness to the planners, it should be pointed out that, with the exception of a few interviews and observations made while surreptitiously visiting the areas surrounding the Compound, they had no direct link with intelligence providers. Consequently, they were forced to accept intelligence which was often considered inconsistent and untimely.

Lacking the ability to arrest Koresh away from the Compound, and based upon the information provided them, planners logically selected the dynamic entry (raid) option.

Tactics and Related Matters

Having adopted the strategy of using a dynamic approach to effect service of the warrants, planners next established the duties and responsibilities of each SRT and cover team. These functions have been addressed previously, but briefly stated, the New Orleans SRT team was given the assignment of surmounting the roof, securing the arms room, and arresting David Koresh if he was encountered. A segment of the same team was to maintain a holding position at the warehouse until they were joined by others to clear that area. The Dallas SRT team was to enter the front door, go to the second floor, clear it, the towers, and chapel, and secure women and children. The Houston Team was to enter the front door, clear the first floor, the kitchen, dining area, an underground tunnel (a buried school bus), and secure all men encountered. Each SRT team was supported by an exterior cover team. Forward Observer Teams (countersniper) were to provide long-range cover and support for the SRT and cover teams. This would be the first time members of the newly adopted program were deployed on an actual operation. Because so many agents would be entering the interior of the Compound, the value of the Forward Observer Teams was probably underestimated. Their primary responsibility was to provide long-range cover during the approach to the Compound. Planners recommended two, two-person Forward Observer Teams be deployed inside the undercover residence, which would also act as a forward command post. Also, one, two-person team would deploy at the rear of the Compound, along with five BATF members who were to clear a series of vehicles and trailers once the raid had commenced. Planners had hoped to deploy a fourth team east of the Compound, but it

was felt that the cover and concealment were too sparse to prevent their detection.

While it is conceded that planners were appreciative of the benefit of deploying the new teams, there is little question that realization of their full potential was not possible under the described deployment. The desired fourth team could have been deployed through the assistance of a cooperative rancher from whom the undercover site was obtained. He had offered to place large, tightly rolled hay bales (rolls) strategically around his property, which bordered the Compound, to act as surveillance posts. These bales could have been placed weeks in advance so they would not have caused the Davidians to become suspicious. Their protective value could have been tested beforehand by undercover personnel firing into them to determine the best configuration in which to arrange the bales. The rancher's offer was noted, but not accepted.

Deployment of the Forward Observer Teams also created concern. Although the two teams at the undercover site arrived the evening before, they did not deploy until two hours prior to the raid. The team at the rear of the Compound was not deployed until moments before the raid. One of the most important roles performed by a position of this type is to surveill the objective continuously, well before the operation begins (2:35?). Had this team been deployed the night before, the possibility exists that valuable intelligence information might have been obtained through their observations.

Both managers and supervisors are often unfamiliar with the role of countersniper teams and their deployment. However, in the case of the BATF, it is submitted that this unfamiliarity was complicated by the newness of the program. Operation Trojan Horse was literally a "test by fire" for the program, and its members proved their worth. In the future, problems can be reduced by assigning a trained and experienced coordinator (supervisor) to the program. The coordinator, or his designate, would represent Forward Observer Teams at all applicable planning sessions, and respond in a supervisorial capacity during deployment. This simple modification will increase the likelihood that the teams are utilized to their full potential. Also, it should result in a better understanding of their capabilities and limitations.

Tactical contingencies were considered by planners, including aborting the operation at various stages if a compromise occurred. However, as will be addressed under *Command and Control*, planners had no control over those with assigned authority to abort the mission. One of the problems with the abort plan was that there was no alternative course of action available to decision makers once an abort had been declared. For example, and as provided for in the plan, if a compromise occurred while enroute to the Compound, the raid force would be ordered to continue past the Compound and not carry through with the dynamic warrant service. Had this occurred, what were they to do? Return to the Staging Area? Respond to the Command Post? Apparently, no

provisions were made for this contingency, and if they were, there is no evidence of their knowledge by decision makers. Of course, it could be presumed that decision makers should know their options in a situation like this. However, one of the purposes of planning is to eliminate as many presumptions as possible by providing direction and guidance.

Once the fire fight broke out at the Compound, agents found themselves without an effective means of withdrawal. Although the use of Bradley Fighting Vehicles was discussed by planners as a necessity if the siege alternative was implemented, once the dynamic entry option was adopted, their use was de-emphasized. Given the suspected weaponry of the Branch Davidians, it would have been advisable to have had at least three of these armored vehicles standing by at the Command Post.

Another problem with the contingency plan arose because there was a lack of definite guidance with regard to negotiations. Loose reference was made to the use of local agency negotiators, but it appears clear that no one foresaw the necessity to utilize them. Unfortunately, the need arose quickly and tragically. Luckily, the Deputy Tactical Coordinator had received negotiations training in the past. After David Koresh had called 911 and communicated with a Sheriff's Department lieutenant, the Deputy Tactical Coordinator made telephone contact with another cult member and negotiated a cease fire to evacuate dead and wounded agents. In defense of the planners, it is difficult to provide for a negotiations function where none exists. This is an area which must be addressed in the future. The experience of the evaluator has been that protracted operations involving tactics and negotiations are best managed when negotiators are an integral part of the tactical team or unit, and under the same tactical command and control. It has been said that perhaps the most critical element of decision making is timing (3:69). There are sometimes occasions during the course of tactical operations when a resolution can be achieved as a result of a sudden change in circumstances. The tactical commander must make what can be a difficult decision at this point. If he must also consult with a separate negotiation command prior to implementing the resolution, the opportunity may pass and never present itself again.

Regardless of the negotiations concept utilized, it is absolutely essential that tactical, command, and negotiations personnel work together toward the successful resolution of the incident. Negotiations and tactics are successful if they assist in any way to achieve a positive outcome (4).

While planners did not select Command Post and Staging Area sites, some had an opportunity to view them during a visit to the Waco area in December, 1992. Understandably, their interests were more concentrated on surveilling the Compound and evaluating tactical options than assessing the location of support sites. Nevertheless, the

selection of these sites can often adversely affect an operation, and for this reason, planners should participate in choosing them.

The selection of the Texas State Technical Institute (College) Airport facility as the principal Command Post was logical, based upon necessary requirements. However, interviews of some participants reflected concern over the location of the Staging Area because of its proximity to a traveled highway, and the fact that arriving vehicles and personnel were easily observable. Having viewed the Staging Area during an independent post-operation visit, the evaluator shared this concern. Although the location was certainly adequate to meet space and comfort requirements, its location adjacent to a traveled road, and on an almost direct route to the Compound (albeit 8 miles distant), makes its selection questionable. This point is particularly critical when it is considered that an estimated 50-100 vehicles were utilized to transport the raid force from Fort Hood. Had buses been utilized, it might have been possible to use an area adjacent to the Command Post at T.S.T.I. as a staging area. This would probably have been more conducive to operations security. Buses could have been obtained commercially, or through military sources.

One way to reduce potential problems with the selection of sites such as these is to prepare, and faithfully utilize a printed checklist or form detailing specific requirements for the site and emphasizing operations security concerns. This is always important, but especially when someone other than the planners are making the selections

Logistics

Logistical support of a large-scale operation requires a concerted and cooperative effort on the part of planners and those obtaining and providing the requested assistance. In addition to existing individual and team SRT equipment, the tactical strategy selected will also determine what support and supplemental equipment and personnel will be required. Assigning this important, and often critical, responsibility to a specific individual will ensure that logistical requirements are met in a timely manner. In the case of Operation Trojan Horse, a Support Coordinator was assigned in accordance with the BATF National Response Plan, which was implemented for the first time as a result of the investigation.

Because of the geographical distances separating the Support Coordinator and individual planners, a request was made asking them to submit a list of desired equipment. These lists were then consolidated, and most of the items were obtained or borrowed from one source or another. Post-operation interviews with the SRT team leaders reflected that they had received all critical equipment they had requested, with

the exception of smoke grenades, which were apparently unavailable from military sources. Under the circumstances, smoke grenades might have been of benefit in concealing the withdrawal or movement of the raid force. A controversy developed later concerning the availability of additional AR-15 semi-automatic rifles, but according to the Support Coordinator, all that were requested were received, and if more had been requested, they, too, would have been provided. In retrospect, there is no question that more could have been utilized.

With reference to helicopters, it had been the understanding of planners that necessary aviation assets would be provided by U.S. Customs Service. However, the decision was made at a later date to utilize Texas National Guard assets. This assistance was obtained with the cooperation of the Department of Defense liaison officer to the BATF in Washington, D.C. Whether the decision to utilize National Guard assets was based upon politics, rivalry, or practicality is a moot point. In either case, the National Guard ultimately committed to providing aviation assistance, armored vehicles on a standby basis, and other support equipment.

Fortunately, full-scale, multi-agency activities, approaching the size of Operation Trojan Horse, are still rare within law enforcement. Nonetheless, agencies must be prepared should they be confronted by circumstances of this nature requiring their attention. Logistical support of any operation, and particularly one of great magnitude, can have a marked affect on its outcome. Therefore, the assigned coordinator must be especially familiar with his role, as well as various sources of logistical assistance.

One approach to ensuring future uniformity and directed action in obtaining logistical support for an operation is to prepare and provide to each BATF Field Division Office a logistical manual. This manual, which would be provided to the Logistical Coordinator at the time of his assignment to the position, would contain a full description and statement of duties and responsibilities, along with logistical sources, procedures, and points of contact. The National Response Plan provides some direction in this regard, and that information could easily be expanded into a more helpful format, as described above.

Emergency Medical Services

One of the areas for which the BATF was most criticized by those with little or no knowledge of Operation Trojan Horse was an alleged failure to provide Emergency Medical Services (EMS). Research for this report revealed that these allegations were patently false. Unfortunately, television coverage of the evacuation of dead and wounded agents, and the withdrawal of others, prompted these allegations because there was no

attempt made to explain why ambulances and EMS providers were not immediately at the scene when the need arose.

In actuality, not only were ground ambulance and paramedics requested and pre-staged, but so too, was a civilian medivac helicopter. National Guard helicopters would be used if additional airborne medivac service was required. Because of the open terrain and the need for operations security, EMS assets could not be staged in view of the Compound, and for obvious reasons, civilian EMS personnel could not accompany the raid force to the location. Instead, an EMT-trained and -equipped agent was assigned to each team. Other medical assets would be brought in from their staging areas if they were required. Ultimately, circumstances strained medical resources to the maximum. It is unlikely, as a practical matter, that enough resources could have been staged in advance to handle the unforeseeable number of casualties that occurred. As a matter of fact, the remoteness of the area and the weaponry possessed by cult members, prompted extra effort to be exerted in preparing a comprehensive medical plan. Assisting in this effort was an Army Special Forces complement, which also provided instruction on trauma care to members of the raid force at Fort Hood. This instruction proved of value during the operation.

In addition to providing instruction, Army medics also suggested that members of the SRT teams print their blood types on their neck and legs with a marker. This questionable suggestion was accepted and implemented. Although this practice might have application in the military environment, in the evaluator's opinion, it has no place within law enforcement operations. Not only does this practice have an adverse psychological effect on team members, and heighten their anxiety, but civilian emergency medical facilities are unlikely to accept a patient's assertion of having a particular blood type. For reasons of both accuracy and liability, a patient's blood would be typed regardless of their claimed knowledge of blood type.

Because of the almost total dependence of the BATF on outside sources of EMS to support their tactical operations, it would prove of benefit to organize an internal program within each Special Response Team.

Within the contemporary law enforcement tactical community, this concept is known by the acronym TEMS (Tactical Emergency Medical Support). A few agencies have staffed full-time SWAT-trained police paramedics within their tactical units for many years, but most are unable to afford this luxury. Instead, some agencies have discovered that there are a number of alternative means of integrating this life-saving service, albeit on an on-call basis. These alternatives include:

- o Paramedic or EMT-trained agency personnel

- Fire department paramedics or EMTs
- Private hospital/ambulance paramedics or EMTs
- Private physicians

Outside EMS services may be obtained by contract or through a volunteer program. Regardless of which is selected, the consensus of those experienced in the field is that all EMS personnel be required to complete basic tactical response team, as well as periodic in-service, training. A few agencies require EMS personnel to meet their tactical response team selection criteria to ensure acceptable physical condition, as well as acceptance by team members.

Integration of EMS capabilities within an agency or team should not be considered a substitute for existing civilian EMS providers, but rather a supplement. Unlike their civilian counterparts, tactical paramedics and EMT personnel are trained to operate in life-threatening situations that may involve an armed adversary (7:56). Not only can these specially trained personnel provide almost immediate basic and advanced life support care on scene, and occasionally under fire, but they are also a valuable tactical planning resource. Planning for a tactical mission should obviously include concern for medical care, whether or not an agency maintains an in-house EMS program. It should be apparent that when the level of care and medical capability increase, potential risk and liability factors diminish (8:55).

The application of TEMS to BATF operations is obvious. There are undoubtedly a sizable number of special agents within the service who are trained and certified former paramedics or Emergency Medical Technicians (EMT). Those personnel whose certifications have expired could be retested and certified. Their ranks could be supplemented by civilian EMS volunteers within the various BATF divisions. Activation procedures could be aligned with those of Special Response Teams, as outlined within the National Response Plan.

Guidance in developing a program of this nature is available from a number of law enforcement and related sources.

Communications

A reliable and effective communications system is, of course, a critical factor in resolving any major tactical incident. The communications plan for Operation Trojan Horse was developed jointly by representatives of the BATF and a Special Forces unit of the U.S. Army. Although some criticism has been directed at the communications

plan, team leaders who were interviewed believed the system addressed operational needs and worked well.

The communications system consisted of secure radios and telephones, as well as cellular telephones. Additional equipment was located inside the Command Post at T.S.T.I. and the Forward Command Post at the undercover residence.

Basically, the communications net utilized a separate command channel, a channel for each of the three SRT teams and cover teams, and another for the helicopters and other support entities. Each SRT team member carried a secure handheld radio, and could communicate with other members of the same SRT and cover teams, as well as his team leader. In order to communicate with another team or other entities, he had to switch to the appropriate channel.

Team leaders carried two handheld radios with an earpiece in each ear, and could communicate on one radio with his SRT and cover teams, and to other team leaders and tactical command personnel on the other. The Deputy Tactical Coordinator at the Forward Command Post (undercover residence) acted as a relay point for communications to the helicopters, the Command Post at T.S.T.I., and all support entities, either directly or through a radio van which was staged for maximum communications capability.

Minor complaints from SRT personnel referred to the awkwardness of changing channels on their radios and, of course, the team leaders adjusting and manipulating two radios. While the BATF radios were secure, local agency communications were not. This undoubtedly explains the assertion by some area residents that they were able to monitor the operation on their scanners.

Although it would have been of future value to tape record all channels utilized during the operation, the radio van only had the capability of recording the command channel, and this was apparently done.

Intelligence Function

One of the recognized basic principles of intelligence is that tactical operations and intelligence are interdependent. Intelligence does not exist for its own sake, but to assist in executing operational missions (5:8).

Like any large-scale operation, planning for the service of search and arrest warrants at the Branch Davidian Compound relied heavily on intelligence sources. These sources included:

- Interviews of selected former cult members
- Other law enforcement agencies
- Undercover contacts
- Undercover surveillance
- Aerial photographs
- Criminal records checks
- Court documents
- Information from neighbors

In order to obtain the most pertinent information, planners prepared a list of thirty-eight questions to ask of former cult members. Responses were compared to confirm or refute information provided. The results of these interviews proved very beneficial, when supplemented by other sources, in developing the operational plan. Information from other sources was provided intermittently to planners through reports and documents screened by the assigned case agent and the Tactical Coordinator. Although an Intelligence Coordinator was assigned to the operation, as prescribed by the National Response Plan, this assignment was made during the latter stages of planning. Through no fault of the person assigned, he had little opportunity to contribute to the intelligence effort.

As the planning phase progressed, the most current information was provided by undercover personnel residing at a house across the road from the Compound. The undercover operation commenced on January 11, 1993, on a twenty-four-hour basis, with eight undercover agents assigned. According to those agents interviewed, initial instructions regarding their mission were minimal, and no supervisor was assigned to the house to oversee the operation. For this reason, undercover agents decided among themselves what information should be gathered and what work schedules should be followed. Agents rotated shifts, with four on-duty and four off. Periodic logs of activity were kept, and efforts were directed toward confirming or refuting information provided by former cult members. Logs and reports were forwarded to the case agent for review and dissemination. Surveillance of the Compound continued on a twenty-four-hour basis for two weeks, during which time David Koresh was never seen leaving the Compound. At the end of two weeks, undercover personnel decided on their own that there was nothing occurring at night to warrant surveillance. Accordingly, they agreed to watch

the location only during the hours of daylight. It is important to note that tactical planners believed the undercover operation was being conducted twenty-four-hours a day, and relied upon information provided them on that basis.

Shifts and assignments were established and changed by the agents on a regular basis, and lacking any supervision or direction, it is to their credit that surveillance was conducted with any regularity at all.

Undercover agents were provided with 35mm cameras, lenses, and a video camera. Unfortunately, no one was familiar with the equipment, and the quality of the photographs taken reflected this lack of expertise. Complaints about the quality of the photos, which were developed primarily in Austin for security reasons, were not accompanied by suggestions for improvement. Requests for additional equipment, i.e., night vision equipment to replace an inoperable set provided initially, and technical support in other areas, proved fruitless. A "pole" camera placed on the property of a local resident was of negligible value, and had to be removed at the insistence of the property owner. No assistance or direction was forthcoming, and undercover agents began to feel isolated and neglected. As a result, surveillance became more and more sporadic.

After several weeks, and apparently in response to concerns about the undercover house, a superior from the Houston office visited the agents. Complaints were aired and a number of changes made. However, with the exception of placing increased emphasis on infiltrating the Compound, as directed by BATF Headquarters, these changes had little influence on the surveillance. Finally, a supervisor was assigned to oversee undercover activities. He seldom came to the undercover house, however, and basically became a point of contact and drop-off point for exposed film and reports at either the Command Post or an undercover safe house in Waco.

According to agents, cult members occasionally visited them. During the first visit, they inquired who the agents were and why they were staying at the house. Agents did not believe cult members were suspicious of them or their cover stories. The undercover agent who had met with David Koresh on several occasions inside the Compound shared this belief.

Two weeks prior to the raid, four of the undercover agents were removed, because of their assignment as part of the raid force. The four remaining agents sporadically surveilled the Compound through the day of the raid.

As mentioned earlier, intelligence and tactical operations are interrelated. The importance of this relationship in terms of operational success cannot be over-

emphasized. Establishment of the undercover surveillance operation to confirm information obtained from other sources certainly reflects concern for this relationship. Be that as it may, establishing an undercover operation without providing definite direction regarding objectives and expectations, and supervision to ensure acceptable compliance, demonstrates a lack of appreciation and understanding of the intelligence function. Undercover agents had every right to expect oversight guidance and feedback related to the usefulness of their efforts. When it wasn't received, their response in making decisions on their own was understandable, and should have been foreseen.

Any item of equipment provided should have been accompanied by instruction on its care and utilization. To expect acceptable results without ensuring agents are capable of operating the equipment is absurd.

Supervision of the undercover operation should have been an integral part of the assignment from its inception, and assurance given that whatever support was required by the agents would be provided as expeditiously as possible.

This seeming lack of understanding of the intelligence function can perhaps best be addressed in the future through in-service training at all levels likely to be involved in a full-scale tactical operation. Future operational planning might also make better use of divisional Intelligence Research Specialists (IRS), and their training modified to emphasize the interrelationship of intelligence and tactical operations. One of the intelligence-related issues disclosed during Congressional hearings on June 9-10, 1993, involved the use of electronic surveillance and listening devices. Those who testified from the BATF expressed doubt that approval would have been granted for such intrusions at the Compound. Whether or not this is true is for others to determine, but it goes without saying that such devices could have easily confirmed the raid on February 28 had been compromised. There is no doubt that additional information of potential tactical, as well as evidentiary value, could also have been obtained. Hopefully, as a result of both the Congressional inquiry and that conducted by the Waco Administrative Review, enabling legislation will be pursued (if indeed none exists) to prevent this problem from occurring in the future.

Briefing

One of the most important, but often neglected, elements of a successful warrant service is a comprehensive briefing. If conducted properly, a briefing can develop confidence in both the planners and the operation (1:147). Because of the extreme magnitude of Operation Trojan Horse, the duration of the investigation that preceded it, and the number of agents involved from different geographical areas, the task of making everyone aware of their duties and responsibilities was enormous. For the most part, the

Tactical Coordinator assumed this responsibility. Prior to the date of implementation, briefings were held for different entities at several locations, including Waco and Fort Hood.

Operational personnel (SRT and direct support) attended a number of briefings in conjunction with the rehearsal and training sessions at Fort Hood. Tactical briefings of SRT team members included visual aids, such as ground/aerial photographs, diagrams, and maps. Briefings were also conducted for support personnel at Fort Hood. It would appear from statements made that most of those who participated believed the briefings adequately addressed their questions and concerns.

Nonetheless, forward observers took exception to this belief. They reportedly received no specific direction regarding their mission, and were not invited to attend any briefings other than that held for support personnel. When two forward observers attempted to attend a meeting of SRT teams, they were told it wouldn't be necessary. A meeting which was supposed to take place between forward observers and SRT team leaders did not occur. Forward observers learned of the planned tactical deployment of the SRT teams by observing the rehearsal training, which they found helpful. Whether this unfortunate situation was an oversight or the result of unfamiliarity with the program is unknown, but it was certainly preventable.

One method of making certain that *all* participants are aware of their role and what is expected of them is to conduct a mandatory general briefing. This briefing should not replace separate specialized briefings, but rather supplement them by ensuring that everyone from a particular entity involved is aware of the general role and relationship of others in carrying out the operation. It was reported by one participant that there were many briefings conducted at Fort Hood, and if a person's concerns weren't addressed at one briefing, they would surely be discussed at another. Again, a comprehensive follow-up general briefing might have reduced the number of briefings required.

A printed briefing checklist or format can also be of benefit when the size of an operation requires conducting multiple briefings.

The importance of a comprehensive briefing in achieving operational success cannot be stressed too strongly. No matter how well an operation is planned, it is essential that participants be properly briefed regarding their role in its implementation.

Training/Rehearsal

The relationship between quality training and successful performance has been well established. From all indications, the training and rehearsal conducted over a three-day

period at Fort Hood was well planned, relevant to the tasks required, and prepared those involved for the assignments they were to perform.

Fort Hood, Texas, was selected for training and rehearsal purposes because of the excellent quality of training sites and ranges there, as well as the security a military base would provide.

Personnel arrived at the base at staggered times and dates, but the majority were present for training on February 26 and 27. During briefing sessions, they were cautioned about operations security and admonished not to wear any law enforcement-identifiable articles of clothing when off the post. This was necessary because they were billeted on the post, but allowed to eat off post.

Much of the SRT training was conducted at the Military Operations in Urban Terrain (MOUT) site, which contained structures similar to those expected to be encountered. Following briefing, SRT teams practiced entry techniques, and later, each team rehearsed their particular roles in executing the plan. Loading and unloading of the cattle trailers were also rehearsed. Glass was inserted in window frames to enable team members who would be breaking windows to practice proper technique, and teams which would be deploying flash/sound diversionary devices (flashbangs) rehearsed proper deployment. Special Forces personnel at the site assisted in duplicating the floor plans of Compound buildings with marking tape to facilitate movement and deployment exercises, and generally assisted in creating as realistic an environment as possible.

Once support elements arrived, the entire raid force rehearsed loading and unloading the trailers and deploying to their assigned areas. Reportedly, after repetitive training, the raid force was able to exit the trailers in eight seconds. The truck/trailers were also driven the same distance as the Staging Area to the Compound to determine necessary driving time.

SRT team members who would be ascending ladders to the second-story roof practiced deploying and climbing them until their Team Leader was satisfied with timing and proficiency. Later, SRT team members test-fired their weapons. Forward observers zeroed their rifles for the distances within which they would be working, and agents who would be carrying AR-15 rifles were required to fire a qualification course.

The time spent at Fort Hood also provided an opportunity for the Tactical Coordinator and Team Leaders to review and refine the tactical plan. The general consensus of those participating in the training and rehearsal at Fort Hood was that it was very helpful, and adequately prepared them for the anticipated warrant service. SRT team leaders believed their teams were well prepared, and expressed some concern that

they were overtrained.

COMMAND AND CONTROL

The term command describes the exercise of complete authority to direct the actions of others. It also describes those factors necessary to manage a crisis situation. Control is often confused with command, and while closely related, the two are considered inseparable by the military (11:12). It is not unusual for a person to be in command and not be in control. Conversely, it is possible for a person to be in control but not in command, due to the fact that it is not possible for a person in command to control every aspect of the tactical organization he directs. This description is especially appropriate, because the issue of command and control is perhaps the most significant area of concern in evaluating the outcome of Operation Trojan Horse.

Decisions Impacting the Operation

While there were other problems of significance which occurred prior to the date of implementation (discussed elsewhere), they are eclipsed by the command decisions which were made, and not made, on the day of the operation. From the outset, it should be noted that nothing has been provided the evaluator which would reflect that command personnel performed unprofessionally, or with the intention of purposely hampering the safe conduct of the operation.

There is no doubt that command personnel were well-intentioned, dedicated professionals, and performed their duties and responsibilities within the limits of their capacity. However, research for this project revealed that they were not prepared, in terms of knowledge and experience, for the assignments they were called upon to perform. Once under way, the magnitude and size of the operation simply overwhelmed them, in spite of their extensive efforts to "make everything work".

Although other areas could be addressed here, the main emphasis will be placed upon decisions and actions which directly, rather than indirectly, affected the outcome of the operation.

- When word was received from the undercover agent that David Koresh had received a telephone call, and apparently as a result of the call, announced he knew the ATF and National Guard were coming for him, the operation should have at least been delayed or postponed by the Incident Commander, because any chance of surprise had been lost.
- The decision to proceed with haste based upon the belief that surprise

wasn't necessary was ill advised. To have stood any chance of success without surprise, the raid force would have to have been positioned at the Compound ready to proceed the minute Koresh was alerted to the raid.

- The fact that continuing surveillance revealed no activity outside the Compound prior to, and during, the movement of the raid force from the Staging Area should have been viewed as significant, since the separation of the men from the arms room was critical to the safe conduct of the raid. The operation should have been aborted by the Tactical Coordinator while enroute to the Compound, if not before.
- The observation of two press vehicles in close proximity to the Compound while the raid force was enroute, when combined with the report of inactivity outside the Compound, should have confirmed the obvious. The operation had been compromised, and the raid should have been aborted by the Tactical Coordinator.
- The Deputy Tactical Coordinator should have questioned the initial decision to proceed with the operation, based upon his personal interview of the undercover agent, the inactivity outside the Compound, and his observation of press vehicles on the farm road in front of the Compound. Following the decision to proceed, since he had abort authority, the Deputy Tactical Coordinator should have encouraged the Tactical Coordinator to abort the mission while the raid force was enroute to the Compound.
- The fact that the described observations were all reported by the Deputy Tactical Coordinator to the Command Post at T.S.T.I. did not relieve him from the responsibility of questioning what should have been viewed as an inappropriate and hasty decision.
- SRT Team Leaders should have questioned the Tactical Coordinator's orders to proceed with the raid, based upon his announcement that the Davidians knew they were coming. The Team Leaders, above all others, knew the importance of surprise in safely carrying out their mission.
- The Incident and Deputy Incident Commanders should have remained at the T.S.T.I. Command Post, as provided in the operational plan. They should not have accompanied the helicopters. By so doing, they seriously

reduced their decision-making ability at a critical time, and effectively eliminated their access by subordinate supervisors. The fact that the command helicopter was struck by gunfire from the Compound and forced to land in an adjacent field, confirms this point.

- The Tactical Coordinator should have been located inside the Forward Command Post. Because he was probably the most knowledgeable of the entire operation, his ability to recognize significant activities at the Compound and act upon them could have been invaluable. In addition, this location would have removed him from the additional pressures created by accompanying the raid force.
- The Deputy Tactical Coordinator should have been assigned to accompany the raid force. This would have placed a high level of supervision with the raid force and, in conjunction with the Tactical Coordinator, facilitated any decisions that may have been required while enroute or following their arrival at the Compound.
- The decision to abandon the Compound once dead and wounded agents had been evacuated was unprecedented within the evaluator's experience. Doing so caused confusion, frustration, and embarrassment to agents involved, and created the risk that cult members might escape into the City of Waco and elsewhere, endangering the lives of those with whom they came in contact. At the very least, forward observer positions should have been maintained and reinforced, perhaps with an APC which had been provided by the National Guard, to contain the situation until additional armored vehicles could be brought in to further strengthen the positions.
- The Tactical Coordinator assumed more responsibility throughout the operation than could reasonably be managed. Although some areas were delegated to others, it seems apparent in retrospect that he was overburdened with details that should have been the responsibility of others.
- The decision not to effect service of the search warrant at the "Mag Bag" posed a potential threat to personnel manning the roadblock at the intersection of Loop 340 and Farm Road 2491. It is fortunate that the armed occupants chose to make an attempt to join fellow cult members at the Compound, rather than engage roadblock personnel in a gunfight. As related elsewhere, one of the three was killed after engaging special

agents elsewhere while enroute to the Compound, and two were taken into custody.

Since the subsequent end of the siege at the Branch Davidian Compound on April 19, 1993, it has often, and understandably, been asked, why, considering everything that happened prior to the attempted service of warrants at the Compound, would anyone even entertain thoughts of proceeding with the operation? Certainly, all command level personnel wanted the operation to succeed. Then why did they fail to recognize what now seems so obvious? A few possible explanations include the following:

- The scope and magnitude of the operation were unprecedented and overwhelming.
- The collective lack of experience in crisis management and tactical operations made the decision-making process more difficult.
- The large accumulation of manpower and resources created an instinctive reluctance to cancel, postpone or abort the operation.
- The lack of another planned alternative if the raid was aborted, i.e., contain and negotiate, caused a built-in reluctance to cancel the operation.
- The belief that something had to be done to resolve the continuing situation at the Compound.

Whether any or all of these explanations played a role in the decision to proceed may never be known. However, regardless of their well-intentioned reasoning, it can be said that decision makers took a calculated risk which did not succeed.

Finally, it must be recognized that what now appears obvious may not have been so apparent under the pressures of command.

Organization and Structure

When conducting an operational analysis, it is always easiest to identify a deficiency and attribute it to an individual. Unfortunately, doing so fails to address why the deficiency existed in the first place. In the case of Operation Trojan Horse, it is suggested that the root cause lies within the organization itself, specifically the manner in which command personnel are assigned to tactical operations.

As prescribed by the BATF National Response Plan, whenever a sector (comprised of three or more SRTs) is activated for an operation, certain organizational requirements are mandated. Specifically, the Special Agent In Charge (SAC) of the division within which the incident occurs is designated the Incident Commander. Other SACs of divisions within the sector are required to provide SRT and other support, and one SAC is designated the Deputy Incident Commander.

The position of Tactical Coordinator is designated by the Incident Commander, and he is required to have completed SRT training. The Tactical Coordinator is assisted by a designated Deputy Tactical Coordinator, who must also be SRT trained. In addition, a Support Coordinator is designated by the Incident Commander, and he in turn is authorized to designate subordinate positions to assist him; i.e., Intelligence Coordinator, Logistical Support Supervisor, etc. The basic duties and responsibilities of each of the positions described above, as well as those of Headquarters superior and subordinate personnel, are contained within the National Response Plan.

This organizational (Command and Control) concept is similar in many respects to that utilized by the majority of civilian law enforcement agencies, and, it is submitted, responsible for a myriad of problems which have and continue to adversely affect tactical operations. If most law enforcement officers at an operational level were to be asked what consistently caused the greatest difficulty or failure of a tactical operation in which they were involved, the overwhelming response would be decisions made, or not made, by command personnel. This unfortunate impediment to success in tactical operations is not necessarily prompted by an organizational concept. Some organizational structures are better than others, and it should be recognized that the BATF model is better than most, though ponderous in some areas.

Rather, the problem is caused by personnel who are assigned to critical command positions by policies that direct the designation because of rank, and not ability. Assigning command personnel in this manner presumes that all persons of the rank required to fill the position are equally knowledgeable, experienced, and capable. This unfortunate, and often destructive, assumption is made almost universally within the organizational structure of American law enforcement. There is no intention on the part of the evaluator to imply that all command personnel assigned to direct tactical operations are unqualified and incapable of so doing. This would be an absurd implication. But by the same token, some command personnel, though highly capable and effective within other areas of law enforcement operations, may find it difficult, if not impossible, to function effectively within the tactical environment, where life and death decisions may have to be made with little consultation and time for contemplation. Instead, the evaluator's intention is to strongly suggest that only those command personnel who are qualified by virtue of training and experience and possess the proven ability to make

decisions under pressure be utilized to direct tactical operations. To do otherwise is to increase both risk and liability, to say nothing of inviting disaster.

Fortunately, the incidence of tragedy and failure of tactical operations has been remarkably low. But, oftentimes, success has sadly been achieved in spite of command, not because of it. These are admittedly strong words. However, they are uttered not out of ignorance, but instead out of sincere concern, rooted in many years of experience at both the operational and command levels of tactical operations. Of all the decisions which are made during crisis situations, none has more impact on a successful resolution than the selection of the commander. It is this person who will set the tone and tempo for the actions which are to follow (11:10).

It would be unfair to be critical of the existing BATF concept without offering alternative solutions. Consequently, the following suggestions for organizational and structural improvement are offered for consideration.

1. Develop a cadre of command personnel, presumably, but not necessarily, at the SAC level who are trained in crisis management and SRT operations, hopefully experienced (within or outside of BATF), and whose decision-making ability under pressure is proven.

In the event of a sector operation, and presuming the affected SAC is not a member of the cadre, a SAC who is a member would be assigned as the Incident Commander. The non-cadre SAC would assume the role of Deputy Incident Commander, and any other sector SACs would have no command responsibility or assignment. Note: The temptation to allow unassigned sector SACs to participate as observers at the Command Post, or elsewhere, should be avoided. Their presence could have an adverse effect on the decision-making process, and encourage the practice of "decision by committee", which, in the opinion of the evaluator, has little, if any, place in law enforcement tactical operations. The obvious possibility of friction occurring between the assigned Incident Commander and the SAC of the affected division must be anticipated, and dealt with through tact and diplomacy. Hopefully, as the benefits of the concept are realized, acceptance will result.

2. Develop a similar cadre, presumably, but not necessarily, at the ASAC level to staff the position of Tactical Coordinator. The same training required of the Incident Command cadre would be required of this group, but special emphasis should be placed upon tactical operations.
The procedure for assigning these personnel would be identical to that described for the assignment of Incident Commanders.

Following initial training, both groups would be required to participate in formal in-service training, at least quarterly.

Suggestions 1 and 2 presume the retention of division SRTs as presently constituted.

3. Develop full-time SRT teams at the sector level. These multi-functional teams would respond according to specific written criteria, and all division offices would be mandated to request their services if the planned operation met the stated criteria. Sector teams *would not* assume the day-to-day responsibilities carried out by division SRT teams. The teams would possess their own chain of command, including staffing the positions of Incident Commander and Tactical Coordinator during activations. The affected division SAC would assume the role of Deputy Incident Commander, and logically, his personnel would staff support positions.

Full-time sector teams would be equipped with all contemporary weapons and logistics believed necessary to carry out their assigned mission. Their munitions inventory would include flash/sound diversionary devices and a full range of chemical agents, as well as other less-lethal devices. Teams would be required to train a minimum of twenty-five percent of their on-duty time (generally, once each week). This concept would include integrated negotiation, EMS, and forward observer (countersniper) capabilities. In major metropolitan areas, where sector teams might be required to respond, agreements should be reached with civilian law enforcement teams to reduce the possibility of friction or jurisdictional disputes.

Implementation of full-time sector SRT teams would undoubtedly impact existing divisional teams. Although the intention of this suggestion is not to eliminate divisional teams, availability of acceptable personnel to staff six sector teams may well require the dissolution of most. Were this to occur, affected divisions would undoubtedly find it necessary to rely upon local law enforcement teams for assistance in handling those situations not justifying the request of a sector team — much as they have done in the past.

Whether or not this concept is adopted, all SACs and ASACs should receive comprehensive training in tactically related crisis management. Division SRT teams not dissolved in the adoption of the full-time sector team concept should be allocated

additional training time to equal at least two times per month. Of course, if the full-time concept is not adopted, then all division teams should receive the additional training time.

The sophistication and perishable nature of skills necessary to perform effectively within the contemporary tactical environment require that adequate time be allotted for their maintenance. Training conducted twice each month should be considered the absolute minimum.

The practice of maintaining an SRT team within one division, supervised by a Team Leader from another should be reviewed. Although nothing was originally developed to indicate this is posing a problem, there is a possibility that it could in the future. It is presumed this situation developed because of a void of interested or qualified personnel within the affected divisions. Assigning a Team Leader from another division places that person in the position of not being able to directly influence his team, except during the minimal training time presently allotted, and actual deployment. In addition, the caseload at his division of assignment would add to the difficulties of supervising and directing team activities.

Also, as a part of the overall review of the SRT program, it may be of benefit to evaluate the existing selection criteria, as well as the SRT training curriculum, to ensure they are in line with contemporary law enforcement tactical team standards.

Lastly, it is strongly suggested that SRT Team Leaders and Tactical Coordinators, under either the present or modified/new system, meet at least annually with their counterparts from other Federal agencies. These meetings could be hosted by a different agency each session, and that agency's members would be responsible for organizing the program and scheduling presenters. These meetings would ensure that teams share information, develop enhanced interagency cooperation, and remain contemporary within the field of tactical operations. It is important that guest speakers from civilian law enforcement teams be periodically included as presenters, so that attendees can share in their experience and expertise as well.

Many additional factors and details would have to be addressed prior to implementing either of the programs suggested, but it should be emphasized that command and control issues must be viewed as critical if maximum effectiveness is to be realized. Adoption of any of the suggestions noted would, of course, require changes and modifications to the existing BATF National Response Plan.

OPERATIONS SECURITY

The concept of Operations Security, or OPSEC, was defined and labeled during

the Vietnam conflict. Whether applied formally or informally, OPSEC is a process of looking at specific programs or operations from the perspective of an adversary. Operations security is threat driven. Therefore, if there are no perceived threats, there are no perceived vulnerabilities, and the OPSEC process is not needed (6:19).

Like other governmental agencies, i.e., FBI, Secret Service, etc., the BATF subscribes to the OPSEC concept, and has used it in the past. The unprecedented scope of Operation Trojan Horse clearly called for the implementation of the OPSEC concept at all levels and phases of the operation. However, it would appear that while everyone involved in planning and preparation believed in and supported the OPSEC process, the magnitude and requirements of the operation often caused other priorities to take precedence. The most critical information to be protected during Operation Trojan Horse was, of course, the fact that the BATF was going to effect service of search and arrest warrants at the Branch Davidian Compound at a particular date and time. The following list of possible indicators from which the Branch Davidians or their supporters could have predicted the intended actions of the BATF expose deficiencies in the application of OPSEC principles:

- The lodging of all support personnel in Waco.
Even though personnel were scheduled to arrive at staggered dates and times, the possibility of local residents, hotel, and other business people noticing the influx was presumably high. The City of Waco (population over 103,000) is certainly large enough to absorb the number of support personnel lodged there, especially since a number of hotels were used. Be that as it may, their presence, combined with other indicators, may have increased detection of the impending warrant service. Perhaps some of the support personnel could have been lodged south of Waco, in Temple, Texas.
- Departure of the raid force from Fort Hood.
As mentioned elsewhere in this report, the long line of government and rental cars moving in convoy caused great concern to those involved in operational planning. Buses could have been used to reduce, if not eliminate, this concern. If for some reason this was not possible, vehicles should have been incrementally scheduled to depart Fort Hood.
- Selection of the Bellmead Staging Area.
Although the Bellmead site was spacious, convenient, and comfortable, the accumulation of vehicles, both during arrival and after, combined with personnel dressed in tactical uniforms, had to peak the interest of anyone who observed these activities. While it is not known if those who saw

the activity at the Staging Area were Branch Davidian members or supporters, the fact remains that this information could have found its way to the Compound, or at the very least, local media. The utilization of bus transportation from Fort Hood might have reduced congestion at the Bellmead site, but as suggested earlier, an area adjacent to the T.S.T.I. Command Post might have been more secure.

- Briefing at the Waco Best Western Hotel.
The briefing conducted at the Best Western Hotel the evening of February 27, 1993, was attended by an estimated 75-100 personnel representing Federal, state, and local agencies. The location of the site, and the number of personnel and agencies attending, would seem to reflect a high risk of detection. Operations security might have been better served by scheduling the briefing at a law enforcement or other government facility.
- Multi-agency involvement.
There is always a risk of an inadvertent or intentional breach of security when multiple agencies become involved in a joint operation. This is not to say that local law enforcement or civilian support agencies in Waco were untrustworthy. The intent is only to identify possibilities.
- Meetings with the media.
The area of media involvement will be addressed separately in this report. However, suffice it to say that meetings held with the Waco Tribune-Herald were a calculated risk that violated operations security.
- FAA airspace restriction.
The evaluator has no knowledge of BATF or National Guard policy relative to the restriction of airspace prior to an operation. If policy requires restriction, then it was necessarily followed. However, lacking a policy requirement, it is suggested that airspace should not have been restricted. The published restriction of airspace in an area as rural as that in which the Compound was located would seem to unnecessarily increase suspicion in the minds of local pilots. In point of fact, one of the cult members was a pilot.
- Counter-intelligence capabilities of David Koresh.
Though perhaps not possessing a formal counter-intelligence network, there seems little doubt that David Koresh had the capability to gather intelligence from cult members outside the Compound, as well as supporters. This capability undoubtedly included the use of computers.

It is well established that the rural mailman, a cult member himself, was an often-used source of information.

- Contacts with local businesses.

The influx of support personnel into the Waco area created a corresponding necessity for them to utilize local facilities, i.e., restaurants, cocktail lounges, markets, etc. Although they were cautioned about the need for operations security, it is possible that suspicion could have been created in the minds of local patrons by something said, or not said, by support personnel. The same can be said for local law enforcement and civilian support personnel, who may have confided information to friends or relatives.

By reviewing the indicators listed previously from the perspective of an adversary, it can readily be seen that the existence of effective operations security for Operation Trojan Horse was highly unlikely.

It is apparent that improvement in the area of OPSEC is necessary to increase the chance of success in future sensitive operations.

MEDIA INVOLVEMENT

Law enforcement activities comprise a significant portion of information released by the press, and recent large-scale incidents, including Operation Trojan Horse, have generated a great deal of concern over how the media covers these events. Today, networks have the technological capability to present events live — any time, any place. The electronic media in the United States live or die by their ratings. As a result, each network wants to be the first with the most on any big story (12:15).

It goes without saying that there must be a cooperative effort on the part of both law enforcement and the media to provide basic information to the public without glorifying the perpetrators of crime, jeopardizing the public safety, or compromising tactical operations.

In the recent past, the BATF initiated a program of selectively inviting the news media to accompany their personnel on warrant services. This was done in the spirit of cooperation to improve and maintain a positive relationship with the press. Long-term, sensitive investigations requiring tightly controlled security to decrease the chance of compromise were the exception. In these situations, the media representatives were made aware of the operation following its conclusion. This was the posture taken by the BATF for Operation Trojan Horse. A Public Information Officer assigned for that

purpose would be responsible for preparing a press release at the conclusion of the operation, and notifying appropriate print and electronic media.

Unfortunately, late in the investigation it became known that the Waco Tribune-Herald newspaper was preparing to release a seven-part article on David Koresh, his followers, and their activities. Concerned that these articles, depending upon their content, might compromise the operation, or at least cause David Koresh to become more suspicious, the decision was made to contact the newspaper in an attempt to persuade them to delay publication of the articles. The first meeting with the Tribune-Herald proved of little value, because the BATF mistakenly believed the newspaper was amenable to delaying the story. A subsequent meeting a few days before the planned raid proved equally unproductive. The Incident Commander was basically told that the seven-part article would be published as soon as it was ready, and that the most important issue was the "public's right to know." The position of the Waco Tribune-Herald in refusing to delay publication is difficult to justify. They must have realized the calculated risk BATF was taking by confiding in them to begin with, and since one of their complaints was that law enforcement was doing nothing to deal with the problems at the Compound, logic would dictate they would want to cooperate. Waiting until the warrants were served at the Compound could only strengthen the story when it was published. Their reliance on the well-worn adage of the "public's right to know" is without substance. They were not being asked to withhold information from the public, only to delay providing it in the interest of safety, both of the agents involved and cult members.

Interestingly, in an editorial published by the Tribune-Herald as a supplement to their reprint of the original seven-part article, the Editor admitted the newspaper received information from a "confidential source" on Saturday, February 27, that the ATF raid would take place on Sunday, February 28. He then went on to deny the rumor that someone at the paper had alerted the Davidians about the raid on February 28 (13). It is unfortunate that this issue cannot be explored further. However, pending litigation precludes additional discussion of the Herald-Tribune's possible role in the outcome of Operation Trojan Horse.

In retrospect, it seems apparent that the contacts with the Tribune-Herald should not have been made. As a result of media involvement before, during, and subsequent to Operation Trojan Horse, and allegations of media notification prior to the raid, the need for a review of the BATF press policy is evident.

Previously, the necessity for cooperation between law enforcement and the media was emphasized. It must also be emphasized that cooperation, by definition, involves a joint effort on the part of the involved entities. In the opinion of the

evaluator, if law enforcement must concede to the media the unrestrained First Amendment right to freedom of the press, then the media should concede that they will exercise this right in a responsible way. Unfortunately, as Katherine Graham, Chairman of the Board of the Washington Post Company, said during an address before the American Newspaper Publishers Association in 1986, "high standards of professionalism do not guide every media organization nor every reporter." "And," she continued, "I regret to say that once one of these less scrupulous or less careful people reports some piece of information, all the media feel compelled to follow. Thus it is true: The least responsible person involved in the process could determine the level of coverage."

It would seem that, while the public certainly does have a right to know, whomever is charged with determining what the public is told (and it is usually the media) ought to make this determination in a responsible manner, with due consideration for the safety and well being of those affected. As Katherine Graham concluded, "I believe having experienced people at the helm, exercising sound judgment on the basis of high professional standards, is the best we can ask for. But I also believe it is all we should ask for."

Chapter 3

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The results of this project are believed to support the following conclusions:

1. BATF personnel involved in planning Operation Trojan Horse were dedicated, experienced law enforcement professionals.
2. Much time and effort was expended in planning and preparing for Operation Trojan Horse.
3. Planners relied upon trusted intelligence information which, in many cases, lacked corroboration.
4. A lack of knowledge existed on the part of both command and operational personnel concerning the proper utilization and deployment of countersniper (Forward Observer Team) personnel.
5. Insufficient attention was directed by command personnel to the Operations Security (OPSEC) process.
6. There was an apparent lack of supervision over the intelligence gathering mechanism in terms of direction, coordination, corroboration, dissemination and control.
7. Though well intentioned, contacts initiated by command personnel with the Waco Tribune-Herald violated basic principles of operations security.
8. No media contacts should have been initiated by BATF before the operation's conclusion.
9. Command personnel lacked experience and training in directing major tactical operations.
10. The Incident Commander should have been located at the designated command post to facilitate communication and control.
11. Once information had been received and corroborated that the operation had

been compromised through the loss of surprise, command personnel should have aborted the mission.

12. There was no planned alternative course of action to be taken if the mission was aborted.
13. Following the negotiation of a cease fire to remove and evacuate the dead and wounded, perimeter positions should not have been abandoned until relief personnel had assumed them.
14. Had the operation not been compromised, there was a high probability that the tactical plan would have succeeded.
15. Sufficient oversight was exercised by BATF Headquarters during all phases of Operation Trojan Horse.
16. Numerous acts of heroism were displayed by the men and women of the BATF during, and subsequent to, the extensive firefight with the Branch Davidians.

RECOMMENDATIONS

The conclusions addressed above are believed to constitute justification for considering the following recommendations:

1. Assign personnel to command positions (Incident Commander, Tactical Coordinator, Deputy Tactical Coordinator) based upon qualifications — not rank or position.
2. Develop and provide tactical crisis management training for those assigned to these positions.
3. Explore the feasibility of selecting and training an on-call cadre of personnel with proven decision-making and leadership ability to assume the roles of Incident Commander and Tactical Coordinator.
4. Ensure that all command and supervisory personnel understand their joint responsibility to abort an operation if circumstances justify doing so.
5. Increase the training time of Division Special Response Teams to a minimum of twice a month.

6. Explore the feasibility of establishing regional, full-time Special Response Teams for deployment during major operations.
7. Review and modify, as necessary, the criteria for selecting Special Response Team members.
8. Review and modify, as necessary, the curriculum of Special Response Team training.
9. Establish a Tactical Emergency Medical Support (TEMS) program and formally assign EMS-trained personnel to each Special Response Team.
10. Develop and implement a hostage negotiation program as an integral part of Special Response Team operations.
11. Evaluate existing Special Response Team equipment based on contemporary standards within the tactical community (to include chemical agents).
12. Review the organization, structure, and functions of the Technology and Tactical Issues Committee to ensure the timely evaluation and approval of tactical equipment and procedures.
13. Conduct meetings, at least annually, of Federal special operations team leaders and command personnel (BATF, FBI, Marshals, Customs) to discuss past tactical analyses and contemporary procedures. Emphasize necessity for interagency cooperation and training.
14. Ensure familiarity with guidelines related to requesting and utilizing air support.
15. Review and modify, as necessary, OPSEC training for all command and operational personnel.
16. Review and modify the media notification process.
17. Review and modify the BATF National Response Plan.
18. Pursue legislation enabling electronic surveillance and monitoring under circumstances such as existed at the Branch Davidian Compound.
19. Empanel a committee comprised of representatives from affected BATF

entities to review these and other recommendations made by the Tactical Advisory Expert Panel.

The purpose of objectively analyzing any tactical incident is not to be critical of another agency's performance, but rather to learn from what occurred. The death of a comrade demands that our coordinated efforts be directed toward reducing the recurrence of similar tragedies. Certainly, the analysis which forms the basis of this report was conducted with the utmost care to ensure this belief was not violated. Hopefully, the results of this and other inquiries will provide enlightened guidance, rather than restrictive policies and procedures.

Lastly, the extensive effort expended in preparing this report is sincerely dedicated to the brave men and women of the BATF, who found themselves at the Branch Davidian Compound on February 28, 1993, under the gravest of circumstances.

REFERENCES

BOOKS

1. Kolman, John A. A Guide to the Development of Special Weapons and Tactics Teams. Springfield, Ill.: Charles C Thomas, Publisher, 1982.
2. Plaster, John L. Maj. The Ultimate Sniper. Boulder, Colo.: Paladin Press, 1993.
3. Roberts, Wes. Leadership Secrets of Atilla The Hun. New York: Warner Books, Inc., 1987.

GOVERNMENT PUBLICATIONS

4. International Association of Chiefs of Police. A Compilation of Model Policies, Hostage/Barricaded Subject Incidents; Concepts and Issues paper. Alexandria, Va.: I.A.C.P. 1991.

PERIODICALS

5. Ishimoto, Wade. "Intelligence Support of SWAT Operations", The Tactical Edge, (Winter, 1984), 7-11.
6. Keith, Ed. "Operations Security in the Tactical Environment", The Tactical Edge, (Summer, 1993), 19-22.
7. Rasumoff, David, M.D., and Carmona, Richard, M.D. "Inside The Perimeter", The Tactical Edge, (Winter, 1990), 56.
8. Rasumoff, David, M.D., and Carmona, Richard, M.D. "Essentials of Tactical Emergency Medical Support", The Tactical Edge, (Summer, 1990), 55.
9. Tate, Jerry. "ATF's SRT Program", The Tactical Edge, (Spring, 1993), 38-41.

UNPUBLISHED WORKS

10. Higgins, Stephen E. Testimony before the U.S. House of Representatives Committee on Appropriations Subcommittee on Treasury, Postal Service, and General Government. June 9 and 10, 1993.

11. Heal, Sid. "A Scientific Approach to Tactical Decisions". Unpublished Independent Study Project, California State Polytechnic University at Pomona, 1993.

NEWSPAPERS

12. Graham, Katherine. "Terrorism and the Media", Los Angeles Daily Journal Daily Journal Report, May 2, 1986, 10-16.
13. Lott, Bob. "Serving our obligation to a free society", Waco Tribune-Herald, February 27 - March 1, 1993, follow-up coverage, March - May, 1993.

A Tactical Analysis
of the
Bureau of Alcohol, Tobacco & Firearms

Raid of The Branch Davidian Compound
in Waco, Texas

Prepared By
George Morrison

PREFACE

Although my role in the Waco Administrative Review (the "Review") was limited to performing a critical assessment of the entry plan and the process that created it, I am satisfied that the Review's conduct of this aspect of the investigation was thorough, professional and objective. I was provided with all documents and assistance that I requested. I was also given access to those individuals who developed the plan. It is my assumption that the specific issues and details relative to the investigation of Mr. David Koresh and the cult Branch Davidian compound and the decision to conduct a tactical raid of the facility outside Waco, Texas, are thoroughly revealed by the Treasury Department investigation team report. Further, I assume the specific actions and participation by personnel of the B.A.T.F. and other persons germane to the case investigation, intelligence task, planning and tactics involved in this incident are thoroughly documented by the investigation team report.

The six "Central Issues To Be Addressed By Waco Review" that was provided to each of the tactical experts focused on the raid as to preparation, execution, and post incident action. To address those issues the investigation and analysis required consideration of B.A.T.F. policy, procedures and organizational structure in place at the time of the raid. Preliminary analysis revealed the need to further expand the investigative scope, analysis and research to include the supervisory and management "mind set" and individual awareness of contemporary law enforcement standards, i.e. standard operating procedures and accepted levels of management/organization performance currently utilized in United States law enforcement.

The rational for expanding the investigation and for acquiring documents relating to policy, procedure, training and organization was to learn how such an apparent major investigation and high profile/high risk forced entry arrest/search warrant raid received only minimal management review, oversight and control.

The immediate issue became: Who approved the operation and by what incident command methodology?

NOTE: My first concern was to ask for the arrest and search warrant affidavits to see whether the facts were supported in the court documents. The second concern was that if the court documents described the dangerous and exigent conditions described in the initial briefings by the Review, how did the raid approval proceed without greater management review and acceptable standards of command and control?

After additional preliminary inquiry and research by the Review it was clear that the Review's concerns were the same as mine. Brave and dedicated B.A.T.F. agents and supervisors were allowed or directed to go in harm's way by substantial management and organizational deficiencies and in some cases, an abdication of authority and responsibility by mid and top level managers.

SUMMARY

The incident of the February 28, 1993, raid in Waco, by the B.A.T.F. focused national attention on Mr. David Koresh, the cult Branch Davidian, and federal law enforcement. Fifty days after the unsuccessful and personally tragic raid conducted by the B.A.T.F., the standoff between the cult leadership and federal law enforcement concluded in an abortive assault and a virtually all-consuming fire of the cult structure(s). The subsequent critique, investigation and analysis of what occurred immediately before and during the B.A.T.F. raid were conducted separately and without the benefit of personal and physical evidence from within the cult and cult compound. The current criminal investigation and trial will add some insight as to the actions of cult members during the raid, but will not substantially change the Review's documentation of the case investigation and raid plan and execution.

In retrospect, there are several obvious critical concerns regarding the raid plan and execution. The analysis of those concerns is factually and emotionally impacted by the tragic 28 injuries and 4 deaths of B.A.T.F. agents who demonstrated courage and resolve when confronted by superior firepower and a tactical reaction from the cult members not anticipated by the raid plan.

Perhaps the primary concern is why the raid in the first place? The question goes to the core issue of the incident review. What was the role of B.A.T.F. management in the investigative and intelligence gathering process leading up to the point where a decision was made to tactically and dynamically serve an arrest\search warrant? And, although not the primary charge of the post incident investigation, why the apparent absence of case management standards and audits which critically impacted the raid planning?

The investigation readily identified substantial personnel and operational component breakdowns in several areas of day to day B.A.T.F. operations. Whether in or out of the context of the raid, a management/organization audit of B.A.T.F. would be in order because of the expanding operations and role the B.A.T.F. has undertaken in the last five to ten years. The investigation and review of the Waco incident supports the propriety of a directive from Treasury for a strategic plan and (in the process)

"accountability charting" for personnel and entities within the B.A.T.F.

The actual Koresh case development and review resulted in an investigative report that did not pursue or produce an acceptable level of intelligence and case investigation follow-up and verification. Those deficiencies were aggravated by a "selective investigation information summary" which was submitted to the planners as "accurate and complete."

The absence of appropriate supervisory and management level review for the raid plan indicated weak B.A.T.F. policy and procedure and no definition of responsibility and authority. Probably the two most critical observations were:

- 1.) the absence of evidence that a deliberate and knowledgeable management review was made to determine the appropriateness and exigent conditions(s) for a raid (as opposed to alternatives), and
- 2.) the absence of evidence of a "buy off" of the actual raid plan.

The critique of the raid plan requires a diligent research and analysis of B.A.T.F. policy and procedure specifically as applied to supervision and management. To isolate on the planning efforts and actions of tactical teams members (and S.R.T.s) out of context of the B.A.T.F.'s bureau "management environment" adversely impacts analysis and support for change recommendations.

CASE MANAGEMENT AND DAILY ACTIVITIES

The volume of investigations and the expansion of missions indicates the need for a top level strategy session to insure that the B.A.T.F. organizational structure can control the activities of the field agents. The Bureau's activities, expectations and daily performance of personnel appear to have exceeded the ability of the existing management and organization structure to properly audit, inspect, supervise and manage. The apparent unregulated and unaudited autonomy of S.A.I.C.s allows excessive span of control and lack of accountability.

NOTE: This was clearly evident by the work load allowed and self imposed on the A/SAC Houston.

When this occurs on the basic and routine Bureau mission it can be corrected, but it can become exaggerated in non-routine and emergency operations. I firmly believe consideration of a secondary or emergency organization modification should be advanced as a recommendation for management realignment in major case investigations or major tactical missions.

THE RAID PLAN

Specifically, the raid plan did not establish or provide for adequate communications, command and control. The logistic support was arbitrarily limited, denied or inadequate for the mission objective. The tactical plan lacked contingency planning, counter measures, readiness control and abort conditions recognition. These observations are based on information known to the raid planners and the acknowledged management review and approval chain.

COMMAND AND CONTROL

The absence of an actual command and control concept and structure in and of itself contributed more to the tragic results of the raid than any other aspect of the plan and actions of the 48 hours leading up to and including the raid and the 8 hours immediately after the "cease-fire". The operational standards for "tactical raid-high risk" require an effective, conditioned and flexible command and control function to manage the incident plan, execution and recovery. Operation standards, if understood and utilized by a qualified command would have aborted the plan (as allegedly prepared and approved--and as "extracted" from witness interviews by the investigative team) at any one of several "red flags" prior to the committed point.

The raid plan as submitted to the Review and as enhanced by interviews indicated a disjointed assembly of component tactics and logistic support that was not reviewed by all the key players and decision makers.

CRITICAL ISSUE: There was no single briefing for all the supervisors of each raid component, e.g., aviation, logistics, intelligence. Therefore, no chance to ask questions or clarify information presented.

The communications net established for the raid was untested and as designed did not support the alleged command and control. This defect was evident to the commanders before the raid commitment. It was underscored during the fire fight and withdrawal. The command element did not know what was occurring tactically prior, during or after withdrawal commenced.

The element of surprise was totally lost prior to raid commitment and was known to command. To compound the strategic aspect of loss by surprise, the raid plan was not followed with regard to: 1.) diversion element (helicopters were not on station) 2.) forward observation posts/counter snipers (posts were not in position to report or cover) 3.) airborne observation and communication (communications ineffective and not on station, and

4.) departure from time table (advanced without concurrent countermeasures and "red light" parameters to abort).

In spite of the raid plan organization chart (National Response Plan) NO ONE PERSON WAS IN CHARGE. Mission leadership was compromised by this critical breakdown in the standard concept of command and control.

INTELLIGENCE

Intelligence was compromised from the start point of the investigation up to and including the hour before the raid and the ability of the command structure to effect a withdrawal and containment of the incident site. The critical points of intelligence control centered on the absence of analysis, management review and operational continuity. The absence of operational intelligence continuity negatively impacted the raid and the withdrawal of the dead and injured.

NOTE: The absence of management review led to a serious breach of integrity...falsification of documents.

The selection of improperly trained and conditioned personnel for the intelligence function and the failure to debrief them negatively impacted case preparation, raid planning and raid execution.

The tactical team leaders went into the raid blind as to activity and conditions. Critical operational intelligence was "inadvertently" denied to raid planners.

NOTE: I will differ to TAG member Wade Ishimoto for an in-depth advisor's analysis and recommendation to correct the intelligence issues.

LOGISTICS

The logistics problems connected to the raid were evident prior to initial planning. The SRT mission was compromised by B.A.T.F. "policy" and a lack of adequate equipment. "Policy" must have a provision for reasonable and top management approved exceptions, e.g. use of automatic weapons, diversion grenades, chemical agents and armored vehicles. Special incident managers must be trained to ask for available equipment necessary to successfully and safely complete a mission. That is their duty and responsibility and should be in writing if necessary. Management review then has the hard choice to approve or deny and to accept responsibility and accountability for the decision which can include modification of the tactical plan! That was not done in preparation for Waco; there was compromise after compromise.

The arbitrary decision not to use Customs Service aircraft and instead use Texas National Guard helicopters was a disaster in and of itself. Customs aviation resources and experienced personnel were ideally suited for this mission and could have contributed substantially to the plan.

NOTE: That action further reinforces two observations. 1.) That the raid plan was disjointed, lacked management oversight and should have been comprehensively briefed; and 2.) B.A.T.F. needs to incorporate the Incident Command System into major tactical plans.

The reference to an emergency medical plan was shallow, defective and non-operational. Any competent incident manager would have insisted and verified a medical contingency plan, particularly considering the remote location of the raid. There was no alternative to the need for an on-site, in-field capable, triage trauma capability.

The weapons of choice and authorization did not consider contingency planning for ambush, explosives and superior firepower. The intelligence available to the planners and most certainly known to the managers required a contingency plan. The use and deployment of observation posts was minimized to the extent of being ineffective. Counter sniper considerations were not adequately presented in the plan and were never fully deployed even as planned. That oversight was fatal.

Once again this component of planning points to ineffective management and command and control.

The absence of accountability charting throughout the B.A.T.F. resulted in errors, omissions and failures in the investigation, intelligence, approval, planning and incident management of the Waco incident.

CONDITIONS OF COMPLIANCE AND INTEGRITY

I will address an issue that is dependent on the summary of and response to the investigation. I consider this a side issue because of potential liability and internal discipline concerns.

There is an immediate need to develop and implement changes in organizational structure, strategy and tactics, investigation case management, logistics and accountability charting with B.A.T.F.

RECOMMENDATION

Upon conclusion of the investigative review, including the observations of the tactical advisors, a concurrent task group, composed of experienced technical and management personnel to implement issues of critique and the recommendations to enhance the structure and management of the B.A.T.F. should be integrated with the current management structure. This task group would insure a rational and prompt integration of change without disrupting on-going operations or any personnel reorganization. Additionally, the task group can develop and implement change without "personality intervention."

The task group mission, guideline and tenure should be developed and directed by the Assistant Secretary for (law enforcement).

The task group members(s) should not have operational authority or supervision, but may have audit and inspection authority. This recommendation would enhance continuity of the review process by ensuring that any recommendations can be implemented immediately upon approval by the Secretary of Treasury. The task group could be charged with preparing responses to the Secretary of Treasury.

SPECIFIC RECOMMENDATION SUMMARY

1. Review and revise the B.A.T.F. National Response Plan to include sub tasks of:
 - A. S.R.T. reorganization to include Special Operation Capable/High Risk, Special Operations Group command, and
 - B. Incident Command System to provide Inter Agency coordination, and
 - C. Consideration of a centralized S.R.T., and
 - D. A specific special incident command organizational structure from S.A.I.C. field office to Director, B.A.T.F., and
 - E. A clear, concise policy and procedure statement approved at least at the Assistant Secretary (for law enforcement) level.
2. Establish a supervisory and management course for:
 - A. Major case investigation.
 - B. Major incident preparation/response control.

3. Establish a supervisory/management procedures manual for case review, approval, audit, and control including formats.
4. Review current law enforcement standards for investigative training and administration procedures for:
 - A. Administrative systems and controls.
 - B. Review of investigative progress and report approval.
 - C. Report and file maintenance.
 - D. References to administrative systems and controls.
 - E. Case progress logs.
 - F. Daily report books.
 - G. Investigation activity summary.
 - H. Extraordinary cases/multiple law enforcement agency involved cases.
 - I. Record checks, inquiries, documents, controls and inventory.
 - J. Due Diligence.
 - K. Case transfer (for cause).
5. Conduct a management seminar on interagency assets, capability and access (to include the Director of Military Support, D.O.D.).
6. Pursue Title III application to specific major cases in B.A.T.F.
7. If not currently authorized and functional - establish an Inspection and Control section at the Director/Assistant Director level to audit and trouble shoot intra bureau management.
8. Under the direction of the Assistant Secretary (L.E.) and the Director conduct a 2 or 3 day management retreat to address B.A.T.F.'s strategic issues and future planning.
9. Consider an intra-Treasury Department (Law Enforcement) management council and Incident Command System-Special Operations Capable.

WACO ADMINISTRATIVE REVIEW

Brief
Submitted

by
John J. Murphy

WACO ADMINISTRATIVE REVIEW

Introductory Overview

The undersigned respectfully submits an assessment of the February 28, 1993, Bureau of Alcohol, Tobacco and Firearms execution of Search Warrant and Warrant for Arrest at the Branch Davidian compound, in Waco, Texas.

Over the last several weeks, I and five others with experience in major city police departments or the military have met in Washington D.C. as part of the Department of the Treasury's Waco Administrative Review, seeking to determine what happened during the Bureau of Alcohol, Tobacco and Firearms operation and why.

I believe that the report the Administrative Review will be submitting to the President will be comprehensive and impartial, and based on a complete and thorough investigation of the events prior to and on February 28, 1993. Ronald Noble, Assistant Secretary for Enforcement, who has supervised the investigation, has given me and my five colleagues complete access to the Review's work. The staff assembled under Secretary Noble and Project Director Geoffrey Moulton, has provided us with all interviews, reports, diagrams, regulations, plans and the like, without hesitation and in a most timely fashion.

My assessment will touch upon the many issues that jumped out at me as I reviewed information, heard from witnesses, listened to the results of investigatory efforts, and participated in exchanges with other panel members. It is not my intention to place blame on particular individuals, but rather to identify critical issues and to bring about change and improvement. The Bureau of Alcohol, Tobacco and Firearms, as is appropriate, will hold its members responsible and accountable for their actions and direction. The law enforcement community, in my experience, has always been able to draw lessons from tragedies and improve operations in the future. I have every expectation that the Bureau of Alcohol, Tobacco and Firearms will move forward from this occurrence with an enhanced and enlightened management and continue to carry out its mandate with a truly dedicated and professional workforce.

Bureau of Alcohol, Tobacco and Firearms Case

The actions of members of the Bureau of Alcohol, Tobacco and Firearms on February 28, 1993 were the result of a lengthy and inclusive investigation over several months that led to the issuance of a Search Warrant for Mount Carmel Center or the Branch Davidian compound and, a Warrant for Arrest of Vernon Wayne Howel a/k/a "David Koresh." Special Agent Davy Aguilera, the case agent, did a professional job in conducting the investigation and providing

the necessary information to attain the approval of a judicial officer. The affidavit that Aguilera submitted provided a wealth of information concerning the Branch Davidians, their leader, and their philosophies. It also made quite clear how massive an undertaking it would be to execute the warrants.

Foundation Issues

Aguilera's affidavit highlighted the issues that should have been critical to the management of the investigation and its direction:

- the weaponry and firepower within the compound
- the size of and accessibility to the compound
- the fortress-like location of the compound
- the Messiah complex and teachings of the leader David Koresh
- the religious cult mentality of the Branch Davidians
- the number of innocent children, women and men of the cult in the compound
- the shootout takeover by Koresh of the compound from former leader Roden

Any effort to address these issues would be made more difficult:

- by the Bureau's lack of experience in dealing with firepower of the magnitude expected to be present in the compound
- by the possibility that a military solution would be needed in a civilian law enforcement environment
- by the sensitivity of a religious issue
- by the potential media and political involvement
- by the risk that any move against the compound could turn into a hostage situation involving many of its inhabitants

The Bureau's hierarchy (it's "overhead"), from immediate case supervisor to the Director, must take responsibility for not recognizing at the outset that this was an extraordinary case, requiring special resources and supervision. Instead, the investigation was allowed to proceed like any ordinary case in the field where a field-level agent is usually charged with bringing a case to conclusion, regardless of the obstacles. In the absence of specific direction from overhead -- which could have asked the hard questions, demanded to know the risks of a course of action, and insisted on possible alternatives -- this investigation moved forward with insufficient attention to the risks presented.

Praise

Before continuing in my comments, I think it is appropriate to praise the professionalism and actions the members of the Bureau of Alcohol, Tobacco and Firearms who came under heavy and constant gunfire for 30 minutes. These men and women were courageous under the most difficult and trying circumstances that members of law enforcement can face. Their response to the firepower was measured and proper; their energies and heroics were directed to protecting each other and addressing their wounded comrades. The slain agents have made the supreme sacrifice in the performance of duty, which will always be remembered, and my heartfelt condolences goes to their families and loved ones.

A special thanks goes to Agents Buford, King, Petrelli and Williams who voluntarily appeared before our panel to give a first-hand account of their involvement as Team Leaders in executing the warrants. They also gave a very candid presentation of their roles in the investigation and particularly as the raid planners. Their planning efforts were knowledgeable and professional as they attempted to prepare for the many contingencies of the operation. The training and practice at Fort Hood was very much on target; it prepared the teams for their mission, and most probably minimized the fatalities and injuries sustained. When the operation went bad, there was the expected immediate confu-

sion. Within a short time leadership came to the front and response to the situation became organized and fruitful.

Critical Issues

No investigation in any law enforcement agency is able to satisfy every objective. Mistakes will be made, issues not addressed, and contingencies not planned for. My intention is to address those issues that I think may have changed the outcome had they been addressed in a different fashion. These critical comments are designed to encourage changes in how these issues will be addressed in future investigations and tactics. To be candid, hindsight is easy, but it is the way to learn and move forward.

Information/Intelligence

A tremendous amount of information was developed in this case, but it was not sufficiently analyzed or properly used in the planning of the raid. Many red flags should have been recognized and properly dealt with. Instead, it seems that many of these red flags were overlooked because those planning the raid adopted a mindset that the Compound had to be taken down, and that the only way to proceed was with a dynamic, high-risk entry.

The planners conducted interviews that were used to support the raid action. Contradictory information was available from equally knowledgeable persons, but the planners seem to have discounted or not properly assessed it.

As the case began to develop, it was deemed "sensitive," a designation which should have led to better monitoring by Headquarters to keep appropriate hierarchy informed.

In January, 1993 the undercover house was established to obtain intelligence and find out more about Compound routines. This critical operation broke down and never supplied the proper information to the planners, who selectively used what was obtained. All sides of the compound should have been kept under surveillance. Instead, because a proposal that agents watch utilizing bales of hay was rejected for fear that they would be seen, the agents never had 360-degree coverage.

Pen registers, tapes, and communication monitoring were considered, but never came to fruition.

Agents attempted to conduct photographic monitoring from the undercover house and pole cameras, but they had little skill and achieved minimum results. It should also be noted that a picture was taken in January that showed a female pointing a rifle from a compound door; this intelligence was never assessed.

An undercover agent was able to gain access into the compound

on several occasions resulting in substantial intelligence, but there was no attempt to plan a deep undercover.

On March 6 to March 9, 1992, after Koresh mistook the SWAT training that several police departments conducted in the area for ATF activity, security at the compound was immediately heightened and arms purchases substantially increased. This information was not assessed by the planners.

The staging area in Waco and the use of hotels violated the basic tenets of operational security.

The job of reviewing and assessing all intelligence and directing the raid planning was simply too great to be given to a single person. Instead of saddling Houston ASAC Sarabyn with all of these responsibilities, ATF should have used a case management system better suited to such a large operation.

Options

Ruse

Originally, the planners attempted to use the Department of Human Services, which was investigating child abuse allegations, to get Koresh away from the Compound and place him under arrest; were Koresh not present when the compound was searched, it was thought that resistance would not occur. When the Department of Human Services would not cooperate, this tactical approach was

dropped, and no other innovative attempts were developed. Information and intelligence reporting that Koresh would not leave the Compound, although not conclusively accurate, influenced the planners to look at other options.

Siege

The planners next looked to develop a siege plan based on the flat terrain surrounding the compound and the consequent lack of cover, the firepower of the Branch Davidians, and their possible use of sentries. The siege option was eliminated because of the time and manpower that it would require, and the fact that ATF did not have negotiators and expertise for a siege. I also believe that the planners' selective use of intelligence, particularly the reported possibility of mass suicide, led them not to pursue the siege option.

Raid

The raid planners now moved to develop a dynamic, high-risk entry as the appropriate vehicle to execute the arrest and search warrants and preserve evidence. They developed entry tactics according to their interpretation of ongoing intelligence. The planning sessions did not include Houston SAC Chojnacki or the other SACs who had committed their Special Response Teams; once a

plan was formulated the concurrence of ATF headquarters was sought and obtained. The plan evolved around the element of surprise and a 10 a.m. execution, even though surprise is generally achieved by going in darkness just before light. The tactical plan called for three Special Response Teams, each with specific assignments that would isolate or contain everyone present in the Compound and secure the arms room. The undercover house would observe the Compound to insure normalcy. The undercover would enter the compound, exit an hour before raid and report conditions. Helicopters would provide a diversion a distance from the Compound, just prior to the arrival of the Special Response Teams.

Evaluation

The plan was well-conceived to address the intelligence developed. If the element of surprise had been maintained, there is every likelihood that the raid would have been successful. It should be noted, however, that contingency plans are as critical to an operation's success as a raid plan itself; insufficient attention was given to contingency planning here.

Raid Implementation Analysis

Criticism must be directed at the way the raid plan was carried out.

Critical to a successful operation on this day was the element of surprise. This advantage was not maintained because of several important tactical shortcomings.

Forward observers might have helped ensure that surprise was maintained, had they been positioned to have full-circle coverage of the Compound, and had they been given a developed plan of operation. Observer and sniper teams should have been in place for twelve hours prior to the raid. This kind of coverage would have allowed ATF to see the armed Branch Davidians who apparently went to the Compound's "spider holes" during the hour before the raid; a report that Compound residents had taken these positions would have required that the raid be cancelled.

The role of the helicopters was to create a diversion immediately prior to arrival of the raid force. Had command and control accurately directed and communicated the diversion, firing at the helicopters by Branch Davidians might have provided the signal that the raid should be aborted.

The use of Waco as the staging area and the number of media vehicles active in the area prior to the raid should have received careful and in-depth assessment.

The most important occurrence on raid day was undercover Agent Rodriguez's report from the Compound. The assessment of his information should have mandated cancellation of the raid. The element of surprise had been lost, and the possibility that the Branch Davidians would seek to repulse the raid was too quickly discounted. Rodriguez's report that no resistance was being planned inside the Compound should not have been expected to remain valid for very long -- certainly not for the time it would take to bring agents to the Compound. The significance of this report and the fact that the agents would arrive before the men were due to work in the field were not properly considered when the issue of surprise was assessed.

There was command and control framework in place on raid day, but it was not sufficient to direct the operation. The Incident Commander should have been at the command post to assess information and make decisions from a somewhat removed perspective.

Evaluation Summary

There were many problem areas that affected the raid and that should have led ATF to consider alternatives to going forward. Execution was plagued by failures in evaluating information relating to a cult mentality, and the potential firepower in the Com-

pound. The process used by the ATF commanders in making their decisions illustrates the need for crisis management training.

In essence, the one major cause for this failed operation would have to be "the human element" -- from the entire "over-head" to the working field agents of the Bureau; a combination of human errors in addressing a monumental task can be deemed the reason for "What went wrong."

Recommendations

The Bureau must address the substantial damage done to its organization and, in particular, to the morale of its agents.

The aftermath,

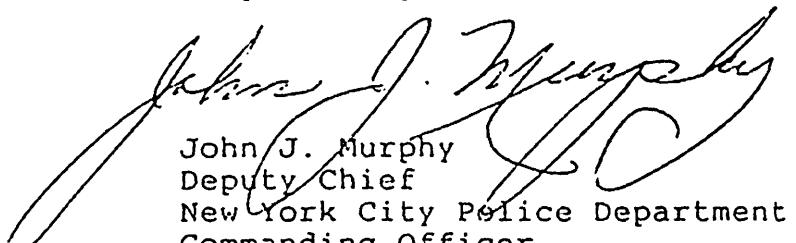
- from the many avenues and aspects of self-inspection and examination
- from the extraordinary media attention and coverage
- and from the interest of the citizenry throughout the country

mandates a complete and thorough reorganization with the objectives of improving delivery of day-to-day operations and insuring that such an occurrence can never happen again. The organization must be prepared to handle another Waco investigation down the road.

Closing Comment

I salute the Bureau of Alcohol, Tobacco and Firearms as an organization of dedicated professionals who satisfy a most difficult mission in law enforcement. I encourage leadership to take the members forward with heads held high.

Respectfully submitted,



John J. Murphy
Deputy Chief
New York City Police Department
Commanding Officer
Special Operations Division

ROD PASCHALL

1320 GEORGETOWN CIRCLE

CARLISLE, PA 17013

August 23, 1993

Ronald K. Noble
Assistant Secretary for Enforcement
Department of Treasury, Room 4330
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

SUBJECT: Waco Review Report

SUMMARY: The February 1993 Bureau of Alcohol Tobacco and Firearms (BATF) raid at Waco, a failure due to multiple causes, demonstrated a few commendable aspects, but in the main, revealed systemic defects in the preparation, planning, and execution of multiple Special Response Team (SRT) actions. Deficiencies included: a flawed National Response Plan; inadequate oversight for high-risk, sensitive operations; a defective tactical intelligence training program; an inadequate selection, training and administration program for personnel engaged in multiple SRT actions (particularly those charged with command and control responsibilities); subpar procedures in identifying and gaining appropriate specialized military support; and inadequate intelligence gathering means to support dangerous tactical operations. Most, if not all of these deficiencies still exist. The disastrous outcome at Waco could have happened anywhere and can reoccur at any time. The Treasury Department, facing trends indicating a future higher incidence rate for these types of law enforcement actions, cannot assume an improved performance in coming, similar operations and should implement changes. Unfortunately, the review of this event also revealed Treasury lacks analytical, enforcement focused studies, studies that could be of use as decision aids to make changes leading to the more effective execution and management of the Department's statutory responsibilities.

The Department should institute immediate, interim and long term measures to increase its capacity for the safe and professional execution of hazardous operations. This phased approach can be accompanied with a series of studies designed to provide Treasury's decision makers and concerned Congressional committees with management and evaluation tools to guide successive enforcement improvements. Recommended immediate measures include: commending deserving BATF personnel; revision of the National Response Plan and gaining the result; improving tactical intelligence training; achieving a better understanding of the capabilities and limitations of military support in domestic law enforcement efforts; and, the conduct of two studies, one designed to present options the United States might select for reducing the public threat posed by the increasing numbers of assault weapons in civilian hands, the other examining the benefits, dangers and past record of dynamic entry-type operations.

Recommended interim measures include: gaining Title III authority in cases involving illegal automatic weapons or explosives; reversal of BATF's media policy and the elimination of its field public information structure; and, the conduct of two additional studies, one aimed at defining Treasury's future law enforcement environment, the second designed to evaluate the cost/effectiveness of Special Agent Gerald Petrilli's thoughtful April 27, 1993 suggestion to revise BATF's SRT structure.

Recommended long-term measures include: the establishment of a multi-use Department level law enforcement response team; coordination with the Department of Justice and the Office of International Criminal Justice to sponsor a series of multi-national law enforcement conferences aimed at gaining a better understanding of armed cults and the newly emerging characteristics of terrorism, defining promising techniques to deal with trafficking in illegal or black market items; and, exploring the possibilities of gaining a more accessible international criminal justice data base.

FINDINGS AND RECOMMENDATIONS: Suggested, specific corrective actions, phased into immediate, interim and longer term measures, are identified in bold text below. The rationale for each recommendation is provided in following bracketed text and incorporates the undersigned's Waco Review findings and observations.

Immediate Measures

Commend selected BATF personnel, including J. William Buford, Gerald T. Petrilli, Curtis D. Williams, and Kenny King, for bravery, dedication to duty and uncommon poise under fire.

[Rationale: The action at Waco involved a number of incidents where BATF personnel demonstrated an extraordinary degree of personal courage and disregard for their own lives in the execution of their duties. The assault team leaders were particularly conspicuous in their heroism, but there were others who risked their own safety. For example, some agents exposed themselves to withering fire in order to administer first aid to the wounded. These, and other acts were marked by an unusual degree of coolness and professionalism on the part of BATF personnel. Such exemplary behavior should not go unremarked or unrewarded by the Treasury Department.]

Revise the National Response Plan, relieving Field Division Special Agents in Charge and their Assistants of tactical command responsibilities for multiple SRT raids, temporarily replacing them with HQ BATF Special Operations Division personnel, clarifying the division of duties between the Incident Commander and the Tactical Coordinator, and testing the results by means of an exercise at the BATF National Command Center.

[Rationale: Field division SACs and ASACs are not selected for their abilities to conduct large-scale, complex special operations, nor do they have the time or training opportunities to become proficient in such functions. Since the current National Response Plan directs these officers to handle such operations, it ensures, at best, an inadequate performance at the command and control level. Hindsight analysis of the Waco incident reveals numerous mistakes made by both the Houston Special Agent in Charge and his assistant, however, there is no indication that any other field office within BATF was trained and prepared to produce better results. A two-week exposure to the SRT course is insufficient to qualify an officer for the tactical command of sizeable, multi-faceted operations. By revising the Plan to designate

HQ BATF Special Operations Division personnel to perform critical tactical command and control tasks for multiple SRT actions, officers possessing day-to-day familiarity with such operations will be temporarily controlling the direct application of force in these occasional events. There is no reason that the field division SAC cannot retain overall responsibility for the action and the current title: incident commander.

This revision will have the additional effect of addressing another deficiency exposed by the Waco raid. There was clearly a difference between what Washington-level authorities believed to be the criteria for the raid's initiation and what officials at Waco assumed. Placing a Washington-based element in tactical command will encourage more rigorous high-level scrutiny over the planning and execution of large-scale operations, that by their very nature demand close attention. While this solution is not optimum, it provides a near-term fix until a more satisfactory, long-term solution discussed below is examined and developed. Experience (2-4 multiple BATF SRT raids in the past 2-3 years) indicates the actual implementation of this temporary recommendation will be infrequent.

The command and control sections of the National Response Plan are ambiguous. During Director Higgins' testimony before a Congressional panel on June 9, 1993, he stated the Houston Field Division Special Agent in Charge was the tactical commander of the raid at Waco. The three Special Response Team leaders, interviewed by the undersigned during July 1993, stated they considered the Assistant SAC of the Houston Field Office to be the tactical commander. This confusion can be explained by examining the portion of the National Response Plan designating the ASAC as the "Tactical Coordinator," while charging that person with "directing" SRT employment. Directing and coordinating are two entirely different functions. This ambiguity can be eliminated by changing the title, "tactical coordinator," to read "tactical commander" while retaining those portions of the plan that assign the overall responsibility for such operations to the Field Division Special Agent in Charge.

Once these changes have been made, a National Command Center exercise should be conducted to test the new provisions, familiarize key personnel with their duties and identify the need for adjustments, if necessary. It is recommended that appropriate Treasury Department officials participate in the exercise. In order to gain the maximum benefit from the exercise, it is recommended that key Treasury and BATF personnel be unaware of the its nature when play begins. Therefore, the exercise should be written, administered and evaluated by outsiders: Department of Justice personnel, contractors, consultants or a combination of all three.]

Establish a 4-5 day required training course for Intelligence Research Specialists, a course wholly devoted to tactical intelligence.

[Rationale: Among the several reasons for the failure at Waco, inadequate intelligence loomed large. In some cases, raid planners failed to use available intelligence. For example, a pre-raid photo that might have indicated Davidian women were trained in the use of rifles was disregarded and some film taken from the undercover house was apparently not even developed. But, existing intelligence was not corroborated, challenged, analyzed or presented with a view towards tactical utility. On the other hand, intelligence was rather well handled and expertly used to establish probable cause. A review of the training for BATF intelligence

research specialists, indicated such training is primarily devoted to standard law enforcement investigative techniques, name traces, etc., and is not sufficiently augmented with tactical intelligence techniques and procedures, subjects of increasing value to BATF field offices. A four to five-day remedial or fundamentals course for BATF intelligence research specialists presented by HQ BATF special operations personnel could provide the Bureau with improved tactical intelligence practices in field offices. Some of the instruction should be devoted to camera work and graduates of the course should be expected to pass on their camera expertise to field agents. It is suggested the course utilize case history methods, including the incident at Waco, to demonstrate the difference between quality and inadequate intelligence for SRT operations.]

Meet with the Director of Military Support, Department of Defense, to obtain an inventory of available military expertise, facilities, equipment, training and augmentation to Treasury Department law enforcement agencies along with an understanding of the capabilities and limitations of such support and the procedures to acquire such advice and assistance, and, compare these services with what is already available within the Department.

[Rationale: The Waco incident indicated the BATF and possibly the Department of Treasury as a whole, has an incomplete understanding of the capabilities and limitations of military support available to law enforcement agencies. Field agents obtained advice from the 3rd Special Forces Group, a unit with no experience or particular expertise in dynamic entry techniques or with effective communications plans associated with close quarters assaults. A superior solution would have been to gain the advice of the Army's Delta Force, an organization that has developed the country's best techniques for such operations. BATF SRT leaders requested, but were unable to obtain smoke grenades, devices that would have been of high utility in masking vulnerable agents from the Davidians' fire. Some federal officers were struck by fire from the compound as they lay wounded on the ground. Smoke grenades should have been provided from military stocks and made available to the BATF. There is no reason the Department cannot have some on hand, avoiding unreasonable delays. Additionally, it is likely Customs helicopters and crews would have been of greater help than those of the Texas National Guard. There are legal limitations placed on military personnel, including aviation crews, in support of domestic law enforcement operations. For instance, military crews would have probably been legally prohibited from picking up the wounded while under fire. Conversely, Customs operates under a different charter and could have made the pick-up. Then, too, the U.S. military has a general lack of experience in this field. Gaining a better understanding of the capabilities and limitations of available military support is essential to the Department's efforts in improving its own capabilities--for all of its law enforcement organizations.]

Conduct a study of ways and means to minimize America's growing problem with assault weapons.

[Rationale: One of the outstanding features of and prime reasons for the BATF failure at Waco was the presence and use of assault rifles. Indeed, it is probable that the warrant would have not been sought if Vernon Howell had not acquired these weapons and given the clear indication that he was converting them to fire automatically. During the initial seconds of the

attempted entry into the Davidian compound, federal officers were suddenly exposed to an overwhelming tactical disadvantage. When Howell and his followers opened a devastating barrage of automatic fire, most officers had no choice but to rely on basic instincts and seek cover. As the fight progressed, these officers had little opportunity to retrieve the wounded because their own semi-automatic weapons could not provide the volume of covering firepower essential to temporarily overcome the Davidians' fire. In those conditions, rescues of the exposed and helpless could not be attempted unless a wholly unusual degree of physical courage was called upon.

The BATF policy of prohibiting its agents from using automatic weapons may be laudable, but it is not logical. The incident at Waco will likely prove of critical importance. Howell's example (the bizarre cult association aside) is indicative of a greater trend. Assault weapons, both pistol and rifle versions, are becoming prevalent throughout America. These weapons have no place in sport hunting or pleasure in either their semi-automatic or fully automatic forms. Their purpose for being is either purely military or purely criminal. They exist to gain an advantage over an armed adversary, usually to provide suppressive fire (forcing the opponent to seek cover) in support of the user's maneuver or escape. Their sole intended use is, therefore, combat. Growing numbers of law enforcement officers face this threat and are at as much of a disadvantage as the BATF agents were at Waco. The next tragedy where law enforcement officers are outgunned by them and killed will, as a matter of common sense, provoke a drumbeat among the nation's policemen asking for automatic weapons in defense of their own lives. The country may therefore face a ludicrous arms race between cops and criminals.

Surely, there must be a way for the federal government to, at most, ban the civilian possession of these military tools or, at least, inhibit their sale and conversion. Such worthy goals are deserving of a serious study. It is recommended that a firm with a strong public policy and technological background be commissioned to conduct the study under the supervision of the Department.]

Initiate a study of past, dynamic entry-style law enforcement operations, along with a confidential survey of police attitudes toward them so that guidelines and tips for future such operations can be identified and used, particularly in SRT-type training.

[Rationale: There are good arguments, both for and against dynamic entry techniques in domestic law enforcement situations. In an official setting, most law enforcement officers support such operations. However, in private, the undersigned has often heard an opposing view from experienced officers. Reservations include the resultant "storm trooper" image that these actions portray, especially from nationally telecast commercial programs that gain an audience from the dramatic display of brute force. Additionally, some officers are deeply troubled by some cases where there was great injustice done to innocents, citizens whose only fault was being in the wrong place at the wrong time. This phenomenon appears to warrant a confidential survey of American police officers. Additionally, there appears to be a problem with federal law enforcement actions centered on a rural crime site. During the Waco review, this latter factor was discussed and a number of controversial past actions that bore some resemblance to the Davidian operation were identified. A study of these actions,

one done with an examination of comparative urban incidents and sieges may yield helpful corrective measures for use in the future. The logical setting where these lessons could be taught is in tactical police team training sessions.]

Interim Measures

Pending the favorable outcome of a cost/effectiveness study, implement Special Agent Gerald Petrilli's April 27, 1993 Regional Special Response Teams suggestion.

[Rationale: Petrilli's suggestion involves eliminating district teams in favor of fewer regional teams and establishing a numerical, scored system for determining when to employ a SRT. While appearing to offer a more professional SRT capability to the Bureau while decreasing some costs and creating helpful criteria for SRT raids, Treasury and BATF officials do not currently have enough empirical data to make a rational appraisal. What is known is that SRT training detracts from essential man power available to Regional and District SACs in the daily execution of their enforcement duties. If there is a relationship (as common sense would seem to indicate) between arrest and conviction rates and available BATF special agents in the field, changes in the Bureau's SRT structure will impact on the overall accomplishment of BATF's mission. An analytical examination of Petrilli's idea may reveal that it is even more attractive than it appears. There may be a potential increase in BATF's effectiveness since implementation of the proposal would release about 200 (almost half) of the Bureau's current SRT members for continuous assignment to day-to-day field duties. Additionally, this concept would eliminate some travel and instructional time for those agents involved in teaching duties at Ft. McClellan. These latter factors, impacting on both the costs and effectiveness of the Bureau should be calculated and considered with other factors, such as safety, prior to a decision. A competent, impartial analytical studies firm could produce a product that would establish the relationship between the Bureau's effectiveness and its personnel strength directly engaged in arrests and convictions. The study could then calculate mandays and money costs, applying these factors to Petrilli's concept. Such a study would likely prove a valuable, rational decision aid to the BATF Director and interested Congressional committees in this and in other difficult choices centered on the Bureau's policy alternatives.]

Review Title III laws as they apply to cases involving the illegal possession of automatic weapons or explosives, identify why BATF rarely requests such authority, and, if necessary, propose additional legislation to the Congress.

[Rationale: BATF Director Higgins, in his testimony before Congress implied that the Bureau does not have the authority to use this form of intelligence gathering as a matter of course in enforcing the laws BATF is charged with. On the other hand, during the review, lawyers who were queried by the undersigned stated such authority can be granted under current law. If there is a misty understanding of the law in Washington, there is likely only a foggy notion of its meaning outside of the nation's capital.

Because of their unique skills, Treasury Department law enforcement organizations are often

the agencies of "last resort" in specialized, high-hazard cases. For example, both Texas law enforcement officials and the FBI were unable to develop probable cause against Vernon Howell despite expressed Congressional and media interest in the case. In contrast, the BATF was competent to develop probable cause against Howell--without Title III authority. However, once that hurdle was overcome, the next step, presentation of the warrant, involved a reasonable chance that Howell and his followers might use the illegal weapons they were suspected to possess.

This situation is typical of many BATF cases and explains why the Bureau is prone to serve warrants in similar instances by the use of dynamic entry techniques. As the 578 SRT deployments prior to the Waco incident may indicate, use of dynamic entry provides some promise of preserving the lives of both federal law enforcement officers and the subjects of their investigations. But, the tragedy at Waco also points to the need for using additional law enforcement tools. If there had been wire taps or electronic surveillance of the Davidian compound, it is likely the actual extent of Howell's preparations to resist the raid would have been known. Several lives might have been preserved. Although electronic surveillance constitutes another regrettable increase in the invasion of privacy, it is not difficult to imagine other, future cases where life and limb might be saved with the use of this technique.)

Revise BATF media relations policy, abolish field public information officer positions, return the incumbents to law enforcement duties and assign the resulting, freed-up positions to HQ BATF Special Operations Division.

Taxpayer benefits, if any, gained by the expanded, proactive BATF public relations program of the past two years are, at best, obscure, and even if such a program had been of some demonstrable value, the pre-Waco media environment for the Bureau was a dramatically different one from the arena the BATF finds itself in today. With the grim video images of the failure at Waco burned into the memories of both the media and the public, the BATF is not likely to garnish its reputation, or even present itself in the best light through the commercial-style ritual of employing its corps of public relations experts to develop close and friendly relations with local press and broadcast functionaries. Public interests would likely be better served if the Bureau's image makers were pressed into its ongoing struggle to safely increase arrest and conviction rates.

The Bureau might learn from the experience of the Department of Defense during the Gulf War. Following the Vietnam War, the Armed Services, at considerable expense, developed a cadre of professionally trained public information officers. At the outset of the Gulf War, these officers were used to put the best face on American military efforts, appearing on national television and conducting print media interviews. Within two weeks, when these specialists proved incapable of delivering the detail and authoritative statements the modern American media demanded, they were replaced by senior operational staff officers, and in some instances, by field commanders. Following this change, the U.S. Armed Services enjoyed an excellent public image. It is likely that BATF's senior field agents are capable of conducting unaided interviews and delivering announcements with as much skill and success as their military counterparts--at a savings to the taxpayer.

It is doubtful that the Bureau's special operations can in any way benefit from the current BATF policy of proactive media relations. In essence, the aims of special operations elements and media organs are antithetical. A successful special operation hinges on secrecy, surprise, and speed. A successful media effort depends on beating the competition to publish or broadcast news to the broadest possible audience. At Waco, BATF officers, operating under a Washington-level directive demanding proactive media relations, were unable to influence the Waco Tribune staff in the suppression of the story about Vernon Howell and it would be unlikely to see any newsroom abandon its reason for being to satisfy the needs of a law enforcement organization. While the undersigned has seen or heard no proof that the relationship between the press and BATF's Houston office resulted in a compromise of the operation, there is little doubt that such contacts can prove disastrous.

There is another reason to reverse the Bureau's proactive media policy. An aggressive policy like the current one, inevitably results in competition with other law enforcement agencies, one-upmanship, unseemly turf battles and unhealthy professional relationships. By adopting a style of quiet competence and substance over image, the Bureau is apt to gradually gain the increased respect of its peers, an attitude that will undoubtedly be discovered by discriminating journalists. As an example, the Secret Service enjoys an excellent reputation among law enforcement agencies, the media, and the public--all the while shunning publicity.]

Initiate an analytical study to project the Department's probable law enforcement environment in the next four to five years.

[Rationale: (Note: The following unsolicited comments may be considered outside the immediate considerations of the events in Waco.) Institutional modifications, influenced by a reasonable projection of tomorrow's conditions, are superior to those anchored in past events. Any changes in BATF's methods of operation, staffing or procedures are likely to affect other law enforcement elements under the purview of the Treasury Department. Customs, BATF and the Secret Service often augment one another and any action that focuses on one of the agencies takes essential oversight and administration from the other two. Thus the potential impact of changes in one bureau should be considered in the light of possible future effects on the others. Additionally, although outyear and even next week's events cannot be accurately predicted, decision makers are apt to make better changes if they are aware of trends and alternative futures.

The undersigned was unable to find any law enforcement futures studies within the BATF and was given the indication there were no such studies of a recent nature within Treasury. A cursory analysis of the Department's areas of law enforcement interest indicates an ominous growth of Treasury related criminal activity and a dramatic rise in likely legislation that will substantially increase the Department's policing workload:

- The nature of terrorism appears to be changing. During the Cold War era, terrorist organizations were often state supported, foreign governments supplying explosives, weapons, instructions and training. As the recent New York City World Trade Center bombing demonstrated, terrorists may now have to rely on their own initiatives to acquire weapons or manufacture explosives. The FBI will undoubtedly

remain as the country's lead agency and first line of defense against domestic terrorism. But the BATF may well play a growing role in identifying terrorist activity, albeit in some cases inadvertently. Additionally, the Trade Center incident showed the modern terrorist has a bent for political assassination, a phenomenon that was mostly avoided during the Cold War due to tacit, unwritten agreements between competing nations. This new and alarming situation could well make the duties of the Secret Service even more difficult than they already are.

► Hate crimes are on the increase, particularly those associated with the country's rapidly expanding skinhead groups. The Anti-Defamation League states 78 percent of all hate murders during the past six years have occurred in the last three. And, the Alabama based Klanwatch claims the majority of racist violence is now caused by skinheads. While this criminal activity is another responsibility of the FBI, there is a greater likelihood that the BATF will, as a normal matter, be involved. The FBI's traditional adversaries in this arena, members of the Ku Klux Klan, rarely resorted to automatic weapons--skinheads are a different breed and the BATF is likely to be increasingly involved in these types of investigations and arrests.

► It is now clear that Customs' role in waging part of America's drug war is larger than previously thought. No one knows for certain the precise means by which illegal drugs are imported, but any number of recent indicators point to substantial deliveries under the guise of commercial, cross-border trade. High-ranking military officers have stated that less than five percent of illegal drug traffic pass through the nation's air defense zones and seaborne interceptions have all but vanished. On the other hand, the two largest illegal drug finds in the nation's history were both associated with large capacity trucks that entered the United States from Mexico, through Customs inspection points. Commercial truck traffic through these Southern border facilities has grown five-fold in the past six years, and that growth continues. Since \$500 worth of cocaine or heroin in Mexico can fetch \$100,000 in the United States, there is no end of incentives to increase this illicit trade. In June, 200 lbs of cocaine concealed in a Columbian shipment of bananas was brought to the attention of Florida based Custom's officers by a commercial vendor. Drug traffickers often protect their goods with heavy weaponry, therefore the work of Customs may be more hazardous in future than in the past.

► BATF officials state there have been few necessary enforcement actions associated with the Bureau's tobacco responsibilities, but that happy circumstance may soon disappear. The July confrontation between the Paugussett Indian tribe and the State of Connecticut over the State's right to collect a 47 cent per-pack tax on cigarettes may be a harbinger of things to come for federal officials. The Connecticut

confrontation was an armed one, the tribal chief and his AK-47 toting guards were determined to protect their growing cigarette business, growth due to a \$4.00 per-carton savings for his customers. Apparently, there is already enough profit in defying the law on cigarette taxes to risk arrest. It is all but certain that the Congress will pass a heavy cigarette tax in the fall in order to partially off-set the cost of the forthcoming national health legislation, a cost that some estimate will amount to about \$50 billion in increased annual federal outlays. Estimates for the add-on federal tax on cigarettes range from \$1.00 to \$1.75 a-pack. A rough estimate of Treasury's take from this new levy is from \$15 to \$20 billion per year. Therefore, BATF's ability to enforce the tobacco sales statutes will assume a wholly new significance in the near future. It is likely some of the country's 50-60 million smokers will support criminal, tax-free trade in tobacco when the new federal cigarette tax takes effect. BATF's work and its need for resources is bound to expand.

► Another sin tax associated with the coming health bill, an increase in the federal levy on alcoholic beverages, is also probable. Since there is considerable resistance to a beer add-on, the bulk of this tax is likely to fall on spirits, another BATF concern. The manufacture of and trade in illegal whiskey has traditionally been protected by weapons in the United States, and there is no reason to expect that this age-old American custom will not continue--and, flourish. It would be naive to believe that the federal campaign against moonshiners is not about to enter a new chapter.

► Finally, there is the matter of guns themselves. A Spring, 1993 national poll provided what the pollster, Louis Harris, described as the first firm indication that the country is now prepared for significant, new federal firearms legislation. The incident at Waco may have had something to do with this change in public attitude. Currently, there are eight pieces of proposed legislation in the Congress. Most tax ammunition and firearms, some as much as 1000 percent. One is keyed to the emerging national health bill, raising the cost of guns by imposing a 20 percent tax, collections neatly destined for the nation's trauma centers. Whatever the results, in the end, Treasury will be charged with enforcement.

In the case of the above mentioned likely legislation, the Department should be in a position to advise lawmakers of the impact such legislation will have on Treasury's ability to enforce the laws, ideally before such legislation is passed. Such a study should be conducted in the light of the changing nature of crime in America, not only to better advise lawmakers, but to serve Treasury Department decision makers as they adjust the duties, procedures and methods of operation within the Department's law enforcement organizations. Any number of competent firms can produce such a study within a period of 60 to 90 days for as little as

\$200,000, a paltry sum considering what is at stake.]

Long-Term Measures

Create a full-time, Treasury-wide recruited, Treasury controlled, multi-purpose response team of 50-60 members that will conduct the Department's high-risk, high-profile, complex and dangerous law enforcement operations and other assigned tasks.

[Rationale: There are better ways to conduct large-scale, complicated special operations than the methods used in February. The Waco incident clearly demonstrated the hazards of employing part-time special operations personnel in a large-scale, difficult operation. Although the agents at Waco had conducted long hours of rehearsals at Ft. Hood, interviews with some of the participants indicated their understanding of specific duties and the overall concept was a bit vague. Response team members that work together on a full-time basis would have likely been more cognizant of the plan and its individual parts. The Waco debacle was not only costly in human life, the action and its aftermath was terribly costly in dollar terms to the U.S. taxpayer. Rather than ignore the possibilities of repeat performances, it would be advisable to invest in a solution that promises improved execution in these operations. People whose day-to-day duties are aimed at special operations have a better opportunity to conduct well planned, expertly controlled actions than those who can only devote a part of their time to such efforts. And, well planned, expertly controlled actions have a better chance of success than operations conceived and executed in an ad hoc fashion by people who may never have worked together before.

A high-profile, sensitive operation is best developed and controlled from the beginning by high-level authorities--in the end, it is they who will be held accountable. The raid at Waco, involving sizeable numbers of both women and children, the delicate matter of religion, issues of child sexual abuse, polygamy and the presence of large numbers of illegal automatic weapons and explosives, had headlines-grabbing, national-level significance from its very inception. Yet, it was handled by the Bureau of Alcohol, Tobacco and Firearms as a regional concern, deserving of only a cursory notification to responsible Treasury officers on the eve of execution. When the advisability of the raid was raised at Treasury, a hasty series of phone calls between officials resulted in confusion over what constituted the criteria for the raid's initiation. A superior arrangement would have Treasury officials involved at a much earlier stage. Placement of the responsibility to execute the National Response Plan at a higher level within the national administration will ensure such operations are developed and controlled with a more appropriate level of oversight.

The Department should consider the U.S. Army's experience in creating a satisfactory counterterrorist capability in developing Treasury's own organization to execute large-scale, high-profile law enforcement operations. Initially, in the mid-1970s, the Army's counterterrorist force was a single Special Forces battalion, a unit that had several other responsibilities. That inadequate solution was quickly discarded and the choice of placing the responsibility with a larger unit, a Special Forces Group, was made. Later, this, too, was cast aside and an organization with Army-wide recruiting authority, one controlled and overseen at a much higher level was finally selected. At each successive step in this process, the organization

gained a better opportunity to select from a wider range of talent. And, at each step, time-consuming, confusion-producing levels of command and control were eliminated. The end result provides the country with a full-time, highly capable team whose characteristics and operations are in full view of the officials who must bear the responsibility for the team's support and employment.

A full-time Treasury response team would provide the Department with more options in situations such as the one at Waco. One of the unadmitted, but obvious determinants that influenced the Incident Commander and his assistant to initiate the assault despite learning the raid was expected, was that changing the approach to a siege would deprive much of the American Southwest of BATF manpower for an undetermined length of time. A full-time response team, with no other compelling duties, would be more likely to opt for a siege if the tactical situation lent itself to that solution. A part-time special operations force does well if it can master the fundamentals of dynamic entry--a technique that was fully developed by counterterrorist teams in the 1970s. This technique relies on an overpowering, surprise, simultaneous assault staged through multiple entry points. A full-time special operations force is likely to have mastered dynamic entry and have more options such as selective, clandestine penetration of critical areas, up its sleeve. A full-time team is more apt to develop ruses and lures to accomplish missions without resorting to either chancy armed assaults or lengthy, expensive sieges.

A full-time response team will be able to use better technology and weaponry than a part-time team is capable of handling. For example, when the Waco assault team leaders were asked about the possibility of BATF using automatic weapons to even the odds in special circumstances, they stated they would not recommend such a practice for a variety of reasons--one of which was that SRT personnel do not have the essential firing practice time to gain proficiency. A full-time team would not have that limitation. SRTs do not have the capability to use low order, non-fragmenting explosives for shock entry, a highly effective technique that gains an initial advantage for assault elements at an extremely critical moment. A full-time team would have that edge--and more.

A full-time team would be more likely to ensure that the principles of operational security are observed in the conduct of planning and preparing for an action. At Waco, there were countless opportunities for Vernon Howell to learn of the impending assault: interviews with family members of Davidians during the investigative phase that may have provoked phone calls to the compound; contacts with the media; coordination with a variety of local agencies, law enforcement and otherwise, any one of which could have compromised the operation; the large number of support personnel that arrived in Waco long prior to the arrival of the assault teams; and, pre-assault radio transmissions, some of which were in the clear. Additionally, there was no officer who had operational security as his or her sole function. A full-time team would have such a person or persons, vested with authority to take immediate, corrective action to prevent compromise.

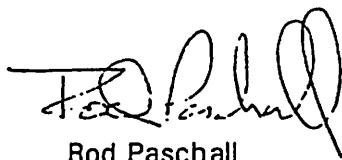
A full-time Treasury response team need not be a seldom-used, single purpose organization and it need not be of the size that was used at Waco. It could and should have multiple tasks and responsibilities. For example, once it is organized, equipped and trained, it should have the responsibility to train BATF's SRTs, relieving current instructors who must temporarily abandon pressing duties in their own regions and districts. It should be forward deployed and

placed at the disposal of the Secret Service when the President or other Treasury protectees are exposed to potential danger. It should be employed as a back-up or augmentation force for Customs' more difficult operations. Also, Treasury should make this force available when the Justice Department's law enforcement elements, the FBI, DEA and the Marshal's Service are in need of assistance, particularly when Treasury-specific expertise is required. And, if sizeable manpower is required, on the scale of that used at Waco, it could be augmented by BATF's SRTs.]

In conjunction with the Department of Justice and the Office of International Criminal Justice, sponsor a series of international conferences on law enforcement actions against armed cults, the changing face of terrorism, the control of automatic weapons and explosives, the suppression of trade in illegal drugs, tobacco and liquor, and improvements in obtaining information on international criminals and suspects.

[Rationale: The United States Government should not consider its experience with such groups as the Davidians or skinheads as unique. Nor should it attempt to only learn from its own experience in dealing with terrorists, automatic weapons, and illegal substances. Additionally, the WACO experience as well as the Trade Center bombing, involving a number of aliens, pointed once again to the inescapable fact that law enforcement officers in America are increasingly dependent on international assistance and information. The federal government should be interested in a more accessible international data base on criminals and their activities. It should share its experience and needs with its friends and allies abroad and learn from their ideas, mistakes and proven techniques. The Chicago-based Office of International Criminal Justice, a non-profit organization with offices in several foreign countries, is well qualified to administer and manage international conferences devoted to these subjects, bringing to the U.S. any number of foreign law enforcement experts as speakers. OICJ conducts approximately six such conferences on a wide range of criminal justice subjects per year, often publishing conference papers.]

End Report



Rod Paschall

ASSESSMENT OF WACO RAID PLAN

BY

**LIEUTENANT ROBERT A. SOBOCIENSKI
NEW YORK CITY POLICE DEPARTMENT
EMERGENCY SERVICES UNIT**

WACO REVIEW COMMITTEE

On February 28, 1993 one of if not THE most difficult undertakings in law enforcement history was conducted in Waco, Texas. On that day members of various Special Response Teams of the Bureau of Alcohol, Tobacco and Firearms were joined together in an effort to carry out the mandates of the U.S. District Court of Texas and arrest Vernon Wayne Howell, A.K.A. David Koresh. A.T.F. members were also directed to search for and seize illegal weapons and explosive devices as per a search warrant on the 77 acre Branch Davidian compound which this male controlled. Personally, I am not aware of a bigger, more complex and difficult assignment in police work.

CASE HISTORY - AN OVERVIEW

The events of February 28, 1993 were the result of an exhaustive investigation which began with a case referral by Chief Deputy Dan Weyenberg of the McLennan County Sheriff's office to the Bureau of A.T.F. in late May of 1992. As the case progressed A.T.F. agents came to know that Howell was in the process of purchasing an enormous amount of firearms, weapons and ammunition. Based on their experience and further investigation, they came to the realization that Howell was engaged in the unlawful manufacture and possession of explosive devices and machine guns. This entire cache of arms and munitions was believed to be stockpiled at his Mount Carmel compound in Waco, Texas. The matter was complicated by several other factors. The subject had a prior history of violent behavior. He was also the leader of a religious cult. The Branch Davidian compound which Howell operated was known to be inhabited by a sizeable number of followers consisting of men, women and children.

As the investigation progressed through the initial stage, it became apparent that this was to become a unique case. Shortly thereafter it became a headquarters monitored case.

ORIGINAL PLAN

Initially the plan called for some type of ruse to be used in an effort to lure Howell and as many of his leaders as possible away from the compound where they would be taken into custody. It was felt that, with Koresh under arrest, there would not be a strong influence for cult members to resist law enforcement personnel in the execution of the warrant. The objective was then to safely enter the Mount Carmel Center and a second location called the "Mag Bag" to search for evidence of the manufacture of explosives and machine guns. Unfortunately, "information, observation and intelligence" determined Koresh had not left the compound in months and was not planning to leave his Davidian stronghold. With this in mind, attempts to apprehend Koresh away from his base of power were terminated.

SIEGE PLAN

In late December of 1992 discussion was given to the formalization of a SIEGE PLAN. Several ex-cult members were interviewed. Intelligence was gathered relative to the firearms and military training given to members of the compound as well as any alert system, defensive positions and fortifications. Inquiries were also made relative to an area called "The Tower" on the compound. Questions were asked relative to Koresh's expected reaction to a potential siege. Interviews revealed that Koresh had a deep hatred for A.T.F. He did not wish to go to jail. He repeatedly had boasted he had enough provisions on hand to sustain members for three months. Some ex-cult members believed that a mass suicide was a definite possibility. With the belief that Koresh was prepared to remain inside of his bunker indefinitely, the prospect of mass suicide, and the possibility of a long standoff ultimately ending with a massive display of force, the concept of surrounding the compound and announcing their intention to enforce a warrant was discarded by A.T.F. agents.

RAID PLAN

Due to the likelihood of a prolonged standoff with heavily armed cult members, and the fear of a mass suicide in the event of a siege, A.T.F. members began developing a TACTICAL PLAN. Agents began to compile "facts" relative to the daily routine within the compound. Intelligence discovered that, unlike times in the past, there presently were no guards on duty within the compound. It was also determined that "The Tower" was not used for surveillance purposes. Reportedly it was a area where women and children slept in addition to the second floor. Male cult members were restricted to and slept on the first floor. Agents learned of the presence of an armory on the second floor. This location was next to Howell's bedroom and reportedly contained the bulk of all munitions

stored on the compound. It was believed this section would be locked to prevent children or mutinous cult members from gaining admittance and obtaining weapons. Intelligence determined members would arise around 6:00 a.m., have breakfast, then attend a worship service between the hours of 8:00 to 10:00 a.m. After the prayer session ended, the women would care for the children as the men, weather permitting, would begin working outside in a pit area, unarmed. This work area was at the opposite side of the compound from the armory.

UNDERCOVER HOUSE

On January 11, 1993 an undercover surveillance house was established by the Bureau of A.T.F. It was situated across from the long driveway which led into the compound itself. Originally, it was scheduled to be in operation for 24 hours a day, 7 days a week. The case agent requested that the eight man team assigned to the house document significant events as well as the traffic coming and going through the compound. It was hoped surveillance would aid in the identification of persons frequenting or living in the compound as well as establish day-to-day activities and patterns. It was hoped that an undercover agent could be introduced, gain entry and begin to frequent the Davidian leader's stronghold. This becomes a reality when on January 28, 1993 an undercover agent establishes rapport with Vernon Howell himself.

NATIONAL RESPONSE PLAN

The tactical plan called for three Special Response Teams of A.T.F. to be used in this operation. The enormity of the undertaking dictates that a newly developed and as yet untested A.T.F. National Response Plan would go into effect. Rather than conduct the raid under cover of darkness (during early morning hours), the plan centers on the information relative to activities at 10:00 a.m. During this time the men will be separated from the weapons as they work in the outside pit area.

The plan would begin prior to entering the compound with the placement of forward observer/sniper teams. One team would be placed in an area north of the compound. Another team would be placed in the undercover house. This was also the best spot available to monitor activities in both the front of the compound and the pit area. The placement of a third team was eliminated due to fear of discovery prior to the raid because of the 10:00 a.m. hour.

On the morning of the raid the undercover agent was to gain admittance to the compound. Once in place he was to make observations, look for weapons and determine the readiness of cult members. Upon leaving the compound the undercover would report these results back to a supervisor in the

undercover house and to the Tactical Coordinator of the raid. If it was determined to be "business as usual" in the compound, the green light would be given for the raid to commence.

As SRT members approached the scene a helicopter diversion would be staged. This event would take place in a distant area of the compound on the opposite side of the main road leading into the Mount Carmel Center. The diversion would be visible to cult members working in the outside pit area. With all observers on the alert looking for a display of weapons or unusual activity by cult members, agents would be transported to the compound surreptitiously in horse trailers. These trailers were commonly used in this part of the country and should not arouse suspicion.

After receiving an all clear signal from the Deputy Tactical Coordinator in the undercover house, all members would converge on the compound armed with the element of surprise.

The Houston SRT Team would exit the cattle trailers, enter the front of the compound and clear it. It was also their function to clear the pit area and take control of the men in this work area before they could reach any weapons.

The Dallas SRT Team was responsible for entering the front door of the compound and securing the second floor except for Koresh's quarters. They were also to clear the towers.

The New Orleans SRT Team had dual roles. Half the team would enter the compound from the front door. They would clear and pass through the chapel, go up the stairs, secure the arms room and the adjacent bedroom belonging to Koresh. The second part of the team would exit the trailers, ascend ladders and climb to the roof of the compound. At this point authorized personnel would toss a distraction device into the arms room prior to entering and secure it as well as the rear storage room. However, since the undercover couldn't confirm the existence of an inside stairwell, the plan was changed. The entire New Orleans team entered the east side of the dwelling and second floor roof by ladder in an effort to enter Koresh's bedroom and adjacent armory simultaneously.

Ideally, if all went according to the script, all SRT teams would be able to "exit the transportation vehicles in eight seconds, get into position and make entry at the front door in approximately 33 seconds." By catching cult members completely off guard, highly trained and equipped A.T.F. members felt they could safely take control of the compound and its inhabitants without incident.

That, basically, was the Plan. Had the events of February 28, 1993 ended peacefully, few people would have ever heard of or known the story of David Koresh and his Davidian

cult members in a compound in Waco, Texas. From the exhaustive information put together by the investigation team, as well as interviews conducted by the review panel, I would like to discuss some topics and offer some opinions and suggestions relative to the warrant execution on that day. It is hoped that all law enforcement personnel will gain additional insight and understanding as the events of Waco are studied.

Many questions have been raised in the aftermath of the law enforcement activities at Waco, Texas. One of the most perplexing is whether ANY law enforcement agency is adequately prepared to handle a similar assignment. I cannot answer that question. I can only caution against the thought of military intervention in a like situation. Unlike the military, in civilian law enforcement there can never be consideration given to any acceptable casualty losses. Occurrences of this type are nightmares for every police planner, manager and chief.

ANALYSIS OF PLAN

After dissecting A.T.F.'s involvement with the Vernon Howell investigation, it is my feeling that the raid on the Mount Carmel Center was doomed to fail even before the first highly trained SRT member stepped out of the cattle trailers on February 28, 1993.

One of the key ingredients to any successful plan is intelligence gathering. Good, sound, correct and up to the minute information is essential for any raid plan, not to mention the mammoth undertaking in Waco. This was an area in need of major improvement in the A.F.T. investigation.

It is my opinion that the case agent did his homework. I believe he conducted as thorough an investigation as was possible within the bureaucratic framework at A.T.F. There was mention of the fact that he only had five years experience in investigations and that this was his first big case. The fact remains, he developed the investigation and obtained critical information to substantiate probable cause, which led to the arrest warrant for Howell and search warrants for the compound and the "Mag Bag."

There was, however, a lot of missing information and poor intelligence gathered before the raid and on the raid day itself. Added to this was the fact that vital intelligence was overlooked, discarded or not used. This information was obtained by a host of A.T.F. personnel.

Examples of this can be seen when former cult members are interviewed and, apparently, much if not all of their statements are reported to be facts. No thought is given to the idea that these ex-cult members had been away from the

compound for some time, or to their individual biases, or if they had an ax to grind with present cult members.

Another weak link in the investigation was the undercover house set up to monitor and track cult activities. From the beginning we learn agents assigned do not have a strong sense of mission. Team members were inexperienced, had no direction or supervisor. They state they did not know what to look for or what was expected of them. Did they ask?

Originally the undercover house was intended to operate on a full time basis. Within a short period it appears as if the undercover agents adjust observation times on their own. There is no 24-hour watch. Agents fail to see Howell one critical time as he left the compound. Surveillance equipment is faulty or misused. Members report there are 75 members living in the compound. The fact is 127 people are present on the day of the raid. A supervisor is brought in to take charge of operations but little changes. Why? Little useful information is gained from efforts prior to undercover agent Rodriguez making contact with the compound leader.

On the day of the raid Agent Rodriguez gets into the compound and exits after hearing Koresh say "A.T.F. and the National Guard are coming. They won't get me, they'll never get me." The undercover reports this and other useful information to the Deputy Tactical Coordinator at the undercover house. Rodriguez is instructed to call and brief the Tactical Coordinator at the rear command post. After asking the undercover several sterile questions, the Tactical Coordinator consults with the Incident Commander and another supervisory agent, then decides to speed the raid up. He disregards all the significant factors to the plan and accelerates its timetable which was based on 10:00 a.m. as being the point for entry into the compound. SRT members are instructed to dress quickly for their assignment. They are loaded onto cattle trailers and rushed to the compound.

During this time radio communications begin to break down within the raiding party. The helicopters get to the scene behind schedule. A group of observers are not in place. Added to this is the fact that forward observers at the undercover house are unfamiliar with the daily routine in the compound. They don't know what to look for. They fail to recognize that no signs of life or movement by cult members means danger. They do not report back that there are no men working in the pit. That was the critical element of the plan, SURPRISE, and the ability to separate the men from the weapons. All is lost.

As all this is happening, the leaders of the raid have inadvertently quarantined themselves from any new information. They assume tactically incorrect positions. They

are not centralized. This helped make the coordination of efforts very difficult. As the response teams roll up to the front of the compound they are sitting ducks. Had it not been for the extensive training which members received at Fort Hood in preparation for this event, I feel many more agents would have been killed or injured.

Questions have been asked in the days since the initial raid on the compound. Was the plan sound? Was there consideration given to alternatives? Was the choice for a dynamic entry a reasonable call?

Based on my 25 years of experience with the New York City Police Department, if all the given facts which led to the decision to conduct the entry were true, I believe the plan had a reasonable chance of success. Members considered alternatives, but their "FACTS" led them to believe a raid on the compound could be successfully achieved. Strictly as a Monday morning quarterback, I would have opted for a siege plan. It should be noted that a plan of this nature was ultimately unsuccessful in Waco.

I believe the three-day training and other preparation conceived at Fort Hood was excellent and well thought out. Improvement in tactical situations by all members concerned was evident as displayed in the training tapes.

I disagree with A.T.F.'s policy of using the Tactical Coordinators as investigators to gain information from cult members. It put them too close to the case. I believe they lost objectivity relative to the plan. Had the investigation been done by others, tactical leaders would have questioned these so-called "facts" more closely. The decision to siege or go tactical should not be decided solely by tactical members. They are the can do, must do when all else fails people of the organization. It should be their responsibility to formulate a plan which should be analyzed, scrutinized and questioned by supervisors from above before sanctioning it. This acts as a check valve and ensures that those putting the plan together have all the facts available and that the plan holds up when challenged.

Other major flaws with this case were the way members became desensitized to the amount of arms which were reportedly in the compound and this group's fanatic hatred of A.T.F. Supervising agents failed to either realize or appreciate the magnitude of firepower that they would be up against if a fire fight erupted. Early in the case this investigation was marked "sensitive." This designation meant that A.T.F. Headquarters would automatically begin monitoring its progress. Surprisingly, there was little input or direction from above. Nobody up or down the supervisory chain of command asked tough or unpopular questions relative to the plan. No one questioned

its poor case management, the improper utilization of surveillance equipment or the availability of other resources. Could agents get a warrant and put a tap on phones in the compound? Could A.T.F. not monitor CB communications coming and going to the center? No one decided to ask for or send in specialists when called for. The final decision to go/no go was ultimately left in the overtaxed hands of the Tactical Coordinator. As the decision to go forward progressed, leaders failed to properly evaluate the information learned from Agent Rodriguez. They failed to recognize that the element of surprise and its tactical significance had been lost. They underestimated their target and his unseen ambush by overestimating the intimidating appearance of 86 agents dressed in full SWAT gear.

No discussion of the events of February 28th could be complete without mention of problems encountered with the media. On December 15, 1992 case agent Aguilera learned the Waco Tribune-Herald was obtaining information about the cult, its leader and the Davidian compound for a possible article. As time went on, members of A.T.F. attempted to persuade Tribune officials to delay publication of an upcoming series featuring the cult, citing the ongoing investigation and likelihood of a potential raid. Not only did the paper refuse to comply, but the first article "The Sinful Messiah" appeared a day before the actual raid.

On the day of the raid at least seven media vehicles were in the vicinity of the compound. The Texas Rangers report of investigation details how a reporter unwittingly leaked details of a potential A.T.F. raid to a cult member who returned to the compound and alerted Koresh.

CONCLUSION

In conclusion, I would like to thank Mr. Ronald K. Noble, Assistant Secretary for Enforcement, for the leadership, candor and enthusiasm which he brought to his position. Congratulations go to all members of his team for their varied skills, straight forwardness and dedication to duty during the arduous task of gathering the information for the review panel. A word of praise as well for fellow members of the review panel. It was an honor and privilege to serve with persons of such varied backgrounds, experience and knowledge.

It is always easier to criticize, second guess and punch holes into a plan rather than construct one. No plan is or will ever be perfect. Under pressure mistakes were made. Enough cannot be said for the courage and fortitude exhibited

by all A.T.F. members who risked their lives at a previously unknown compound in Texas. Despite this incident, there can be no doubt why the Bureau of Alcohol, Tobacco and Firearms is thought of so highly by the law enforcement community.

My extreme gratitude goes to those members from A.T.F. who volunteered to meet with and discuss openly and freely the events of Waco with the review panel. To my knowledge this was an unprecedeted event. Their wish and mine is that lessons can be learned from this tragic incident and that the mistakes made will not be repeated in the future.

The events in Waco should bring about a change in philosophy and create interaction between federal, state and local law enforcement and encourage the sharing of ideas equipment and training which will be beneficial to all.

Appendix B

Explosives Experts (alphabetically by author)

Paul W. Cooper

Joseph T. Kennedy

REPORT on EXPLOSIVES QUESTIONS
RELATED to the
WACO ADMINISTRATIVE REVIEW

Paul W. Cooper
August 5, 1993

EXECUTIVE SUMMARY

A review was made of documents describing items and materials purported to have been delivered to the Branch Davidian Compound near Waco, Texas. These items and materials could, in the author's opinion, be combined in any of several ways to construct explosive destructive devices. It is shown that abundant literature is readily available which instructs the reader in the fabrication and use of such devices. It is further shown that in the United States, each year, a great number of such devices have actually been illegally fabricated and used, as reported by both the BATF and the FBI.

INTRODUCTION

This report is in response to three major questions which were posed to me by the Waco Administrative Review^{Ref.1}. These were (in reference to materials/chemicals contained in an ATF Report of Investigation^{Ref.2}):

1. "Do any of these entities when combined, in any manner or quantity, constitute an explosive?"
2. "From your experience, could any of these entities when combined, in any manner or quantity, be utilized as an explosive in an improvised explosive device?"
3. "From your experience, what explosive or improvised explosive devices could be manufactured from the referenced entities?"

In addition to these questions, I will add three others:

4. How many explosive devices (re: question 3) could be manufactured from the referenced entities?
5. If the referenced entities could be made into an explosive device, would the methods of doing that exist as reference or instructional material, and if so, how available are such instructional materials?
6. Have explosive mixtures and/or improvised explosive devices which could be fabricated from the reference entities and described in the available instructional literature ever actually been made and or used?

The report which follows will first discuss the referenced entities, and then answer each question in technical depth.

THE REFERENCE ENTITIES

The materials/chemicals described above as the reference entities and which are pertinent to the making of explosives and explosive devices (quoted from Reference 2) are:

1. "Large quantity of black powder."
(In reference 3 this is described as "black gun powder", and also is given as 40 to 50 pounds. This may be smokeless gun powder and not black powder. The reason for suspecting this is because no shipping documents are referenced for this item but this was based, in Ref.3, upon testimony of the UPS driver. The two different gun powders are often confused by many people or not even thought to be different and therefore the names are often interchanged.).
2. "Ninety (90) pounds of powder aluminum metal and 30 to 40 card board tubes; 24" in length by 1 1/4 to 1 1/2 in diameter."
3. "Fifty (50) M-31 practice rifle grenades."
4. "One hundred fifty (150) M-31 practice rifle grenades."
5. "Potassium Nitrate (oxidizer)."
(This is given as 30 pounds in Reference 3)
6. "Ignitor Cord (Class "C" explosive)."
(This is given as one pound in Reference 3.).
7. "Magnesium Metal (Flammable solid)."
(This is described as "Magnesium metal powder" and given as five pounds in Reference 3.).

In addition to the above, but not mentioned in Ref. 2, are:

8. Two boxes of practice ("pineapple type") hand grenades (about 50 hand grenades), assumed to be empty or inert^{Ref.3}. This description fits the U.S. Army M21 Practice Hand Grenade.
9. Over 138,000 rounds of various small arms ammunition^{Refs.3,4,5}. These are mentioned here because the smokeless powder with which each cartridge is loaded is easily removed. The total amount of smokeless powder in this number of small arms cartridges is approximately 840 pounds.

QUESTION 1

"Do any of these entities when combined, in any manner or quantity, constitute an explosive?"

Yes.

The black powder by itself is an explosive. The black powder can be combined with the aluminum powder to give it an intensified incendiary effect: The black powder can be combined with the potassium nitrate to increase its gas output when it explodes.

The smokeless powder by itself is an explosive, and like the black powder can have aluminum or magnesium powder added to it to give it an enhanced incendiary effect.

The potassium nitrate can be combined with either the aluminum powder or the magnesium powder or a mixture of the two metal powders to form an explosive.

QUESTION 2

"From your experience, could any of these entities when combined, in any manner or quantity, be utilized as an explosive in an improvised explosive device?"

Yes.

When confined in a metal case the powders and mixtures described in the answer to question 1 (above) can, when ignited, explode violently, bursting or fragmenting the casing and producing potentially lethal high velocity fragments in addition to the blast and fireball.

If confined lightly, such as in a card board tube, the powders and mixtures described above may explode sufficiently to produce a blast wave and also produce a fireball or incendiary effect.

The ignitor cord can be used not only to ignite the explosive filler of an explosive device, but can also be used to provide a delay element in a fusing train such as the burning fuse in a firework, or delay element in a hand grenade fuse.

QUESTION 3

"From your experience, what explosive or improvised explosive devices could be manufactured from the referenced entities?"

The practice hand grenade parts could be loaded with the mixtures described above and fused (have a fuse or fusing mechanism attached). The blank vent hole in the base of the practice grenade would have to be sealed by either welding or threading and plugging with a metal bung, thus making working grenades.

The mixtures described above could be loaded into metal pipes or pipe nipples, sealed at each end with pipe caps, and fused with the ignitor cord, thus making pipe bombs.

The mixtures could be loaded into card board tubes, sealed at each end, and fused with the Ignitor cord, thus making a blast and incendiary device. Such a device could be lethal from the blast effects if exploded close to or in contact with a person.

QUESTION 4

How many explosive devices (re: question 3) could be manufactured from the referenced entities?

The M21 practice grenade can hold approximately 40 to 50 cubic centimeters of powder. All of the powders mentioned above have approximately the same loose pour bulk density (approximately 0.9 g/cc), therefore each grenade would hold about 35 to 45 grams of powder. There is sufficient quantity of powder of each type described above to fill more than 250 grenades (there were at least 50 grenade bodies purported to have been delivered).

The number of pipe bombs which could have been filled would depend upon the size and length of pipes used. As an example, standard two inch pipe cut to five inches length and capped with standard end caps would hold approximately a half pound of loose poured powder. Therefore as many as 70 or more such pipe bombs could have been made from the stated quantities of any of the powders.

The 30 to 40 each 24 inch long cardboard tubes shipped with the aluminum powder could each be loaded with approximately three quarters of a pound of loose poured powder. This would fill all of the tubes and leave over some powder.

QUESTION 5

If the referenced entities could be made into an explosive device, would the methods of doing that exist as reference or instructional material, and if so, how available are such instructional materials?

Yes. Instructional material in the form of books, pamphlets, and instruction sheets are readily available in book shops, gun shows, through mail order, and even on computer bulletin boards.

References Nos. 6 through 10 of this report are examples which were recently purchased at a local gun show in Albuquerque NM. All of these references mention the REFERENCED ENTITIES in a number of admixtures and in a number of explosive devices. Reference 9 in particular describes using these exact materials loaded into modified practice hand grenades and gives methods of modifying and reloading the grenade fuses as well as manufacturing improvised fuses for the practice grenades.

QUESTION 6

Have explosive mixtures and/or improvised explosive devices which could be fabricated from the reference entities and described in the available instructional literature ever actually been made and or used?

Yes. A review of recent FBI and BATF annual reports^{Refs.11,12} show a large number of cases involving pipe bombs as well as modified military ordnance (the latter includes practice grenades). The two agencies utilize somewhat different yet overlapping data bases, and report the data somewhat differently. However, a good overall picture of the usage of the referenced explosives in pipe bombs and modified military ordnance can be seen in figures 1 through 4.

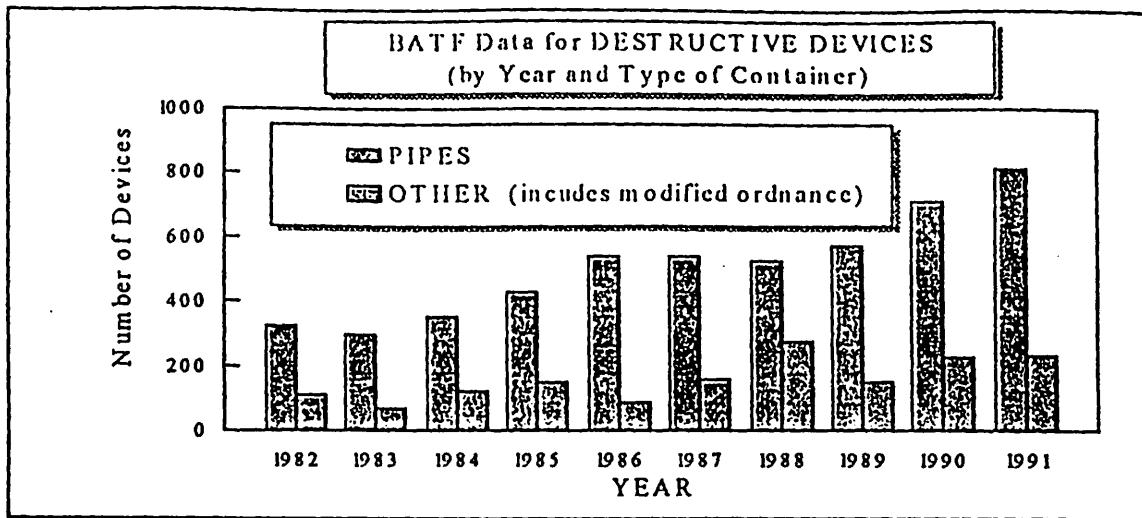


Figure 1. A compilation of BATF data for a ten year period, showing number of reported pipe bombs and modified military ordnance (these include but are not limited to modified practice grenades) regardless of filler explosive.

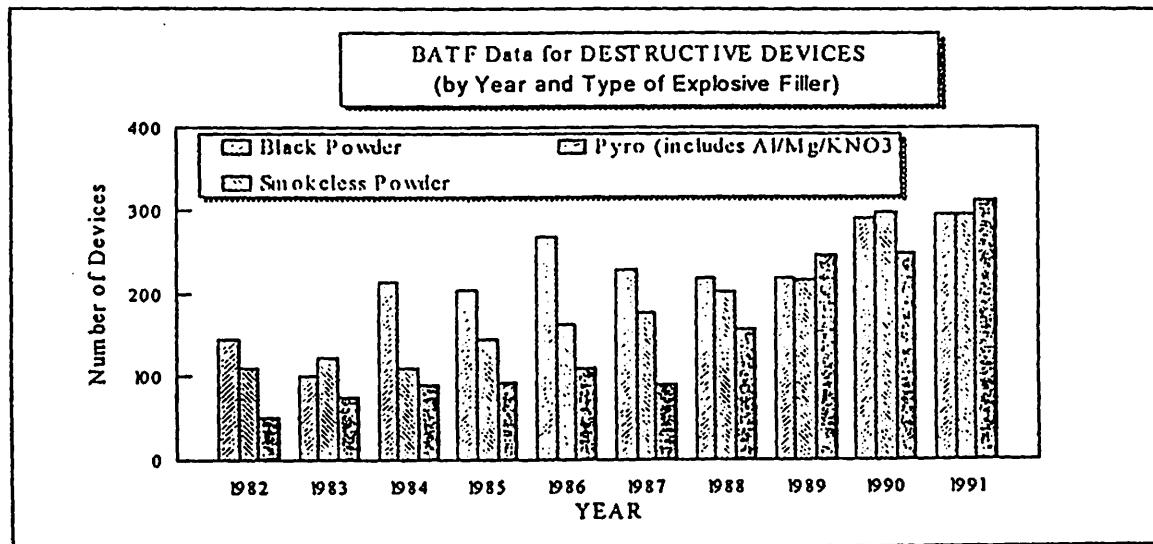


Figure 2. A compilation of BATF data for a ten year period, showing number of reported destructive devices by the type of explosive filler. These fillers are black powder, smokeless powder, and pyrotechnics (the latter include but are not limited to mixtures containing aluminum, magnesium, and potassium nitrate).

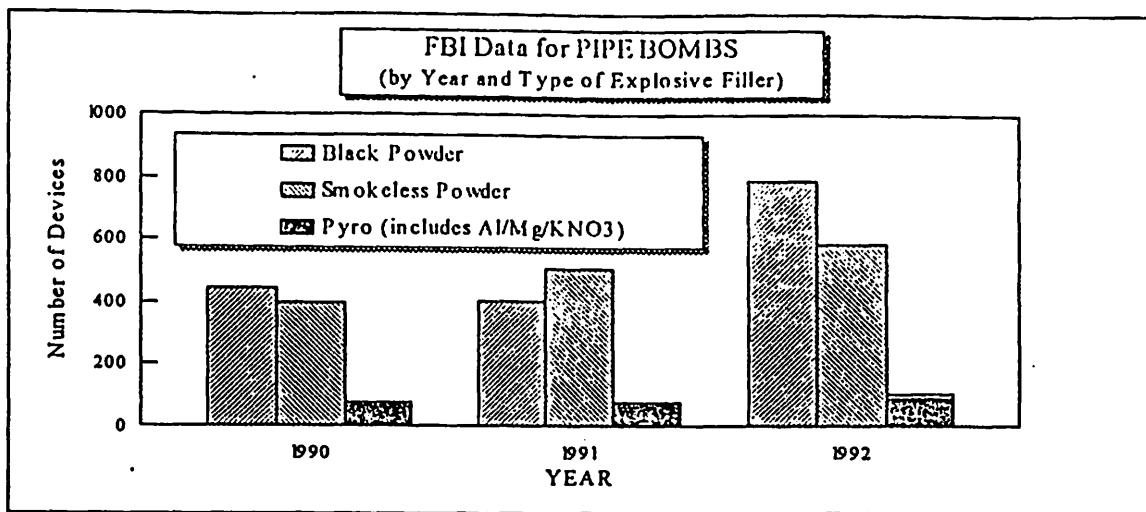


Figure 3. A compilation of FBI data for a three year period, showing number of reported pipe bombs utilizing various explosive fillers.

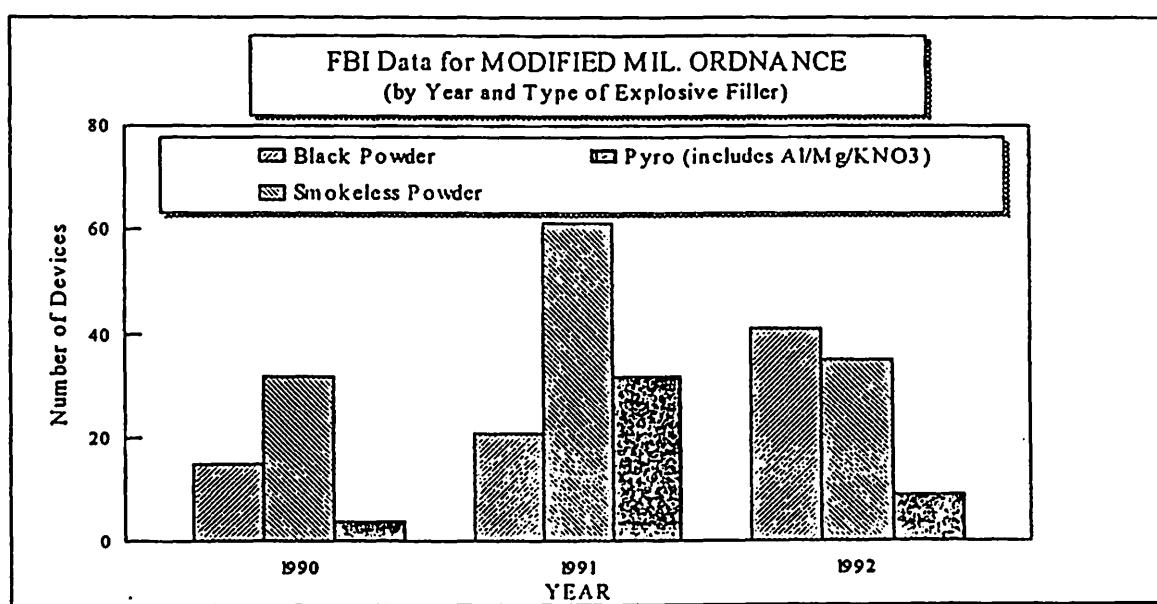


Figure 4. A compilation of FBI data for a three year period, showing number of reported modified military ordnance items (these include but are not limited to practice grenades) utilizing various explosive fillers.

CONCLUSIONS

The materials purportedly delivered to the Branch Davidians as stated in the referenced documents can, in the opinion of this author, be combined in several ways to make explosive materials and destructive explosive devices. In particular, all of the materials were present to modify and fabricate functioning fragmentation hand grenades, as well as pipe bombs, and blast and incendiary devices.

Respectfully submitted,



Paul W. Cooper

REFERENCES

1. "Questions for Explosives Experts", a query by the Waco Review presented to me on 7 July 1993 (copy attached as Appendix I).
2. ATF Report of Investigation, No. 53110-92-1069-X, 22 July 1992.
3. Application and Affidavit for Search Warrant, U.S. District Court, Western District of Texas, (marked W93-15M), Filed 26 Feb. 1993.
4. A Spreadsheet, titled "Deliveries to Mag-Bag", 5 pages (copy attached as Appendix II).
5. A Spreadsheet, untitled, 2 pages, (copy attached as Appendix III)
6. "CIA Field Expedient Incendiary Manual", The Combat Bookshelf, Desert Publications, Phoenix AZ, 1977.
7. "The Poor Man's James Bond", Kurt Saxon, Atlan Formularies, Eureka CA, 1972.
8. "Special Forces Demolition Techniques", Extract from Army Field Manual FM 31-20 (December 1965), Paladin Press, Boulder CO, (no date)
9. "OSS Sabotage & Demolition Manual", Paladin Press, (no date)
10. "Unconventional Warfare Devices and Techniques, INCENDIARIES", US Army TM 31-201-1 (May 1966).
11. Bu. ATF, Annual Explosives Incidents Reports:
1985 (10 year Retrospective, 1976-1985) and all reports 1986 through 1991.
12. FBI Annual Bomb Summaries:
1990 through 1992.

QUESTIONS FOR EXPLOSIVE EXPERTS

Reference the materials/chemicals contained in ATF Report of Investigation, 53110-92-1069X, dated 7/22/92.

Do any of these entities when combined, in any manner or quantity, constitute an explosive?

From your experience, could any of these entities when combined, in any manner or quantity, be utilized as an explosive in an improvised explosive device?

From your experience, what explosives or improvised explosive devices could be manufactured from the referenced entities.

Tx - CW

DELIVERIES TO "AG BAG"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE1 1

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
ALPHA TRADING COMPANY	06/17/92		20	\$1,200.00	100 RD., AK-47 MAGAZINES
ALPHA TRADING COMPANY	08/06/92		200	\$540.00	USED AR-15 30 MAGAZINES
ALPHA TRADING COMPANY	08/12/92		30	\$150.00	USED M14 MAGAZINES
CENTEC FIRE SYSTEMS, INC.	07/17/92	NO INVOICE		\$411.29	UNKNOWN (CONT #309912, SHIP #409992)
CENTURY INTERNAT'L ARMS	07/06/92	NO INVOICE			1M - 7.62 (#026529, PIECE #026529)
FOX FIRE CO.	06/05/92	NO INVOICE			90 LBS-POWDER, ALUM.METAL & 30-40 CARDBOARD TUBES
JONATHAN ARTHUR CIENER	07/08/92	NO INVOICE			.22 LR CONV. KITS - AR15,MINI-14 & AX47 (#451221)
JONATHAN ARTHUR CIENER	07/08/92	NO INVOICE			M203 LAUNCHERS, SUPPRESSORS, BELT FEED - AR-15
KENG'S FIREARM SPECIALTY	07/09/92	NO INVOICE	2	\$290.56	UNKNOWN (SHIPPING #383833, CONTROL #039756)
L & N SHOOTERS	08/07/92	NO INVOICE		\$280.50	2800 RDS, 9MM AMMUNITION
NESARD GUN PARTS CO.	05/14/92	NO INVOICE		\$720.00	UNKNOWN (SHIPPING #622836, CONT. #443693)
NESARD GUN PARTS CO.	05/26/92		2	\$620.00	EZ KIT (M16) W/AZ, 20" BBL
NESARD GUN PARTS CO.	05/26/92		2	\$550.00	CAR KIT (M16)
NESARD GUN PARTS CO.	05/26/92		1	\$10.00	REVERSE FLASHHIDER (FLASH SUPPRESSOR)
NESARD GUN PARTS CO.	06/19/92	NO INVOICE	1		M-76 GRENADE LAUNCHER
NESARD GUN PARTS CO.	07/09/92	NO INVOICE		\$1,250.65	UNKNOWN (SHIPPING #622836, CONT. #473126)

PAGE .001 2

DELIVERIES TO "AG BAR"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.	03/26/92	A43880	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/26/92	A43878	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/26/92	A43879	1	\$10.00	H1B
OLYMPIC ARMS, INC.	03/26/92	A43879	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$972.00	K1B
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$1,152.00	K2B W/EZ & AZFS
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$1,152.00	K2B, W/EZ & AZFS
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$972.00	K1B
OLYMPIC ARMS, INC.	03/30/92	A43923	5	\$1,215.00	K1B, 16" W/AZFS
OLYMPIC ARMS, INC.	03/30/92	A43922	5	\$1,215.00	K1B, 16" H/AZFS
OLYMPIC ARMS, INC.	03/30/92	A43923	5	\$1,215.00	K1B, 16", H/AZFS
OLYMPIC ARMS, INC.	04/02/92	A43929	3	\$879.00	K1B, W/EZ, UPPER
OLYMPIC ARMS, INC.	04/02/92	A43929	1	\$243.00	K1B, 16"
OLYMPIC ARMS, INC.	04/02/92	A43929	1	\$243.00	K1B, 16"
OLYMPIC ARMS, INC.	04/02/92	A43929	2	\$516.00	K2B, 20 W/EZ UPPER & AZFS FLASH SUPPRESSOR
OLYMPIC ARMS, INC.	04/02/92	A43929	3	\$879.00	K1B, 16" W/EZ, UPPER

DELIVERIES TO "G BAG"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE1 3

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.	04/02/92	A43929	2	\$576.00	K2B, 20" W/EZ UPPER & AZFS
OLYMPIC ARMS, INC.	04/24/92	A45210	4	\$1,228.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45211	4	\$1,304.00	CAR-9 UNITS W/16" BBL (4 X10'S)
OLYMPIC ARMS, INC.	04/24/92	A45210	2	\$598.00	K1B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45231	4	\$1,232.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45211	4	\$1,304.00	CAR-9 UNITS W/16" BBL
OLYMPIC ARMS, INC.	04/24/92	A45210	4	\$1,228.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45210	2	\$598.00	K1B, W/EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	2	\$620.00	K1B, W/16" & EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	8	\$2,104.00	K1B, W/16"
OLYMPIC ARMS, INC.	04/28/92	A45233	2	\$620.00	K1B, W/16" & EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	8	\$2,104.00	K1B, W/16"
OLYMPIC ARMS, INC.	04/28/92	A45231	4	\$1,232.00	K2B, W/EZ
OLYMPIC ARMS, INC.	07/13/92	A47046	.2	\$616.00	CAR-45 UNIT
OLYMPIC ARMS, INC.	07/13/92	A47046	2	\$586.00	CAR-9 UNIT
OLYMPIC ARMS, INC.		NO INVOICE		\$2,500.00	.223 AMMUNITION (MARCH 92)

B-149

DELIVERIES TO "AG BAG"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069I

PAGE NO. 1 4

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARHS, INC.		NO INVOICE		\$280.50	9MM AMMUNITION - 2800 RDS. (AUG. 92)
P. L. & T. TIFFIN KNIVES	08/03/92	NO INVOICE		\$374.00	KNIVES
ROCK ISLAND ARHORY, INC.	06/17/92	104722	50	\$162.50	H31 PRACTICE RIFLE GRENADES
ROCK ISLAND ARHORY, INC.	06/29/92	104818	150	\$487.50	H31 PRACTICE RIFLE GRENADES
SARCO, INC.	05/26/92	A43318	1	\$274.95	H16 PARTS SET KIT "A" W/SLING & MAG (NO LWR.RCVR.)
SARCO, INC.	06/18/92	A45276	2	\$249.50	H261 RIFLE CONVERSION KITS
SARCO, INC.	06/18/92	A45276	3	\$30.00	COMBO WRENCH
SARCO, INC.	06/18/92	A45276	3	\$824.85	H16 KIT "A" (SPECIAL OFFERINGS)
SARCO, INC.	06/18/92	A45276	6	\$49.95	.22 CONVERSION UNIT MAGS
SARCO, INC.	06/18/92	A45276	4	\$79.80	H203 HANDGUARDS
SHOOTERS EQUIPMENT CO.	07/16/92	NO INVOICE		\$387.51	UNKNOWN (CONT #833766, SHIP #227471, PKG 4199)
SHOOTERS EQUIPMENT CO.	07/17/92	NO INVOICE		\$68.88	UNKNOWN (CONT #833722, SHIP #277471, ID SEC-T-68)
SHOOTERS EQUIPMENT CO.	07/20/92	NO INVOICE		\$122.76	UNKNOWN (CONT #833674, SHIP #227471, ID SEC-T-73)
TAPCO, INC.	06/30/92	0022292	2	\$299.90	FLARE LAUNCHER W/C.A.R. MOUNT
TAPCO, INC.	07/14/92	NO INVOICE		\$1,386.86	UNKNOWN (CONT #578336, SHIP #393495)
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$44.00	H203 H16 HANDGUARDS

B-150

DELIVERIES TO "JAG BAG"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE .0.1 5

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$355.50	CH-2037 FLARE LAUNCHER
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$65.50	H203 H.G. SIGHT ASSEMBLY
UNKNOWN	06/08/92	NO INVOICE	60		M-16/AR-15 MAGAZINES
UNKNOWN	06/18/92	NO INVOICE			CHEMICALS, INSTRUMENTS & GLASSWARE
UNKNOWN		NO INVOICE			PRACTICE GRENADES (2 CASES) & BLACK POWDER
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			POTASSIUM NITRATE, 30 LBS (OXIDIZER) ID #UNI486
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			MAGNESIUM METAL, 5 LBS.
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			IGNITER CORD, 1 LB. (CLASS C EXPLO.)

TOTAL COST: \$44,325.46

END OF REPORT

Feb 1992	March 5 - 9, 1992	Mar March 5 - 9, 1992	April 1992	May 1992	June 1992
<p>18 Firearms Purchased: 13 Assault Rifles, 1 Pistol and 4 Shotgun</p> <p>Team Training held at house 500 Yards East of "Mag Bag" towards Compound. These SWAT Teams from five different law enforcement agencies held all day SWAT Team entries.</p> <p>Howell believes this is a large ATF SWAT Team who are practicing for a raid on the Compound.</p> <p>Howell makes call to arms at Compound in preparation for what he believes is an impeding search and arrest by ATF.</p>	<p>2 Firearms Purchased: 2 Assault Rifles</p> <p>Fatta buys ground sensors and night vision 3/9/92.</p> <p>Little orders chemicals to build explosive devices and hand grenades 3/10/92.</p> <p>Howell orders CA Davidians to come to Texas Compound and 40 members arrive from England in mid-March.</p> <p>Michael Schroeder orders and receives conversion kits to make machineguns: 3/11/92 29 machinegun kits 4/1/92 20 machinegun kits 5/18/92 34 machinegun kits 7/16/92 37 machinegun kits</p> <p>Upper receivers to make 100 AR-15/M-16 Assault Rifles arrive by 4/28/92.</p> <p>60 Cases of 7.62 ammo, 20 Cases of .308 ammo received in March and April. (1200 rounds per case)</p> <p>100 Magazines 7.62 cal 30 round 3/26/92</p>	<p>67 Firearms Purchased: 56 Assault Rifles and 11 Pistols</p> <p>Purchased 6 Walkie Talkies 4/15/92.</p> <p>11 SWG Lower Receivers for building machineguns M-16 4/1/92.</p> <p>15 SWG Lower Receivers for building machineguns M-16 4/7/92.</p> <p>100 Magazines 7.65 cal, 30 round; 30 Cases 7.62 ammo 4/22/92.</p> <p>5 SWG Lower Receivers for building machineguns M-16 4/30/92.</p>	<p>55 Firearms Purchased: 31 Assault Rifles and 4 Pistols.</p> <p>1 Case 7.62 ammo 5/10/92.</p> <p>6 SWG Lower Receivers for building machineguns M-16 5/12/92.</p> <p>15 SWG Lower Receivers for building machineguns M-16 5/18/92.</p> <p>48 cases 7.62 x 39 steel core ammo on 5/22/92.</p> <p>144 webb belts 4/22/92</p> <p>50 vests, 4 pouches each for AK-47, 30 round magazines on 5/14/92.</p>	<p>18 Firearms Purchased: 18 Assault Rifles.</p> <p>90 Pounds Aluminum Powder 6/5/92.</p> <p>Repairs Water Well in Compound 6/5/92.</p> <p>12 SWG Lower Receivers for building machineguns 6/7/92.</p> <p>3 SWG Lower Receivers for building machineguns 6/9/92.</p> <p>200 M-31 Rifle Grenades (Attempt to Activate) 6/10/92.</p> <p>Received 5 Manuals to Acquire M-31 Rifle Grenade 6-16-92 and manual on other Tech. Grenade Grenades</p>	

* * FIREARMS DATA OBTAINED THROUGH VERIFIED RECORDS/SOURCES. UNDOCUMENTED FIREARMS ARE NOT INCLUDED IN THIS DATA

David Koresh receives a message from God during Pass over of April in Compound (he and two followers will die in retribution) Leader of Federal Law Enforcement

into April 1992 receives information from David Koresh to fly to Oregon: 12 magnum 45 caliber gun found hidden in wall for C.I.D. & Company to Testify, Public Trial. See Anti-Sedition Act

12-6

B-152

<u>MAY</u>	<u>446-42</u>	<u>Sept 1992</u>	<u>Oct 1992</u>	<u>Nov 1992</u>	<u>Dec 1992</u>	<u>Jan 1993</u>	<u>Feb 1993</u>	<u>TOTAL</u>
14 Firearms Purchased: 13 Assault Rifles and 1 Pistol.	2 Firearms Purchased: 3 Assault Rifles and 9 Pistols.	No Activity	2 Firearms Purchased: 2 Pistols	20 AK-47 Magazines 100 Round 11/23/92.	1 Firearm Purchased: 1 Pistol	No Activity	No Activity	Prior to March 5, 1992 80 Firearms were purchased.
8 SWG Lower Receivers for building machineguns M-16 7/20/92.	200 AR-15/ M-16 Magazines 30 round 8/6/92. 2800 Rounds 9mm ammo 8/7/92.			20 AK-47 100 round magazines on 11/23/92.				After March 5, 1992 236 Additional Firearms were purchased (153 Assault Rifles included).
2 SWG Lower Receivers for building machineguns M-16 7/27/92.	30 M-14 Magazines .308 cal 20 rounds 8/12/92. 9 Cases .308 ammo 8/18/92..							120 Conversion kits for Assault Rifles.

* * THIS REPORT DOES NOT INCLUDE FIREARMS THAT WERE PURCHASED AND/OR ACQUIRED WITHOUT RECORDS BEING MADE (CASH SALES AT GUN SHOWS AND ELSEWHERE)



Three Crystal Park, 2231 Crystal Drive, Suite 1000, Arlington, Virginia 22202-3742
(703) 521-3818

July 23, 1993

Department of the Treasury
Waco Review Office, Room 4311
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

ATTN: Mr. Joseph A. Masonis

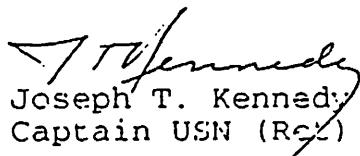
Subj: Waco Review Independent Explosive Report

Dear Sir:

The enclosed report constitutes my individual assessment relative to the chemicals and materials reported to be involved in the Waco, Texas incident.

I sincerely appreciate the opportunity to be of service and if there are any question regarding the substance of this report please call me.

Sincerely,


Joseph T. Kennedy
Captain USN (Ret)

Enclosure: Waco Review Independent Explosive Report w/2 annexes

Corporate Headquarters: Fair Lakes II, 12450 Fair Lakes Circle, Suite 900, Fairfax, Virginia 22033 • (703) 802-8300

WACO REVIEW INDEPENDENT EXPLOSIVE REPORT

PURPOSE. The purpose of this report is to provide an independent judgment whether the list of materials and chemicals contained in the ATF Report of Investigation, 53110-92-1069x, dated 7/22/92, could be used singly or in combination to fabricate an improvised explosive device (IED).

BACKGROUND/DEFINITIONS. The following ingredients contained in the report could be made into an IED: black powder, potassium nitrate, aluminum powder, magnesium powder, ignitor cord and the M-21 practice hand grenades. Of these materials the following are included in the U.S.military Explosive Ordnance Disposal (EOD) -60 series publications as "Typical Improvised Device Materials":

Material	Hazard	Remarks/Precautions
Black Powder	Friction, spark, flame, shock, or static electricity.	Use nonsparking tools and packing materials. Protect against reaction elements.
Potassium Nitrate	Produces toxic oxides when burned.	Increases flammability of combustible materials.
Aluminum Powder	Respiratory and eye irritant.	Used primarily to increase temperatures in explosive and incendiary mixtures.
Magnesium powder	Respiratory and eye irritant.	Used to increase temperatures in explosive and incendiary mixtures.

Ignitor cord, a class C explosive, generally consists of a center wire coated with a burning compound contained by layered wrappings which is used to cause ignition or provide a delay regulated by the speed of burn designed into the compound. All these materials could also be used in an improvised incendiary device. M-21 practice grenades with some modification can be used as a container to provide containment for these materials.

EXPERIENCE. I would be able to construct an IED by modifying the grenades to permit loading of the black powder. Black powder could be used alone or mixed with small amounts of potassium

nitrate and either aluminum or magnesium powder. Aluminum and magnesium powders would serve to increase temperature while potassium nitrate, an oxidizer, would enhance combustion.

M-21 practice grenades are designed with a smooth hole in the bottom containing a stopper plug which can be blown out when the ignitor initiates the small amount of black powder. To modify this into an explosive grenade, the smooth hole could be threaded to accept a closure plug thereby sealing the bottom of the grenade and providing containment for the explosive mixture. Practice grenades normally contain a fuse resembling the operational model. The fuse consists of a primer that, when struck by the spring loaded striker mechanism, emits a spark to ignite a small charge of black powder. This generates a puff of smoke to provide realism in a training exercise. This fuse could be easily modified to provide a delay channel using time fuse or ignitor cord which would accept the primer's spark and burn with a short delay (approximately 5 seconds) to then ignite the black powder or black powder mixture.

Annex A, taken from the Expedient Hand Grenades publication listed in Annex B, is just one example of this type of delay fuse. If a practice fuse was not available, time fuse or ignitor cord could be used in a more rudimentary way through a stuffing tube in the top of the grenade to provide delay and ignition of the black powder. This same application is typically found in pipe bombs except the fuse is introduced through a drilled hole in one end cap on a piece of pipe. Fabricating an improvised device is one thing and having it function as desired is another. While their safety and quality are usually suspect, their consistency and effectiveness can provide insight into the maker's subject knowledge.

The quantities of materials listed in the report would support conversion of the two cases of practice grenades (30-40 grams each) as well as a large quantity of pipe bombs or incendiary devices.

KNOWLEDGE. While someone with the proper educational background or appropriate training in explosives from military or commercial sources can build an improvised explosive device, the ability to produce an IED is essentially limited only by one's ability to read. Numerous publications on the open market not only describe the chemistry in detail but provide a step by step description to build explosive and incendiary devices. The appendix to this report includes a small sampling of publications that are available in newsstands, gun shows, and public libraries. Additionally, there are periodicals such as Soldier of Fortune magazine that occasionally have "how to" articles as well as an advertisement for many of the books in the appendix.

I determined the availability of information for the construction of improvised explosive devices by visiting the Library of Congress, a local bookstore, and newsstand in

Alexandria, VA. At the Library of Congress, I used an access terminal in the Adams Building's Science and Technology Reading Room to search on the keyword "explosives." This identified the book titles included in the bibliography, Annex B. Paladin Press, which specializes in this genre, has several pages of book advertisement in two recent editions of Soldier of Fortune magazine and continues its production of The Poor Man's James Bond, one of the original classics. The newest source of information is computer bulletin boards. Anyone with a computer and telephone modem, and knowledge to access networks can dial in and find this information on the "bulletin board." As a test case, I dialed in and found numerous articles on how to manufacture explosives and make improvised explosive and incendiary devices.

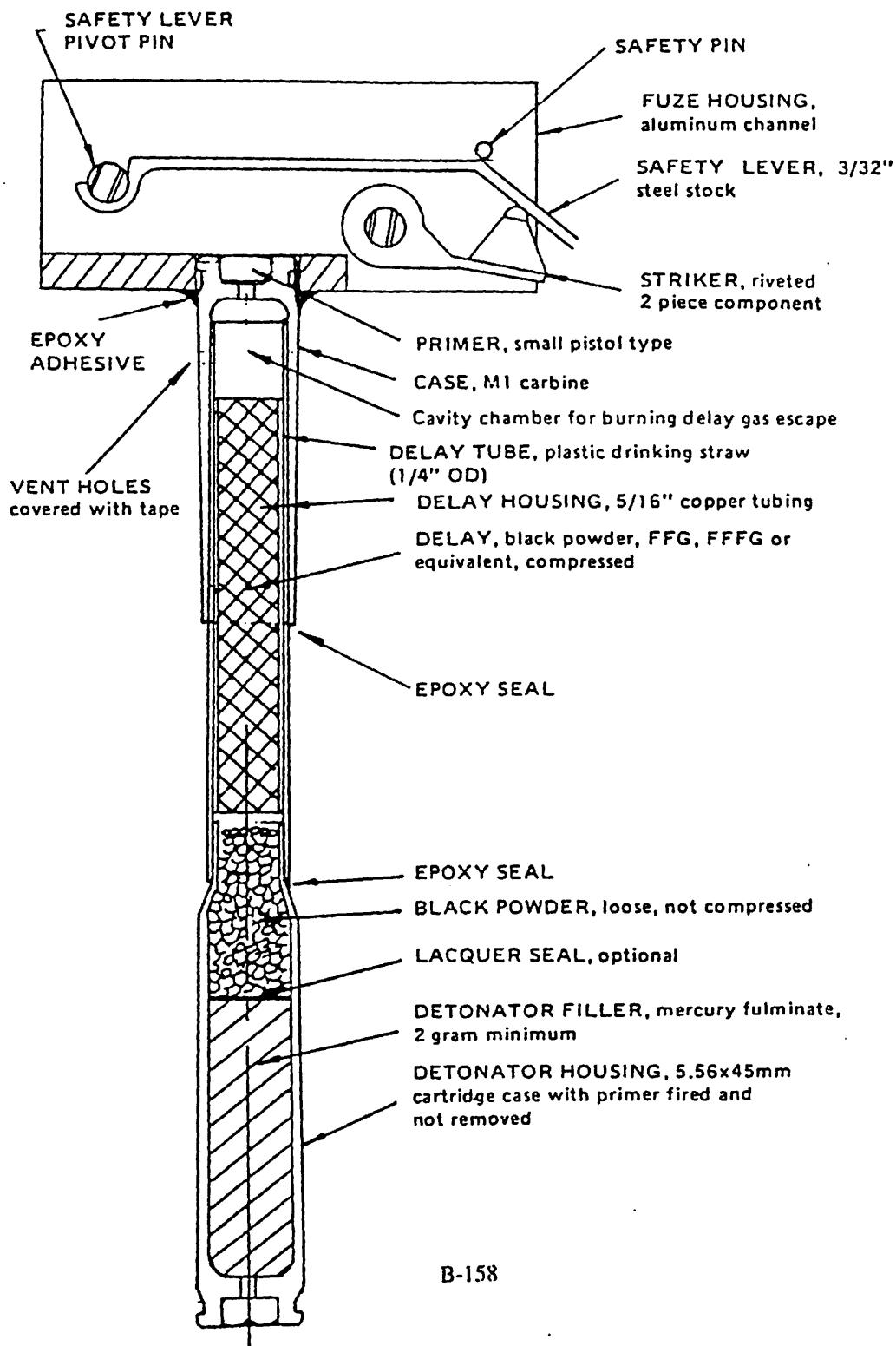
CONCLUSION. The ingredients referenced in the reports and discussed above could be fabricated into an explosive or incendiary device.

Respectfully submitted


Joseph T. Kennedy
Captain USN (Ret)

ANNEX A
EXPEDIENT HAND GRENADES

STRIKER ACTUATED EXPEDIENT TYPE HAND GRENADE FUZE



ANNEX B

The Anarchist Arsenal: Improvised Incendiary and Explosives Techniques, by David Harber, published by Paladin Press, Boulder CO, 1990 (Keyword was "Explosives--Amateurs' manuals").

The Anarchist Handbook, by Robert Wells, published by J. Flores, Rosemead CA, 1985 (keyword was "Explosives, Military--Handbooks, manuals, etc.").

Bomb Squad: Defining and Defusing Terrorist Explosives, published by Paladin Press, Boulder CO, 1990 (keyword was "Paladin Press").

Deadly Brew: Advanced Improvised Explosives, by Seymour Lecker, published by Paladin Press, Boulder CO, 1987 (keyword was "Explosives--Handbooks, manuals, etc.").

EOD Improvised Explosives Manual, published by Paladin Press, Boulder CO, 1990 (keyword was "Explosives--Handbooks, manuals, etc.").

Expedient Hand Grenades, by G. Dmitrieff, published by Desert Publications, El Dorado AR, 1984.

Improved Explosives: How to make your own, by Seymour Lecker, published by Paladin Press, Boulder CO, 1985 (keyword was "Explosives, Military--Handbooks, manuals, etc.").

Improvised Munitions Black Book, published by Desert Publications, El Dorado AZ, 1982 (Keyword was "Explosives--Amateurs' manuals").

The Poisoner's Handbook, by Maxwell Hutchinson, published by Loompanics, Port Townsend WA, 1988 (keyword was "Explosives--Miscellanea").

The Poor Man's James Bond, by Kurt Saxon, published by Atlan Formularies, Eureka CA.

Ragnar's Guide to Home and Recreational Use of High Explosives, by Ragnar Benson, published by Paladin Press, Boulder CO, 1988 (Keyword was "Explosives--Amateurs' manuals").

Appendix B

Firearms Experts

(alphabetically by author)

Wm. C. Davis

Charles R. Fagg

TIOGA ENGINEERING COMPANY, INC.

P.O. Box 913, 13 Cone Street
Wellshoro, PA 16901

WM. C. DAVIS, JR., P.E.
REGISTRATION 453K, Pa.

TELEPHONES:
(717) 724-3533
(717) 662-2730
FAX (717) 662-3347

LETTER REPORT

SUBJECT: Review of BATF Operations in the Matter of David Koresh and the Branch Davidian Cult at Waco, Texas

FOR: Joseph A. Masonis
Waco Review Team
U. S. Treasury Department
1500 Pennsylvania Avenue NW
Washington, DC 20220

DATE: 3 August 1993

1. BACKGROUND:

1.1 As is now well known, agents of the Bureau of Alcohol, Tobacco and Firearms (BATF), attempting to execute a search warrant on 28 February 1993 at the compound of the so-called "Branch Davidian" cult which was led by Vernon W. Howell (aka: David Koresh) near Waco, Texas, were met by armed resistance. The initial encounter resulted in the shooting deaths of both BATF agents and cult members; the ensuing confrontation, which lasted until 19 April 1993, resulted finally in the death of Koresh and many members of his cult. A review of all aspects of this operation is now in progress. One part of that review is to address the question of whether the evidence available to the BATF, before the raid on 28 February 1993, was sufficient to support a reasonable inference that Koresh and his followers inside the compound were assembling automatic weapons ("machine guns") in violation of provisions of the National Firearms Act.

1.2 This writer has agreed to serve and has been appointed as a technical consultant to review independently the evidence that was available to the BATF prior to the raid on 28 February 1993, and to formulate an opinion, if possible, as to whether the BATF had reasonable cause to obtain a search warrant and attempt to execute it on the premises of the "Branch Davidian" cult on 28 February 1993.

2. ITEMS OF EVIDENCE EXAMINED:

2.1 Inclosure 1 herewith is a compiled list of military and/or paramilitary materiel, including firearms, ammunition, etc., procured by Koresh and his followers from about February 1992 to December 1992. The names of items listed in Inclosure 1 were taken from several different source documents that were made available to me for review, as shown at Inclosure 2. The items listed on the various source documents were entered into a computer data base so that they could be sorted and grouped according to various criteria for analysis. Inclosure 1 is a printout of the data base. Because of overlapping dates and inconsistencies in nomenclature used in the source documents, there are some uncertainties in their interpretation. It follows, therefore, that there may be some inaccuracies in the data base compiled from the source documents. It is possible that some of the individual items found in the source documents have been either omitted entirely or have been counted twice in compiling the data base. I believe, however, that the number of such discrepancies is relatively small, and would have no significant effect on the overall conclusions to be drawn from the data.

2.2 Another point of information that is important, in my opinion, to the analysis of the data on acquisition of materiel by Koresh and his followers, is the kind of machine tools available to them. In response to my inquiries on this point, I have been informed that at least an engine lathe and a milling machine were known to be available inside the compound.

3. OBSERVATIONS:

3.1 None of the many pieces of information available to me is sufficient, by itself, to answer the question as to whether Koresh and his followers inside the compound were engaged in assembling automatic weapons in violation of the National Firearms Act. However, these pieces of information, taken together, form a context in which that overall question should be addressed. The evidence indicates that the BATF had acquired the following information by about the end of December 1992, approximately two months before the attempt to execute the search warrant at the "Branch Davidian" compound.

3.1.1 Between February 1992 and December 1992, Koresh and his followers had acquired the items listed below:

3.1.1.1 Approximately 136 weapons described as "assault rifles", 29 pistols, 4 shotguns, 786 magazines for firearms, and 211,000 rounds of small-arms ammunition.

3.1.1.2 In addition to these purchases of complete firearms, Koresh and his followers also had purchased 110 AR15/M16 upper receivers (with barrels) and 68 AR15/M16 lower-receiver

assemblies, indicating that at least 110 AR15/M16 rifles were to be assembled.

3.1.1.3 Additional firearms-related items procured by Koresh and his followers included grenade-launcher attachments for AR15/M16 rifles, and a modification that reportedly allowed the AR15/M16 rifle to be loaded and fired using belts of ammunition (a typical characteristic of true machine guns) instead of loading and firing ammunition fed from magazines, as it is commonly done for rifles.

3.1.1.4 Koresh and his followers also had purchased more than 400 empty M31 Practice rifle grenades, unspecified quantities of blackpowder, and various materials that may be used in making explosive and/or pyrotechnic compounds, including 30 pounds of potassium nitrate, 5 pounds of magnesium metal, 90 pounds of powdered aluminum, and one pound of igniter cord (a Class C explosive).

3.1.2 The items enumerated above include only those known to have been delivered to Koresh and his followers in recorded transactions. They do not include items that might have been purchased directly from vendors or from private parties within the state of Texas, or otherwise in unrecorded transactions.

3.2 It seems virtually certain that most of the parts obtained by Koresh and his followers for assembly into AR15/M16 rifles were of the military M16 configuration, some of which differ significantly from those of the semiautomatic AR15 rifle. In particular, the bolt carrier, selector, trigger, hammer and disconnector of M16 configuration differ significantly from those of the semiautomatic AR15 rifle. These parts of M16 configuration can be installed in a semiautomatic AR15 rifle, but they do not convert the rifle to automatic fire, except in combination with an automatic sear. There is no automatic sear listed in the accounting above, so the question now arising is whether it is reasonably probable that Koresh and his followers had possession of automatic sears for use in assembling automatic rifles from the AR15/M16 parts that they had obtained.

3.2.1 It is perhaps significant that Koresh and his followers elected to purchase parts for assembly into AR15/M16 rifles, rather than buying the assembled weapons themselves. One might speculate that buying parts to assemble the firearms was an economy measure, but the savings realized would not have been very great in comparison with the cult's total expenditures on armament during this period. The alternative and more plausible explanation seems to be that firearms of the type they preferred could not have been legally procured because they are automatic weapons. Furthermore, it seems unlikely that the cult would have purchased parts

sufficient to assemble more than 100 rifles unless they knew in advance that they had access to all the parts required to complete the weapons, including automatic sears.

3.2.2 Automatic sears are of two types. The automatic sear used in military M16 automatic rifles is specifically designed for installation and functioning in the lower receiver of the M16 automatic rifle, and the lower receiver of the M16 automatic rifle is designed to accommodate the automatic sear. The lower receiver of the non-military AR15-type semiautomatic rifle is purposefully designed so as to prevent the installation of the military automatic sear, but the AR15-type receiver can, by a person sufficiently skilled and having access to a milling machine with appropriate tooling, be altered to allow installation of a military automatic sear.

3.2.3 The so-called "drop-in" automatic sear was specifically designed and intended for installation in the unmodified lower receiver of the AR15 semiautomatic rifle. The "drop-in" automatic sear will, when used in combination with certain military M16-type parts that are readily available, provide the capability for genuine automatic fire from the rifle. The "drop-in" automatic sear was available from various sources and was not subject to special controls before 1986. It has since 1986 been subject to the same controls imposed by the NFA on automatic weapons ("machine guns"), but there are undoubtedly unregistered specimens of the "drop-in" sear still in existence. Given one specimen as a pattern, a skilled machinist, having access to a milling machine with appropriate tooling, could produce serviceable "drop-in" automatic sears.

4. CONCLUSIONS:

4.1 It is my conclusion that the quantities and types of military and/or paramilitary items purchased by Koresh and his followers between February 1992 and December 1992 indicate that he was preparing for what he perceived would be all-out armed conflict against the forces of civil authority. If that is so, he would probably have perceived some advantage in arming his followers with automatic weapons for the occasion, and he would have had little concern for the comparatively trivial infraction of violating the National Firearms Act by assembling automatic weapons.

4.2 It is also my conclusion, based on the aforementioned records of purchases made by Koresh and his followers, that they had by January 1992 acquired all of the parts necessary, with the possible exception of automatic sears, for assembling a substantial number of M16-type automatic rifles. Furthermore, it is my conclusion that Koresh and his followers had equipment capable of modifying the lower receivers of AR15-type semiautomatic rifles to accept the M16-type automatic sears, and also equipment capable of making

"drop-in" automatic sears for use in unmodified AR15-type lower receivers.

4.3 In summary, it is my conclusion that the information available to the BATF on or before 31 December 1992 was sufficient to justify a reasonable inference that Koresh and his followers in the compound of the cult were engaged in the assembly of automatic weapons, in violation of the National Firearms Act.

SUBMITTED: Wm. C. Davis

Wm. C. Davis, Jr., P.E.

Incls:

1. Compilation of data on materiel acquired.
2. Source documents from which data were compiled.

8/04/93

DELIVERIES
(DESC. SORT)

Date	Desc	Qty	From	Cost
4/30/92	AMMUNITION, .308 (1200 RDS PER CASE-20 CASES)	24000	UNKNOWN	
8/18/92	AMMUNITION, .308 (1200 RDS PER CASE-9 CASES)	10800	UNKNOWN	
7/06/92	AMMUNITION, 7.62 (#026529, PIECE #026529)	1000	CENTURY INTERNATIONAL ARMS	
5/10/92	AMMUNITION, 7.62 (1200 RDS PER CASE-1 CASE)	1200	UNKNOWN	
4/22/92	AMMUNITION, 7.62 (1200 RDS PER CASE-30 CASES)	36000	UNKNOWN	
3/31/92	AMMUNITION, 7.62 (1200 RDS PER CASE-60 CASES)	72000	UNKNOWN	
5/22/92	AMMUNITION, 7.62 X 39 STEEL CORE(1200 RDS PER CASE-48 CASES)	57600	UNKNOWN	
8/07/92	AMMUNITION, 9MM	2800	L & N SHOOTERS	280.50
8/01/92	AMMUNITION, 9MM	2800	OLYMPIC ARMS, INC	280.50
8/07/92	AMMUNITION, 9MM	2800	UNKNOWN	
2/01/92	ASSAULT RIFLES	13	UNKNOWN	
3/09/92	ASSAULT RIFLES	2	UNKNOWN	
4/01/92	ASSAULT RIFLES	56	UNKNOWN	
5/01/92	ASSAULT RIFLES	31	UNKNOWN	
6/01/92	ASSAULT RIFLES	18	UNKNOWN	
7/01/92	ASSAULT RIFLES	13	UNKNOWN	
8/01/92	ASSAULT RIFLES	3	UNKNOWN	
7/08/92	BELT FEED (AR15)		JONATHAN ARTHUR CIENER	
5/26/92	CAR. KIT, M16	2	NESSARD GUN PARTS CO.	550.00
3/10/92	CHEMICALS FOR EXPLOSIVE DEVICES & HAND GRENADES		UNKNOWN	
'92	CHEMICALS, INSTRUMENTS & GLASSWARE		UNKNOWN	
	2 CLEANING KIT, M16	1	OLYMPIC ARMS, INC	10.00
7/22/92	CONVERSION KIT, .22LR, AR15,MINI14 & AK47 (#451221)		JONATHAN AARTHUR CIENER	
6/18/92	CONVERSION KITS, AR15/M16, (M261 RIFLE CONVERSION KITS)	2	SARCO, INC	249.50
6/18/92	CONVERSION, AR15/M16 KIT, (EXCEPT LOWER RECEIVER)	3	SARCO, INC	824.85
5/26/92	EZ KIT, M16, W/AZ, 20" BBL	2	NESSARD GUN PARTS CO.	620.00
6/10/92	GRENADES, M-31 RIFLE	200	UNKNOWN	
6/17/92	GRENADES, M31 PRACTICE RIFLE	50	ROCK ISLAND ARMORY, INC	162.50
6/29/92	GRENADES, M31 PRACTICE RIFLE	150	ROCK ISLAND ARMORY, INC	487.50
	GRENADES, PRACTICE (CASES)	2	UNKNOWN	
3/09/92	GROUND SENSORS & NIGHT VISION EQUIPMENT		UNKNOWN	
6/18/92	HANDGUARDS, M203	4	SARCO, INC	79.80
6/15/92	HANDGUARDS, M203 FOR M16	2	TAPCO-SPECIALIZED WEAPONS	44.00
7/02/92	IGNITER CORD, 1 LB (CLASS C EXPLOSIVE)		UNKNOWN	
8/03/92	KNIVES		P.L. & T. TIFFIN KNIVES	374.00
6/15/92	LAUNCHER, FLARE CM-2037	2	TAPCO-SPECIALIZED WEAPONS	355.50
6/30/92	LAUNCHER, FLARE W/C.A.R. MOUNT	2	TAPCO, INC	299.90
6/19/92	LAUNCHER, GRENADE, M76	1	NESSARD GUN PARTS CO.	
7/08/92	LAUNCHERS, M203		JONATHAN ARTHUR CIENER	
6/07/92	LOWER RECEIVERS, SWG	12	UNKNOWN	
6/09/92	LOWER RECEIVERS, SWG	3	UNKNOWN	
4/01/92	LOWER RECEIVERS, SWG (M16)	11	UNKNOWN	
4/07/92	LOWER RECEIVERS, SWG (M16)	15	UNKNOWN	
4/30/92	LOWER RECEIVERS, SWG (M16)	5	UNKNOWN	
5/12/92	LOWER RECEIVERS, SWG (M16)	6	UNKNOWN	

8/04/93

**DELIVERIES
(DESC. SORT)**

Date	Desc	Qty	From	Cost
5/18/92	LOWER RECEIVERS, SWG (M16)	6	UNKNOWN	
7/20/92	LOWER RECEIVERS, SWG (M16)	8	UNKNOWN	
7/27/92	LOWER RECEIVERS, SWG (M16)	2	UNKNOWN	
6/18/92	MAGAZINES, .22 CONVERSION, (FOR G.I. M261 CONVERSION UNIT)	6	SARCO, INC	49.95
3/26/92	MAGAZINES, 7.62, (30 RD)	100	UNKNOWN	
4/22/92	MAGAZINES, 7.65 (30 RD)	100	UNKNOWN	
11/23/92	MAGAZINES, AK47, 100 RD	20	UNKNOWN	
11/23/92	MAGAZINES, AK47, 100 RD	20	UNKNOWN	
6/17/92	MAGAZINES, AK47, 100 RD.	20	ALPHA TRADING COMPANY	1,200.00
8/06/92	MAGAZINES, AR15/M16, (30-RD)	200	UNKNOWN	
8/12/92	MAGAZINES, M14, (.308 CAL, 20-RD)	30	UNKNOWN	
6/08/92	MAGAZINES, M16/AR15	60	UNKNOWN	
8/06/92	MAGAZINES, USED AR15,30	200	ALPHA TRADING COMPANY	540.00
8/12/92	MAGAZINES, USED M14	30	ALPHA TRADING COMPANY	150.00
7/02/92	MAGNESIUM METAL, 5 LBS		UNKNOWN	
5/26/92	PARTS, M16, SET KIT "A", W/SLING & MAG (NO LOWER RECEIVER)	1	SARCO, INC	274.95
2/01/92	PISTOL	1	UNKNOWN	
4/01/92	PISTOL	11	UNKNOWN	
5/01/92	PISTOL	4	UNKNOWN	
7/01/92	PISTOL	1	UNKNOWN	
8/01/92	PISTOL	9	UNKNOWN	
10/11/92	PISTOL	2	UNKNOWN	
2	PISTOL	1	UNKNOWN	
7/11/92	POTASSIUM NITRATE, (OXIDIZER), (LBS.)	30	UNKNOWN	
6/05/92	POWDER, ALUMINUM		UNKNOWN	
6/05/92	POWDER, ALUMINUM METAL (LBS.) (& 30-40 CARDBOARD TUBES)	90	FOX FIRE CO.	
	POWDER, BLACK		UNKNOWN	
2/01/92	SHOTGUN	4	UNKNOWN	
6/15/92	SIGHT ASSEMBLY, M203 H.G.	2	TAPCO-SPECIALIZED WEAPONS	65.50
5/26/92	SUPPRESSOR, FLASH, REVERSE FLASHHIDER	1	NESSARD GUN PARTS CO.	10.00
7/08/92	SUPPRESSORS		JONATHAN ARTHUR CIENER	
7/16/92	UNKNOWN		SHOOTERS EQUIPMENT CO.	387.51
7/17/92	UNKNOWN		SHOOTERS EQUIPMENT CO.	68.88
7/20/92	UNKNOWN		SHOOTERS EQUIPMENT CO.	122.76
7/14/92	UNKNOWN		TAPCO, INC	1,386.86
7/17/92	UNKNOWN (CONT #309912, SHIP #409992)		CENTEC FIRE SYSTEMS, INC	411.29
7/09/92	UNKNOWN (SHIPPING #383833, CONTROL #039756)	2	KENG'S FIREARM SPECIALTY	290.56
7/09/92	UNKNOWN (SHIPPING #622836, CONT. #473126)		NESSARD GUN PARTS CO.	1,250.65
5/14/92	UNKNOWN, (SHIPPING #622836, CONT. #443693)		NESSARD GUN PARTS CO.	720.00
4/24/92	UPPER ASSEMBLY, 16" BBL, CAR-9 (9MM)	4	OLYMPIC ARMS, INC	1,304.00
4/24/92	UPPER ASSEMBLY, 16" BBL, CAR-9 (9MM)	4	OLYMPIC ARMS, INC	1,304.00
7/13/92	UPPER ASSEMBLY, CAR-45 (.45AUTO)	2	OLYMPIC ARMS, INC	616.00
7/13/92	UPPER ASSEMBLY, CAR-9 (9MM)	2	OLYMPIC ARMS, INC	586.00
4/02/92	UPPER RECEIVER, 16" BBL	1	OLYMPIC ARMS, INC	243.00
4/02/92	UPPER RECEIVER, 16" BBL	1	OLYMPIC ARMS, INC	243.00
4/28/92	UPPER RECEIVER, 16" BBL	8	OLYMPIC ARMS, INC	2,104.00

8/04/93

DELIVERIES
(DESC. SORT)

Date	Desc	Qty	From	Cost
4/28/92	UPPER RECEIVER, 16" BBL	8	OLYMPIC ARMS, INC	2,104.00
3/30/92	UPPER RECEIVER, 16" BBL, (W/AZFS)	5	OLYMPIC ARMS, INC	1,215.00
3/30/92	UPPER RECEIVER, 16" BBL, (W/AZFS)	5	OLYMPIC ARMS, INC	1,215.00
3/30/92	UPPER RECEIVER, 16" BBL, (W/AZFS)	5	OLYMPIC ARMS, INC	1,215.00
4/28/92	UPPER RECEIVER, 16" BBL, (W/EZ)	2	OLYMPIC ARMS, INC	620.00
4/28/92	UPPER RECEIVER, 16" BBL, (W/EZ)	2	OLYMPIC ARMS, INC	620.00
3/26/92	UPPER RECEIVER, 16" BBL, ASSEMBLED & TEST FIRED	5	OLYMPIC ARMS, INC	1,215.00
3/26/92	UPPER RECEIVER, 16" BBL, ASSEMBLED & TEST FIRED	5	OLYMPIC ARMS, INC	1,215.00
3/26/92	UPPER RECEIVER, 16" BBL, ASSEMBLED & TEST FIRED	5	OLYMPIC ARMS, INC	1,215.00
3/30/92	UPPER RECEIVER, 16" BBL, ASSEMBLED & TEST FIRED	4	OLYMPIC ARMS, INC	972.00
3/30/92	UPPER RECEIVER, 20" MATCH BBL, (W/EZ & AZFS)	4	OLYMPIC ARMS, INC	1,152.00
3/30/92	UPPER RECEIVER, 20" MATCH BBL, (W/EZ & AZFS)	4	OLYMPIC ARMS, INC	1,152.00
4/24/92	UPPER RECEIVER, 20" MATCH BBL, (W/EZ)	4	OLYMPIC ARMS, INC	1,228.00
4/24/92	UPPER RECEIVER, 20" MATCH BBL, (W/EZ)	4	OLYMPIC ARMS, INC	1,232.00
4/28/92	UPPER RECEIVER, 20" MATCH BBL, (W/EZ)	4	OLYMPIC ARMS, INC	1,232.00
4/02/92	UPPER RECEIVER, 20" MATCH BBL,(W/EZ UPPER & AZFS FLASH SUPP)	2	OLYMPIC ARMS, INC	516.00
4/02/92	UPPER RECEIVER, 20" MATCH BBL,(W/EZ UPPER & AZFS)	2	OLYMPIC ARMS, INC	576.00
4/24/92	UPPER RECEIVER, 20" MATCH BBL,(W/EZ)	4	OLYMPIC ARMS, INC	1,228.00
4/02/92	UPPER RECEIVER, BBL, (W/EZ, UPPER)	3	OLYMPIC ARMS, INC	879.00
3/30/92	UPPER RECEIVER, BBL, ASSEMBLED & TEST FIRED	4	OLYMPIC ARMS, INC	972.00
4/24/92	UPPER RECEIVER, BBL,(W/EZ)	2	OLYMPIC ARMS, INC	598.00
'92	UPPER RECEIVER, BBL,(W/EZ)	2	OLYMPIC ARMS, INC	598.00
'92	UPPER RECEIVER, BBL,(W/EZ, UPPER)	3	OLYMPIC ARMS, INC	879.00
5/14/92	VESTS, 4-POUCH EACH FOR AK47, 30 RD. MAGAZINES	50	UNKNOWN	
4/15/92	WALKIE-TALKIES	6	UNKNOWN	
4/22/92	WEB BELTS	144	UNKNOWN	
6/18/92	WRENCH, COMBO (FOR AR15/M16)	3	SARCO, INC	30.00

Rx-w

Feb 1992	March 5 - 9, 1992	Mar March 5 - 9, 1992	April 1992	May 1992	June 1992
<p>18 Firearms Purchased: 13 Assault Rifles, 1 Pistol and 4 Shotgun</p> <p>Howell believes this is a large ATF SWAT Team who are practicing for a raid on the Compound.</p> <p>Howell makes call to arms at Compound in preparation for what he believes is an impending search and arrest by ATF.</p>	<p>Team Training held at house 500 Yards East of "Mag Bag" towards Compound. These SWAT Teams from five different law enforcement agencies held all day SWAT Team entries.</p> <p>Howell orders CA Davidians to come to Texas Compound and 40 members arrive from England in mid-March.</p> <p>Michael Schroeder orders and receives conversion kits to make machineguns: 3/11/92 29 machinegun kits 4/1/92 20 machinegun kits 5/18/92 34 machinegun kits 7/16/92 37 machinegun kits</p> <p>Upper receivers to make 100 AR-15/M-16 Assault Rifles arrive by 4/28/92.</p> <p>60 Cases of 7.62 ammo, 20 Cases of .308 ammo received in March and April. (1200 rounds per case)</p> <p>100 Magazines 7.62 cal 30 round 3/26/92</p>	<p>2 Firearms Purchased: 2 Assault Rifles</p> <p>Fatta buys ground sensors and night vision 3/9/92.</p> <p>Little orders chemicals to build explosive devices and hand grenades 3/10/92.</p>	<p>67 Firearms Purchased: 56 Assault Rifles and 11 Pistols</p> <p>Purchased 6 Walkie Talkies 4/15/92.</p> <p>11 SWG Lower Receivers for building machineguns M-16 4/1/92.</p> <p>15 SWG Lower Receivers for building machineguns M-16 4/7/92.</p> <p>100 Magazines 7.65 cal, 30 round; 30 Cases 7.62 ammo 4/22/92.</p> <p>5 SWG Lower Receivers for building machineguns M-16 4/30/92.</p>	<p>35 Firearms Purchased: 31 Assault Rifles and 4 Pistols.</p> <p>1 Case 7.62 ammo 5/10/92.</p> <p>6 SWG Lower Receivers for building machineguns M-16 5/12/92.</p> <p>6 SWG Lower Receivers for building machineguns M-16 5/18/92.</p> <p>48 cases 7.62 x 39 steel core ammo on 5/22/92.</p> <p>144 webb belts 4/22/92</p> <p>50 vests, 4 pouches each for AK-47, 30 round magazines on 5/14/92.</p>	<p>18 Firearms Purchased: 18 Assault Rifles.</p> <p>90 Pounds Aluminum Powder 6/5/92.</p> <p>Repairs Water Well in Compound 6/5/92.</p> <p>12 SWG Lower Receivers for building machineguns 6/7/92.</p> <p>3 SWG Lower Receivers for building machineguns 6/9/92.</p> <p>200 M-31 Rifle Grenades (Attempt to Activate) 6/10/92</p> <p>Received 5 Manuals to Activate M-31 Rifle Grenades 6-16-92 and manual to activate T-41 Grenade Mortar</p>

* * FIREARMS DATA OBTAINED THROUGH VERIFIED RECORDS/SOURCES. UNDOCUMENTED FIREARMS ARE NOT INCLUDED IN THIS DATA

David Koresh receives a messenger bag during Pass over of ATC on Compound. He and two followers will be in nice against bands of Federal Law Enforcement.

John Aponte buys 1000 rounds of 7.62x39mm for Federal Law Enforcement 5-20-92

Paul Fischer buys 1000 rounds of 7.62x39mm for Compound & Town, Nichols, Tschirhart, Lee, Cutts, Staben, Johnson

DATE	046-92	Sept 1992	Oct 992	Nov 1992	Dec 1992	Jan 1993	Feb 1993	TOTALS
14 Firearms Purchased: ✓	2 Firearms / Purchased: ✓	No Activity	2 Firearms Purchased: ✓	20 AK-47 Magazines ✓ 100 Round 11/23/92.	1 Firearm Purchased: 1 Pistol	No Activity	No Activity	Prior to March 5, 1992 80 Firearms were purchased.
13 Assault Rifles and 1 Pistol.	3 Assault Rifles and / 9 Pistols.		2 Pistols					
8 SWG Lower Receivers ✓ for building machineguns M-16 7/20/92.	200 AR-15/ M-16 Magazines 30 round 8/6/92.			20 AK-47 100 round ✓ magazines on 11/23/92.				After March 5, 1992 236 Additional Firearms were purchased (153 Assault Rifles included).
2 SWG Lower Receivers ✓ for building machineguns M-16 7/27/92.	2800 Rounds 9mm ammo 8/7/92. 30 M-14 Magazines .308 cal 20 rounds 8/12/92. 9 Cases .308 ammo 8/18/92.							120 Conversion kits for Assault Rifles.

* * THIS REPORT DOES NOT INCLUDE FIREARMS THAT WERE PURCHASED AND/OR ACQUIRED WITHOUT RECORDS BEING MADE (CASH SALES AT GUN SHOWS AND ELSEWHERE)

DELIVER O ..AG BAG"
 ROUTE 7, BOX .55, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

AOG ... 1

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
ALPHA TRADING COMPANY	06/17/92		20	\$1,200.00	100 RD., AK-47 MAGAZINES
ALPHA TRADING COMPANY	08/06/92		200	\$540.00	USED AR-15 30 MAGAZINES
ALPHA TRADING COMPANY	08/12/92		30	\$150.00	USED M14 MAGAZINES
CENTEC FIRE SYSTEMS, INC.	07/17/92	NO INVOICE		\$411.29	UNKNOWN (CONT #309912, SHIP #409992)
CENTURY INTERNAT'L ARMS	07/06/92	NO INVOICE			1M - 7.62 (#026529, PIECE #026529)
FOX FIRE CO.	06/05/92	NO INVOICE			90 LBS-POWDER, ALUM.METAL & 30-40 CARDBOARD TUBES
JONATHAN ARTHUR CIENER	07/08/92	NO INVOICE			.22 LR CONV. KITS - AR15,MINI-14 & AK47 (#451221)
JONATHAN ARTHUR CIENER	07/08/92	NO INVOICE			M203 LAUNCHERS, SUPPRESSORS, BELT FEED - AR-15
KENG'S FIREARM SPECIALTY	07/09/92	NO INVOICE	2	\$290.56	UNKNOWN (SHIPPING #383833, CONTROL #039756)
L & N SHOOTERS	08/07/92	NO INVOICE		\$280.50	2800 RDS, 9MM AMMUNITION
NESARD GUN PARTS CO.	05/14/92	NO INVOICE		\$720.00	UNKNOWN (SHIPPING #622836, CONT. #443693)
NESARD GUN PARTS CO.	05/26/92		2	\$620.00	EZ KIT (M16) W/AZ, 20" BBL
NESARD GUN PARTS CO.	05/26/92		2	\$550.00	CAR KIT (M16)
NESARD GUN PARTS CO.	05/26/92		.1	\$10.00	REVERSE FLASHHIDER (FLASH SUPPRESSOR)
NESARD GUN PARTS CO.	06/19/92	NO INVOICE	1		M-76 GRENADE LAUNCHER
NESARD GUN PARTS CO.	07/09/92	NO INVOICE		\$1,250.65	UNKNOWN (SHIPPING #622836, CONT. #473126)

B-173

Enclosure

2-3

DELIVERED TO "AG BAG"
ROUTE 7, BOX 555, WACO, TEXAS
March 26 thru August 12, 1992
I. N. 53110-92-1069X

PAGE 2

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.	03/26/92	A43880	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/26/92	A43878	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/26/92	A43879	1	\$10.00	H18
OLYMPIC ARMS, INC.	03/26/92	A43879	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$972.00	K1B
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$1,152.00	K2B W/EZ & AZFS
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$1,152.00	K2B, W/EZ & AZFS
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$972.00	K1B
OLYMPIC ARMS, INC.	03/30/92	A43923	5	\$1,215.00	K1B, 16" W/AZFS
OLYMPIC ARMS, INC.	03/30/92	A43922	5	\$1,215.00	K1B, 16" W/AZFS
OLYMPIC ARMS, INC.	03/30/92	A43923	5	\$1,215.00	K1B, 16", W/AZFS
OLYMPIC ARMS, INC.	04/02/92	A43929	3	\$879.00	K1B, W/EZ, UPPER
OLYMPIC ARMS, INC.	04/02/92	A43929	1	\$243.00	K1B, 16"
OLYMPIC ARMS, INC.	04/02/92	A43929	1	\$243.00	K1B, 16"
OLYMPIC ARMS, INC.	04/02/92	A43929	2	\$516.00	K2B, 20 W/EZ UPPER & AZFS FLASH SUPPRESSOR
OLYMPIC ARMS, INC.	04/02/92	A43929	3	\$879.00	K1B, 16" W/EZ, UPPER

B-174

Enclosure

24

DELIVERIES TO "G BAG"
 ROUTE 7, BOX 555, HACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE ...: 3

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.	04/02/92	A43929	2	\$576.00	K2B, 20" W/EZ UPPER & AZFS
OLYMPIC ARMS, INC.	04/24/92	A45210	4	\$1,228.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45211	4	\$1,304.00	CAR-9 UNITS W/16" BBL (4 K10'S)
OLYMPIC ARMS, INC.	04/24/92	A45210	2	\$598.00	K1B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45231	4	\$1,232.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45211	4	\$1,304.00	CAR-9 UNITS W/16" BBL
OLYMPIC ARMS, INC.	04/24/92	A45210	4	\$1,228.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45210	2	\$598.00	K1B, W/EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	2	\$620.00	K1B, W/16" & EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	8	\$2,104.00	K1B, W/16"
OLYMPIC ARMS, INC.	04/28/92	A45233	2	\$620.00	K1B, W/16" & EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	8	\$2,104.00	K1B, W/16"
OLYMPIC ARMS, INC.	04/28/92	A45231	4	\$1,232.00	K2B, W/EZ
OLYMPIC ARMS, INC.	07/13/92	A47046	.2	\$616.00	CAR-45 UNIT
OLYMPIC ARMS, INC.	07/13/92	A47046	2	\$586.00	CAR-9 UNIT
OLYMPIC ARMS, INC.		NO INVOICE		\$2,500.00	.223 AMMUNITION (MARCH 92)

B-175

Enclosure 2-5

DELIVE . TO "AG BAO"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE NO.: 4

B-176

Enclosure 2-6

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.		NO INVOICE		\$280.50	9MM AMMUNITION - 2800 RDS. (AUG. 92)
P. L. & T. TIFFIN KNIVES	08/03/92	NO INVOICE		\$374.00	KNIVES
ROCK ISLAND ARMORY, INC.	06/17/92	104722	50	\$162.50	M31 PRACTICE RIFLE GRENADES
ROCK ISLAND ARMORY, INC.	06/29/92	104818	150	\$487.50	M31 PRACTICE RIFLE GRENADES
SARCO, INC.	05/26/92	A43318	1	\$274.95	M16 PARTS SET KIT "A" W/SLING & MAG (NO LWR.RCVR.)
SARCO, INC.	06/18/92	A45276	2	\$249.50	M261 RIFLE CONVERSION KITS
SARCO, INC.	06/18/92	A45276	3	\$30.00	COMBO WRENCH
SARCO, INC.	06/18/92	A45276	3	\$824.85	M16 KIT "A" (SPECIAL OFFERINGS)
SARCO, INC.	06/18/92	A45276	6	\$49.95	.22 CONVERSION UNIT MAGS
SARCO, INC.	06/18/92	A45276	4	\$79.80	M203 HANDGUARDS
SHOOTERS EQUIPMENT CO.	07/16/92	NO INVOICE		\$387.51	UNKNOWN (CONT #833766, SHIP #227471, PKG 4199)
SHOOTERS EQUIPMENT CO.	07/17/92	NO INVOICE		\$68.88	UNKNOWN (CONT #833722, SHIP #277471, ID SEC-T-68)
SHOOTERS EQUIPMENT CO.	07/20/92	NO INVOICE		\$122.76	UNKNOWN (CONT #833674, SHIP #227471, ID SEC-T-73)
TAPCO, INC.	06/30/92	0022292	2	\$299.90	FLARE LAUNCHER W/C.A.R. MOUNT
TAPCO, INC.	07/14/92	NO INVOICE		\$1,386.86	UNKNOWN (CONT #578336, SHIP #393495)
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$44.00	M203 M16 HANDGUARDS

DELIVER. TO "MAG BAG"
ROUTE 7, BOX 555, WACO, TEXAS
March 26 thru August 12, 1992
I. N. 53110-92-1069X

PAGE NO.: 5

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$355.50	CH-2037 FLARE LAUNCHER
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$65.50	H203 H.G. SIGHT ASSEMBLY
UNKNOWN	06/08/92	NO INVOICE	60		M-16/AR-15 MAGAZINES
UNKNOWN	06/18/92	NO INVOICE			CHEMICALS, INSTRUMENTS & GLASSWARE
UNKNOWN		NO INVOICE			PRACTICE GRENADES (2 CASES) & BLACK POWDER
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			POTASSIUM NITRATE, 30 LBS (OXIDIZER) ID #UNI486
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			MAGNESIUM METAL, 5 LBS.
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			IGNITER CORD, 1 LB. (CLASS C EXPLO.)

TOTAL COST: \$44,325.46

E N D O F R E P O R T

B-177

Enclosure

2-7

TIOGA ENGINEERING COMPANY, INC.

P.O. Box 913, 13 Cone Street
Wellsboro, PA 16901

Charles R. Fagg
REGISTRATION 40239 TX.

TELEPHONES:

(717) 724-3533

(717) 662-2730

FAX (717) 662-3347

August 5, 1993

LETTER REPORT

Subject:

Investigation of the Circumstances Leading to the February 28, 1993 Raid and Subsequent Siege of the Branch Davidian Compound, Waco, Texas.

To:

Joseph A. Masonis
1500 Pennsylvania Avenue, N. W., Rm. 4121
Washington, D.C. 20220

Background:

In the Spring of 1993, virtually every television and radio station in America broadcast the events which occurred at the Branch Davidian Compound at Waco, Texas. This extensive coverage, coupled with the tragic ending, raised questions in the minds of both the American people and the Government responsible to those people. In order to provide answers to these questions, the Government has mounted a massive investigation into the events which led to the raid, and into the execution of that raid. Mr. William C. Davis, Jr. and the undersigned, both of Tioga Engineering Co., Wellsboro, PA, were asked to participate in this investigation. To provide the necessary information and an understanding of the part we were to play, Mr. Joseph A. Masonis, of the Treasury Department, provided a briefing on July 1, 1993, at the test facilities of Tioga Engineering. At that briefing, we were provided written information and verbal direction. This took the following form.

1. The written material consisted of lists of the firearm and explosive-related materials known to have been received prior to February, 1993, by the "Mag Bag Corp.", a mailing address of the Branch Davidians.

2. The verbal direction consisted of an overview of the investigation and a clear delineation of the scope of our involve-

ment. My understanding of this direction was that Mr. Davis and I were to independently review the information available to the Bureau of Alcohol, Tobacco and Firearms prior to the incident, and to determine if they acted reasonably in seeking and executing a search warrant.

Information Provided

1. A five-page list of deliveries to "Mag Bag Corp." from March 26 through August 12, 1992. This document is undated but contains the number I. N. 53110-92-1069X. (see Appendix 1.)
2. Olympic Arms, Inc. retail catalog, dated January, 1992. (example not enclosed)
3. A two-page document "Firearms Technology Branch Report of Technical Examination" dated Dec. 15, 1992. This document refers to 53110-92-1069 X, and lists some of the same materials listed in document number 1., above. (see Appendix 2.)
4. A two-page, undated document purported to provide a history of weapon-related transactions of certain members of the Branch Davidians from February, 1992 to February, 1993. (see Appendix 3.)
5. A two-page "Report of Investigation (Law Enforcement)", dated 23 July, 1992, referring to Investigation No. 53110-92-1069-X (see 1. and 3. above). This document lists the known firearms parts and accessories received by "Mag Bag Corp." from March, 1992 to July, 1992, and requests an evaluation as to whether Vernon Howell and Mike Schroeder were "possibly converting or manufacturing Title II weapons". (see Appendix 4.)
6. A list containing the names, addresses and telephone numbers of other parties involved in the investigation. (copy not included)
7. A written outline and verbal review of the overall scope of the investigation. (copy not included)
8. At a later date, in response to a verbal request for further information, Mr. Masonis reported that an engine lathe and a milling machine were known to be within the compound.

Comments

Though the information upon which this study is based was prepared by the organization under scrutiny, there is no reason to doubt its accuracy or objectivity.

The lists of materials are difficult to interpret because they often, but not always, include the same equipment as duplicate entries. Some items appear on more than one list, and others do

not. In document number 4., lower receivers are listed as "lower receivers" in the monthly acquisitions, but are listed as "firearms" in the totals. Whether or not the "lower receivers" are also counted among the monthly firearms acquisitions is unclear. To overcome these problems, only approximate quantities are included in the recap list below.

Since the ammunition acquisitions are sometimes listed in case lots without indication of the size of these cases, and since the 5.56 mm ammunition is listed only by dollar value, it is impossible to establish the exact amount of ammunition received. Here, again, quantities are estimated.

Partial List of Materials Present:

The following is an approximate recap of the firearm and explosive-related materials known to be within the complex by 28 February, 1993.

1. 249 firearms (over 60 % of military derivation)
2. Parts to construct an additional 68 AR-15 rifles
3. Incomplete parts kits to construct 52 AR-15 rifles
4. One belt-fed AR-15 rifle
5. 260 magazines for AR-15 rifles
6. 20 100-round magazines for AK-47 rifles
7. 100 magazines for 7.62 mm weapons (probably AK-47 rifles)
8. 6 caliber .22 conversion unit magazines
9. 30 magazines for M14 rifles
10. M203 Grenade launcher (quantity unknown)
11. 1 M76 (?) grenade launcher
12. 6 Walkie Talkies
13. Kits for converting AR-15, AK-47 and MINI-14 to fire cal. .22 Rimfire ammunition (quantity unknown)
14. 2 kits for converting AR-15 to fire cal. .45 ammunition
15. 10 kits for converting AR-15 to fire 9 mm ammunition
16. 4 Flair Launchers
17. Over 200,000 rounds of assorted ammunition
18. 200 M31 practice rifle grenades
19. 2 cases of practice grenades (quantity and type unknown)
20. 5 manuals for activating M31 practice rifle grenades
21. Black powder (quantity unknown)
22. 90 pounds of aluminum powder
23. 5 pounds of Magnesium (assumed to be powder)
24. 30 pounds of potassium nitrate
25. An engine lathe and a milling machine

Rationale:

The above is an approximate list of the firearm and explosive-related materials known to have been acquired by the Branch Davidians before Feb. 28, 1993. Most had been acquired between March 26, 1992 and Aug. 12, 1992. During this brief period of 4

1/2 months, their expenditures for weapon-related materials was in excess of \$43,000. Had they been functioning as dealers, had they been acquiring collector-type materials, or had the firearms market been such as to make investment lucrative, these acquisitions might be explained as some form of peaceful endeavor, but when none of these conditions exist, the only logical explanation is that the Branch Davidians were preparing for a massive, armed confrontation.

Particularly revealing is their acquisition of practice rifle grenades, manuals for activation of these grenades, black powder and materials for manufacturing explosives. This, more than any other item of information, indicates their willingness to modify material to enhance their capability of armed resistance.

Having concluded that the Branch Davidians were arming, and that they were willing to modify materials to meet their needs, it is reasonable to assume that they were also contemplating means of increasing the effectiveness of other weapons. Since it is popularly believed that the combat effectiveness of automatic weapons is superior to that of semiautomatic weapons, it is highly probable that attempts were being made to convert some, or all, of their semiautomatic weapons to fire automatically. To do so, and at the same time retain acceptable reliability, requires the installation of some form of automatic sear, and an appropriate selection of parts of M16 configuration. Except for automatic sears, the remaining M16 configuration internal parts are easily and legally obtainable. Appendix 5. indicates the ease with which these parts may be obtained. While not specifically stipulated in Appendix 3., the 120 parts kits called "machinegun kits" probably consisted of such parts.

Automatic sears for the AR-15 or M16 rifle are of two basic types. The military-type and the drop-in type. Unless modified through the use of machine tools, specifically a milling machine, the design of the lower receiver of the AR-15 rifle prevents installation of the military-type automatic sear. The drop-in automatic sear, however, is specifically designed to function in conjunction with the aforementioned M16 parts, but to be capable of installation in an unmodified, AR-15, lower receiver. They are a simple assembly, and can be installed or removed in less than one minute by an inexpert craftsman.

The material made available does not indicate that the Branch Davidians received shipments containing automatic sears. However, with the machine tools known to exist within the compound, a knowledgeable and motivated individual could easily modify AR-15 lower receivers for installation of military-type automatic sears, or fabricate automatic sears of the drop-in type.

Conclusions:

Applying the above rationale leads to the following conclusions.

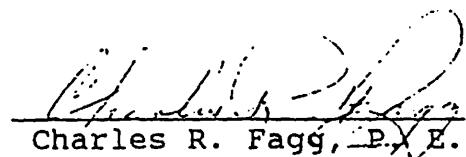
The Branch Davidians were arming with the intent of entering into an armed confrontation.

In their pursuit of arms, they were attempting to activate grenades through use of black powder or other crude explosives.

In an attempt to increase the combat effectiveness of the weapons available to them, it is highly probable that they were attempting to convert semiautomatic weapons to fire automatically, and it is possible that they had succeeded.

In view of the information available prior to February 28, 1993, the Bureau of Alcohol, Tobacco and Firearms was fully justified in seeking and attempting to execute a search warrant at the Branch Davidian Compound in Waco, Texas.

Respectfully submitted,



Charles R. Fagg, P.X.E.

DELIVERIES TO "AG BAG"
 ROUTE 7, BOX 555, MACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE ... 1

B-184

Appendix

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
ALPHA TRADING COMPANY	06/17/92		20	\$1,200.00	100 RD., AK-47 MAGAZINES
ALPHA TRADING COMPANY	08/06/92		200	\$540.00	USED AR-15 30 MAGAZINES
ALPHA TRADING COMPANY	08/12/92		30	\$150.00	USED M14 MAGAZINES
CENTRIC FIRE SYSTEMS, INC.	07/17/92	NO INVOICE		-\$411.29-	UNKNOWN (CONT #309912, SHIP #409992)
CENTURY INTERNAT'L ARMS	07/06/92	NO INVOICE			1M - 7.62 (#026529, PIECE #026529)
FCX FIRE CO.	06/05/92	NO INVOICE			90 LBS-POWDER, ALUM.METAL & 30-40 CARDBOARD TUBES
JONATHAN ARTHUR CIENER	07/08/92	NO INVOICE			.22 LR CONV. KITS - AR15,MINI-14 & AK47 (#451221)
JONATHAN ARTHUR CIENER	07/08/92	NO INVOICE			M203 LAUNCHERS, SUPPRESSORS, BELT FEED - AR-15
KENSS FIREARM SPECIALTY	07/09/92	NO INVOICE	2	\$290.56	UNKNOWN (SHIPPING #383833, CONTROL #039756)
L & N SHOOTERS	08/07/92	NO INVOICE		\$280.50	2800 RDS, 9MM AMMUNITION
NESADD GUN PARTS CO.	05/14/92	NO INVOICE		\$720.00	UNKNOWN (SHIPPING #622836, CONT. #443693)
NESADD GUN PARTS CO.	05/26/92		2	\$620.00	EZ KIT (M16) W/AZ, 20" BBL
NESADD GUN PARTS CO.	05/26/92		2	\$550.00	CAR KIT (M16)
NESADD GUN PARTS CO.	05/26/92		.1	\$10.00	REVERSE FLASHHIDER (FLASH SUPPRESSOR)
NESADD GUN PARTS CO.	06/19/92	NO INVOICE	1		M-76 GRENADE LAUNCHER
NESADD GUN PARTS CO.	07/09/92	NO INVOICE		\$1,250.65	UNKNOWN (SHIPPING #622836, CONT. #473126)

1

DL 100.1 2

DELIVERI. G "AG BAO"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.	03/26/92	A43880	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/26/92	A43878	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/26/92	A43879	1	\$10.00	H18
OLYMPIC ARMS, INC.	03/26/92	A43879	5	\$1,215.00	K1B, 16"
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$972.00	K1B
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$1,152.00	K2B W/EZ & AZFS
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$1,152.00	K2B, W/EZ & AZFS
OLYMPIC ARMS, INC.	03/30/92	A43911	4	\$972.00	K1B
OLYMPIC ARMS, INC.	03/30/92	A43923	5	\$1,215.00	K1B, 16" W/AZFS
OLYMPIC ARMS, INC.	03/30/92	A43922	5	\$1,215.00	K1B, 16" W/AZFS
OLYMPIC ARMS, INC.	03/30/92	A43923	5	\$1,215.00	K1B, 16", W/AZFS
OLYMPIC ARMS, INC.	04/02/92	A43929	3	\$879.00	K1B, W/EZ, UPPER
OLYMPIC ARMS, INC.	04/02/92	A43929	1	\$243.00	K1B, 16"
OLYMPIC ARMS, INC.	04/02/92	A43929	1	\$243.00	K1B, 16"
OLYMPIC ARMS, INC.	04/02/92	A43929	2	\$516.00	K2B, 20 W/EZ UPPER & AZFS FLASH SUPPRESSOR
OLYMPIC ARMS, INC.	04/02/92	A43929	3	\$879.00	K1B, 16" W/EZ, UPPER

ACB NO. 1 3

DELIVERED TO AG BAGS
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

B-186

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.	04/02/92	A43929	2	\$576.00	K2B, 20" W/EZ UPPER & AZFS
OLYMPIC ARMS, INC.	04/24/92	A45210	4	\$1,228.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45211	4	\$1,304.00	CAR-9 UNITS W/16" BBL (4 K10'S)
OLYMPIC ARMS, INC.	04/24/92	A45210	2	\$598.00	K1B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45231	4	\$1,232.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45211	4	\$1,304.00	CAR-9 UNITS W/16" BBL
OLYMPIC ARMS, INC.	04/24/92	A45210	4	\$1,228.00	K2B, W/EZ
OLYMPIC ARMS, INC.	04/24/92	A45210	2	\$598.00	K1B, W/EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	2	\$620.00	K1B, W/16" & EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	8	\$2,104.00	K1B, W/16"
OLYMPIC ARMS, INC.	04/28/92	A45233	2	\$620.00	K1B, W/16" & EZ
OLYMPIC ARMS, INC.	04/28/92	A45233	8	\$2,104.00	K1B, W/16"
OLYMPIC ARMS, INC.	04/28/92	A45231	4	\$1,232.00	K2B, W/EZ
OLYMPIC ARMS, INC.	07/13/92	A47046	.2	\$616.00	CAR-45 UNIT
OLYMPIC ARMS, INC.	07/13/92	A47046	2	\$586.00	CAR-9 UNIT
OLYMPIC ARMS, INC.		NO INVOICE		\$2,500.00	.223 AMMUNITION (MARCH 92)

DELIVERIES TO "AG BAO"
 ROUTE 7, BOX 555, HACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-10691

PAGE NO.: 4

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
OLYMPIC ARMS, INC.		NO INVOICE		\$280.50	9MM AMMUNITION - 2800 RDS. (AUG. 92)
P. L. & T. TIFFIN KNIVES	08/03/92	NO INVOICE		\$374.00	KNIVES
ROCK ISLAND ARMORY, INC.	06/17/92	104722	50	\$162.50	H31 PRACTICE RIFLE GRENADES
ROCK ISLAND ARMORY, INC.	06/29/92	104818	150	\$487.50	H31 PRACTICE RIFLE GRENADES
SARCO, INC.	05/26/92	A43318	1	\$274.95	H16 PARTS SET KIT "A" W/SLING & MAG (NO LWR.RCVR.)
SARCO, INC.	06/18/92	A45276	2	\$249.50	H261 RIFLE CONVERSION KITS
SARCO, INC.	06/18/92	A45276	3	\$30.00	COMBO WRENCH
SARCO, INC.	06/18/92	A45276	3	\$824.85	H16 KIT "A" (SPECIAL OFFERINGS)
SARCO, INC.	06/18/92	A45276	6	\$49.95	.22 CONVERSION UNIT MAGS
SARCO, INC.	06/18/92	A45276	4	\$79.80	H203 HANDGUARDS
SHOOTERS EQUIPMENT CO.	07/16/92	NO INVOICE		\$387.51	UNKNOWN (CONT #833766, SHIP #227471, PKG 4199)
SHOOTERS EQUIPMENT CO.	07/17/92	NO INVOICE		\$68.88	UNKNOWN (CONT #833722, SHIP #277471, ID SEC-T-68)
SHOOTERS EQUIPMENT CO.	07/20/92	NO INVOICE		\$122.76	UNKNOWN (CONT #833674, SHIP #227471, ID SEC-T-73)
TAPCO, INC.	06/30/92	0022292	2	\$299.90	FLARE LAUNCHER W/C.A.R. MOUNT
TAPCO, INC.	07/14/92	NO INVOICE		\$1,386.86	UNKNOWN (CONT #578336, SHIP #393495)
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$44.00	H203 H16 HANDGUARDS

DELIVERED TO "MAG BAG"
 ROUTE 7, BOX 555, WACO, TEXAS
 March 26 thru August 12, 1992
 I. N. 53110-92-1069X

PAGE ..0.1 S

SHIPPED FROM	DATE	INVOICE #	QUANT.	COST	DESCRIPTION
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$355.50	CH-2037 FLARE LAUNCHER
TAPCO-SPECIALIZED WEAPONS	06/15/92		2	\$65.50	H203 H.G. SIGHT ASSEMBLY
UNKNOWN	06/08/92	NO INVOICE	60		M-16/AR-15 MAGAZINES
UNKNOWN	06/18/92	NO INVOICE			CHEMICALS, INSTRUMENTS & GLASSWARE
UNKNOWN		NO INVOICE			PRACTICE GRENADES (2 CASES) & BLACK POWDER
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			POTASSIUM NITRATE, 30 LBS. (OXIDIZER) ID #UNI486
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			MAGNESIUM METAL, 5 LBS.
UNKNOWN (UPS SHIPMENT)	07/02/92	NO INVOICE			IGNITER CORD, 1 LB. (CLASS C EXPLO.)

TOTAL COST: \$44,325.46

END OF REPORT



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Firearms Technology Branch
Report of Technical Examination

Law Enforcement
Washington, D.C. 20226

Phone: (202) 927-7910

(Use window envelope. Begin typing between dots.)

Special Agent Davy Aguilera
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 20-2828
Austin, TX 78720-2828

DATE: 12/15/92

YOUR: 53110-92-1069 X

RE: Howell, V.W. et.al.

OUR: 3-184-CHB

DATE EXHIBITS RECEIVED: 12/15/92

TYPE OF EXAMINATION REQUESTED:

Classification

DELIVERED BY: Fax.

EXHIBITS:

Description of firearm parts and components including the following:

From Olympic Arms:

1. 9mm and .45 ACP upper assemblies/receivers/conversion units.
2. Barrel units and upper receiver assemblies.
3. Heavy match barrel units with assault handguards and upper receiver assembly.
4. Flash suppressors.
5. K-18 16" with AZFS.
6. K-28 with EZ and AZFS.
7. Car 9 units.

From Sarco Inc.:

1. M16 parts set kit with sling and magazine.
2. Bolt catch extractor pin and buttcap screw.
3. M16 "A" kits.
4. M-261 rifle conversion kits.
5. M-203 handguards.

From Nesard Gun Parts Co.:

1. M16 Car kits.
2. M16 EZ Car kits.
3. Flash suppressor.

Appendix 2-(continued)

Special Agent Davy Aguilera

53110-92-1069 X
3-104-CHB
page 2

From unknown company:

1. M16/AR15 magazines.

FINDINGS: Based on the description provided the above items are consistent with component parts and accessories for AR-15 rifles or M16 machineguns.

CONCLUSION: The described parts and accessories are not firearms as defined in 18 U.S.C. Chapter 44, or 26 U.S.C. Chapter 53.

Curtis H.A. Bartlett
Curtis H.A. Bartlett
Firearms Enforcement Officer

(MJD)

Feb 1992	March 5 - 9, 1992	Mar 5 - 9, 1992	April 1992	May 1992	June 1992
18 Firearms Purchased: 13 Assault Rifles, 1 Pistol and 4 Shotgun	<p>Team Training held at house 500 Yards East of "Mag Bag" towards Compound. These SWAT Teams from five different law enforcement agencies held all day SWAT Team entries.</p> <p>Howell believes this is a large ATF SWAT Team who are practicing for a raid on the Compound.</p> <p>Howell makes call to arms at Compound in preparation for what he believes is an impending search and arrest by ATF.</p>	<p>2 Firearms Purchased: 2 Assault Rifles</p> <p>Fatta buys ground sensors and night vision 3/9/92.</p> <p>Little orders chemicals to build explosive devices and hand grenades 3/10/92.</p> <p>Howell orders CA Davidians to come to Texas Compound and 40 members arrive from England in mid-March.</p> <p>Michael Schroeder orders and receives conversion kits to make machineguns: 3/11/92 29 machinegun kits 4/1/92 20 machinegun kits 5/18/92 34 machinegun kits 7/16/92 37 machinegun kits</p> <p>Upper receivers to make 100 AR-15/M-16 Assault Rifles arrive by 4/28/92.</p> <p>60 Cases of 7.62 ammo, 20 Cases of .308 ammo received in March and April. (1200 pounds per case)</p> <p>100 Magazines 7.62 cal 30 round 3/26/92</p>	<p>67 Firearms Purchased: 56 Assault Rifles and 11 Pistols</p> <p>Purchased 6 Walkie Talkies 4/15/92.</p> <p>11 SWG Lower Receivers for building machineguns M-16 4/1/92.</p> <p>15 SWG Lower Receivers for building machineguns M-16 4/7/92.</p> <p>100 Magazines 7.65 cal, 30 round, 30 Cases 7.62 ammo 4/22/92.</p> <p>5 SWG Lower Receivers for building machineguns M-16 4/30/92.</p>	<p>15 Firearms Purchased: 31 Assault Rifles and 4 Pistols.</p> <p>1 Case 7.62 ammo 5/10/92.</p> <p>6 SWG Lower Receivers for building machineguns M-16 5/12/92.</p> <p>6 SWG Lower Receivers for building machineguns M-16 5/18/92.</p> <p>48 cases 7.62 x 39 steel core ammo on 5/22/92.</p> <p>144 webb belts 4/22/92</p> <p>50 vests, 4 pouches each for AK-47, 30 round magazines on 5/14/92.</p>	<p>18 Firearms Purchased: 18 Assault Rifles.</p> <p>90 Pounds Aluminum Powder 6/5/92.</p> <p>Repairs Water Well in Compound 6/5/92.</p> <p>12 SWG Lower Receivers for building machineguns 6/7/92.</p> <p>3 SWG Lower Receivers for building machineguns 6/9/92.</p> <p>200 M-31 Rifle Grenades (Attempt to Activate) 6/10/92, etc</p> <p>Received 5 Marksmanship Training M-31 Rifle Grenades 6-16-92 and rounds on other Tech Grenade Processor</p>

* * FIREARMS DATA OBTAINED THROUGH VERIFIED RECORDS/SOURCES. UNDOCUMENTED FIREARMS ARE NOT INCLUDED IN THIS DATA

DAVID Koresh records a message from God during Pass over of April 1st on Compound (He said the following will die in rearguard battle of Texas Law Enforcement

into April 1st, 1992 recently received 12 magazines for building St Gines Fresh paint & fly traps on 5-20-92

and paint job for CFS Company to teach public facilities like Water Treatment Plant

Appendix 3.

<u>ITEM</u>	<u>DATE 1992</u>	<u>OCT 1992</u>	<u>NOV 1992</u>	<u>DEC 1992</u>	<u>JAN 1993</u>	<u>FEB 1993</u>	<u>TOTALS</u>
14 Firearms Purchased: 13 Assault Rifles and Rifles and 1 Pistol.	12 Firearms Purchased: 3 Assault Rifles and 9 Pistols.	No Activity	2 Firearms Purchased: 2 Pistols	20 AK-47 Magazines 100 Round 11/23/92.	1 Firearm Purchased: 1 Pistol	No Activity	Prior to March 5, 1992 80 Firearms were purchased.
8 SWG Lower Receivers for building machineguns M-16 7/20/92.	200 AR-15/ M-16 Magazines 30 round 8/6/92.			20 AK-47 100 round magazines on 11/23/92.			After March 5, 1992 236 Additional Firearms were purchased (153 Assault Rifles included).
2 SWG Lower Receivers for building machineguns M-16 7/27/92.	1200 Rounds 9mm ammo 8/7/92.						120 Conversion kits for Assault Rifles.
	30 M-14 Magazines .308 cal 20 rounds 8/12/92.						
	9 Cases .308 ammo 8/18/92.						

* THIS REPORT DOES NOT INCLUDE FIREARMS THAT WERE PURCHASED AND/OR ACQUIRED WITHOUT RECORDS BEING MADE (CASH SALES AT GUN SHOWS AND ELSEWHERE)

DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS REPORT OF INVESTIGATION (Law Enforcement)			1. INVESTIGATION IS <input checked="" type="checkbox"/> ROUTINE <input type="checkbox"/> SENSITIVE <input type="checkbox"/> SIGNIFICANT	Page 1 of 2 pages	
TO: Chief, Firearms Technology Branch Washington, D.C.			3. MONITORED INVESTIGATION INFORMATION (Number and Branch) CIP: HOUSTON FY-92 FIREARMS VIOLATIONS REPORT 002		
4. OF INVESTIGATION .well, Vernon Wayne et.al...			5. INVESTIGATION NO. (Include Suspect No.) 53110-92-1069-X		
TYPE OF REPORT (Check applicable boxes)			6. BUREAU PROGRAM		
PRELIMINARY	<input checked="" type="checkbox"/>	COLLATERAL (Request)	X TITLE I	FIREARMS	TARGETED OFFENDER
			X TITLE II		TERRORIST/EXTREMIST
STATUS		COLLATERAL (Reply)	X TITLE VII	EXPLOSIVES	OCD
			X TITLE II		ITAR
FINAL		INTELLIGENCE	X TITLE XI	TOBACCO	SEAR
					OMO
SUPPLEMENTAL		REFERRAL (Internal)		ALCOHOL	<input checked="" type="checkbox"/> OTHER (Specify) GENERAL
DETAILS: This collateral request relates to an investigation initiated in response to a "Referral" from the McLennan County Sheriff's Department, Waco, Texas, concerning the alleged illegal possession and or illegal conversion/manufacturing of Title II, NFA weapons and explosives by Vernon W. Howell, AKA: David Koresh, Route 7, Box 471-B, Waco, McLennan County, Texas.					
Assorted firearm parts and accessories have been shipped to the "Mag Bag" corporation, addressed to Vernon Howell and Mike Schroeder from March of 1992, to the present. Additional firearm parts currently being shipped to the "Mag Bag" corporation are being closely monitored and documented. It is requested that following documented firearm parts and accessories received by the "Mag Bag" corporation be evaluated, to determine if, that with these parts, the aforementioned subjects are possibly converting or manufacturing Title II weapons:					
Shipped from: Olympic Arms Inc. 624 Old Pacific Hwy., S.E., Olympia, Wa. (206) 456-3471					
1) Four (4) 9mm and .45, ACP upper assemblies/receivers/conversion units. 2) Twenty-three (23) Barrel units and upper receiver assembly. 3) Eighteen (18) heavy match barrel units with assault handguards and upper receiver assembly. 4) Eleven (11) flash suppressors. 5) Twenty-five (25) K-1B 16", with AZFS. 6) Fourteen (14) K-2B with EZ and AZFS.					
SUBMITTED BY (Name) Davy Aguilera			11. TITLE AND OFFICE Special Agent, Austin		12. DATE 07/23/92
VIEWED BY (Name) Larry E. Sparks			14. TITLE AND OFFICE Resident Agent in Charge		15. DATE 7/23/92
APPROVED BY (Name) Phillip J. Chojnacki			17. TITLE AND OFFICE Special Agent in Charge		18. DATE / /

Appendix 4-(continued)

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS		PAGE <u>2</u> OR <u>2</u> PAGES
REPORT OF INVESTIGATION - CONTINUATION SHEET <i>(Law Enforcement)</i>		
INVESTIGATION <u>11, Vernon Wayne et.al...</u> <small>(Continued)</small>	INVESTIGATION NO. <u>53110-92-1069-X</u>	

Four (4) Car-9 units.

ipped from: Sarco Inc.
 Union Street
 Stirling, N.J.
 (908) 647-3800

One (1) set of M-16 parts set kit with sling and magazine.
 One (1) bolt catch extractor pin and buttcap screw.
 Three (3) M-16 "A" kits.
 Two (2) M-261 rifle conversion kits.
 Four (4) M-203 handguards.

ipped from: Nessard Gun Parts Co.
 27 W. 990 Industrial Rd.
 Barrington, Ill.
 (708) 381-7629

Two (2) M-16 car kits, which contain everything that an M-16 contains, to include a 16" barrel, with out the lower receiver.
 Two (2) M-16 EZ car kits, which contain everything that an M-16, with the 20" barrel, with out the lower receiver.
 One (1) flash suppressor.

ipped from: Unknown Company at this time.

Two (2) boxes containing a total of M-16/AR-15 magazines, 30 in each box.

has been recently learned that the "Mag Bag" Corporation have also been ceiving other firearm parts and accessories from the following companies at have not yet been identified:

ooters Equipment Co.
 O. Box 517
 chland, S.C. 29765

Center Fire Systems Inc.
 102 Fieldview
 Versailles, Ky. 40383

tached are copies of invoices for your assistance and information.

ould you have any questions regarding this request, please contact ecial Agent Davy Aguilera at (512) 482-5333. Please submit the results your evaluation to:.

Bureau of Alcohol, Tobacco and Firearms
 ATTN: Special Agent Davy Aguilera
 P.O. Box 20-2828
 Austin, Texas 78720-2828

Appendix C

ATF Operations Plans

Original Operations
Plan

February 25, 1993

OPERATIONS PLAN

1. SITUATION:

A. CIRCUMSTANCES:

On March 1, 1993 a Federal Search Warrant will be executed on the premises known as the residence of Vernon Wayne Howell, AKA: David Koresh, and others, along with all outbuildings and appurtenances and vehicles located on the premises.

B. TERRAIN:

The premises is in a rural setting, located on an approximate 77 acre tract of land, nearly 14 miles north and east of Waco, Texas. The premises contains the residences of approximately eighty (80) men, women and children, along with storage buildings and other structures.

C. TARGET:

Howell is the leader of a religious cult known as Branch Davidian and the premises has been named the Mount Carmel Center. For the past several years Howell has been receiving firearms parts which, if combined, could constitute the manufacture of machineguns. Also, he has been receiving shipments of chemicals and explosive materials which, if combined, could constitute the manufacture of explosive devices. These deliveries have been made through a cult operated mail drop known as the "Mag Bag". Additionally, nearby neighbors have reported hearing what they believe to be the sound of automatic weapons being fired in the nighttime coming from the Howell residence.

D. SUBJECT:

Vernon Wayne Howell is a white, male, born on August 17, 1959. He first took control of the Mount Carmel Center in early 1988 after an armed assault on the previous occupant in November of 1987. Howell, according to credible witnesses, depicts himself as Jesus Christ incarnate, requires all cult members to turn over all of their personal belongings to him, and he also sexually appropriates all of the female cult members for himself exclusively, to include female children as young as thirteen. Howell has surrounded himself with a group of approximately ten male cult members who have either criminal records and/or special skills which might precipitate violence during the execution of the search warrant.

2. MISSION:

The objective of the operation is to safely enter the premises of the Mount Carmel Center, to search the entire premises (to include the upper level residence of Howell and all other living quarters) for evidence of the manufacture of machineguns and explosive devices and for the machineguns and devices which may have already been manufactured. Personal identification of all persons on the premises will be accomplished and any persons who have outstanding warrants and/or immigration violations will be detained pending release to proper authorities. All others will be allowed to either leave the premises or to remain, as they may desire, once the search has been concluded.

3. EXECUTION:

A. HOW THE OBJECTIVE WILL BE ATTAINED:

Utilizing a number of facilities and the services of a wide array of Federal, State and local agencies, ATF will accomplish the mission. On Sunday, February 28, 1993, at approximately 8:30 p.m., an undercover ATF special agent will admit the Deputy Tactical Coordinator into an undercover residence which is across the road from the premises where the warrant will be served. Sometime prior to 8:30 a.m., on Monday, March 1, 1993, the undercover agent will position Forward Observers outside the premises, front and rear, in semi-concealed locations. At 9:00 a.m., Monday, March 1, 1993, the Tactical Coordinator will gather the tactical elements at a large parking lot site approximately eight miles away from the premises. The Tactical Coordinator will advise the undercover special agent by STU phone that the tactical elements are in position at which time the undercover special agent will visit the premises and identify the location of Howell and other principals. He will also check for recent changes at the premises and for any barriers or obstructions which may have recently been erected which might deter entry.

After his check of the premises, the undercover special agent will return to the undercover residence across the road and he will advise the Deputy Tactical Coordinator of his findings. The Deputy Tactical Coordinator will advise the Tactical Coordinator by STU phone of the conditions at the premises. Once the

premises site has been determined to be functioning normally, the Tactical Coordinator will advise the three road block sites to begin their road blocks and he will deploy his tactical force of approximately seventy SRT special agents into two cattle trailers being pulled by civilian trucks and being driven by qualified special agents. The Tactical Coordinator will ride as a passenger in one of the trucks pulling a cattle trailer. He will be accompanied by an EMT trained special agent assigned to the SRT. As the Tactical Coordinator deploys, he will notify the Deputy Tactical Coordinator, who will then broadcast a radio message to the Command Post, air support units, the road block units and the standby ambulance unit that the tactical operation has begun.

Following a prearranged flight schedule, the three helicopters participating in the operation as well as the fixed wing aircraft, will depart from their staging area and will proceed to approach and hold a position at the rear of the premises. Their arrival at the rear of the premises will coincide with and cause a diversion for the entry by the SRT trailers at the front entrance to the premises. One of the helicopters will be occupied by the Incident Commander or his Deputy to provide an overall assessment of the tactical operation from his vantage point.

The New Orleans Division SRT will lead the entry into the main structure of the premises and will push straight ahead toward the interior staircase. They will proceed to the third level and will contain all persons found at that location. Next in line of entry will be the Houston Division SRT which will split in to two separate groups. The first group will make entry to the main structure immediately behind the New Orleans SRT and will spread to the left which is a series of bedrooms. The second group will disperse around the perimeter of the premises and contain any persons found. The Dallas Division SRT will immediately follow the Houston SRT which entered the structure and will spread to the right and to the rear.

Once all persons on the premises have been located, they will be assembled in the central area of the structure. Vernon Howell will be segregated from the rest of the group so as to minimize any attempt on his part to exhort his followers to some action. Once facilities have been erected outside the structure on the premises, all persons will be removed to those

outside facilities to be identified and interviewed. Simultaneous with the structure being cleared of the cult members, a search of the entire premises will begin by those who have been designated to perform this function. Perimeter and internal security duties will be performed by additional ATF special agents until such time as the scene can be released.

B. CONTINGENCIES:

On February 28, 1993, a Texas Air National Guard aircraft will overfly the premises and will photograph the entire area. This reconnaissance will provide information regarding any late changes at the site of the tactical operation which will take place the following day.

On March 1, 1993, an ambulance will be positioned at the site of the road block closest to the premises. This ambulance will be manned by qualified Emergency Medical Technicians and will provide nearly immediate response to any injuries sustained in the tactical operation.

At the airfield at TSTC, immediately adjacent to the CP, a Careflight helicopter with a registered nurse aboard will be standing by in the event that an aerial evacuation of an injured person from the premises is required.

4. ADMINISTRATION AND LOGISTICS:

A. ASSIGNMENTS AND LODGING:

On February 23, 1993 the case agent will appear before the United States Magistrate and have the Federal Search Warrant Affidavit approved and the Federal Search Warrant signed.

On February 24, 1993 the Tactical Coordinator, the Deputy Tactical Coordinator, and the ATF SRT Team Leaders and their assistants will travel so as to arrive at Fort Hood, Texas by 1400 hours. Lodging will be arranged in the military barracks at Fort Hood to accomodate twenty (20) persons.

On February 24, 1993 the Incident Commander, the Deputy Incident Commander, the Support Coordinator, and his support staff will travel to the Texas State Technical College (TSTC), Waco, Texas to set up the Command Post

(CP). Accomodations will be arranged in a Waco motel for eleven (11) persons.

On February 24, 1993, two Communications Specialists will assist in the set up of the CP. Once the CP has been established, they will depart for Temple/Belton, Texas where they will establish a radio repeater site and be lodged in a motel. The Temple/Belton location is equidistant between Fort Hood and Waco and the repeater site at this location will facilitate radio transmissions between the SRT elements at Fort Hood and the CP at TSTC in Waco.

On February 25, 1993, the thirty-seven (37) Sector SRT members arrive at Fort Hood, Texas by 1400 hours and they are initially briefed by the Incident Commander and his staff. They will be lodged in the military barracks at Fort Hood to accomodate what is now a group of fifty-seven (57) persons.

On February 26, 1993, thirty-four (34) ATF special agents from the Houston, New Orleans, and Dallas Divisions arrive at Fort Hood, Texas by 1400 hours. These special agents represent auxiliary personnel who will be utilized in the identification and interviewing of detainees at the site of the warrant execution. They will be lodged in the military barracks at Fort Hood to accomodate what has now become a group of ninety-one (91) persons.

On February 26, 1993, one ATF special agent/pilot and two Texas Air National Guard pilots arrive in Waco at TSTC with their aircraft. They are lodged in a Waco motel and their presence increases the number of operational personnel in Waco to fourteen (14) persons.

On February 27, 1993, the Sector SRT personnel and other special agents assigned to the tactical operation will practice the tactics of the warrant execution at Fort Hood, Texas.

On February 27, 1993, two Public Information Officers (PIO) will arrive at the CP at TSTC in Waco. They will be lodged in Waco and will increase the number of personnel at this location to sixteen (16) persons.

On February 27, 1993, the Project Alliance Coordinator will arrive at the Temple/Belton, Texas location where he will meet with the Communications Specialists, bringing the number of operational personnel in this

location to three (3).

On February 28, 1993, the ninety-one (91) Sector SRT members and additional support special agents will travel from Fort Hood, Texas to Waco, Texas. The Communications Specialists and the Project Alliance Coordinator in Temple/Belton, Texas will relocate to Waco, Texas. A representative from the Tactical Response Branch, Special Operations Division, Bureau Headquarters will arrive in Waco. Two (2) representatives from the Explosives Technology Branch will arrive in Waco and two (2) fingerprint examiners from the ATF Laboratory will also arrive in Waco. On this date ten (10) Texas National Guard Aviation support personnel will arrive in Waco as well as twenty-five (25) additional ATF special agents from the Houston and Dallas Divisions. The total number of operational personnel lodged in Waco this night will be one hundred-fifty (150) persons.

On March 1, 1993 the Federal Search Warrant will be executed as outlined in section 3A of this plan.

B. EQUIPMENT:

The following special equipment, beyond what is normally carried by SRT members, was authorized for purchase during this tactical operation:

- 100 Flex Cuffs
- 250 Hospital ID Bracelets
- 2 Inertial Rams
- 1 Bolt Cutters
- 2 "Hooligan" pry bars, 30 inch
- 31 Sets of knee and elbow pads
- 26 Pair of Protective Goggles
- 3 Halon type, 13 lb, fire extinguishers

5. COMMAND AND SIGNALS:

A. COMMAND POST:

The Command Post (CP) will be physically located at the Airport Manager's Building, immediately adjacent to the airfield at the Texas State Technical College (TSTC), approximately eight (8) miles north of Waco, Texas. The CP will be the operational headquarters for the Incident Commander, the Deputy Incident Commander, and the Support Coordinator and his staff.

B. SIGNALS:

The CP will provide the Incident Commander with point-to-point Coded DES communications between all elements of the tactical operation and the National Command Center. These communications capabilities are: handheld radios, mobile radios, fixed site equipment, satellite cellular communication with secure STU III and Secure/Clear FAX. This will be accomplished through the installation of a Motorola Micor 100 watt repeater in the airfield control tower, an antenna installed on top of the airfield control tower, a portable System Saber base station and a secure STU III telephone unit with Secure/Clear FAX capability along with four secure point-to-point deskset telephones.

C. COMMANDS:

Modified Operations
Plan

Provided to
Texas Rangers

on
March 11, 1993

OPERATIONS PLAN

1. SITUATION:

A. CIRCUMSTANCES:

On February 28, 1993 a Federal Search Warrant will be executed on the premises known as the residence of Vernon Wayne Howell, AKA: David Koresh, and others, along with all outbuildings and appurtenances and vehicles located on the premises.

(Annex B, Affidavit for Federal Search Warrant)

B. TERRAIN:

The premises is in a rural setting, located on an approximate 77 acre tract of land, nearly 14 miles north and east of Waco, Texas. The premises contains the residences of approximately eighty (80) men, women and children, along with storage buildings and other structures. (Annex C)

C. TARGET:

Howell is the leader of a religious cult known as Branch Davidian and the premises has been named the Mount Carmel Center. For the past several years Howell has been receiving firearms parts which, if combined, could constitute the manufacture of machineguns. Also, he has been receiving shipments of chemicals and explosive materials which, if combined, could constitute the manufacture of explosive devices. These deliveries have been made through a cult operated mail drop known as the "Mag Bag". Additionally, nearby neighbors have reported hearing what they believe to be the sound of automatic weapons being fired in the nighttime coming from the Howell residence. (Annex D, Deliveries to Mag Bag)

Shaded area represents text that was added to the original operations plan.

Underlined sentences represent original text which was moved to a different part of the operations plan.

D. SUBJECT:

Vernon Wayne Howell is a white, male, born on August 17, 1959. He first took control of the Mount Carmel Center in early 1988 after an armed assault on the previous occupant in November of 1987. Howell, according to credible witnesses, depicts himself as Jesus Christ incarnate, requires all cult members to turn over all of their personal belongings to him, and he also sexually appropriates all of the female cult members for himself exclusively, to include female children as young as thirteen. Howell has surrounded himself with a group of approximately ten male cult members who have either criminal records and/or special skills which might precipitate violence during the execution of the search warrant. The subject has not left the compound in months and has made statements that he does not plan to leave.
(Annex E)

2. MISSION:

The objective of the operation is to safely enter the premises of the Mount Carmel Center, to search the entire premises (to include the upper level residence of Howell and all other living quarters) for evidence of the manufacture of machineguns and explosive devices and for the machineguns and devices which may have already been manufactured. The women, men and firearms are kept in different areas in the structure. Usually at approximately 10:00 a.m. in the morning, the majority of the males and Howell should be in the underground area. SRT teams have been divided to handle the areas listed above. Personal identification of all persons on the premises will be accomplished and any persons who have outstanding warrants and/or immigration violations will be detained pending release to proper authorities. All others will be allowed to either leave the premises or to remain, as they may desire, once the search has been concluded.

3. EXECUTION:

A. CONCEPT OF OPERATION:

Utilizing a number of facilities and the services of a wide array of Federal, State and local agencies, ATF will accomplish the mission. On Sunday, February 27, 1993, at approximately 8:30 p.m., an undercover ATF special agent will admit the Deputy Tactical Coordinator into an undercover residence which is across the road from the premises where the warrant will be served. Sometime prior to 8:30 a.m., on Sunday, February 28, 1993, the undercover agent will position Forward Observers outside the premises, front and rear, in semi-concealed locations. At 9:00 a.m., Sunday, February 28, 1993, the Tactical Coordinator will gather the tactical elements at a large parking lot site approximately thirteen miles away from the premises. The Tactical Coordinator will advise the undercover special agent by STU phone that the tactical elements are in position at which time the undercover special agent will visit the premises and identify the location of Howell and other principals. He will also check for recent changes at the premises and for any barriers or obstructions which may have recently been erected which might deter entry.

After his check of the premises, the undercover special agent will return to the undercover residence across the road and he will advise the Deputy Tactical Coordinator of his findings. The undercover special agent will advise the Tactical Coordinator by STU phone of the conditions at the premises. Once the premises site has been determined to be functioning normally, the Tactical Coordinator will advise the three road block sites to begin their road blocks and he will deploy his tactical force of approximately eighty SRT special agents into two cattle trailers being pulled by civilian trucks and being driven by qualified special agents. The Tactical Coordinator will ride as a passenger in one of the trucks pulling a cattle trailer. He will be accompanied by an EMT trained special agent assigned to the SRT.

As the Tactical Coordinator deploys, he will notify the Deputy Tactical Coordinator, who will notify him if the operation is a go until they reach the residence. The Deputy Tactical Coordinator then will broadcast a radio message to the Command Post, air support units, the road block units and the standby ambulance unit that the tactical operation has begun. (Annex F, Block Map)

Following a prearranged flight schedule, the three helicopters participating in the operation as well as the fixed wing aircraft, will depart from their staging area and will proceed to approach and hold a position at the rear of the premises. Their arrival at the rear of the premises will coincide with and cause a diversion for the entry by the SRT trailers at the front entrance to the premises. One of the helicopters will be occupied by the Incident Commander or his Deputy to provide an overall assessment of the tactical operation from his vantage point.

The New Orleans Division SRT will lead the entry to the right side of the main structure of the premises and will make entry from the roof into the second floor windows of the Arms room and Koresh's room. They will proceed to the rear of the structure and will contain all persons found at that location after entry. Next in line of entry will be the Houston Division SRT which will split into two separate groups. The first group will make entry to the main structure front door area and will spread to the left which is a series of mens bedrooms.

*2cd HFD SRT
will actually enter
underground area
to prevent split
and retreat into
dormitory areas.*

PJ

The second group will disperse around the perimeter of the premises and contain those persons found in the underground area. The Dallas Division SRT will immediately follow the Houston SRT which entered the structure and will go upstairs and clear 2nd, 3rd, and 4th floor areas which contains the womens bedrooms. Two outside teams of non-SRT team members will provide outside cover on all sides of the structure. A third team of non-SRT team members will be used for custody control of people.

Once all persons on the premises have been located, they will be assembled in the central area of the structure. Vernon Howell will be segregated from the rest of the group so as to minimize any attempt on his part to exhort his followers to some action. Once facilities have been erected outside the structure on the premises, all persons will be removed to those outside facilities to be identified and interviewed. Simultaneous with the structure being cleared of the cult members, a search of the entire premises will begin by those who have been designated to perform this function. Perimeter and internal security duties will be performed by additional ATF special agents until such time as the scene can be released.

B. CONTINGENCIES:

On February 28, 1993, a Texas Air National Guard aircraft will overfly the premises and will photograph the entire area. This reconnaissance will provide information regarding any late changes at the site of the tactical operation which will take place the following day.

On February 28, 1993, an ambulance will be positioned at the site of the road block closest to the premises. This ambulance will be manned by qualified Emergency Medical Technicians and will provide nearly immediate response to any injuries sustained in the tactical operation.

At the airfield at TSTC, immediately adjacent to the CP, a Careflight helicopter with a registered nurse aboard will be standing by in the event that an aerial evacuation of an injured person from the premises is required.

4. ADMINISTRATION AND LOGISTICS:

A. ASSIGNMENTS AND LODGING:

On February 23, 1993 the case agent will appear before the United States Magistrate and have the Federal Search Warrant Affidavit approved and the Federal Search Warrant signed.

On February 24, 1993 the Tactical Coordinator, the Deputy Tactical Coordinator, and the ATF SRT Team Leaders and their assistants will travel so as to arrive at Fort Hood, Texas by 1400 hours. Lodging will be arranged in the military barracks at Fort Hood to accommodate twenty (20) persons.

On February 24, 1993 the Incident Commander, the Deputy Incident Commander, the Support Coordinator, and his support staff will travel to the Texas State Technical College (TSTC), Waco, Texas to set up the Command Post (CP). Accommodations will be arranged in a Waco motel for eleven (11) persons.

On February 24, 1993, two Communications Specialists will assist in the set up of the CP. Once the CP has been established, they will depart for Temple/Belton, Texas where they will establish a radio repeater site and be lodged in a motel. The Temple/Belton location is equidistant between Fort Hood and Waco and the repeater site at this location will facilitate radio transmissions between the SRT elements at Fort Hood and the CP at TSTC in Waco.

On February 25, 1993, the thirty-seven (37) Sector SRT members arrive at Fort Hood, Texas by 1400 hours and they are initially briefed by the Incident Commander and his staff. They will be lodged in the military barracks at Fort Hood to accommodate what is now a group of fifty-seven (57) persons.

On February 26, 1993, thirty-four (34) ATF special agents from the Houston, New Orleans, and Dallas Divisions arrive at Fort Hood, Texas by 1400 hours. These special agents represent auxiliary personnel who will be utilized in the identification and interviewing of detainees at the site of the warrant execution. They will be lodged in the military barracks at Fort Hood to accommodate what has now become a group of ninety-one (91) persons.

On February 26, 1993, one ATF special agent/pilot and two Texas Air National Guard pilots arrive in Waco at TSTC with their aircraft. They are lodged in a Waco motel and their presence increases the number of operational personnel in Waco to fourteen (14) persons.

On February 27, 1993, the Sector SRT personnel and other special agents assigned to the tactical operation will practice the tactics of the warrant execution at Fort Hood, Texas.

On February 27, 1993, two Public Information Officers (PIO) will arrive at the CP at TSTC in Waco. They will be lodged in Waco and will increase the number of personnel at this location to sixteen (16) persons.

On February 27, 1993, the Project Alliance Coordinator will arrive at the Temple/Belton, Texas location where he will meet with the Communications Specialists, bringing the number of operational personnel in this location to three (3). Two (2) representatives from the Explosives Technology Branch will arrive in Waco and two (2) fingerprint examiners from the ATF Laboratory will also arrive in Waco. On this date ten (10) Texas National Guard Aviation support personnel will arrive in Waco as well as twenty-five (25) additional AFT special agents from the Houston and Dallas Divisions. The total number of operational personnel lodged in Waco this night will be one hundred-fifty (150) persons.

On February 28, 1993, the ninety-one (91) Sector SRT members and additional support special agents will travel from Fort Hood, Texas to Waco, Texas to the staging area from which point they will prepare to execute the search warrant as outlined in Section 3A of this plan.

B. EQUIPMENT:

The following special equipment, beyond what is normally carried by SRT members, was authorized for purchase during this tactical operation:

- 100 Flex Cuffs
- 250 Hospital ID Bracelets
- 2 Inertial Rams
- 1 Bolt Cutters
- 2 "Hooligan" pry bars, 30 inch
- 31 Sets of knee and elbow pads
- 26 Pair of Protective Goggles
- 3 Halon type, 13 lb, fire extinguisher

5. COMMAND AND SIGNALS:

A. COMMAND POST:

The Command Post (CP) will be physically located at the Airport Manager's Building, immediately adjacent to the airfield at the Texas State Technical College (TSTC), approximately eight (8) miles north of Waco, Texas. The CP will be the operational headquarters for the Incident Commander, the Deputy Incident Commander, and the Support Coordinator and his staff. (Annex G, Reporting Instructions)

B. SIGNALS:

The CP will provide the Incident Commander with point-to-point Coded DES communications between all elements of the tactical operation and the National Command Center. These communications capabilities are: handheld radios, mobile radios, fixed site equipment, satellite cellular communication with secure STU III and Secure/Clear FAX. This will be accomplished through the installation of a Motorola Micor 100 watt repeater in the airfield control tower, an antenna installed on top of the airfield control tower, a portable System Saber base station and a secure STU III telephone unit with Secure/Clear FAX capability along with four secure point-to-point deskset telephones. (Annex H, Common Plan)

Final Raid Plan incorporating the handwritten changes from March 11, 1993 version. This document was provided to Texas Rangers on March 22, 1993 and later to the Review

OPERATIONS PLAN

1. SITUATION:

A. CIRCUMSTANCES:

On February 28, 1993 a Federal Search Warrant will be executed on the premises known as the residence of Vernon Wayne Howell, AKA: David Koresh, and others, along with all outbuildings and appurtenances and vehicles located on the premises.

(Annex B, Affidavit for Federal Search Warrant)

B. TERRAIN:

The premises is in a rural setting, located on an approximate 77 acre tract of land, nearly 14 miles north and east of Waco, Texas. The premises contains the residences of approximately eighty (80) men, women and children, along with storage buildings and other structures. (Annex C)

C. TARGET:

Howell is the leader of a religious cult known as Branch Davidian and the premises has been named the Mount Carmel Center. For the past several years Howell has been receiving firearms parts which, if combined, could constitute the manufacture of machineguns. Also, he has been receiving shipments of chemicals and explosive materials which, if combined, could constitute the manufacture of explosive devices. These deliveries have been made through a cult operated mail drop known as the "Mag Bag". Additionally, nearby neighbors have reported hearing what they believe to be the sound of automatic weapons being fired in the nighttime coming from the Howell residence. (Annex D, Deliveries to Mag Bag)

Shaded text represents the handwritten notes of the incident commander incorporated into operations plan.

D. SUBJECT:

Vernon Wayne Howell is a white, male, born on August 17, 1959. He first took control of the Mount Carmel Center in early 1988 after an armed assault on the previous occupant in November of 1987. Howell, according to credible witnesses, depicts himself as Jesus Christ incarnate, requires all cult members to turn over all of their personal belongings to him, and he also sexually appropriates all of the female cult members for himself exclusively, to include female children as young as thirteen. Howell has surrounded himself with a group of approximately ten male cult members who have either criminal records and/or special skills which might precipitate violence during the execution of the search warrant. The subject has not left the compound in months and has made statements that he does not plan to leave.

(Annex E)

2. MISSION:

The objective of the operation is to safely enter the premises of the Mount Carmel Center, to search the entire premises (to include the upper level residence of Howell and all other living quarters) for evidence of the manufacture of machineguns and explosive devices and for the machineguns and devices which may have already been manufactured. The women, men and firearms are kept in different areas in the structure. Usually at approximately 10:00 a.m. in the morning, the majority of the males and Howell should be in the underground area. SRT teams have been divided to handle the areas listed above. Personal identification of all persons on the premises will be accomplished and any persons who have outstanding warrants and/or immigration violations will be detained pending release to proper authorities. All others will be allowed to either leave the premises or to remain, as they may desire, once the search has been concluded.

3. EXECUTION:

A. CONCEPT OF OPERATION:

Utilizing a number of facilities and the services of a wide array of Federal, State and local agencies, ATF will accomplish the mission. On Sunday, February 27, 1993, at approximately 8:30 p.m., an undercover ATF special agent will admit the Deputy Tactical Coordinator into an undercover residence which is across the road from the premises where the warrant will be served. Sometime prior to 8:30 a.m., on Sunday, February 28, 1993, the undercover agent will position Forward Observers outside the premises, front and rear, in semi-concealed locations. At 9:00 a.m., Sunday, February 28, 1993, the Tactical Coordinator will gather the tactical elements at a large parking lot site approximately thirteen miles away from the premises. The Tactical Coordinator will advise the undercover special agent by STU phone that the tactical elements are in position at which time the undercover special agent will visit the premises and identify the location of Howell and other principals. He will also check for recent changes at the premises and for any barriers or obstructions which may have recently been erected which might deter entry.

After his check of the premises, the undercover special agent will return to the undercover residence across the road and he will advise the Deputy Tactical Coordinator of his findings. The undercover special agent will advise the Tactical Coordinator by STU phone of the conditions at the premises. Once the premises site has been determined to be functioning normally, the Tactical Coordinator will advise the three road block sites to begin their road blocks and he will deploy his tactical force of approximately eighty SRT special agents into two cattle trailers being pulled by civilian trucks and being driven by qualified special agents. The Tactical Coordinator will ride as a passenger in one of the trucks pulling a cattle trailer. He will be accompanied by an EMT trained special agent assigned to the SRT.

As the Tactical Coordinator deploys, he will notify the Deputy Tactical Coordinator, who will notify him if the operation is a go until they reach the residence. The Deputy Tactical Coordinator then will broadcast a radio message to the Command Post, air support units, the road block units and the standby ambulance unit that the tactical operation has begun (Annex F, Block Map)

Following a prearranged flight schedule, the three helicopters participating in the operation as well as the fixed wing aircraft, will depart from their staging area and will proceed to approach and hold a position at the rear of the premises. Their arrival at the rear of the premises will coincide with and cause a diversion for the entry by the SRT trailers at the front entrance to the premises. One of the helicopters will be occupied by the Incident Commander or his Deputy to provide an overall assessment of the tactical operation from his vantage point.

The New Orleans Division SRT will lead the entry to the right side of the main structure of the premises and will make entry from the roof into the second floor windows of the Arms room and Koresh's room. They will proceed to the rear of the structure and will contain all persons found at that location after entry. Next in line of entry will be the Houston Division SRT which will split into two separate groups. The first group will make entry to the main structure front door area and will spread to the left which is a series of mens bedrooms.

The second group will enter the underground area, contain those persons found in the underground area, in order to keep them from returning through the "tunnel" into the men's dormitory area encountering the Houston SRT. The Dallas Division SRT will immediately follow the Houston SRT which entered the structure and will go upstairs and clear 2nd, 3rd, and 4th floor area which contains the womens bedrooms. Two outside teams of non-SRT team members will provide outside cover on all sides of the structure. A third team of non-SRT team members will be used for custody control of people.

Once all persons on the premises have been located, they will be assembled in the central area of the structure. Vernon Howell will be segregated from the rest of the group so as to minimize any attempt on his part to exhort his followers to some action. Once facilities have been erected outside the structure on the premises, all persons will be removed to those outside facilities to be identified and interviewed. Simultaneous with the structure being cleared of the cult members, a search of the entire premises will begin by those who have been designated to perform this function. Perimeter and internal security duties will be performed by additional ATF special agents until such time as the scene can be released.

B. CONTINGENCIES:

On February 28, 1993, a Texas Air National Guard aircraft will overfly the premises and will photograph the entire area. This reconnaissance will provide information regarding any late changes at the site of the tactical operation which will take place the following day.

On February 28, 1993, an ambulance will be positioned at the site of the road block closest to the premises. This ambulance will be manned by qualified Emergency Medical Technicians and will provide nearly immediate response to any injuries sustained in the tactical operation.

At the airfield at TSTC, immediately adjacent to the CP, a Careflight helicopter with a registered nurse aboard will be standing by in the event that an aerial evacuation of an injured person from the premises is required.

4. ADMINISTRATION AND LOGISTICS:

A. ASSIGNMENTS AND LODGING:

On February 23, 1993 the case agent will appear before the United States Magistrate and have the Federal Search Warrant Affidavit approved and the Federal Search Warrant signed.

On February 24, 1993 the Tactical Coordinator, the Deputy Tactical Coordinator, and the ATF SRT Team Leaders and their assistants will travel so as to arrive at Fort Hood, Texas by 1400 hours. Lodging will be arranged in the military barracks at Fort Hood to accommodate twenty (20) persons.

On February 24, 1993 the Incident Commander, the Deputy Incident Commander, the Support Coordinator, and his support staff will travel to the Texas State Technical College (TSTC), Waco, Texas to set up the Command Post (CP). Accommodations will be arranged in a Waco motel for eleven (11) persons.

On February 24, 1993, two Communications Specialists will assist in the set up of the CP. Once the CP has been established, they will depart for Temple/Belton, Texas where they will establish a radio repeater site and be lodged in a motel. The Temple/Belton location is equidistant between Fort Hood and Waco and the repeater site at this location will facilitate radio transmissions between the SRT elements at Fort Hood and the CP at TSTC in Waco.

On February 25, 1993, the thirty-seven (37) Sector SRT members arrive at Fort Hood, Texas by 1400 hours and they are initially briefed by the Incident Commander and his staff. They will be lodged in the military barracks at Fort Hood to accommodate what is now a group of fifty-seven (57) persons.

On February 26, 1993, thirty-four (34) ATF special agents from the Houston, New Orleans, and Dallas Divisions arrive at Fort Hood, Texas by 1400 hours. These special agents represent auxiliary personnel who will be utilized in the identification and interviewing of detainees at the site of the warrant execution. They will be lodged in the military barracks at Fort Hood to accommodate what has now become a group of ninety-one (91) persons.

On February 26, 1993, one ATF special agent/pilot and two Texas Air National Guard pilots arrive in Waco at TSTC with their aircraft. They are lodged in a Waco motel and their presence increases the number of operational personnel in Waco to fourteen (14) persons.

On February 27, 1993, the Sector SRT personnel and other special agents assigned to the tactical operation will practice the tactics of the warrant execution at Fort Hood, Texas.

On February 27, 1993, two Public Information Officers (PIO) will arrive at the CP at TSTC in Waco. They will be lodged in Waco and will increase the number of personnel at this location to sixteen (16) persons.

On February 27, 1993, the Project Alliance Coordinator will arrive at the Temple/Belton, Texas location where he will meet with the Communications Specialists, bringing the number of operational personnel in this location to three (3). Two (2) representatives from the Explosives Technology Branch will arrive in Waco and two (2) fingerprint examiners from the ATF Laboratory will also arrive in Waco. On this date ten (10) Texas National Guard Aviation support personnel will arrive in Waco as well as twenty-five (25) additional ATF special agents from the Houston and Dallas Divisions. The total number of operational personnel lodged in Waco this night will be one hundred-fifty (150) persons.

On February 28, 1993, the ninety-one (91) Sector SRT members and additional support special agents will travel from Fort Hood, Texas to Waco, Texas to the staging area from which point they will prepare to execute the search warrant as outlined in Section 3A of this plan.

B. EQUIPMENT:

The following special equipment, beyond what is normally carried by SRT members, was authorized for purchase during this tactical operation:

100 Flex Cuffs
250 Hospital ID Bracelets
2 Inertial Rams
1 Bolt Cutters
2 "Hooligan" pry bars, 30 inch
31 Sets of knee and elbow pads
26 Pair of Protective Goggles
3 Halon type, 13 lb, fire extinguisher

5. COMMAND AND SIGNALS:

A. COMMAND POST:

The Command Post (CP) will be physically located at the Airport Manager's Building, immediately adjacent to the airfield at the Texas State Technical College (TSTC), approximately eight (8) miles north of Waco, Texas. The CP will be the operational headquarters for the Incident Commander, the Deputy Incident Commander, and the Support Coordinator and his staff. (Annex G, Reporting Instructions)

B. SIGNALS:

The CP will provide the Incident Commander with point-to-point Coded DES communications between all elements of the tactical operation and the National Command Center. These communications capabilities are: handheld radios, mobile radios, fixed site equipment, satellite cellular communication with secure STU III and Secure/Clear FAX. This will be accomplished through the installation of a Motorola Micor 100 watt repeater in the airfield control tower, an antenna installed on top of the airfield control tower, a portable System Saber base station and a secure STU III telephone unit with Secure/Clear FAX capability along with four secure point-to-point deskset telephones. (Annex H, Common Plan)

Appendix D

Chronology of Events

WACO REVIEW TIMELINE OF EVENTS

DATE	EVENT	REMARKS
OCT/NOV, 1987	VERNON HOWELL AND SEVERAL OF HIS ASSOCIATES PURCHASED SEVERAL RIFLES AT LOCAL PALESTINE, TEXAS AREA GUN SHOPS. THESE WEAPONS WERE USED BY HOWELL AND HIS ASSOCIATES FOR A RAID ON MT. CARMEL.	
11/3/87	VERNON WAYNE HOWELL AND SEVEN OF HIS GROUP ARE ARRESTED FOR ATTEMPTED MURDER OF GEORGE BUCHANAN RODEN.	
11/4/87	HOWELL IS RELEASED ON BAIL (\$50,000) AND AWAITS TRIAL.	
4/25/88	A MISTRIAL IS DECLARED (JURY DEADLOCKED) IN HOWELL'S TRIAL - HOWELL IS NOT TRIED AGAIN. HIS SEVEN ASSOCIATES RECEIVE ACQUITTALS.	
11/4/88	THE CHARGE AGAINST HOWELL IS DISMISSED.	
11/7/88	THE COURT ORDERS ALL PROPERTY SEIZED RETURNED TO HOWELL.	THIS INCLUDES A SUBSTANTIAL NUMBER OF GUNS AND AMMUNITION.
1988-1989	GEORGE RODEN IS INCACERATED FOR SIX MONTHS FOR CONTEMPT OF COURT, AFTER HIS RELEASE, HE KILLS A MAN AND IS COMMITTED TO AN MENTAL INSTITUTION.	THIS ALLOWS HOWELL AND HIS ASSOCIATES TO GAIN CONTROL OF MT. CARMEL.
9/90	WACO FBI RECEIVES INQUIRY ABOUT "CYRUS" PRODUCTIONS PROMOTING "SHAM" MARRIAGES WITH AUSTRALIAN CITIZENS. DISCUSSION WITH AUSA, WACO DETERMINE NO FEDERAL VIOLATION, INQUIRY IS CLOSED.	FBI DETERMINES "CYRUS" PRODUCTIONS TO BE A MUSICAL GROUP LED BY KORESH.
2/27/92	TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES (DPRS) VISIT THE MT. CARMEL COMPOUND RE: ACCUSATIONS OF CHILD ABUSE.	
3/5-9/92	DAVID KORESH, AKA, VERNON WAYNE HOWELL, VISITS THE WACO OFFICE OF THE DPRS AND SPEAKS WITH JOYCE SPARKS REGARDING THE CHILD ABUSE ALLEGATIONS. LOCAL LAW ENFORCEMENT CONDUCT SWAT TRAINING NEAR "MAG BAG". DAVID KORESH, AKA, VERNON HOWELL, REACTS BY: 1) BRINGING BACK MEMBERS FROM CALIFORNIA AND ENGLAND; 2) MAKING LARGE PURCHASES OF WEAPON PARTS; 3) ACQUIRING CHEMICALS WHICH CAN BE USED TO MAKE EXPLOSIVES; 4) PURCHASING NIGHT VISION SCOPES AND SENSORS; AND, 5) ACCUMULATING LARGE SUPPLIES OF AMMUNITION.	ATF DOES NOT LEARN OF THE SWAT TRAINING UNTIL AFTER 2/28/93. PRIOR TO MARCH 5, COMPOUND BELIEVED TO HAVE APPROX. 80 FIREARMS, AFTER MARCH 5, AN ADDITIONAL 143 (MOSTLY ASSAULT RIFLES) ARE ACQUIRED.

4/92	WACO TRIBUNE-HERALD REPORTER MARK ENGLAND BEGINS INVESTIGATION OF BRANCH DAVIDIANS AFTER HEARING REPORTS OF POSSIBLE MASS SUICIDE OVER DAVIDIAN PASSOVER. WACO FBI OPENS CASE ON KORESH FOR INVOLUNTARY SERVITUDE.	
4/6/92	TEXAS DPRS VISITS COMPOUND RE: CHILD ABUSE.	
4/30/92	TEXAS DPRS VISITS THE COMPOUND REGARDING THE CHILD ABUSE ALLEGATIONS FOR THE LAST TIME AND SUBSEQUENTLY CLOSES IT'S INQUIRY.	JOYCE SPARKS CONTINUES TO HAVE TELEPHONE CONTACTS WITH KORESH.
5/92	LT. COY JONES, McLENNAN COUNTY SHERIFF'S OFFICE CONTACTED BY UPS RE: DELIVERY OF LARGE AMOUNTS OF FIREARM PARTS TO THE MAG BAG. CHIEF DEPUTY WEYENBERG CALLS SA CHARLES MEYER, AUSTIN TO REPORT UPS INFORMATION. FBI CONTACTS TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES, JOYCE SPARKS, RE: FBI INVESTIGATION.	UPS DRIVER GILBREATH REVEALS DELIVERIES MADE SINCE MARCH, 1992 AMOUNTED TO APPROX. \$20,000 IN CASH SPARKS TELLS FBI SHE IS AWARE OF KORESH.
5/26/92	SA DAVY AGUILERA IS TOLD BY SA CHARLES MEYER TO CONTACT CHIEF DEPUTY WEYENBERG, McLENNAN CO SHERIFF'S OFFICE RE: UPS DELIVERIES. WEYENBERG ASSIGNS LT GENE BARBER TO WORK WITH AGUILERA	MEYER ORIGINALLY TOOK CALL FROM SHERIFF'S OFFICE, BUT CASE IS REFERRED TO AGUILERA BY MEYER.
6/92	JOYCE SPARKS' LAST CONTACT WITH DAVID KORESH. FBI CLOSES INVESTIGATION OF KORESH FOR INVOLUNTARY SERVITUDE.	
6/4/92	AGUILERA MEETS FIRST W/AUSA BILL JOHNSTON, THEN WITH BARBER. BARBER SHARES HISTORY OF BRANCH DAVIDIANS, DELINEATES NATURE AND AMOUNT OF UPS DELIVERIES TO "MAG BAG".	BARBER DESCRIBES METHOD UPS DELIVERIES ARE MADE AND ABOUT A HAND GRENADE CASING FALLING OUT OF A DELIVERY PACKAGE.
6/9/92	AGUILERA SUBMITS INITIATING REPORT TO HOUSTON VIA AUSTIN.	INCLUDES INFORMATION PROVIDED BY BARBER, SKINNER AND GILBREATH
6/17/92	SAC CHOJNACKI NOTIFIES RAC LARRY SPARKS, AUSTIN VIA HANDWRITTEN PAIED NOTES, INVESTIGATION CLASSIFIED AS SENSITIVE. INVESTIGATION CONTINUES.	SENSITIVE CLASSIFICATION DENOTES HEADQUARTERS MONITORING OF CASE.
6/19/92	ATP HEADQUARTERS (HQ) BECOMES AWARE OF INVESTIGATION IN WACO.	BECOMES A HQ MONITORED CASE (SIGNIFICANT)
7/92	TACTICAL OPERATIONS OFFICER, MARK HANDLEY RECOMMENDS TO AGUILERA USE OF POLE CAMERA AND PEN REGISTER AS INVESTIGATIVE TOOLS.	

C/S

7/22/92	AGUILERA REQUESTS OPINION FROM ATF HQ RE: EXPLOSIVE MANUFACTURING AND AUTOMATIC WEAPONS MANUFACTURING/CONVERSION BASED ON COMPONENTS KNOWN TO BE IN POSSESSION OF DAVIDIANS.	
7/30/92	COMPLIANCE INSPECTION OF HENRY McMAHON BY AGUILERA AND JIM SKINNER REVEALS APPROX 65 LOWER RECEIVERS FOR AR-15s MISSING, McMAHON SAYS STORED AT PREACHER'S (DAVID KORESH), ADDITIONALLY SAYS 36 FIREARMS SOLD TO VERNON HOWELL. DOES NOT ACKNOWLEDGE OR OFFER THEY ARE SAME PERSON.	SKINNER FINDS COMPLIANCE VIOLATIONS, BUT DOES NOT CITE, IN ORDER TO MAINTAIN INVESTIGATION INTEGRITY.
8/5/92	RAC LARRY SPARKS, AUSTIN IS ADMINISTRATIVELY REMOVED FROM AUSTIN OFFICE FORMER RAC EARL DUNAGAN IS MADE ACTING RAC OF AUSTIN.	SPARKS IS LATER FIRED FROM THE ATF AND HAS APPEALED THIS ACTION.
8/8/92	SKINNER RETURNED TO McMAHON'S PLACE OF BUSINESS AND PROVIDES HIM WITH INFORMATION ON PROPER RECORD KEEPING AND FEDERAL EXCISE TAXES.	
8/11/92	ATF INSTALLED POLE CAMERA, FAILED TO GET IT TO WORK UNTIL DECEMBER 11, 1992.	ATF ATTEMPTED TWICE IN OCTOBER TO GET THE CAMERA TO WORK.
SEPT. & OCT.	CASE AGENT AGUILERA ASSIGNED TO USSS PROTECTIVE DETAILS AT THREE WEEK INTERVALS.	DURING USSS DETAIL, HE IS UNABLE TO PURSUE THE INVESTIGATION.
10/92	SARABYN IS TEMPORARILY ASSIGNED TO HQ TO PREPARE NATIONAL RESPONSE PLAN (SECTOR PLAN).	
10/92	HARTNETT APPROVES FORWARD OBSERVER PROGRAM.	SUBSEQUENT TRAINING OCCURS FOR SIX TEAMS IN NOV., 1992
OCT./NOV 1992	WACO TRIB REPORTER, DARLENE McCORMICK CALLS AUSA JOHNSTON RE: DAVIDIANS AND LEGALITY OF FIREARMS.	
10/92	DUNAGAN TELLS AGUILERA TO START WORK ON AFFIDAVIT FOR SEARCH/ARREST WARRANTS AND RECEIVES AUTHORIZATION TO SET UP AN U/C HOUSE.	
11/92	SRTs FROM HOUSTON, DALLAS AND NEW ORLEANS MEET IN HOUSTON. DIVISION MEETING AT HQ, DETAILS OF INVESTIGATION AND TACTICAL PLANNING FOR SEARCH WARRANT DISCUSSED, HARTNETT AND CONROY WANT MORE INTELLIGENCE INFORMATION. TOLD DIVISION CHIEFS TO SLOW DOWN TACTICAL PLANNING....	
11/2/92	ATF HQ OPINES NOT ENOUGH EVIDENCE TO SUPPORT SEARCH WARRANT RE: EXPLOSIVE MATERIAL LIST SUBMITTED JULY 22ND.	TECH PARKER, ATF HQ, RENDERS THIS OPINION.
11/3/92	AGUILERA GOES TO CALIFORNIA TO INTERVIEW ISABELLA ANDRADE, JAYLENE OJENA, AND SAUNDRA LEAKE RECEIVES INFORMATION FROM LAVERNE, CA PD ABOUT DAVIDIANS LIVING IN CALIFORNIA.	

11/5, 6 & 7/92	ANDRADE AND OJENA VISIT ANDRADE DAUGHTERS LIVING IN THE COMPOUND AND ARE DEBRIEFED BY AGUILERA.	
11/20/92	AUSA JOHNSTON REVIEWED PC TO DATE AND OPINES ENOUGH INFORMATION FOR A HISTORICAL SEARCH WARRANT.	DUNAGAN AND SARABYN PRESENTED FACTS OF CASE.
12/4/92	HQ PERSONNEL BEGAN TO ATTEND MEETINGS IN HOUSTON. (CHOJNACKI, ROYSTER, CAVANAUGH, BUFORD, PETRILLI, LATIMER, LEWIS, CARTER, HENRY, CURTIS WILLIAMS, LTC WALKER, DUNAGAN, AND AGUILERA) LOGISTICS FOR OPERATION DISCUSSED, INVESTIGATIVE REQUESTS MADE AND TACTICAL PLANNING CONTINUES. MEDIA INTEREST IN THE DAVIDIANS IS DISCUSSED, CHOJNACKI THINKS ATF CONTACT SHOULD BE INITIATED, CAVANAUGH ADAMANTLY OPPOSES CONTACT.	SARABYN WAS IN WDC WORKING(ON NRP AT THE TIME) AND TEACHING A CLASS. BUFORD SELECTED AS FOCAL POINT FOR SRT INVOLVEMENT. AGUILERA TOLD TO CONCENTRATE ON INVESTIGATION AND ESTABLISHING PC FOR WARRANTS. NEITHER A PEN REGISTER NOR TRAP AND TRACE WERE USED DURING THIS INVESTIGATION.
12/7/92	AGUILERA RECEIVED INFORMATION FROM SPARKS RE: CHILD ABUSE. SHE PROVIDES FLOOR PLANS OF COMPOUND.	
12/9/92	SUBPOENA TO PHONE COMPANY FOR SUBSCRIBER AND TOLL INFORMATION AND IDENTIFICATION OF ALL TELEPHONE NUMBERS ASSOCIATED WITH COMPOUND. TELEPHONE COMPANY COULD NOT PROVIDE LATTER.	
12/11/92	SA VIEGRA MEETS WITH TEXAS NATIONAL GUARD TO LEARN WHAT TYPE OF MILITARY SUPPORT IS AVAILABLE TO ATF IS TOLD BY TEXAS NATIONAL GUARD, A DRUG NEXUS IS NECESSARY FOR NON REIMBURSABLE NATIONAL GUARD SUPPORT. AGUILERA LEARNS FROM SGT. HACKWORTH, LAVERNE PD, ABOUT ROBYN, JEANINE, DAVID AND DEBORAH BUNDS AND MARC BREAULT. POLE CAMERA STARTS TO WORK, BUT IS INEFFECTIVE, BECAUSE OF THE DISTANCES INVOLVED.	
12/14/92	NATIONAL GUARD RECEIVES FAX REQUEST FROM DUNAGAN FOR AERIAL PHOTOS OF COMPOUND AND MIL SUPPORT. DOES NOT MENTION DRUG NEXUS.	LT. JUSTICE NOTES LACK OF DRUG NEXUS, PHOTOS APPROVED BY LTC. PETIT.

12/15/92	AQUILERA CALLS BREAULT AND ASKS NOT TO SHARE INFORMATION WITH WACO TRIBUNE. BREAULT AGREES TO DEAL SOLELY WITH AQUILERA. AQUILERA RECEIVES VERBAL (AND LATER WRITTEN) OPINION FROM ATF FIREARM TECHNICAL BRANCH THAT THE LIST OF THE PARTS AND ACCESSORIES SUBMITTED FOR OPINION WERE CONSISTENT WITH COMPONENT PARTS, WHICH IF USED TO MAKE AN M-16 MACHINE GUN, THAT MACHINE GUN WOULD BE ILLEGAL TO POSSESS.	THIS IS FIRST ATF CONTACT WITH BREAULT. IN SPITE OF ATF REQUEST TO STOP, HE CONTINUES HIS CONTACT WITH THE WACO TRIBUNE. PARTS AND ACCESSORIES IN AND BY THEMSELVES, ARE NOT TECHNICALLY FIREARMS AS DEFINED BY LAW.
12/16/92	AQUILERA RECEIVES FAX FROM BREAULT, GIVES INFORMATION RE: METHAMPHETAMINE LAB PRESENT WHEN KORESH TOOK OVER CONTROL OF THE COMPOUND FROM RODEN, IN APRIL, 1988. AQUILERA AND C. WILLIAMS OVERFLY COMPOUND IN CUSTOMS AIRCRAFT AND OBTAIN INFRARED PHOTOS OF COMPOUND.	BREAULT NAMES JEAN SMITH, FORMER CULT MEMBER AS BEING ABLE TO CORROBORATE INFORMATION ON METHAMPHETAMINE LAB.
12/17/92	DEA NOTIFIED OF POSSIBLE DRUG NEXUS BY ATF.	
12/18/92	SECOND FAX RECEIVED BY NATIONAL GUARD FROM DUNAGAN, MENTIONS "POSSIBLY NARCOTICS" AND ASKS FOR PHOTO OF MAG BAG. MEETING IN HOUSTON WITH KALISTER, LTC WALKER, CHOJACKI, ROYSTER, SARABYN, PETRILLI, DUNAGAN, CAVANAUGH, LATIMER, CURTIS WILLIAMS, JOHN WILLIAMS, SHIDLER, HANDLEY, DIBETTA, WHITE, TERRY ANDERSON AND AQUILERA.	FIRST TIME DRUG NEXUS NOTED VIA WRITTEN REQUEST FROM ATF. DECISION MADE TO INSERT SA'S IN U/C HOUSE AND DESIGNATE TSTC AIRPORT OPS BUILDING AS ATF CP. CONCEPT FOR TACTICAL PLAN WAS FOR SIEGE AT THIS TIME.
12/24/92	MEETING AT HQ (HARTNETT, CONROY, GARNER, TROY, BROWN, VITA, TATE AND KALISTER) RE: GENERAL BRIEFING ON CASE. VITA APPOINTED TO MONITOR THE INVESTIGATION. MENTION OF POSSIBLE USE OF U/C HOUSE TO CORROBORATE PC AND GATHER INTELLIGENCE FOR TACTICAL PLAN. HARTNETT/CONROY WANT MORE PC DEVELOPED IN CASE AND TO "SLOW" DOWN TACTICAL OPS. PLANNING.	TATE AND KALISTER DO THE GENERAL BRIEF.
12/27/92	MCMAHON LOSES LEASE ON PLACE OF BUSINESS AND MOVERS TO FLORIDA.	
12/28-30/92	MEETING IN AUSTIN. AQUILERA, DUNAGAN, FROST, BRZOSOWSKI, LATTIMER, KING, PETRILLI, SARABYN, C. WILLIAMS, BUFORD, AND CAVANAUGH WENT TO WACO TO VIEW THE COMPOUND AND NEGOTIATE WITH PEERY FOR USE OF U/C HOUSE.	CHOJACKI IS OFF, DURING THIS PERIOD OF TIME. WILLIAMS MAINTAINS AT THIS POINT PLAN WAS FOR SIEGE. AQUILERA TASKED TO INTERVIEW BREAULT AND OTHERS WITH MEMBER OF SRT.

12/92 FOR MONTH OF DECEMBER	KORESH OBSERVED OFF THE COMPOUND IN DECEMBER, 1992 BY: MRS. SPOON, KORESH JOGGING BY RESIDENCE SEVERAL TIMES; JONES, EMPLOYEE AT STRING WORLD; DONNEL, PRACO PAWN SHOP; AND, DULACK, ELK GENERAL STORE.	ALTHOUGH KORESH REPORTED OFF COMPOUND IN NEWS MEDIA AFTER DECEMBER, ONLY TWO SIGHTINGS WERE CONFIRMED, 1) AUTO REPAIR JAN. 29 AND 2) VISIT TO SPOON'S RESIDENCE, LATE DECEMBER, EARLY JAN.
1/4/93	PAT PIAZZA, OWNER STRING WORLD MUSIC STORE, SAID HE TALKED WITH KORESH AT LOCAL WACO DAIRY QUEEN.	PIAZZA BASES HIS RECOLLECTION ON DATE HE RECEIVES SPEAKERS HE AND KORESH TALK ABOUT.
1/6/93	NATIONAL GUARD OVERFLY COMPOUND AND MAG BAG TAKE AERIAL PHOTOS AND INFRARED IMAGING PICTURES. THERMAL IMAGING SYSTEM PICKS UP "HOT SPOT" INSIDE COMPOUND AND ID's THREE SENTRY'S TO REAR OF COMPOUND. REPORT FROM TAYLOR, ATF, EXPLOSIVES ENFORCEMENT OFFICER, (WALNUT CREEK, CA) OPINING KORESH PURCHASING CHEMICALS AND EXPLOSIVE MATERIALS FOR ILLEGAL USE. PRELIMINARY WORK ON TSTC COMMAND POST BEGINS.	TEXAS NG UC-26 IS USED. FIRST FLIGHT. NO OFFICIAL INTERPRETATION OF "HOT SPOT" PROVIDED TO ATF BY NG.
1/7-9/93	AGUILERA AND BUFORD CONDUCT INTERVIEWS OF THE BUNDS, BREAULT, ANDRADE AND OJENA. TELEPHONE LINES, RADIO AND COMPUTERS INSTALLED AT TSTC COMMAND POST. THIS SITE USED BY THE U/C HOUSE AGENTS AS OFFICE.	PURPOSE OF INTERVIEWS TO GAIN INTELLIGENCE FOR TACTICAL PLANNING AND GAIN INSIGHT INTO KORESH'S STATE OF MIND.
1/11/93	U/C HOUSE BEGINS OPERATION. O'FLAHERTY, BRZOZOWSKI, VIEGRA, RODRIGUEZ, BRIGANCE, SEALE, TINKER AND BROWN STAFF THE HOUSE. U/C HOUSE IS VISITED BY DAVIDIANS, DAVID JONES, WAYNE MARTIN AND NEIL SCHROEDER.	
1/13/93	ATF INTERNAL MEMORANDUM REGARDING USE OF NATIONAL GUARD PERSONNEL SIGNED BY HARTNETT. THAT IS, NG PERSONNEL AND SPECIALIZED EQUIPMENT TO BE USED AGAINST COMMON AREAS, NOT SPECIFIC INDIVIDUALS, VEHICLES, OR AREAS.	

1/14/93	SECOND NG OVERFLIGHT (RF4-C A) TAKES OBLIQUE AERIAL PHOTOS. ALSO NG UC-26 OVERFLIES MAG BAG AND COMPOUND. NUMEROUS AERIAL AND INFRARED IMAGING PHOTOS TAKEN AND SUBSEQUENTLY DELIVERED TO ATF ON OR ABOUT JAN. 21, 1993.	DUNAGAN THANKS NATIONAL GUARD FOR ASSISTANCE SPECIFICALLY FOR INTERPRETATION AND EVALUATION OF PHOTOS. NATIONAL GUARD INFORMS W.A.R. ANY INTERPRETATIONS OR EVALUATIONS BY ANY NATIONAL GUARD PERSONNEL WOULD BE DEEMED UNOFFICIAL.
1/18/93	U/C AGENTS TOLD BY SPOONS, DAVIDIANS SUSPECT OCCUPANTS OF U/C HOUSE TO BE FBI AGENTS, THAT KORESH THOUGHT POLICE WERE WATCHING THEM AND THAT KORESH WAS EXPECTING A VISIT FROM THE FBI.	
1/19/93	SARABYN VISITS U/C HOUSE. HE AGREES WITH U/C AGENTS TO DISCONTINUE SURVEILLANCE DURING THE NIGHT TIME HOURS. HE FURTHER CHANGED THE PRIORITY FROM SURVEILLANCE TO INFILTRATION OF THE COMPOUND VIA UNDERCOVER MEANS. TEAMS TOLD NOT TO PUT EVERYTHING IN LOGS, ONLY SIGNIFICANT THINGS.	PRIOR TO SARABYN'S VISIT, SURVEILLANCE WAS AT 100% LEVEL. CHANGED TO MONITOR UNUSUAL ACTIVITY AT ALL TIMES. BUT, VISUAL SURVEILLANCE WAS LIMITED TO DAYLIGHT HOURS.
1/21/93	POLE CAMERA REMOVED, DUE TO SECURITY LEAK BY POWER COMPANY EMPLOYEE. REQUEST BY LTC. WALKER/SARABYN TO MILITARY FOR EQUIPMENT TO SUSTAIN A SIEGE (INCLUDING SEVEN BRADLEY FIGHTING VEHICLES) IS MADE.	NOTHING OF EVIDENTIARY OR INTELLIGENCE NATURE WAS GAINED FROM THIS EQUIPMENT. PLAN FOR SIEGE IS CONFIRMED BY THIS REQUEST.
1/22/93	SA PALI CONTACTS DEA LIAISON, TO OPERATION ALLIANCE, WILLIAM ROSHEN AND DISCUSSES DRUG Nexus. ROSHEN OFFERS DEA TECHNICAL ASSISTANCE FOR SUSPECTED METHAMPHETAMINE LAB AT THE COMPOUND.	
1/25/93	AGUILERA AND BUFORD INTERVIEW DAVID BLOCK. SUPPOSED TO HAVE MOST CURRENT INTELLIGENCE ON COMPOUND, HAVING LEFT THE COMPOUND AROUND MAY, 1992. BLOCK INFORMED: TOWER NOT USED FOR SURVEILLANCE, BUT, FOR WOMEN'S SLEEPING AREA, MEN SEGREGATED FROM WOMEN, GAVE ROUTINE, GAVE LOCATION OF ARMORY (SAID IT WAS LOCKED), MEN OCCASIONALLY KEPT GUNS UNDER BED AND A FEW MEN ALLOWED TO RETAIN PRIVATE WEAPONS OF SMALL CALIBER, KORESH MESSAGES WITH POSSIBILITY OF SIEGE, HAD VAST QUANTITY OF FOOD (MREs), THREE .50 CALIBER WEAPONS IN COMPOUND, AND, POSSIBLE "STEN" GUN BEING MADE IN COMPOUND.	THIS AND OTHER INFORMATION, TO INCLUDE A DISCUSSION OF A POSSIBLE MASS SUICIDE. PROVIDED BY PREVIOUS INTERVIEWS OF FORMER CULT MEMBERS LIKELY MOVES TACTICAL PLANNERS FROM SIEGE TO DYNAMIC ENTRY APPROACH.

1/27-29/93	MEETINGS IN HOUSTON. C. WILLIAMS, LATIMER, LITTLETON, PETRILLI, KING, WHITE, DUNAGAN, AGUILERA, BETTERTON, HONNYCUTT, CHOJNACKI, SARABYN, ROYSTER, AND MASTIN. BUFORD PRESENTS INFORMATION GLEANED FROM INTERVIEWS. U/C HOUSE REPORTS NO SENTRY VISIBLE AND A ROUTINE WHERE MEN AND WOMEN ARE SEGREGATED AND MEN AWAY FROM GUNS. DISCUSSION OF SIEGE VS. DYNAMIC ENTRY HELD. IT IS CONCLUDED, BASED ON INTELLIGENCE GATHERED, TO GO WITH DYNAMIC ENTRY. MEDIA INTEREST IN COMPOUND DISCUSSED, MOST AGREE A MEETING WITH A REPRESENTATIVE FROM THE WACO TRIBUNE IS WARRANTED. A COIN FLIP DETERMINES DEPUTY INCIDENT COMMANDER POSITION FOR OPERATION. MASTIN WINS AND IS NAMED DEPUTY. ROYSTER NO LONGER PARTICIPATES IN SUBSEQUENT PLANNING SESSIONS.	DURING THIS PHASE THE TACTICAL PLANNERS BEGIN IN EARNEST TO DEVELOP AN OPERATIONAL PLAN PREFACED ON A DYNAMIC ENTRY.
1/27/93	SA MEDRANO IN U/C ROLE (UPS TRAINEE) VISITS MAG BAG AND COMPOUND.	
1/28/93	SA ROBERT RODRIGUEZ AND SA WADE BROWN MAKE FIRST SUSTAINED CONTACT WITH COMPOUND MEMBERS, INCLUDING KORESH.	CONTACT LASTS ONE HOUR. AND IS CONDUCTED OUTSIDE THE COMPOUND BUILDINGS.
1/29/93	KORESH LEAVES COMPOUND TO PICK UP PARTS FOR HIS CAMARO AT MICHAEL BARNARD'S PLACE OF BUSINESS, PERFORMANCE AUTOMOTIVE MACHINE, AXTELL, TX.	NOT OBSERVED BY U/C SURVEILLANCE.
2/1/93	SARABYN AND DUNAGAN MEET WITH BARBARA ELMORE, WACO TRIBUNE. ANDRADE AND OJENA VISIT ANDRADE'S DAUGHTERS AT THE COMPOUND. THEY RETURN TO THE COMPOUND ON THE 2ND AND 3RD. THEY ARE NOT DEBRIEFED BY ATF.	APPROXIMATE DATE OF ATF ACTION GIVEN.
2/2/93	RODRIGUEZ GOES TO COMPOUND, BUT IS TOLD KORESH IS ILL AND TO RETURN. OPERATION ALLIANCE SUPPORT AUTHORIZED, BASED ON ATF SUBMISSION OF A DRUG NEXUS PRESENTED BY SA PHIL LEWIS AT EL PASO. ROCHEN, DEA, OFFERS DEA CLANDESTINE CERTIFIED LABORATORY TEAM TO ATF.	
2/4/93	JOINT COMMAND PLANNING SESSION WITH CHOJNACKI, SARABYN AND REPRESENTATIVES FROM THE NATIONAL GUARD, JTF-6 AND SPECIAL FORCES.	SARABYN ANSWERS QUESTIONS REGARDING DRUG NEXUS.
2/5/93	RODRIGUEZ ATTENDS FIRST BIBLE STUDY AT COMPOUND, INTENSE ONE ON ONE SESSION WITH KORESH.	
2/9/93	CHUCK ROCHNER, COX ENTERPRISES, CALLS CHOJNACKI AND SAYS HE IS THE WACO TRIBUNE'S LIAISON WITH ATF. CHOJNACKI MAKES REQUEST TO HQ TO ACTIVATE THE (NRP) SECTOR PLAN.	ROCHNER SAYS CHOJNACKI TOLD HIM ACTION TO OCCUR 3/1/93.

D-11

2/11/93	BRIEFING AT HQ. INVESTIGATORS AND TACTICAL PLANNERS BRIEF HARTNETT ET AL. PROBABLE CAUSE DISCUSSED AS WELL AS TACTICAL PLAN IN DEPTH.	SOME SAY DELAY IN THIS MEETING CAUSED DELAY IN THE OPERATION'S PLANNED DATE FEB. 22, 1993.
2/12/93	BRIEFING AT HQ FOR HIGGIN'S BENEFIT. SAME ISSUES DISCUSSED AS PREVIOUS DAY. AUSA'S JOHNSTON AND PHINIZY AND SA DUNAGAN MEET WITH WACO DISTRICT ATTORNEY, ELIZABETH TOBIN TO DISCUSS LOCAL ARREST WARRANT FOR KORESH FOR CHILD ABUSE.	WANTED TO USE WARRANT TO GET KORESH AWAY FROM COMPOUND.
2/16/93	HARTNETT ACTIVATES SECTOR PLAN PER ATF ORDER 3350.10	
2/17/93	FOUR OF EIGHT U/C AGENTS SENT HOME FROM U/C HOUSE. RODRIGUEZ ATTENDS BIBLE STUDY (2.5 HRS). CHOJNACKI CALLS ROCHNER AND VIA MESSAGE INVITES ROCHNER TO VIEW ATF TRAINING AT FORT HOOD. PALI BRIEFS TEXAS GOVERNOR'S REPRESENTATIVE TO THE TEXAS NARCOTICS CONTROL PROGRAM, JAMES WILLBORN ABOUT THE HOWELL INVESTIGATION.	KORESH TELLS RODRIGUEZ HE DOES NOT LEAVE COMPOUND OFTEN.
2/18/93	RODRIGUEZ ATTENDS BIBLE STUDY (3 HRS) IN COMPOUND. NATIONAL RESPONSE PLAN - ATF ORDER 3350.10 IS FORMALIZED.	RODRIGUEZ ARRANGES TO SHOOT WITH KORESH NEXT DAY.
2/19/93	RODRIGUEZ AND BRZOZOWSKI SHOOT WITH KOESH IN REAR OF COMPOUND. KOESH NOTES HE HAS OBSERVED U/C AGENTS SHOOTING, TALKS ABOUT DROP IN SEARS. RODRIGUEZ AND BRZOZOWSKI TAKEN THROUGH COMPOUND BUILDING TO REAR AREA. CURTIS WILLIAMS CANCELS U.S. CUSTOMS SUPPORT REQUEST.	
2/21/93 MONDAY	KOESH ASKS RODRIGUEZ TO COME TO COMPOUND TO LISTEN TO MUSIC. INVITES RODRIGUEZ TO BECOME MEMBER OF HIS GROUP.	RODRIGUEZ AGREES TO BEGIN BIBLE STUDY TO START MARCH 1, 1993.

D-12

2/22/93 TUESDAY	<p>AQUILERA & DUNAGAN BRIEF MCLENNAN SHERIFF'S OFFICE RE: RAID SUPPORT REQUESTS.</p> <p>DUNAGAN SAID HE CALLED ELMORE AND TOLD HER WITH SARABYN'S PERMISSION, RAID DATE MOVED TO MARCH 1, 1993.</p> <p>AQUILERA ACCOMPANIES A FEMALE MINOR TO DISTRICT ATTORNEY TOBIN'S OFFICE FOR INTERVIEW.</p>	<p>RAID DATE GIVEN AS MARCH 1, 1993.</p> <p>ELMORE SAID CALL CAME IN SOMETIME EARLY TO MID FEB.</p> <p>THE FEMALE MINOR DECLINES TO TESTIFY AGAINST KORESH, SO TOBIN CONCLUDES STATE CANNOT PROCEED AGAINST KORESH FOR CHILD ABUSE.</p>
2/24/93 WED:	<p>CHOJNACKI MEETS WITH EDITORIAL STAFF OF WACO TRIBUNE-HERALD IN AN ATTEMPT TO DELAY PUBLICATION OF ARTICLE.</p> <p>PREDDY MAKES TENTATIVE DECISION TO PRINT SERIES STARTING SATURDAY.</p> <p>WITHERSPOON TELLS STAFF ABOUT HIS "TIP" GIVING RAID DATE FOR MONDAY, 3/1/93.</p> <p>BLANSETT ASSIGNS THREE REPORTERS TO COVER ANTICIPATED RAID ON MONDAY, 3/1/93.</p> <p>SARABYN TRAVELS TO FT. HOOD TO COMMENCE SRT TRAINING FOR OPERATION. SRT LEADERS, ASSIST. TEAM LEADERS AND FORWARD OBSERVERS PRESENT.</p> <p>CHOJNACKI ASKS SARABYN IF RAID COULD BE MOVED UP TO SATURDAY, IS TOLD NO, DECISION IS MADE TO MOVE RAID TO SUNDAY, 2/28/93.</p> <p>TSTC COMMAND POST STAFF ARRIVE IN WACO AND BEGIN TO SET UP CP.</p> <p>NOTIFICATIONS GO OUT TO ATF PERSONNEL, MOVING UP REPORTING DATES TO FORT HOOD/WACO.</p> <p>ATF REQUEST TO THE NATIONAL GUARD FOR MILITARY SUPPORT IS SUBSTANTIALLY DIFFERENT FROM THE JAN. 21 REQUEST, ELIMINATING ITEMS NECESSARY FOR A SIEGE, INCLUDING THE BRADLEY FIGHTING VEHICLES.</p>	HARTNETT, AFTER BEING BRIEFED BY CHOJNACKI, AGREES TO SUNDAY RAID DATE.
2/25/93 THURS:	<p>SRTs ARRIVE AT FORT HOOD AND BEGIN TRAINING.</p> <p>MAGISTRATE GREEN SIGNS AFFIDAVITS FOR ARREST AND SEARCH WARRANTS.</p> <p>WITHERSPOON TELLS MULLONY ABOUT ATF RAID ON MT CARMEL TO OCCUR ON MARCH 1, 1993.</p>	

D.13

2/26/93: FRIDAY:	<p>SA CUYLER PROVIDES TREASURY WITH ONE PAGE MEMORANDUM RE: ATF'S PLANNED ACTION AGAINST THE DAVIDIANS.</p> <p>TREASURY EXPRESSES CONCERN ABOUT RAID, AT FIRST CANCELS RAID, THEN, AFTER FURTHER DISCUSSION WITH HIGGINS, RESCINDS ORDER TO CANCEL RAID.</p> <p>3:00PM - ROCHNER TELLS CHOJNACKI ARTICLE TO COME OUT ON SATURDAY, NO MENTION OF ATF IN ARTICLE.</p> <p>DUNAGAN ADVISES SHERIFF'S OFFICE AND OTHERS ABOUT NEWS ARTICLE AND THAT RAID IS MOVED UP TO SUNDAY MORNING, 2/28/93.</p>	A NUMBER OF CALLS ARE MADE TO INFORM SUPPORT PEOPLE OF THE CHANGE IN RAID DATE BY ATF AND COY JONES AND GENE BARBER.
---------------------	---	--

FEBRUARY 27, 1993 (SATURDAY)

1:00AM	-	PEROT/GRAY GET ADVANCE PUBLICATION OF WACO TRIBUNE HERALD AND DELIVER COPY TO CHOJNACKI.
8:00AM	-	RODRIGUEZ JOINS CHURCH SERVICES IN COMPOUND.
7:??AM	-	WITHERSPOON'S INFORMANT TELLS HIM RAID CHANGED TO SUNDAY.
	-	WITHERSPOON CALLS BLANSETT AND SAYS INFORMANT GAVE CHANGE IN RAID DATE TO SUNDAY.
12:00N	-	RODRIGUEZ LEAVES COMPOUND AND RELATES INFORMATION TO CHOJNACKI ON THE REACTION OF KORESH TO THE ARTICLE. SARABYN AND CHOJNACKI INDICATE RODRIGUEZ OBSERVES NO OVERT CALL TO "ARMS" BY KORESH, MOREOVER, CHOJNACKI REPORTS TO HARTNETT ONLY CONCERN OF KORESH IS WHAT ARTICLE WILL DO TO FUND RAISING. DURING AFTERNOON BRIEF OF CHOJNACKI, RODRIGUEZ ONLY RECALLS CHOJNACKI ASKING IF RODRIGUEZ HAD SEEN GUNS OR PREPARATIONS. RODRIGUEZ IN W.A.R. INTERVIEW STATES, KORESH TOLD FOLLOWERS "THEY" WERE COMING FOR HIM AND SHOULD THIS HAPPEN, THE FOLLOWERS SHOULD NOT GET HYSTERICAL AND REMEMBER WHAT HE HAD TOLD THEM TO DO. CHOJNACKI OR SARABYN NOT TOLD THIS BY RODRIGUEZ.
	-	PREDDY, BLANSETT, LOTT AND ROCHNER MEET AT PAPER TO DISCUSS WITHERSPOON'S INFORMATION. DECISION IS MADE TO COVER THE RAID. BLANSETTE CHANGES THE NUMBER OF PERSONNEL ASSIGNED TO COVER THE RAID, FROM 3 TO 9.
	-	HELMSTETTER GETS FROM GLOVER RAID TO OCCUR ON SUNDAY, AND TELLS MULLONY.
3:00PM	-	MULLONY AND WITHERSPOON PLAY RACQUETBALL AND DISCUSS CHANGE OF RAID DATE.
	-	BLANSETT, LOTT, AND ROCHNER DRIVE BY COMPOUND, ON WAY BACK TO PAPER OBSERVE HELICOPTER FLY TOWARDS TSTC, PROCEED TO TSTC AIRPORT AND SEE HELICOPTER AND PEOPLE, SOME IN UNIFORMS. ROCHNER THINKS STAGING AREA FOR ATF.
5:00PM	-	RODRIGUEZ RE-ENTERS COMPOUND, LISTENS TO KORESH'S ASSESSMENT OF THE WACO TRIBUNE'S ARTICLE "SINFUL MESSIAH".
	-	SCHNEIDER CALLS BLANSETT AND ASKS FOR INTERVIEW RE: NEWS ARTICLE. BLANSETT CALLS ENGLAND AND ROCHNER. ROCHNER CALLS CHOJNACKI AND ASKS IF SAFE TO SEND REPORTER INTO COMPOUND FOR INTERVIEW. ENGLAND DECLINES OPPORTUNITY TO PERSONALLY INTERVIEW KORESH OR SCHNEIDER.
	-	BLANSETT NOTIFIES REPORTERS/PHOTOGRAPHERS TO MEET SUNDAY AT 8:00AM AT PAPER.
7:00PM	-	BRIEFING FOR SUPPORT PERSONNEL AT WACO BEST WESTERN HOTEL. BRIEFING CONDUCTED BY SARABYN.
9:00PM	-	FORWARD OBSERVERS INSERTED INTO U/C HOUSE, CAVANAUGH IS INSERTED LATER....
12:00MN	-	RODRIGUEZ EXITS COMPOUND AND RELATES OBSERVATIONS TO SARABYN. IS TOLD BY SARABYN HE WILL HAVE TO GO BACK INTO THE COMPOUND NEXT AM. RODRIGUEZ IS NOT HAPPY ABOUT HAVING TO REENTER THE COMPOUND ON SUNDAY MORNING.

D-1

OTHER EVENTS OCCURRING ON 2/27/93 (SATURDAY)

AGENTS AT FORT HOOD CONTINUE TRAINING, ARE TOLD RAID MOVED UP TO SUNDAY....MANY READ THE ARTICLE ON THE DAVIDIANS.

ATF SUPPORT AGENTS, ARRIVE AT WACO AND ARE BRIEFED THAT NIGHT WITH OTHER LOCAL LAW ENFORCEMENT AND NATIONAL GUARD, AT THE BEST WESTERN HOTEL.

PIO WHEELER CONTACTS LOCAL DALLAS MEDIA FOR WEEKEND NUMBERS.

NATIONAL GUARD HELICOPTERS PRACTICE RAID AT FORT HOOD, THEN PROCEED TO TSTC AIRPORT AND STAGE HELICOPTERS, ARRIVING THERE AT APPROXIMATELY 4:00PM. (ABOUT THE TIME BLANSETT, LOTT AND ROCHNER OBSERVE THEM)

ATF BOMB TRUCKS TRANSPORTED FROM HOUSTON AND DALLAS AND PARKED AT THE TSTC AIRPORT COMPLEX.

RAID DAY FEB. 28, 1993 (SUNDAY)

4:30AM	- REAR COVER FORWARD OBSERVER (FO) TEAM AND COVER SRT MEMBERS DEPART FORT HOOD.
6:00AM	- ATF CARAVAN DEPARTS FORT HOOD.
	- REAR COVER FORWARD OBSERVER TEAM AND COVER SRT ARRIVE TSTC COMMAND POST.
7:30AM	- KWTX (MULLONY, PEELER, McLEMORE AND BRADFIELD) MEET AT STATION.
	- ATF CONVOY ARRIVES AT BELLMEAD CIVIC CENTER.
7:45AM	- REAR COVER FORWARD OBSERVER TEAM AND COVER SRT, LEAVE TSTC FOR HAY BARN, TRANSPORTED BY BRZOWOWSKI.
	- KWTX (MULLONY AND McLEMORE) ARRIVE COMPOUND AREA (FR2491). PEELER IS LOST IN THE AREA OF OLD MEXIA ROAD.
8:00AM	- RODRIGUEZ ENTERS COMPOUND.
	- SARABYN GIVES SHORT UPDATE AT BELLMEAD CIVIC CENTER.
	- ATF NATIONAL COMMAND CENTER IS MANNED BY VITA/GARNER (9:00EST)
	- WACO TRIB REPORTERS MEET AT PAPER OFFICES.
8:30AM	- PEELER TELLS MULLONY VIA CELLULAR PHONE, HE CAN'T TALK TO MULLONY, SINCE HE IS TALKING TO A POSTMAN.

RAID DAY FEB. 28, 1993 (SUNDAY) CONTINUED.

	- DAVID JONES RETURNS TO THE COMPOUND AND ALERTS KORESH ABOUT RAID.
8:45AM	- TRIB REPORTERS (3 CARS) ARRIVE COMPOUND AREA. TRIBUNE PHOTOGRAPHER, SANCHEZ ARRIVES TSTC AIRPORT.
8:46AM	- SANCHEZ CALLS BLANSETT AND REPORTS HELICOPTERS AND POLICE VEHICLES AT TSTC AIRPORT.
9:00AM	- SARABYN RETURNS TO TSTC CP.
9:05AM	- RODRIGUEZ DEPARTS COMPOUND
	- RODRIGUEZ TALKS TO CAVANAUGH.
	- RODRIGUEZ CALLS SARABYN, WHO IS AT THE TSTC COMMAND POST.
	- SARABYN, CHOJNACKI AND ROYSTER DISCUSS RODRIGUEZ' INFORMATION AND DECIDE TO "GO".
	- SARABYN DRIVES TO BELLMEAD
	- RODRIGUEZ LEAVES U/C HOUSE FOR TSTC COMMAND POST.
9:10AM	- CHOJNACKI CALLS THE NATIONAL COMMAND CENTER (NCC) IN WASHINGTON, D.C. AND INFORMS THE OPERATION IS A GO.
9:13AM	- SANCHEZ REPORTS VEHICLES AT TSTC WERE STARTING TO LINE UP AS IF TO MOVE.
9:25AM	- SARABYN ARRIVES BELLMEAD AND ANNOUNCES OPERATION TO PROCEED.
	- ATF AGENTS BOARD THE CATTLE TRAILERS AND PREPARE FOR THE RAID.
9:29AM	- SANCHEZ REPORTS TO BLANSETT, HELICOPTERS ON THE WAY.
9:30AM	- SARABYN CALLS CAVANAUGH ON CELLULAR PHONE AND GETS UPDATE ON COMPOUND ACTIVITY AND TELLS CAVANAUGH, THEY ARE ON THE WAY TO MT. CARMEL.
9:35AM	- O'FLAHERTY AND BRZOZOWSKI GO TO SPOON RESIDENCE TO SECURE.
9:41AM	- SANCHEZ IS PULLED OVER BY ATF AGENTS AFTER TRYING TO PASS THE CATTLE TRAILERS ON FR 2491. HE SEES ATF AGENTS AND CALLS BLANSETT TELLS HIM THEY ARE ON THE WAY.
9:45AM	- "MAG BAG" SEARCH TEAM DEPART TSTC EN ROUTE "MAG BAG".
	- MULLONY/MCLEMORE AT FR 2491 AND DOUBLE E SEE, THEN FOLLOW CATTLE TRAILERS INTO COMPOUND, STOPPING AT BUS.

	-	ENGLAND AND DOE FOLLOW MULLONY/MCLEMORE DOWN DOUBLE E ROAD, BUT PASS THE MT. CARMEL DRIVEWAY AND PARK BY AYDELLOTTE'S CAR, ON DOUBLE E ROAD.
	-	WITHERSPOON ASKS O'FLAHERTY IF HE CAN FILM FROM SPOON PROPERTY, IS TOLD NO, AS CAR WITHERSPOON ARRIVED IN IS BACKING OUT ONTO DOUBLE E ROAD, THEY SEE CATTLE TRAILERS ENTER COMPOUND DRIVEWAY.
9:47AM	-	SARABYN AND CAVANAUGH END THEIR CELLULAR TELEPHONE CALL.
	-	REAR FO TEAM MOVE INTO POSITION BEHIND COMPOUND AND ARE IMMEDIATELY TAKEN UNDER FIRE BY POSITION/S TO THEIR LEFT.
	-	HELICOPTERS ARRIVE IN SIGHT OF COMPOUND AND ARE TAKEN UNDER FIRE.
	-	RAID BEGINS....AGENTS TAKEN UNDER FIRE. MEDIA ON DOUBLE E ROAD ARE SHOT AT. KWTX CAMERA CREW HALF WAY DOWN MT. CARMEL DRIVEWAY HEAR SHOTS AND TAKE COVER BEHIND BUS, AND VIDEO RAID.
	-	"MAG BAG" SEARCH TEAM CALLED BACK TO TSTC.
9:48AM	-	911 RECEIVES CALL FROM WAYNE MARTIN REPORTING RAID ON MT. CARMEL.. GUNSHOTS ARE HEARD IN BACKGROUND. HE REMAINS ON THE LINE BRIEFLY, THEN LEAVES THE PHONE OFF HOOK.
9:52AM	-	911 ATTEMPTS TO CONTACT ATF TO REPORT OPEN LINE INTO COMPOUND. ATTEMPTS CONTINUE (19 TIMES) TO REACH ATF. CONTACT IS FINALLY ESTABLISHED VIA TSTC PATROLMAN "197" AT 10:20AM.
9:55AM	-	NCC IS NOTIFIED BY THE TSTC COMMAND POST, WARRANT EXECUTED, AGENTS RECEIVING HEAVY GUNFIRE.
	-	NCC NOTIFIES DADLE CONROY, WHO NOTIFIES ADLE HARTNETT, WHO NOTIFIES DIRECTOR HIGGINS.
	-	911 HAS OPEN LINE INTO COMPOUND, BUT, NO ONE IS ON THE LINE. 911 CONTINUES TO HEAR GUNSHOTS.
10:02AM	-	CALL TO 911 IS TERMINATED BY COMPOUND.
10:03AM	-	911 CALLS COMPOUND, ESTABLISHES OPEN LINE. WAYNE MARTIN AND OTHERS CONVERSE ON SPEAKER PHONE TO LT. LYNCH. LYNCH STARTS NEGOTIATION WITH MARTIN.
10:15AM	-	DYER TAKES 12 INDIVIDUALS FROM TSTC COMMAND POST AND ATTEMPTS TO SET UP AN OUTER PERIMETER.
10:20AM	-	911 MAKES CONTACT WITH ATF VIA SHERIFF'S RADIO FREQUENCY. CHOJNACKI AND ROYSTER PARTICIPATE IN NEGOTIATIONS FOR CEASE FIRE THROUGH LT. LYNCH.
10:30AM	-	HARTNETT TELLS CONROY TO GO TO WACO.

10:34AM	-	KORESH CALLS 911 VIA CELLULAR PHONE.
10:40AM	-	KORESH'S CALL IS DISCONNECTED.
10:42AM	-	KORESH CALLS 911 AGAIN ON CELLULAR PHONE, TALKS TO LYNCH.
10:43AM	-	KORESH'S CALL DISCONNECTS.
10:46AM	-	SCHNEIDER CALLS 911 ON CELLULAR PHONE, TALKS TO LYNCH, KORESH GETS ON LINE THEY TALK ABOUT CEASE FIRE.
10:49AM	-	SCHNEIDER'S CALL DISCONNECTS.
	-	LYNCH PASSES TO ATF AT TSTC THE TELEPHONE NUMBER FOR KORESH/SCHNEIDER'S CELLULAR PHONE AND ADVISES KORESH WANTS ATF TO CALL DIRECT. ROYSTER PASSES TELE # TO CAVANAUGH AT U/C HOUSE.
10:59AM	-	ATF ESTABLISHES HARD TELEPHONE LINE CALL INTO 911. ROYSTER AND LYNCH CONDUCT NEGOTIATIONS WITH MARTIN/SCHNEIDER FOR CEASE FIRE.
11:27AM	-	CAVANAUGH CALLS INTO COMPOUND VIA CELLULAR PHONE AND CONTINUES TO NEGOTIATE FOR CEASE FIRE.
11:30AM	-	HARTNETT ARRIVES NCC (12:30PM EASTERN TIME) AND GETS FURTHER BRIEF ON EVENTS AT WACO.
	-	"MAG BAG" SEARCH TEAM TOLD TO GO TO "MAG BAG" AND SECURE PERIMETER, WERE TOLD NOT TO EXECUTE SEARCH WARRANT.
	-	HARTNETT UNILATERALLY REQUESTS FBI HRT SUPPORT.
11:39AM	-	AGENTS START TO MOVE TO PICKUP SA KING AND OTHERS. ONLY FOUR AGENTS ARE ALLOWED TO REMOVE KING.
11:44AM	-	MARTIN TELLS LYNCH ATF GOT ONE WOUNDED FROM BACK OF COMPOUND BUILDING (K. KING).
11:46AM	-	MARTIN SAYS ATF CAN GET WOUNDED FROM FRONT OF COMPOUND.
11:54AM	-	AMBULANCE MOVES INTO COMPOUND TO PICK UP WOUNDED AND DEAD AGENTS.
12:01PM	-	ROYSTER TELLS LYNCH TWO AGENTS ON ROOF ARE DEAD.
12:12PM	-	ROYSTER TELLS LYNCH, "IT'S NOW A STANDOFF", ALL AGENTS (WOUNDED AND DEAD) HAVE BEEN REMOVED FROM THE COMPOUND AND ALL OTHER AGENTS ARE SAFE.
12:37PM	-	SCHNEIDER DEMANDS CONTACT WITH ATF, JIM (CAVANAUGH), LYNCH GIVES SCHNEIDER CAVANAUGH'S CELLULAR TELEPHONE NUMBER.

D-19

12:53PM	-	LYNCH CONFIRMS WITH MARTIN THAT SCHNEIDER IS TALKING WITH CAVANAUGH.
	-	CAVANAUGH LEAVES U/C HOUSE FOR TSTC.
	-	CAVANAUGH REESTABLISHES CONTACT WITH SCHNEIDER/KORESH.
2:00PM	-	HIGGINS ARRIVES THE NATIONAL COMMAND CENTER AND TELLS HARTNETT TO PROCEED TO WACO.
4:00PM	-	REAR FORWARD OBSERVER TEAM AND COVER SRT WITH DYER, BRIGANCE AND APPELT COME UNDER FIRE WHILE MOVING FROM THE HAY BARN TO EVACUATION POINT. SCHROEDER KILLED, NASH ARRESTED, KENDRICK ESCAPES.
5:00PM	-	HARTNETT DEPARTS WASHINGTON, D.C. WITH THE FBI HOSTAGE RESPONSE TEAM (HRT).
5:30PM	-	FBI SAC JAMAR ARRIVES TSTC ATF COMMAND POST.
	-	ROYSTER CONDUCTS FIRST PRESS CONFERENCE.
8:30PM	-	CONROY ARRIVES TSTC COMMAND POST.
10:00PM	-	HARTNETT ARRIVES TSTC AIRPORT VIA FBI HRT PLANE.

MARCH 1, 1993 (MONDAY)

1:00AM	-	HARTNETT AND CONROY ARE TAKEN TO THEIR HOTEL.
6:00AM	-	HARTNETT ADVISED BY TREASURY, FBI, HRT TO ASSUME CONTROL OF OPERATION.
10:00AM	-	MEETING WITH NONPOSTED ATF AGENTS, HARTNETT INFORMS THEM FBI TO BE IN CHARGE.

Appendix E

ATF Advisory

to

Treasury Office of Enforcement

T R E A S U R Y

I N T E R O F F I C E M E M O R A N D U M

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

TO: Michael D. Langan

(LANGAN)

Subject: ATF Special Operation

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

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

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

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

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

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

End of message.

Appendix F

Mission Charter

CHARTER

POST - WACO ADMINISTRATIVE REVIEW

Mission:

There is established a comprehensive, impartial investigation into the planning, decisions, and related issues leading to the events occurring in Waco, Texas, on February 28, 1993. The purpose of this administrative inquiry is to determine whether the procedures followed by the Bureau of Alcohol, Tobacco and Firearms were correct and appropriate to the law enforcement situation, whether the operational decisions were correct based on the available intelligence and whether the tactical planning and execution met generally accepted law enforcement standards. The Review will be carefully planned in order to ensure effective and regular coordination with the criminal investigations and prosecutions underway. The inquiry will be completed as quickly as possible, and no later than six months after its inception, a report will be presented to the Secretary of Treasury and the President.

Organization:

The Review Team: The administrative investigation will be conducted by a dedicated, full-time team of investigators, analysts and administrative staff detailed from several bureaus and offices within Treasury. (The Secret Service, IRS - Criminal Investigative Division, The Customs Service, the Office of General Counsel, and the Office of the Inspector General). The review team will be organizationally located within the Office of Enforcement. The Director of the review team will be selected from outside Treasury. He will develop the investigative plan and supervise the day to day investigation and analysis of the events as well as the development of the draft report. The Review Team Director will be under the overall supervision of the Assistant Secretary for Enforcement.

The Review Board: In order to provide effective oversight and guidance to the administrative inquiry, an independent Review Board will be established. It will be comprised of a Chairman and four other members from outside the Federal Government. The Assistant Secretary for Enforcement will serve, ex officio, as a sixth member of the Board. Its membership will include individuals of unparalleled expertise, independence and integrity. It will be responsible for two distinct roles during the pendency of the review. First, it will provide advice and guidance during the review process. Following the completion of the investigation, it will provide a complete and independent assessment

of the process and findings. Specifically the Review Board will have the following responsibilities:

1. Review the investigative plan developed by the Review Team Director and provide guidance on its adequacy in terms of both scope and depth.
2. Evaluate the investigative and analytical materials developed by the Review Team throughout the investigation and meet as a Board at the times and locations as determined by the Review Board.
3. Provide guidance and direction to the Assistant Secretary for enforcement (or the project review team?) including the identification of outside experts or additional interviews which should be undertaken to ensure a comprehensive and balanced inquiry. Only in cases where the Assistant Secretary for Enforcement determines that such direction may adversely affect the interests of the criminal investigation and prosecution or the ability of the Review team to meet the report deadlines, will such guidance not be followed.
4. Finally, the Review Board will be expected to provide the Secretary and the President its judgment regarding the quality of the administrative inquiry including, but not limited to, the substance of the report, the nature of the investigation and the procedures followed in conducting the review. It will also concur or dissent with the recommendations in the report and provide separate findings and conclusions if it determines this is necessary. The Review Board's independent assessment will be made a part of the final report.

Expert Consultants: In order to further ensure that the Treasury Department has the broadest available expertise in conducting its review, outside expert consultants will be engaged to address such areas as law enforcement tactical operations, crisis decision-making, management of law enforcement intelligence, media relations, etc. Expert consultants may be identified by the Review Board or the Review Team and made available to advise both.

Concluding Guidance:

It is expected that a comprehensive, impartial Report will be completed and delivered to the Secretary of the Treasury and the President no later than six months after the inception of the review. The report will analyze the actions taken by the Bureau of Alcohol, Tobacco and Firearms (ATF) from the outset of its investigation of David Koresh and the Davidians through and including the events occurring on February 28, 1993. The report will be based on the interviews of participants in the events as well as independent analysis of standard law enforcement practices and procedures in order to determine the adequacy of ATF training, procedures and practices. The Review Board

will ensure that the review is unbiased, comprehensive and forthright. If problems occur that cannot be reconciled, it is the obligation of the Chairman of the Review Board to report them to the Secretary. To the extent that certain investigative paths were not followed because of potential interference with the concurrent criminal investigations, the final report must explain the reports shortcomings and recommend further investigation as appropriate.

Appendix G

A Brief History of Federal Firearms Enforcement

A BRIEF HISTORY OF FEDERAL FIREARMS ENFORCEMENT

Frederick S. Calhoun, Ph.D.
Historian
Federal Law Enforcement Training Center

The Bureau of Alcohol, Tobacco, and Firearms (ATF) is a relatively young law enforcement organization, having been created formally in 1972. Yet, measured by the federal laws related to the regulation and taxing of alcohol, tobacco, and firearms — the laws ATF now enforces — the history of the bureau's duties and responsibilities stretches across the full two centuries of American history. As early as 1791, revenue acts taxed both alcohol and tobacco and created the offices of tax inspector, collector, and supervisor. During the next century, the offices changed names as frequently as the tax rates changed, but the federal interest in raising revenues from alcohol and tobacco remained strong. Indeed, the formal organization of an independent bureau within the Department of Treasury specializing in alcohol, tobacco, and firearms law enforcement belatedly recognized the distinct need for such an agency.

After the Civil War, revenue agents battled moonshiners throughout the South in some of the bloodiest opposition ever to federal law enforcement. Revenue agents and deputy U.S. marshals by the score were killed as they roamed the hills and hollows searching out illicit stills. Prohibition changed the government's focus from taxing whiskey to banning it, yet the revenue agent's job remained as dangerous. After experimenting in social adjustment a dozen years, Prohibition was rescinded. Spawning by the 1933 repeal of Prohibition, the Alcohol Tax Unit was established as a tax-collecting branch within the Internal Revenue Service (IRS).

Continued concern over the violent, organized mobs that plagued the major cities compelled the federal government to try to curb the gangsters' ability to arm themselves. Rather than ban outright the purchase of machineguns and sawed-off shotguns — the weapons of choice for the mobsters — Congress in 1934 simply imposed a tax those weapons. Paying the tax required registering the weapon. The registration requirement was intended to discourage ownership of such weapons without outlawing them. No self-respecting gangster would want to register, much less pay the tax, on his Tommygun. Their evasion of the tax gave the government another legal tool to use in arresting the gangsters and breaking up the mobs.

Because it was a tax rather than a prohibition, it fell to Treasury to enforce the law as part of Treasury's role in collecting all funds due the government. Within Treasury, the Alcohol Tax Unit seemed the logical branch to enforce the new law. Registering and taxing stills required many of the same procedures and investigatory talents that would be needed to register and tax weapons. In the end, the new assignment proved comparatively easy. The unit was not overwhelmed with registrations nor by the 1940s were the investigations into evasions of the tax very time-consuming. As the gangsters declined in number and power, so did their use of machineguns and sawed-off shotguns. Enforcing the alcohol taxes again occupied most of the unit's attention.

In 1951, the Alcohol Tax Unit began enforcing federal taxes on tobacco, thus prompting a name change in 1952 to the Alcohol and Tobacco Tax Division. Once again, the logic seemed to be that collecting the tax on tobacco closely resembled the work necessary to collect the tax on alcohol, machineguns, and sawed-off shotguns. The 1968 passage of the Omnibus Crime Control and Safe Streets Act and the Gun Control Act expanded the IRS *unit's*

jurisdiction to the criminal use of explosives and bombs. The new laws also defined specific federal offenses involving firearms, including transportation across state lines and use in organized crimes. In recognition of this new enforcement responsibility, the Alcohol and Tobacco Tax Division changed its name to the Alcohol, Tobacco, and Firearms Division (ATFD). Two years later, Congress passed the Explosives Control Act defining certain bombings and acts of arson as federal crimes. It assigned jurisdiction for enforcing this new law to ATFD.

With these expanded responsibilities, the Treasury Department on July 1, 1972 created the Bureau of Alcohol, Tobacco, and Firearms under the general oversight of the Assistant Secretary of the Treasury for Enforcement, Tariffs and Trade, and Operations. For the past twenty-one years, ATF has enforced the collection of federal taxes on alcohol and tobacco and the federal controls and regulations on firearms, with particular attention to their use by criminals. Although on its face the bureau seems a discordant collection of separate duties, the techniques for enforcing the taxes and ferreting out the illicit products, whether cases of whiskey, cartons of cigarettes, crates of automatic weapons, or containers of bombs, are strikingly similar.

Subsequent laws have expanded ATF's jurisdiction. The 1976 Arms Export Control Act focused the bureau's attention on international gun smuggling. The 1982 Anti-Arson Act gave ATF authority to investigate the destruction of property by fire as well as by explosives. Increased taxes on cigarettes and alcohol, and enhanced regulatory measures such as the 1978 Contraband Cigarette Act, have also enhanced the bureau's responsibility to ensure the government receives its lawful taxes.

The bureau has been an effective force in law enforcement. Supplies of illicit alcohol and smuggled tobacco have steadily decreased, and tax revenues have risen. During 1991, for example, ATF collected \$7.7 billion in alcohol taxes and \$4.8 billion in tobacco taxes. ATF agents have also focused on tracking down armed career criminals and criminal gang members. Investigations in Florida resulted in the arrest of 45 Warlock motorcycle gang members in 1991. Members of the Gullymen Posse, a gang of Jamaican drug dealers known for its propensity to commit murder, were arrested in New York by ATF agents in January 1991. Similarly, an ATF investigation into the activities of the Born to Kill gang culminated in the arrest of a dozen gang members in August 1991. Sixteen members of the San Diego chapter of the Hells Angels were convicted in 1992. As a result of these and similar investigations, ATF has become the nation's principal repository for gang-related information and intelligence. The bureau has also earned an excellent reputation for working well with federal, state, and local law enforcement agencies.

ATF agents also specialize in identifying anonymous bombers by their "signature" habits in making bombs. For example, in 1990, the assassin of Eleventh Circuit Court of Appeals Judge Robert Vance was ultimately identified by ATF agents who recognized the way the bomb was constructed. Similarly, in the midst of the tragedy in Waco, Texas, ATF agents investigating the World Trade Center bombing helped to identify the van that was used to hold the bomb. This early identification led FBI agents to the rental car company and thereafter to arrests of the terrorists before they could escape the country.

The bureau has developed considerable expertise in arson investigations. At the request of the National Fire Protection Agency, ATF began developing nationwide standards for

fire investigators. The State Department's Diplomatic Security Service invited ATF to develop a protocol establishing an International Response Team of investigators trained to search blast scenes involving U.S. property abroad. Despite a rather eclectic array of duties, ATF has succeeded in developing considerable expertise in each area of its enforcement responsibilities.

The raid by ATF agents on the Branch Davidian compound resulted from its enforcement of contemporary federal firearms laws. In a larger sense, however, the raid fit within an historic, well-established and well-defended government interest in prohibiting and breaking up all organized groups that sought to arm or fortify themselves. The 1934 law taxing weapons was only the first time the federal government addressed private ownership of weapons; it was not the first federal effort to control firearms. From its earliest formation, the federal government has actively suppressed any effort by disgruntled or rebellious citizens to coalesce into an armed group, however small the group, petty its complaint, or grandiose its ambition. The collection of large arsenals by organized groups lent itself, ultimately, to the violent use of those weapons against the government itself or portions of its citizenry. Indeed, federal agents who tried to disband the groups frequently became the targets.

The discomfort over armed organizations predated the Constitution. The outbreak of what became known as Shays' Rebellion in 1786 gave added urgency to the establishment of a strong national government. During the rebellion, hundreds of angry Massachusetts farmers, most veterans of the Revolution and facing foreclosures on their farms, banded together to keep the courts from issuing any executions. Calling themselves Regulators, the farmers quickly organized into a small army. Significantly, their first foray was to capture the arsenal at Spring-

field. Although the Regulators failed, the specter survived. Five months, delegates from each of the thirteen states met in Philadelphia to design a new experiment in government.

The lesson of Shays' Rebellion was not forgotten, even after the new government was formed. In 1792, Congress passed a law empowering the president to call out the state militias to suppress insurrections if either an associate justice of the Supreme Court or a local district court judge certified that opposition to the laws was beyond the powers of the civil authority to suppress. Ironically, the first occasion to resort to that law grew out of the violent, organized, and armed resistance to the federal government's whiskey tax. Thus, two of the duties that ATF would later inherit — enforcing alcohol taxes and controlling firearms — combusted in 1794 into the Whiskey Rebellion, the first violent opposition to the new federal government.¹

Across the next century, succeeding presidents had sporadic, though no less fearsome, occasion to dispatch the Army and the state militias to suppress various outbreaks of armed opposition to federal laws, taxes, and interests. In 1799, Fries Rebellion against a federal tax on houses forced President John Adams to muster the militia. Fugitive slave rescues during the 1850s prompted the government to call out the military. Organized resistance in Massachusetts, Pennsylvania, New York, Ohio, and Wisconsin raised a troublesome specter. "The main opposition," President Millard Fillmore warned Congress in December 1851, "is aimed against the Constitution itself." At the end of the decade, John Brown's ill-fated raid on

¹ Bowen, *Miracle at Philadelphia*, p. 287; Frederick S. Calhoun, *The Lawmen: United States Marshals and Their Deputies, 1789-1989*, (Washington, D.C.: Smithsonian Institution Press, 1990), p. 32.

Harper's Ferry, Virginia, sparked the government to decisive action. Brown chose Harper's Ferry because of the federal arsenal there. His intent was to distribute the weapons among Southern slaves and lead them in revolt for their freedom. Federal troops, however, thwarted the plan.²

After the Civil War, the federal government battled unrepentant Southerners to protect the rights of the freedmen. Nonetheless, federal officials acted only after the innumerable Klan-style attacks were finally perceived as organized. "Outrages of various descriptions," Attorney General George Williams advised southern U.S. Attorneys and Marshals in 1874, "and in some cases atrocious murders have been committed in your district by bodies of armed men, sometimes in disguise and with the view it is believed of overawing and intimidating peaceable and law abiding citizens and depriving them of the rights guaranteed to them by the Constitution and laws of the United States." The attorney general ordered his attorneys and marshals "to detect, expose, arrest, and punish the perpetrators of these crimes."³

Throughout the western territories and along the Mexican border, the federal government found occasional need to suppress armed bands of outlaws, ganged together to steal cattle or rob the mails. General William Tecumseh Sherman, sent to the Arizona border in April 1882 to investigate the outlaw troubles there, advised President Chester A. Arthur that "the

² Fillmore quoted in W.U. Hensel, *The Christiana Riot and the Treason Trials of 1851: An Historical Sketch*, (New York: Negro Universities Press, 1911), pp. 92-3; Calhoun, *The Lawmen*, pp. 82-93.

³ Attorney General George Williams, circular letter to U.S. Attorneys and Marshals, September 3, 1874, Attorney General Instruction Book E, Record Group 60, Records of the Department of Justice, National Archives.

Civil Officers have not sufficient forces to make arrests, to hold prisoners for trial or punish when convicted." The President promptly proclaimed on May 31 that the areas plagued by the outlaws were in a state of rebellion.⁴

The federal government looked no more kindly on the labor strikes that broke out in the closing years of the nineteenth century and the opening years of the twentieth. What seemed so dangerous about events such as the 1894 Pullman strike was not just the disruption of the mails, which was the legal basis on which the government relied to break the strike, but the fact that the mails were being violently disrupted by organized groups. "We have been brought to the ragged edge of anarchy," Attorney General Richard Olney frantically explained when he ordered that the trains be kept running. Eventually, Eugene Debs and his colleagues in the American Railway Union, which took the lead in the strike, were indicted and convicted. Once again, it was the volatile mixture of violence and organization — combinations determined difficult to suppress — that evoked the full power of the federal government.⁵

The passage of the National Firearms Act of 1934, the first federal effort to control private ownership of firearms, grew out of this historic fear of armed organizations. The various collections of gangsters that proliferated during Prohibition were the true targets of the law, which required a tax and registration on the sale of their weapons of choice — machineguns

⁴ General William Tecumseh Sherman to Attorney General Benjamin Brewster, April 12, 1882, Source-Chronological Files, Record Group 60, National Archives; Calhoun, *The Lawmen*, p. 196; Larry Ball, *United States Marshals of Arizona and New Mexico, 1846-1912*, (Albuquerque, NM: University of New Mexico Press, 1978), pp. 125-6.

⁵ Almont Lindsey, *The Pullman Strike*, (Chicago: University of Chicago Press, 1967), p. 245, 274-92; Calhoun, *The Lawmen*, 209, 214.

and sawed-off shotguns. Subsequent federal firearms laws have been of a piece. Other than the 1968 ban on mail-order sales, which was in direct, though delayed, response to the assassination of President Kennedy, federal gun laws have typically been concerned with the weapons of considerable destructive power generally preferred by organized groups — bombs, machineguns, and automatic weapons.

In recent times, the federal government has shown itself even less patient with armed groups than it had historically. Radical extremists of both the Right and the Left have been pursued aggressively once they began breaking the law. For instance, after the Symbionese Liberation Army (SLA) launched its self-styled "people's war" by kidnapping newspaper heiress Patty Hearst and committing a number of daring bankrobberies, the federal government dedicated its full resources to tracking the group down. Within approximately three months, FBI agents and Los Angeles police closed in on the group at a house just outside what was then known as Watts. During an intense gun battle and fire, every member of the SLA in the house was killed.⁶

Gordon Kahl, who stood at the opposite end of the political spectrum from the SLA, met a similar end. Kahl belonged to the Posse Comitatus which refused to recognize the authority of any government above the county level. Accordingly, Kahl consistently refused to pay his federal taxes, even after he served time in prison for not doing so. When U.S. Marshals attempted to arrest him for violating the terms of his probation, Kahl killed two of them. For the next five months, Kahl hid among his friends and sympathizers until FBI agents located him

⁶ *Los Angeles Times*, May 18, 1974.

in a farmhouse just outside Smithville, Arkansas. After refusing to surrender, Kahl was killed, and the farmhouse was burned down.⁷

Robert Matthews, the head of a group of right-wing fanatics known as the Order, embraced many of Kahl's beliefs. Unlike Kahl, whose resistance was essentially passive until the marshals tried to arrest him, Matthews and the Order launched an aggressive private war against the country. Like the SLA, the Order committed a series of bank and armored car robberies, netting \$3.6 million in one heist alone. The Order also assassinated Alan Berg, a radio talk show host in Denver, Colorado.

The FBI began an equally aggressive pursuit. After a brief, violent skirmish in Idaho and another in Portland, Oregon, FBI agents finally closed in on Matthews hiding out among three adjoining houses on Whidbey Island, some fifty miles north of Seattle. After negotiating his surrender for two days, Matthews began firing on an FBI Hostage Response Team that attempted to enter the house. Protected by a full suit of body armor, Matthews ran from the first floor to the second floor firing automatic weapons. The FBI dropped a magnesium flare from a helicopter. The flare landed on the roof of the house and burned through it to the room where Matthews had stored his ammunition and explosives. These ignited, setting off a roaring, exploding fire that consumed Matthews.⁸

⁷ James Corcoran, *Bitter Harvest Gordon Kahl and the Posse Comitatus: Murder in the Heartland*, (New York: Viking Press, 1990).

⁸ James Coates, *Armed and Dangerous: The Rise of the Survivalist Right*, (New York: Hill and Wang, 1987), pp. 41-76.

A year later, in the spring of 1985, ATF collected considerable evidence that an 80-member group styling itself the Covenant of the Sword and the Arm of the Lord (CSA) had stockpiled a large arsenal at its fortified compound in Arkansas. The group had collected over 150 firearms, (including 35 machineguns), two anti-personnel mines, three anti-aircraft rockets, 50 pounds of military plastic explosives, 300 blasting caps, 2,000 feet of detonating cord, and around 100 explosive devices. CSA had also stockpiled food, water, and supplies.

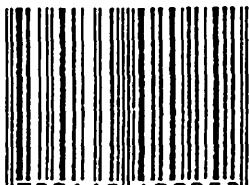
ATF led the assault on the CSA compound on April 20, 1985. CSA members retreated farther into the compound, barricading themselves behind their defenses. The agents set up a siege perimeter and settled in to wait. The group used the wait to destroy many of the weapons (and hence evidence) illegally obtained. Negotiators from the FBI arrived and began the tedious, frustrating process of talking the group out. Three days later, on April 22, 1985, James D. Ellison and the 75 members of the CSA surrendered.⁹

As both history and recent events clearly show, the United States has never tolerated armed groups residing within its borders. The intent of the particular organization, whether ideological or criminal, mattered little. If the group was building an illegal arsenal, the group was subject to a federal enforcement action. To this day, ATF's enforcement focus retains the flavor of that historic concern with armed organizations. The agency has developed considerable expertise and success in investigating the activities of motorcycle, street, and drug gangs, all of which share in common a proclivity to amass large arsenals of powerful weapons.

⁹ James Coates, *Armed and Dangerous: The Rise of the Survivalist Right*, (New York: Hill and Wang, 1987), pp. 142-4.

The raid on the Branch Davidian compound occurred in the context of that historical background.

ISBN 0-16-042025-3



9 780160 420252

