

## Branch Davidians, 1981-2006: An Extended Profile

### TIMELINE

- 1981 Vernon Howell (age 22) arrives at Mount Carmel Center on the outskirts of Waco, Texas.
- 1984 Vernon Howell marries Rachel Jones (age 14), daughter of long-time Branch Davidians Perry and Mary Belle Jones.
- Lois Roden sends a letter inviting Branch Davidians around the country to come to Mount Carmel for Passover and hear Vernon Howell give Bible studies.
- George Roden, son of Ben and Lois Roden, sends a letter to Branch Davidians accusing Vernon Howell of raping his mother, among other allegations.
- The Passover gathering of Branch Davidians at Mount Carmel is divided between people who listen to Vernon Howell's Bible studies, and people who gather around George Roden.
- Because of George Roden's violence, the core group of Branch Davidians following Vernon Howell leaves Mount Carmel to live in Waco.
- 1985 Vernon and Rachel Howell visit Israel, where he receives his messianic calling. This is the origin of his identity as David Koresh, although he does not legally change his name until 1990. After their return from Israel, their son, Cyrus, is born.
- David Koresh and Branch Davidians settle at a camp they construct in the woods near Palestine, Texas.
- Koresh travels to California and Hawaii to proselytize. He promotes his band and music in Los Angeles. Other Branch Davidians go to California and Hawaii to work.
- 1986 Koresh and Clive Doyle visit Australia to spread Koresh's message. Koresh subsequently returns to Australia two more times and gains converts.
- Lois Roden dies and George Roden is in control of Mount Carmel.
- Koresh begins to take additional (extralegal) wives with whom to have children to fulfill what he teaches are biblical prophecies. Michele Jones is twelve when Koresh takes her as his wife.
- 1987 George Roden digs up the casket of Anna Hughes from the Mount Carmel cemetery, and challenges Koresh to see which one of them can raise her from the

dead. Koresh and a group of Branch Davidian men go to Mount Carmel to photograph the corpse so the disinterment can be reported to the Sheriff's Department. While there they get into a shootout with George Roden. Koresh and his men are arrested.

1988 The trial of Vernon Howell and his men results in acquittal of the men and a hung jury on Howell. All are released from jail.

George Roden, after issuing threats against the judge, is put into jail for a time, and then is prohibited from returning to Mount Carmel due to reactivation of an old restraining order that had been taken out by Lois Roden.

Branch Davidians return to Mount Carmel, and repair the cottages to make them livable. Equipment to make methamphetamine found in one of the cottages is turned over by Koresh to the McLennan County Sheriff's Department. Koresh pays the back taxes owed on the property.

Steve Schneider makes his first trip to Britain to present Koresh's message to Seventh-day Adventists. Koresh follows up by visiting Britain to proselytize. A number of British converts are gained.

1989 Koresh teaches a "new light" revelation that all the women (including already married women) in the community are his wives, and all the men other than himself are to be celibate.

Marc Breault and his wife Elizabeth Baranyai leave Mount Carmel and move to Australia. Breault works to discredit Koresh and his teachings among Australian Branch Davidians and to alert authorities in the United States and media in Australia and Texas about Koresh's activities.

1990 Vernon Howell legally changes his name to David Koresh.

Robyn Bunds leaves the Branch Davidians taking Shaun, her son with Koresh.

1991 David Jewell, the non-Branch Davidian father of Kiri Jewell, age ten, obtains temporary custody of Kiri when she comes to visit him in Michigan.

1992 Martin King of Australia's *A Current Affair* travels with a camera crew to Mount Carmel to film Koresh giving a Bible study and to interview Koresh for a story aired on Australian television. King would co-author Breault's book published in 1993 after the fire at Mount Carmel.

Marc Breault testifies about Koresh's sexual relations with underage girls in a hearing in Michigan concerning the custody of Kiri Jewell, with the result that her father, David Jewell, gains full custody, and her mother, Sherri Jewell, returns to Mount Carmel.

Dana Okimoto leaves the Branch Davidians taking Sky and Scooter, her sons with Koresh.

Due to a complaint by David Jewell, Koresh is investigated by the Texas Child Protection Services. Joyce Sparks, the social worker who visited Mount Carmel, closes the case due to lack of evidence. Kiri Jewell declines to press charges against Koresh.

The Branch Davidians move into the large residence at Mount Carmel they began constructing in 1991, tearing down the individual cottages.

Numerous Branch Davidians come to Mount Carmel from abroad for Passover. Marc Breault and other former Branch Davidians allege to the Sheriff's Department that the Branch Davidians are going to commit group suicide during Passover. Nothing of note happens.

Late 1992 The Branch Davidians are aware that Mount Carmel is under surveillance by men living in a house across the street and helicopters flying overhead frequently.

Feb. 28, 1993 About 9:45 a.m. agents with the Bureau of Alcohol, Tobacco, and Firearms carry out an armed raid on the residence at Mount Carmel to deliver warrants, and a shootout ensues. Four ATF agents and five Branch Davidians die. Twenty ATF agents and four Branch Davidians including David Koresh are wounded. About 5:00 p.m. Branch Davidian Michael Schroeder is shot and killed by ATF agents as he attempts to walk back to Mount Carmel. ATF agents allege that Schroeder shot at them first, but the case was never investigated adequately.

Mar. 1, 1993 FBI agents take control of Mount Carmel and oversee the siege. Tanks are brought onto the property the next day.

April 19, 1993 A tank and CS-gas assault on the residence by the FBI's Hostage Rescue Team begins at 6:00 a.m. Ferret rounds are fired into the building to release CS. Tanks enter and demolish the building while spraying in CS through their booms. The first fire becomes visible at 12:07 p.m., and fire rapidly engulfs the building. Nine Branch Davidians escape the fire. Seventy-six Branch Davidians of all ages die.

1994 A criminal trial is held to try charges brought against eleven of the Branch Davidian survivors. All are acquitted by the jury of conspiracy to murder federal agents. Clive Doyle and two other men are acquitted of all charges. At sentencing the judge reverses the jury's decision and finds the convicted Branch Davidians guilty of conspiracy to murder federal agents. Five men are given sentences of forty years, one man is given twenty-five years, one man who was not present for the ATF raid on February 28, 1993, is given fifteen years, and one woman is given five years. Another woman who testified for the prosecution is sentenced to three years.

- 1995 Crape myrtle trees are planted at Mount Carmel for each Branch Davidian who died in 1993.
- 1999 Clive Doyle and his mother Edna Doyle move back to Mount Carmel and reside there in a trailer. Volunteers begin constructing a new chapel on the site of the large building that burned. A Visitor's Center is constructed to serve as a small museum.
- A story by Lee Hancock in the *Dallas Morning News* reveals that, contrary to FBI congressional testimony, agents fired pyrotechnic (utilizing a spark) ferret rounds during the April 19, 1993 assault at Mount Carmel. In response, Attorney General Janet Reno appoints former Senator John C. Danforth as Special Counsel to conduct an investigation into whether the actions of FBI agents caused the deaths on April 19.
- 2000 The investigation of Special Counsel John C. Danforth conducts a "FLIR reenactment" at Fort Hood to determine if flashes captured on Forward Looking Infrared film on April 19, 1993 were automatic gunfire directed toward the Branch Davidians. Attorneys involved in the Branch Davidians' wrongful death lawsuit being tried at that time are invited to watch. Subsequently Vector Systems Data, a British firm hired by the Danforth investigation, concludes that the flashes were caused by the reflection of sunlight.
- Wrongful death lawsuits brought against the government by relatives of deceased Branch Davidians and by Branch Davidian survivors come to civil trial in federal court in Waco under the same judge who presided over the criminal trial in 1994. The jury and the judge find that federal agents did not cause the deaths of Branch Davidians on April 19, 1993, and the case is dismissed.
- The Danforth Report, which concludes that actions of FBI agents did not cause deaths of Branch Davidians on April 19, 1993, is published.
- Due to a Supreme Court appeal, the forty-year sentences of five Branch Davidians and the twenty-five year sentence of one Branch Davidian are reduced to fifteen years each.
- Apr. 19, 2000 The first memorial service is held in the new chapel.
- 2004 The house across Double EE Ranch Road from Mount Carmel known as the "undercover house" is demolished and all traces removed.
- 2006 Clive Doyle moves away from Mount Carmel to live in Waco. The Visitor's Center is closed and its contents stored. Charles Pace, leader of a rival group that rejects David Koresh as prophet and messiah, takes control of Mount Carmel.

Branch Davidian survivors begin to hold April 19 memorials in other locations in Waco.

## FOUNDER/GROUP HISTORY

Vernon Howell (1959-1993), who became David Koresh, taught that he was the last of a line of prophets, each with a specific “message” or revelation about the meaning of the Bible: William Miller (1782-1849), whose interpretations resulted in a movement in the United States in which several dates were set for the return of Christ, the last of which was October 22, 1844 (termed the “Great Disappointment” by historians); Ellen G. White (1827-1915), the prophet who emerged out of the Millerite movement to reinterpret its failed prophecies, and around whom the Seventh-day Adventist Church coalesced; Victor T. Houteff (1885-1955), who split from the Seventh-day Adventist Church to establish the General Association of Davidian Seventh-Day Adventists (“Davidians”) in Waco in 1935; Ben Roden (1902-1978), who emerged from the Davidians in 1955 to form the General Association of Branch Davidian Seventh-day Adventists (“Branch Davidians”), and who took over the remaining 77.86 acres of the Davidians’ property named Mount Carmel on the outskirts of Waco, which Roden purchased on behalf of the Branch Davidian general association in 1973; and Lois Roden (1905-1986), Ben Roden’s widow, who revealed to the Branch Davidians that the Holy Spirit is feminine.

Vernon Howell arrived at Mount Carmel in 1981 when he was twenty-two years old. Thereafter Lois Roden gradually began to indicate he would succeed her as the next Branch Davidian prophet, and she took him to Israel several times. In 1984 the core group of Branch Davidians at Mount Carmel concluded that Lois Roden had lost “the Spirit of Prophecy,” and shifted their allegiance to Howell. They left Mount Carmel due to the violence of George Roden (1938-1998), Ben and Lois Roden’s son, who wished to be the next Branch Davidian prophet

controlling Mount Carmel. The Branch Davidians moved to live with Vernon Howell and his new wife Rachel, first in rentals in Waco, then briefly in a rented camp at Mexia, Texas.

In 1985 Vernon and Rachel Howell visited Israel where he received his messianic calling. In 1990 Vernon Howell legally changed his name to David Koresh, which expressed his identity as the Christ of the Last Days. Koresh taught, and the Branch Davidians accepted, that he was more than a prophet, he embodied the Christ Spirit returned to be martyred, after which he would be resurrected as the leader of an army of 200 million martyrs of the ages (Rev. 9:16), including Branch Davidians martyred with him, to slay the wicked and create the Lord's Kingdom on the miraculously elevated and enlarged Mount Zion in the Holy Land. The 200 million martyrs of the ages, as well as living persons who gave their all for David Koresh's message, are considered the "wave sheaf," the first of the "first fruits" of those offered to God, who will play elite roles in God's Kingdom.

Also in 1985 the Branch Davidians settled in a camp they built on wooded property near Palestine, Texas. They lived in school buses converted to housing, with a wooden cabin for cooking and meetings. Koresh often gave Bible studies in the open air. He traveled frequently to California to proselytize and to promote his band. His surviving recorded songs express his theological teachings. He also traveled to Hawaii and Australia to proselytize. A number of the Branch Davidians traveled to California and Hawaii to work to support the community in Texas. Branch Davidians in Texas worked at a variety of jobs, while women with children stayed at the camp. As converts began moving to the Palestine camp, they built small cottages in which to live. Branch Davidians Sheila Martin, Catherine Matteson, and Bonnie Haldeman reported to Catherine Wessinger their fond memories of the communal life at the Palestine camp in the woods.

Most of the converts had Seventh-day Adventist backgrounds, some had conservative and/or Pentecostal Christian backgrounds, a few had left Catholicism on their quest to learn the truths contained in the Bible, and a few secular individuals were attracted to the message by the prospect of playing in Koresh's band.

In 1986 Koresh began taking additional wives with whom to have children to fulfill what he taught were the Bible's prophecies for the Christ of the Last Days to have twenty-four children, which he revealed to be the twenty-four elders next to the Lord's throne in the book of Revelation (4:4,10-11; 5:8; 14). Teenagers as young as fourteen (the legal age at that time in Texas for a girl to marry with parental consent) became Koresh's "wives" with permission of their parents. One girl, Michele Jones, was twelve when she became Koresh's "wife." Girls and young women in the group were instructed that they would be Koresh's wives in the project of bearing messianic children.

Lois Roden died in 1986, which left George Roden in full control of Mount Carmel. In 1987 George Roden dug up the casket of Anna Hughes, a Branch Davidian who was buried in the Mount Carmel cemetery almost twenty years earlier, and challenged Vernon Howell to see which one of them could raise her from the dead. Howell reported the disinterment to the McLennan County Sheriff's Department, and, according to Clive Doyle, Howell was told that the deputies needed to see evidence that the body was exhumed before they would go to investigate. Koresh and a group of Branch Davidian men armed themselves and went to Mount Carmel to photograph the body. While there they got into a shootout with George Roden. Koresh and his men were arrested and charged with attempted murder.

The trial of Vernon Howell (David Koresh) and the Branch Davidian men involved in the shootout with George Roden took place in Waco in 1988. The jury could not come to a verdict

on the charge against Howell, but all the other men were acquitted. Everyone was released from jail. Howell had already paid bail and was released.

During the run-up to the trial, George Roden had written letters threatening God's punishment against the judge, so he was put into jail for contempt. While he was in jail, Koresh took legal steps to reinstate a restraining order that had been taken out by Lois Roden to keep George Roden away from the Mount Carmel property and to prevent him from claiming to be the president of the General Association of Branch Davidian Seventh-day Adventists. (Despite the restraining order, Lois Roden had permitted George Roden to move back onto the property.) When George Roden was released from jail he moved to Odessa, Texas, where in 1989 he killed a man. George Roden was confined to the Big Spring State Hospital until his death in 1998.

In 1988 most of the Branch Davidians left the Palestine camp and moved back to Mount Carmel, where they cleaned up and repaired the little houses for living quarters. They discovered equipment to make methamphetamine in one of the houses, which Koresh turned over to the Sheriff's Department.

In 1988 Steve Schneider, who had a Master's degree in Religious Studies from the University of Hawaii, went to Britain to present Koresh's message to Adventists living near Newbold College, a Seventh-day Adventist institution. A number of British converts were gained from this trip and another one in 1990 by Schneider and from visits by David Koresh in 1988 or 1989. By 1992 many of these Branch Davidians had joined the group living at Mount Carmel.

In 1989 Koresh taught a "new light" revelation that all the women in the community (including already married women) were his wives with whom he could choose to have children, and all the men other than himself were to be celibate. Marc Breault and his wife Elizabeth Baranyai left Mount Carmel and moved to Australia, where Breault worked to persuade Branch



Davidians living in Australia and New Zealand that Koresh was a false prophet. Breault began efforts to alert authorities in the United States about Koresh's activities, and he alerted Australian and Waco media to the "cult" at Mount Carmel whenever he could.

In 1990, the year that Vernon Howell legally changed his name to David Koresh, Robyn Bunds left the Branch Davidians taking Shaun, her son with Koresh. In 1991 Bunds filed a complaint with La Verne, California police that Koresh had taken Shaun to Mount Carmel. After La Verne police officers visited Koresh at Mount Carmel, he promptly returned Shaun to his mother (Bromley and Wessinger 2011, 205).

In 1991 Marc Breault alerted David Jewell in Michigan that his young daughter, Kiri Jewell (age ten) living at Mount Carmel with her mother Sherri Jewell, was slated to become one of Koresh's wives. Breault flew to Michigan to testify in a custody hearing in which David Jewell gained full custody of Kiri and after which Sherri Jewell returned to Mount Carmel.

In 1992, in response to a complaint by David Jewell, social workers with the Texas Child Protective Services investigated Koresh. Koresh permitted social worker Joyce Sparks to visit Mount Carmel and he explained his theology to her. Sparks closed the case due to lack of evidence. Charges were not pressed against Koresh in relation to Kiri Jewell.

Also in 1992 Dana Okimoto left the Branch Davidians with her two sons with Koresh, Sky and Scooter.

In the spring of 1992 the Branch Davidians moved into a large residence they had built at Mount Carmel, having demolished the small houses. A large number of Branch Davidians came from England, Australia, and other locations in North America to Mount Carmel for that spring's Passover. Marc Breault and other former Branch Davidians alleged to law enforcement and the media that the Branch Davidians would commit group suicide over Passover. Nothing happened.

By the end of 1992, overflights of helicopters and the arrival in the house across the street (Double EE Ranch Road) of a group of men claiming to be students, but who had carried in rifle cases, alerted Koresh and the Branch Davidians that they were under surveillance. Nevertheless, in 1993 Koresh welcomed the men he knew to be undercover agents to Mount Carmel, shot AR-15 semi-automatic rifles with them behind the building, gave Bible studies to one of them, Robert Rodriguez, inside the residence and invited him to move in.

Among the 124 Branch Davidians who were present at Mount Carmel during the ATF raid on February 28, 1993, 84 were Americans, 31 were British, five were Australians, two were Canadians, one was Israeli, and one was a New Zealander (the list in Newport 2006, 359-64, has been revised with input from Clive Doyle). The community was multiracial. Of the British approximately 26 were Black, many of them with Jamaican family backgrounds. There was one Nigerian Brit. There were eleven African Americans, eight Mexican Americans, and Americans of Japanese, Filipina, Chinese, Samoan, and mixed ethnicities. There were 43 women (18 and older), 37 men (18 and older), and 44 children of all ages. Of the children, thirty were eight years old or younger. Twelve of the children were David Koresh's biological children. Two young women were pregnant with Koresh's children: Nicole Gent (Australian, age 24) and Aisha Gyarfas Summers (Australian, age 17). These figures do not include the Branch Davidians who were away from Mount Carmel on February 28.

On February 28, 1993, about 9:45 a.m., agents with the Bureau of Alcohol, Tobacco, and Firearms pulled up at the front door of the residence at Mount Carmel in covered cattle trailers pulled by trucks to carry out a "no-knock" "dynamic entry" to deliver a search warrant and an arrest warrant for David Koresh. The ATF's allegation was that the Branch Davidians, who had legally purchased forty AR-15 semi-automatic rifles, were converting them to M-16 automatic

weapons without applying for the required license permits and paying the fees. Alerted to the impending raid, an unarmed David Koresh met them at the front door saying words to the effect, “Hey, wait a minute! There are women and children in here!” When shooting started, Koresh backed inside, the doors were shut, and ATF agents and Branch Davidians exchanged shots that pierced the metal double front doors. Two teams of ATF agents used ladders to climb up to and enter second-floor windows of two rooms over the chapel, which they thought were Koresh’s bedroom and armory. When the shootout erupted, Branch Davidian and Harvard-educated attorney Wayne Martin (American, age 42) dialed 911, reached Lieutenant Larry Lynch at the Sheriff’s Department, and shouted into his speakerphone: “There are seventy-five men around our building and they’re shooting at us at Mount Carmel. Tell them there are children and women in here and to call it off!” In the shootout four ATF agents and five Branch Davidians were killed, twenty ATF agents were wounded, some severely, and four Branch Davidians were wounded, with David Koresh severely wounded by a bullet that pierced his side. Later about 5:00 p.m. Branch Davidian Michael Schroeder was shot and killed by ATF agents as he attempted to walk back to Mount Carmel. The ATF agents alleged that he shot at them first.

A ceasefire at Mount Carmel was negotiated through the 911 call. After ATF agents recovered their dead and wounded, they remained on alert at an armed perimeter around Mount Carmel until FBI agents took over the next day. During the night and for several following days, some parents sent their children out.

Despite Koresh’s wounds, he immediately began giving telephone interviews to CNN and radio talk shows in Texas explaining his theology, and he negotiated with ATF agent James Cavanaugh and Lieutenant Larry Lynch. Koresh insisted to Lynch the significance of his

theology for the unfolding events: “Look, this is life, this is life and death...theology really is life and death.”

Because of the deaths of federal agents, FBI agents took control of Mount Carmel on March 1 and gave the case the internal code WACMUR (Waco Murder). FBI agents took over the negotiations and the FBI’s elite Hostage Rescue Team (HRT) commanded by Dick Rogers brought in its snipers and on March 2 brought in tanks. Jeffrey Jamar from the San Antonio, Texas FBI office was the Special Agent in Charge of the WACMUR case. Bob Ricks of the Oklahoma City, Oklahoma office was the FBI agent who spoke most often at press briefings. Gary Noesner from the FBI’s Special Operations and Research Unit at Quantico, Virginia, was negotiation coordinator from March 1 to March 24; Clint Van Zandt was negotiation coordinator from March 25 to April 19, 1993. Byron Sage was the FBI agent from Austin, Texas, who was the first to arrive to assist Lieutenant Larry Lynch with negotiations on February 28, and he continued to play key roles in the negotiations through April 19.

Throughout the siege the FBI negotiators, commanders, Special Agents in Charge in Waco were in constant contact with FBI officials in the Strategic Information and Operations Center (SIOC) in the Hoover Building in Washington, D.C. According to the FBI WACMUR Major Event Log available in the Lee Hancock Collection in the Southwestern Writers Collection at Texas State University-San Marcos, the officials in SIOC to whom agents in Waco most often reported were: Danny Coulson, Deputy Assistant Director and former commander of the HRT; Larry Potts, Assistant Director; and E. Michael Kahoe, Chief of the Violent Crimes and Major Offenders Section. These officials reported to Deputy Director Floyd I. Clarke and Director William S. Sessions.

On March 1 the FBI cut off Koresh's telephone line to the outside world, thereby preventing him from talking to the media. Koresh then negotiated that he would surrender after his audiotaped sermon presenting his theology was broadcast on the Christian Broadcasting Network and the radio. The audiotape was brought out by Catherine Matteson (American, age 77) on the morning of March 2. The tape was duly played, the Branch Davidians prepared to carry Koresh out on a stretcher, but at the last minute Koresh reported that God had told him that they should wait. Steve Schneider, who spoke most often to negotiators during the siege, explained that just as the agents had their commander, Koresh had his commander and he had to wait on orders.

During negotiations conducted first by Lieutenant Larry Lynch, then concurrently by Lynch with Sage assisting and James Cavanaugh of the ATF, and later by FBI negotiators under the supervision of Gary Noesner, twenty-one children were sent out. During the period of Noesner's supervision of negotiations fourteen adults came out. However, every time adults came out the remaining Branch Davidians were punished by actions taken by the Hostage Rescue Team. Beginning on March 9 HRT cut the building's electricity off and on, which Noesner says in his book, *Stalling for Time* (2010), he informed Special Agent in Charge Jeffrey Jamar only served to aggravate the Branch Davidians. Noesner reports that on March 11 additional Bradley tanks and M1 Abrams tanks were brought to Mount Carmel, the latter of which Jamar proclaimed, to the dismay of the negotiators, could drive straight through the building. On March 12 two adults came out, but HRT then cut off the electricity for the final time, angering Koresh and Schneider.

On March 15 Schneider and Wayne Martin stood outside the building to negotiate with McLennan County Sheriff Jack Harwell and FBI agent Byron Sage, after which Surveillance

Audiotape #65-19 (transcription by Catherine Wessinger) recorded Koresh sending a CB message to the FBI agents thanking them for being cordial in the face-to-face talk: “Let everybody just rest assured that you act decent, so we’re going to act decent and we’re all human beings, and we’re all under God, and under this country. Let’s see if we can’t work this out. Let’s don’t get itchy. We won’t get itchy. Let’s just relax and think about mamas and papas and babies....” Also on March 15 Schneider reported to negotiators that the Branch Davidians had heard Bible scholar Dr. J. Phillip Arnold of Houston on the radio discussing the Bible’s prophecies, and he asked that Dr. Arnold be permitted to discuss the prophecies with David Koresh, a request that was never granted.

On March 21 seven adults came out, but the HRT then used tanks to crush and remove some of the Branch Davidians’ vehicles, angering the Branch Davidians. Noesner reports that he protested this action to Jamar to no avail. Noesner also tried to persuade Jamar not to permit implementation of the plan to blast irritating, high-decibel sounds toward the Branch Davidians. The loud sounds were initiated that evening, and Steve Schneider informed negotiators that the Branch Davidians who had intended to come out had decided to stay inside.

On March 23 Livingstone Fagan, a Branch Davidian from England with a Seventh-day Adventist Master of Divinity degree, was sent out to explain Koresh’s theology to the agents. He was the last adult to come out before the final assault on April 19.

After Clint Van Zandt took over as FBI negotiation coordinator on March 25, he and the FBI negotiators had to contend with the aggressive actions carried out by the Hostage Rescue Team with the approval of officials in SIOC in Washington, D.C., as evidenced in the WACMUR Major Event Log.

On March 29, 30, and 31, Dick DeGuerin, an attorney from Houston who had agreed to represent David Koresh, went inside the building for discussions with his client. Jack Zimmerman, who had agreed to be Steve Schneider's attorney, went inside the building with DeGuerin on April 1. Gradually after their visits, Koresh, who had probably been suffering from infection (the FBI WACMUR Major Event Log records that Schneider frequently expressed this concern to negotiators), began to be awake for longer periods and speak more often to negotiators, making it likely that the attorneys took in antibiotics.

On April 2 Schneider informed negotiators that they would come out after the eight days of Passover. The FBI WACMUR Major Event Log reports some uncertainty on the part of the Branch Davidians in calculating the beginning day for Passover. Eventually they settled on Monday, April 5.

On April 4 DeGuerin and Zimmerman took inside an audiotape of Dr. J. Phillip Arnold and Dr. James D. Tabor, University of North Carolina, Charlotte, discussing alternative interpretations of the book of Revelation on an April 1 radio program. Upon coming out, DeGuerin and Zimmerman told FBI agents that the Branch Davidians would come out after Passover, which began the next day. They also told a reporter with the *New York Times* that they had observed incoming bullet holes in the topmost ceiling of the building—the four-story central tower—and that the Branch Davidians alleged that ATF agents had shot at the building from National Guard helicopters on February 28. DeGuerin and Zimmerman expressed concern that the tanks crushing and moving vehicles were destroying evidence. This story appeared in the *New York Times* on April 5 (“Sect’s Lawyers Dispute Gunfight Details”).

During Passover week Schneider complained to negotiators about the high decibel sounds as being disrespectful of their sacred time, but the WACMUR Major Event Log indicates

that the sounds continued to be played. Beginning on April 7 HRT agents began firing flash-bang grenades at Branch Davidians who came outside the building to collect rainwater in the courtyard or to get some fresh air.

On April 9, Good Friday, Steve Schneider obtained permission to go outside and light seven smoke canisters (called “incense” in the WACMUR Major Event Log) in honor of Christ’s death. The Major Event Log records that later that evening an HRT agent reported to SIOC that per SAC Jamar and HRT-ASAC Rogers “there would be no plan to fight a fire should one develop in the Davidian compound.” An hour later Steve Schneider called the negotiators “absolutely distraught” over being flash-banged after agents in a tank beckoned to him to come outside. He went outside because it had become customary for the tanks to drop off items for Branch Davidians to take inside.

On Wednesday, April 14, the day after the conclusion of Passover, DeGuerin and Zimmerman spoke with Koresh and Schneider by telephone, who read them a letter from Koresh saying they would come out after he wrote a “little book” explaining his interpretations of the Seven Seals of Revelation and the manuscript was given to Drs. Arnold and Tabor for safe-keeping and dissemination. That afternoon, as reported in the WACMUR Major Event Log, a series of banners was hung out from tower windows: “Read Proverbs 1, 2, 3, 4. We come to love not war.” “Let’s have a beer when this is over.” “My name is Neil Vaega. I’m from Hawaii.” That evening at 7:45 p.m. Koresh sent out the contract he had signed to retain DeGuerin as his attorney in addition to his letter outlining his exit plan that had been read over the telephone earlier that day.

The WACMUR Major Event Log records that on April 16 at 1:15 a.m. a Bradley tank rammed the outside wall of one of the bedrooms, almost injuring Graeme Craddock who was



sleeping in a bunk there. Nevertheless Koresh reported at 2:35 a.m. that he had completed his commentary on the First Seal. He reiterated that he was working day and night on the manuscript and that they would come out when it was completed. Branch Davidians began requesting batteries and ribbon cassettes for a battery-operated word-processor to facilitate faster production of the manuscript.

According to the United States Department of Justice, *Report to the Deputy Attorney General on the Events at Waco, Texas, February 28 to April 19, 1993* (1993), on April 12 the FBI began persuading Attorney General Janet Reno to approve a plan to gas the building to drive the Branch Davidians out. Reno was new to Washington, having been sworn in as Attorney General in the new Bill Clinton Administration on March 12, 1993, after the siege at Mount Carmel had begun. On April 12 Reno was dubious of the proposed plan to insert gas into the building. On April 14 FBI officials brought in Dr. Harry Salem, a U.S. Army research toxicologist, to assuage Reno's concerns about the harmful effects of CS gas. Dick Rogers, HRT commander, told Reno that negotiations had broken down. Reno continued to ask why an assault was needed at that time.

A telephone call, which lasted for two hours, was set up between Acting Associate Attorney General Webster Hubbell and Supervisory Special Resident Agent Byron Sage on April 15 to discuss the state of negotiations with the Branch Davidians. According to the *Report to the Deputy Attorney General* and Sage's congressional testimony in 1995, Sage told Hubbell that negotiations with Koresh and the Branch Davidians were at an impasse, and that negotiators would never be able to persuade Koresh to come out or to send others out. Hubbell reported this information to Reno.

Shortly after Hubbell conveyed to the FBI on April 16 that Reno still declined to approve the plan, FBI Director William S. Sessions, Deputy Director Floyd I. Clarke, and Assistant Director Larry Potts arrived in Hubbell's office and asked to speak to Reno. Reno requested that documentation relating to the proposed plan be prepared for her to examine on the following day.

According to the WACMUR Major Event Log, on Saturday, April 17 at 5:00 p.m., Sessions, Clarke, and Potts briefed Attorney General Janet Reno on the "proposed operational plan." The "Reno Briefing File" that was reportedly used on this occasion is available in the Lee Hancock Collection. The Major Event Log records that by 7:00 p.m. Reno had approved the plan and it would be implemented on Monday, April 19.

If the thick "Reno Briefing File" in the Hancock Collection is an accurate copy, it can be seen how these materials were presented to obtain Attorney General Reno's authorization for the FBI tank and CS gas assault on the Branch Davidians. The first sixty-seven pages of documents in the Briefing File relate to allegations of Koresh's abuse of children, and include a memo from psychiatrist Park Dietz stating it was likely that Koresh was continuing to abuse children sexually during the siege, an assertion that Reno made to the press immediately after the fire, which she had to retract as not being supported by evidence. The memo dated March 5, 1993, by FBI psychological profilers Pete Smerick and Mark C. Young, is effectively buried on pages 74-76 of the Reno Briefing File. This memo explains that Koresh taught and his followers believed that they would die in an attack by federal agents. They counseled a low-key tactical presence, noting that children had been sent out during periods when the tanks were pulled back. They pointed out that aggressive actions against the Branch Davidians served to confirm Koresh's apocalyptic prophecies: "If these forces continue to move closer to the compound, the increased

paranoia of these people could result in their firing weapons, thus encouraging retaliation, leading to an escalation of violence.”

Two crucial memos by Smerick and Young, dated March 7 and 8, 1993, are *not* included in the “Reno Briefing File.” The March 7, 1993, memo recommended continued negotiations with the assistance of Sheriff Jack Harwell, who was respected by the Branch Davidians.

If the compound is attacked, in all probability, DAVID KORESH and his followers will fight back to the death, to defend their property and their faith, as they believe they did on February 28, 1993. If that occurs, there will have to be a HRT response and the possibility of a tremendous loss of life, both within the compound, and of Bureau personnel.

Commanders are thus faced with the prospect of defending their actions and justifying the taking of lives of children, who are with their families in a “defensive position”, defending their religion, regardless of how bizarre and cult-like we believe it is manifested.

Smerick and Young’s March 8, 1993 memo advises that the Branch Davidians saw Mount Carmel as sacred ground, and that he and his followers would die fighting to defend it. “It should not be overlooked that [Koresh] is a religious fanatic with delusions of being JESUS CHRIST, and that he and his followers will die as a result of being attacked by his enemies.” Smerick and Young inaccurately discuss Koresh’s interpretations of the Seven Seals of Revelation, but they correctly grasp that Koresh’s prediction was that some Branch Davidians would die in a conflict with federal agents—as had happened on February 28—and after a period the rest of them would die in an assault. (This was Koresh’s interpretation of the Fifth Seal.) Smerick and Young write:

In traditional hostage negotiations with people who are psychopaths, the goal is to wrest control away from the individual and give him a face saving scenario, so he can surrender. With DAVID KORESH, however, perhaps one way to take control away from him is to do the OPPOSITE of what he is expecting. Instead of moving towards him, we consider moving back. This may appear to be appeasement to his wishes, but in reality it is taking power away from him. He has told his followers that an attack is imminent, and this will show them that he was wrong.

Smerick and Young's March 8, 1993 memo warned that Koresh might order a "mass suicide" if his status as the group's messiah was threatened.

These two memos by Smerick and Young are not in the "Reno Briefing File," but their memo of March 9, 1993, advocating hardline measures "to break the spirit" of Koresh is found on pages 82-83 of the file. Lee Hancock's *Dallas Morning News* article of March 6, 2000 reports Smerick telling her that the memo dated March 9, 1993 was written under pressure from officials in Washington.

On pages 163-68 of the "Reno Briefing File" is a summary of British studies alleging that CS "riot control agent" is not harmful to children and unborn fetuses as long as they are removed quickly from the gassed area. According to David B. Kopel and Paul H. Blackman, *No More Wacos* (1997), this document does not report that a baby exposed to CS in a home in Northern Ireland spent twenty-eight days in a hospital receiving medical intervention before recovering.

The last document in the file is the proposed operation plan for the assault (pages 169-77). Plan A approved by Reno allowed for the gradual insertion of CS gas into the building over forty-eight hours in the hope that the parents would bring their children out. It contained a

provision that the FBI commanders on the ground could switch to Plan B, the rapid insertion of CS, if FBI agents received gunfire from the Branch Davidians. Plan B was put into operation within a few minutes after the assault started.

On April 18 before 2:00 p.m. the remaining Branch Davidian vehicles parked around the residence were crushed and removed by tanks (Combat Engineering Vehicles). A transcript of a negotiation audiotape made by Catherine Wessinger included in *How the Millennium Comes Violently* (2000) shows that Koresh called a negotiator and asked, “what do you men really want?” Koresh warned: “These commanders are fixing to ruin the safety of me and my children. My life, the lives of my wives, the lives of my friends, *my family*. You are fixing to step across the ribbon.” He explained that the tactical actions were cornering him: “If this is the corner of the box that you place me in to . . .” The audiotape was cut off when Koresh and the negotiator got into a shouting match. Nevertheless Schneider continued to ask for word-processing supplies and these were delivered by 9:30 p.m.

On April 19, 1993 at 6:00 a.m. the FBI’s Hostage Rescue Team initiated a tank and CS gas assault against the building. FBI officials in SIOC in Washington watched the assault on closed circuit television. The WACMUR Updated Event Log for April 19, 1993 and information given by retired Colonel Rodney Rawlings of the United States Army to Lee Hancock of the *Dallas Morning News* in 1999 together indicate that officials in SIOC and FBI Special Agents in Charge and other agents near Mount Carmel listened in real time to audio captured by surveillance devices inside the building. (After the fire, the FBI alleged that agents were *not* listening in real time to audio captured by bugs on April 18 and 19, so they did not hear the Branch Davidians’ discussions of an imminent fire and fulfillment of prophecies on April 18, and discussions of pouring fuel on the morning of April 19.) The WACMUR Updated Event Log

for April 19, 1993 in the Lee Hancock Collection indicates that FBI officials in SIOC and the FBI commanders in Waco were in constant contact during the assault. Throughout the assault Byron Sage announced through the loudspeaker, “This is not an assault,” and called for the Branch Davidians to surrender.

Grenade launchers were used to fire in small rocket-shaped ferret rounds to release the gas, and CS was inserted through sprayers attached to the booms of Combat Engineering Vehicles. Four hundred ferret rounds were fired within the first hour, and additional rounds were brought in. Instead of coming out, the Branch Davidian adults put on gas masks and attempted to dodge the tanks when they penetrated the building. There were no child-sized gas masks. Survivor Derek Lovelock reports in “A Personal View” (2006):

The gas masks that we had were not small enough for some of the children so we drenched towels in water and wrapped them around the children’s heads and then put the masks over them. There were some little children as young as three and they were crying and coughing with tears streaming down their faces as they struggled to breathe.

According to Lovelock, “The gas masks that we had would last about half an hour before they started to fail. When they do, you can feel the gas getting to you and your eyes begin to burn.”

The small children and their mothers took shelter in a concrete vault located at the base of the central tower, the door to which had been removed when a large refrigerator had been put into that space. The open doorway to the vault faced out toward the front of the building.

According to the analysis of FBI audio and video recorded on April 19, 1993 by attorney David Hardy in *This Is Not an Assault* (2001), a tank drove into the building and from 11:31 a.m. to 11:55 a.m. gassed the area of the vault’s open doorway. Then the tank backed out of the building

and moved to the southeast front corner of the building to use its boom to penetrate the outer wall of the second-floor room. Hardy argues that this is where David Koresh and Steve Schneider were located. At the same time, a tank began driving through the gymnasium heading toward that same part of the building. At 12:01 p.m. Byron Sage announced over the loudspeaker: “David, we are facilitating you leaving the compound by enlarging the door. David, you have had your fifteen minutes of fame.... Vernon is no longer the messiah.”

The two tanks backed out of the building, and a fire became visible in the southeast corner second-floor bedroom window at 12:07 p.m. FLIR [Forward Looking Infrared] footage shot from a Nightstalker aircraft (according to the WACMUR Major Event Log it was provided by Westinghouse) circling over Mount Carmel shows that at 12:08 and 12:09 p.m. fires were apparent in the cafeteria, the chapel, and the gymnasium. Fire quickly engulfed the building and produced a huge fireball explosion. Fifty-three adults and twenty-three children, including two infants born during the assault, died. Nine people escaped the fire, some badly burned.

Branch Davidian survivors include the nine people who escaped the fire, people who came out during the siege, and other people who were not at Mount Carmel on February 28, 1993 when the ATF raid initiated the siege. Twelve survivors were kept in the McLennan County jail while they faced criminal charges.

The Branch Davidian criminal trial took place in 1994 in federal court presided over by Judge Walter Smith, Jr. The jury acquitted all of the defendants of conspiracy to murder federal agents. Three defendants, including Clive Doyle, were acquitted of all charges. Five were found guilty of carrying a weapon during the commission of a violent crime. Seven were found guilty of aiding and abetting voluntary manslaughter. One, who was not present at Mount Carmel on April 19, 1993, was found guilty of conspiracy to manufacture automatic weapons and guilty of

aiding and abetting the manufacture of automatic weapons. One, Graeme Craddock, was convicted of holding a grenade on April 19, 1993. Judge Smith told the defendants' attorneys he would vacate the jury's finding of guilty of having a weapon while committing a violent crime, since the jury found all defendants not guilty of committing the crime of conspiracy to murder federal agents. However, at sentencing, Judge Smith reversed the jury's verdict by pronouncing a verdict of guilty of conspiring to murder federal agents. He gave five defendants sentences of forty years in prison. Graeme Craddock was sentenced to twenty years. The man found guilty of conspiring to manufacture automatic weapons was given fifteen years; and a woman was given five years. Another woman, who had not gone through the trial because she had testified on behalf of the government, was sentenced to three years in prison.

In 1999 Clive Doyle and his mother Edna Doyle moved to Mount Carmel where they lived in a trailer. Volunteers began constructing a new chapel on the site of the large residence that burned in 1993. A small Visitor's Center was constructed, and photographs of Branch Davidians who died on February 28 and April 19, 1993, photographs of ATF agents who died on February 28, and photographs and artifacts relating to the property's history were displayed. The first April 19 memorial held in the new chapel occurred in 2000. Edna Doyle passed away in 2001.

On August 24, 1999, a story by Lee Hancock in the *Dallas Morning News* revealed that contrary to FBI testimony in congressional hearings, on April 19, 1993, pyrotechnic devices (ferret rounds using a spark) had been fired at the Mount Carmel building. This prompted Attorney General Janet Reno to appoint former Senator John C. Danforth as Special Counsel to investigate whether FBI agents committed acts that caused the deaths of the Branch Davidians.



The Danforth Report published in 2000 exonerated FBI agents of responsibility for the deaths of Branch Davidians at Mount Carmel, as did the wrongful death civil trial in 2000.

In 2004 the house across Double EE Ranch Road from Mount Carmel that was known as the “undercover house” was completely demolished and the rubble removed.

In 2006 Clive Doyle moved away from Mount Carmel to Waco, closing the Visitor’s Center and storing its contents.

Since 2006 the Mount Carmel property has been occupied by Charles Pace, who leads a rival religious group. Pace views David Koresh as a false prophet. Branch Davidians who survived the conflict in 1993 have held April 19 memorials in other locations in Waco.

## DOCTRINES/BELIEFS

Vernon Howell was introduced to Seventh-day Adventism as a child by his maternal grandmother, and in his late teens he immersed himself deeply in the Seventh-day Adventist interest in deciphering the Bible’s prophecies for believed imminent Endtime events. Howell wondered why there were no living prophets in the current time, so in 1981 an older Seventh-day Adventist friend took him to meet Lois Roden at Mount Carmel, where he was introduced to Davidian and Branch Davidian interpretations of the Bible’s prophecies. The Branch Davidians who were already at Mount Carmel when Howell arrived, and many of those who converted and moved to join the Koresh group, had Seventh-day Adventist backgrounds. A number of converts to Koresh’s group had Pentecostal or charismatic Christian backgrounds, and therefore shared with the Branch Davidians a literalistic understanding of the biblical texts, and the assumption that the Holy Spirit is active in the world today presenting “new light” to God’s prophets to understand the scriptures.

Koresh utilized the Seventh-day Adventist typological approach to interpreting biblical texts, in which accounts of figures and events in the Bible are interpreted as “types” prefiguring events and persons in the future. The books of the entire Bible were viewed as constituting a puzzle to be deciphered to reveal predictions of the imminent events of the Last Days. The book of Revelation was interpreted in light of other apocalyptic predictions in the Old Testament.

The King James Version of the Bible was—and is—the authoritative expression of God’s Word for Branch Davidians. During the siege, Steve Schneider explained and emphasized to FBI negotiators that he and other Branch Davidians judged everything that Koresh taught by the Bible. Therefore, Koresh’s “charisma”—his believed access to an unseen source of authority—was based on his ability to interpret the Bible’s prophecies in a way the Branch Davidians found convincing.

Because David Koresh constructed a persuasive interpretation of the Bible’s apocalyptic prophecies, Branch Davidians regarded him as a divinely inspired prophet. Because the book of Revelation states that only the “Lamb as it had been slain,” “the Lion of the Tribe of Judah, the Root of David,” can “open” the “book” sealed with seven seals held in the hand of “him that sat on the throne” (Rev. 5:1-7, KJV), Koresh reasoned, and his followers accepted, that since he could “open” the Seven Seals of Revelation, in the sense of interpreting them in light of other prophecies contained within the Bible, he was Christ sent by God to be the primary figure in the predicted apocalyptic events. As the Endtime messiah he would “open” the Seals also in the sense of orchestrating the events described within the verses in Revelation for each Seal.

Koresh constructed his theology on the basis of previous apocalyptic teachings of Ellen G. White, Victor T. Houteff, Ben Roden, and Lois Roden. Davidian and Branch Davidian theology is extremely complex. It has been explicated drawing on archival print and audio

sources by James D. Tabor and Eugene V. Gallagher in *Why Waco?* (1995), and Kenneth G. C. Newport in *The Branch Davidians of Waco* (2006). Branch Davidian survivor Clive Doyle in *A Journey to Waco* (2012) presents his understanding of Koresh's teachings.

In addition to "the Lamb," Koresh also identified himself and his Endtime role with the "seventh angel" in Revelation. In Rev. 10:2 the Seventh Angel is described as holding in his hand an opened "little book," and "he set his right foot on the sea, and his left foot on the earth...." Rev. 10:7 states, "in the days of the voice of the seventh angel, when he shall begin to sound, the mystery of God should be finished, as he hath declared to his servants the prophets" (KJV).

Doyle reports that Koresh taught that Christ has come to Earth previously on multiple occasions. Koresh told people he did not believe in the Second Coming of Christ, because there had already been many comings of Christ. Koresh compared these different projections of God in earthly flesh-and-blood to different sets of clothes put on for appearances on Earth in different times and places.

Koresh taught that God is One, but is made up of the Father and the Mother. He continued the teaching of Lois Roden that the feminine aspect of God is the Holy Spirit or Wisdom, also called Shekinah, the Hebrew word for the indwelling feminine presence of God. Christ is an earthly projection of both the Father and the Mother. Being embodied on Earth, Christ is not omniscient but contains within himself the fullness of the Father and the Mother. Previous Christ appearances identified by Koresh were Melchizedek, king of Salem (Gen. 14:18-20), the young man in the book of Job named Elihu, and Yahshua (Jesus), whom the Branch Davidians call "Christ." Koresh taught that when Christ (Yahshua) went back to Heaven he ascended back *into* God, so in the book of Revelation Christ/God is the One sitting on the throne

holding a book (scroll) sealed with seven seals, with twenty-four elders dressed in white and wearing gold crowns next to the throne (Rev. 4:2-6; 5:1).

Koresh taught that he would be martyred in a conflict with federal agents. Afterwards he would be resurrected along with an army of 200 million, consisting of people who were martyred after the previous resurrection of martyrs who went up with Christ (Yahshua), and living members of the “wave sheaf” (see below). The resurrected Koresh would lead his army of 200 million to execute God’s Judgment by destroying the wicked (Rev. 9:15-18), and create God’s Kingdom on Earth on a miraculously elevated and enlarged Mount Zion (Zech. 14:4,10-11) into which the faithful and worthy would be gathered. Koresh taught that a number of his followers would die with him in the expected conflict with federal agents.

Kenneth G. C. Newport (2006, 2009) has shown that beginning with the teachings of Victor Houteff on Matthew 3:11-12, in which John the Baptist says that the one to come after him will baptize “with the Holy Ghost, and with fire,” there were expectations that the faithful would have to go through a purifying “baptism by fire,” which, in Lois Roden’s words in a Bible study in 1978, would be “by full immersion.” J. Phillip Arnold (1994) has pointed out that the Branch Davidians also drew on depictions in the Bible of fire protecting the faithful, as in Zechariah 2:5, which says about Jerusalem: “For I, saith the Lord, will be unto her a wall of fire round about, and will be the glory in the midst of her” (KJV).

Koresh made his apocalyptic expectations explicit to whoever would listen, including Joyce Sparks, the social worker with Child Protective Services who came to Mount Carmel in 1992 to investigate allegations of child abuse. Identified as “case worker” in the internal FBI document, “Suicide Addendum” dated April 18, 1993 (see discussion below), Sparks informed the FBI agent interviewing her that Koresh “often spoke of a fiery end and explosion.”

Material evidence suggestive of Koresh's expectation of an explosion has been discovered by researcher Matthew D. Wittmer on the Mount Carmel property. The remains of the large cement swimming pool constructed in 1992, which was located behind the cafeteria and the central tower, reveal that someone (probably Koresh), while the cement was still wet, inscribed "DK 92 BOOM" on the bottom step going into the pool. A Star of David was drawn underneath "DK."

An implicit reference to fire is found in the name of the Branch Davidians' property, since Mount Carmel in the Holy Land is the location where God responded to the prophet Elijah's prayer as he contested with the prophets of Baal, by sending fire from Heaven to consume a slain sacrificial offering (1 Kings 18:19-39).

Koresh taught that his followers were the "wave sheaf" or first of the "first fruits" offered to God. According to Doyle, the wave sheaf in Old Testament times consisted of the barley grains that had ripened the earliest, and were picked at Passover time and gathered into a sheaf to be offered to God (Lev. 23:10-14); the wave sheaf symbolizes those who have committed their lives completely to God, even to the point of dying.

In the Last Days, the Lamb will be married (Rev. 19:7-9), so there will be Father and Mother, and Son and his Wife. Doyle reports that Koresh taught his wives that they were not the one who would be his Wife in the "marriage of the Lamb." The members of the wave sheaf will go to Heaven at Passover to attend the marriage ceremony.

According to the Hebrew Bible or Old Testament, after the wave sheaf was offered to God, the rest of the barley was harvested, followed by the harvest of other grains that had ripened, followed by the harvest of the "summer fruits," fruits and vegetables, in the fall. In Branch Davidian theology, this harvest symbolism indicates that other people besides the wave

sheaf will be included in God's Kingdom on Earth. After the marriage of the Lamb in Heaven, the wave sheaf—the 200 million people who are first among the redeemed (represented by the four beasts by the throne) and the twenty-four elders (who are part of the wave sheaf)—are given harps to “sing a new song” (Rev. 5:8-9, 14:2-3) to the 144,000 who stand on Mount Zion with the Lamb (Rev. 14:1-3). The 144,000 are receptive to the teaching conveyed in the “new song” of those who have overcome the “two-horned beast” in Revelation 13:11-18, who is understood by Branch Davidians to be the United States government. The “two-horned beast” or “lamblike beast” has two horns like a lamb, meaning that it presents itself as being Christian, but it speaks as a dragon (Rev. 13:11), meaning that it follows the devil.

The two “wave loaves” offered at Shavu'ot, or Pentecost, in early summer, represent the 144,000 who stand on Mount Zion with the Lamb. They will attend the marriage supper or reception that will take place on Earth. They are represented in the parable of the ten virgins (Matt. 25:1-13) by the five virgins who have prepared their lamps and are therefore admitted to the marriage feast.

Doyle explains that everyone on Earth is invited to the marriage feast. The 144,000 will go out to “highways and hedges” (Luke 14:23) to bring in all who will come. The Kingdom will include people of all religions who follow truth and love God.

Heaven will descend to Earth, and Christ/God, the Husband and Wife, will live on Earth. Earth will become the center of the universe, and they, along with members of the wave sheaf, will travel to other worlds to spread salvation. In the Kingdom, each member of the wave sheaf will receive a perfect mate from within his or her own self.

The Branch Davidians regard the two-horned beast (the United States) as the head of a coalition of nations they call “the Assyrian,” which fights against God. The Assyrian will put

together an even larger coalition of nations to create a “new world order” or “one-world government,” which the Branch Davidians identify as Babylon the Great described in Rev. 17-18. Babylon is filled with unclean spirits, and God’s people are called to come out of Babylon.

Branch Davidians see Armageddon (Rev. 16:16) to be far down the road at the time of Judgment at the end of the harvest. Armageddon is followed by the destruction of Babylon and great cataclysms in nature. The “resurrection of the blessed” (Rev. 20:6) will add more souls to the Kingdom. The millennium in Rev. 20:1-6 will come when the devil is bound in the bottomless pit for one thousand years. At the end of the millennium, those who are lost are resurrected to be told their judgment and to die a second death (Rev. 20:6). After these are destroyed, the Kingdom prophesied by Daniel 2:44 will be set up: “And in the days of these kings shall the God of heaven set up a kingdom, which shall never be destroyed...” (KJV).

The ultimate purpose of Koresh’s project to have twenty-four children, regarded as the twenty-four elders who sit by the throne in Revelation and assist in judging, remains shrouded to the view of outsiders. Doyle reports that Koresh often said that the children are born for judgment, but he is unsure what Koresh meant. According to the theology, the children are to assist in judging humanity. Branch Davidian survivor Sheila Martin in *When They Were Mine* (2009, 53-54, 128n.59) reports that during the February 28, 1993 ATF assault, the children were expected to survive and David said they would “finish the work” by continuing the message.

During the April 19, 1993 assault, young children and their mothers were put into a concrete vault, which according to Doyle had survived with its contents intact a fire that had destroyed a previous building. Doyle reports that after Koresh’s children died in the April 19, 1993 assault, he concluded that perhaps their deaths are the judgment on those who ordered and carried out the assault. He sees the twenty-four elders as the jury: “The jury does judge. I think

the judgment they could pass on to the world is from the point of view, ‘What did you do to us?’” He reports that Koresh taught that his children had lived on Earth before and had returned “to play a role for Judgment’s sake.” Branch Davidian survivor Catherine Matteson (1916-2009) hinted in statements to Catherine Wessinger that David Koresh’s children were reincarnations of biblical figures, but this aspect of Koresh’s teaching remains obscure to outside researchers.

## RITUALS

The primary ritual for Branch Davidians was, and still is, the “Bible study,” as the means by which the meaning of God’s apocalyptic prophecies are unveiled. The Bible study as ritualized hearing and learning God’s Word was inherited from Seventh-day Adventists, Victor Houteff’s Davidians, and Ben and Lois Roden’s Branch Davidians. Bible studies conducted by David Koresh, or one of his erudite students, such as Marc Breault (before he left the group) and Steve Schneider, was the primary means of proselytizing and reinforcing the faith of committed Branch Davidians. Survivor Clive Doyle in Waco continued to hold a Bible study on the Sabbath (Saturday).

Ben Roden had instituted the observance of Jewish feasts in addition to the eight-day Passover, which had been observed by the Davidians. David Koresh told Branch Davidians it was important to travel from all parts of the United States and the world to gather at Mount Carmel to be “one body” and listen to his lengthy and intensive Bible studies.

During the siege, FBI agents interviewed Branch Davidians not at Mount Carmel and former Branch Davidians to learn the significance of Passover to the Branch Davidians. These interviews are summarized in two FBI documents found in the Lee Hancock Collection, “Passover Summary,” dated April 1, 1993, and “Passover Analysis Addendum,” dated April 18,



1993. FBI investigators were told that on the first night of Passover there was a meal with unleavened bread, followed by readings from Leviticus. The eight days of Passover were filled with Koresh's Bible studies. Koresh told his students to expect something special to happen during Passover, but he was not specific. During Passover he often presented new revelations, such as the "new light" teaching in 1989 that all the women were his wives. Branch Davidian Janet Kendrick reported to FBI agents that Branch Davidians also believed that a Second Passover could be commanded by God in accordance with Numbers 9:6-13. Louis Alaniz, who had entered the building during the siege and had learned the Seven Seals theology and then came out on April 17, told FBI agents that he thought the 1993 Second Passover was considered by Branch Davidians to occur between April 14 and April 21. FBI agents also reported in these documents that they had learned that Koresh taught that he and members of the community would be martyred during a Passover. After the fire on April 19, Graeme Craddock in federal grand jury testimony (1993) reported that Koresh taught that during Passover they might be "translated" to Heaven without having to die, in other words taken up as "living wave sheaf," or they might be killed in an assault.

Koresh's Branch Davidians practiced a ritual instituted by Ben Roden and Lois Roden called "the Daily," observed twice a day, initially at 9:00 a.m. and 3:00 p.m., believed to be the hours priests in the Jerusalem Temple placed a sacrificed lamb on an altar to burn, according to Clive Doyle, to atone for the mistakes or sins of the priests. Under Ben Roden the Daily was a time of prayer and Bible study. Subsequently Lois Roden added partaking of "the Emblems," unleavened bread and grape juice representing Christ's body and blood given for humanity, during the times of the Daily. David Koresh's Branch Davidians observed the Daily with the Emblems and the community's women made the bread. Koresh's group adjusted the two times

for the Daily throughout the year to correspond with the third and ninth hour after sunrise, when the daily lamb sacrifice was made in the Temple. Doyle explained in an interview with Catherine Wessinger on July 3, 2004, that in the theology taught by Paul, Christ in his sacrificial death took the place of the Daily. Former Branch Davidian Grace Adams Dominguez explains that David Koresh taught that he was the Daily who would be taken away by armed forces (Daniel 11:31) (Kamsteeg 1999).

In her autobiography (2007), Bonnie Haldeman describes the Daily as being practiced by those living at the Palestine camp, and later at Mount Carmel. In an interview on July 4, 2004, Doyle reported that the Branch Davidians observed the Daily throughout the siege in 1993. After the fire, he continued to observe the Daily while he was in the hospital, but it became impossible to do so while he was in jail. He reported that after 1993 Branch Davidian survivors gather for the Passover meal and perhaps take the Emblems, but the Daily is no longer observed regularly. According to Doyle, they are waiting for David Koresh's return or a new inspired prophet to give instruction concerning ritual observance.

## LEADERSHIP/ORGANIZATION

David Koresh's Branch Davidians were what David G. Bromley and Edward D. Silver (1995) term a patronal clan led by a charismatic leader. Koresh had what sociologists and historians of religions term "charisma" (Greek, "gift of grace"), since the Branch Davidians regarded him as having access to an unseen source of authority, his inspiration from God (see Wessinger 2012 on charisma). This type of leadership and organization of Koresh's Branch Davidians was a continuation of the organization of authority in Houteff's Davidians, and Ben and Lois Roden's Branch Davidians. Members tended to join these groups along with close

family members, they raised children in these communities, and members forged close bonds with each other, and in some cases to the leader, by marriage. This did not preclude conversion of individuals to Koresh's group.

After Koresh instituted polygamy for himself requiring the rest of the men to be celibate, women's affective ties to Koresh were cultivated further through their roles as his wives and the expectation that a number of them would bear his children. According to Doyle and Catherine Matteson, Koresh held special Bible studies for the women that the men eventually joined. Men also cultivated strong, though non-sexual, affective ties to Koresh.

Koresh as the Branch Davidians' prophet and Christ was seen by the Branch Davidians as the culmination of a lineage of Adventist/Seventh-day Adventist/Davidian/Branch Davidian prophets going back to William Miller and Ellen G. White. As a group of about 130 members, leadership was vested in Koresh, who was believed to possess the charisma of inspiration from God and who was God's Christ emanation for the Last Days. Doyle describes Koresh as exercising practical leadership by initiating work projects and then turning them over to others to carry out.

Until they were surrounded by federal agents in 1993, the Branch Davidians were not an isolated group living at Mount Carmel. People continued to live at the Palestine camp to keep watch over it. Elderly women lived in a trailer near Mount Carmel where other women lived in order to look after them. Men operated a car repair shop down the road from Mount Carmel and often slept there. Men and women traveled to Hawaii and especially to California to live and work to raise money to support the community. Men traveled to gun shows to sell guns and related equipment, also to raise money to support the community. Residents of Mount Carmel

held jobs in Waco and the surrounding area. David Koresh often went into Waco to run errands, eat out, drink a beer, and practice with his band inside an old club.

## ISSUES/CHALLENGES

The numerous issues and challenges involving David Koresh's Branch Davidians ultimately culminated in what David G. Bromley (2002) calls a "dramatic denouement," a juncture at which parties in conflict "conclude that the requisite conditions for maintaining their core identity and collective existence are being subverted and that such circumstances are intolerable." On April 19, 1993, the majority of the Branch Davidians perished, and afterwards the survivors were scattered with seven serving thirteen and a half to fifteen years in prison.

### **David Koresh's Sexual Activities with Underage Girls**

The first contested issue focuses on Koresh's sexual activities with underage girls. His initial extralegal wife was fourteen. McLennan County Sheriff Jack Harwell in the movie *Waco: The Rules of Engagement* (1997) noted that in Texas, at that time, a fourteen-year-old girl could legally marry with parental consent, and this was why he did not believe he had the authority to intervene in these cases. But Koresh also took Michele Jones as his wife when she was twelve. Koresh's additional wives were of various ages, and it appears that he initiated girls as his wives at younger and younger ages. Daughters of his followers were socialized to anticipate that they would become Koresh's wives.

Marc Breault (1993) reports that Koresh's sexual relations with underage girls was one of his concerns prompting him to leave the Branch Davidians, and he alerted authorities and Kiri Jewell's father in Michigan. Kiri Jewell's congressional testimony in 1995 about Koresh's contact with her when she was ten in a motel room to which she was brought by her mother,

Sherri Jewell, suggests that this was a ritual intended to socialize Kiri into regarding herself as his wife; he read the “Song of Songs,” a love poem in the Old Testament, to her. After her father gained custody of Kiri, a complaint was filed in Texas although Kiri declined to press charges. Koresh cooperated with the investigation by Joyce Sparks, the social worker with Child Protective Services, who had to close the case due to lack of evidence.

If the Branch Davidian community had survived, it is likely that Koresh would have eventually been prosecuted for statutory rape. In 2005 the Texas state legislature raised the legal age a girl can marry with parental consent to sixteen, and since then men with the Fundamentalist Latter Day Saint community near El Dorado, Texas named Yearning for Zion have been prosecuted if they had sexual relations with underage wives.

People often make comments to scholars of the Branch Davidian case to the effect that Koresh’s sexual activities with underage girls justified the assaults by federal agents against the community. It should be noted that the Bureau of Alcohol, Tobacco, and Firearms has no jurisdiction over matters of child abuse. FBI agents took control of the case because ATF agents died in the shootout on February 28, 1993. The paramilitary assaults by both ATF and FBI agents endangered the lives of the children and their mothers, in addition to the lives of other Branch Davidians of all ages. Twenty-three children ages fifteen and younger, including two trauma-born infants, died in the April 19, 1993 FBI tank and CS gas assault and the resulting fire.

### **Presence of Weapons at the Branch Davidians’ Residence**

The next major issue involving David Koresh’s Branch Davidians was the presence of semi-automatic AR-15 assault rifles and other weapons at Mount Carmel. According to survivor Clive Doyle, the first time Koresh and some Branch Davidian men purchased weapons was when

they prepared to go to Mount Carmel, then controlled by George Roden, to take photographs of the exhumed remains of Anna Hughes in order to file a complaint at the McLennan County Sheriff's Department. They knew that George Roden possessed an Uzi submachine gun and they took rifles for self-defense.

In 1990 Koresh was introduced to the gun trade by a licensed gun dealer (Thibodeau and Whiteson 1999, 127), and he quickly realized that money could be made by selling weapons and related items at gun shows in Texas. During the presidential campaign in 1992, Bill Clinton made it clear that, if elected, after becoming President in 1993 he would promote gun control legislation. The Federal Assault Weapons Ban was in force between 1994 and 2004, but assault weapons purchased before 1994 remained legal. Carol Moore, author of *The Davidian Massacre* (1995), reports that at the 1994 criminal trial, defense attorney Mike DeGeurin said that Koresh had purchased the weapons as an investment. Anticipating that weapons purchased before the ban would go up in value, Koresh legally purchased forty semi-automatic AR-15s to sell later for a profit.

Koresh also taught that the Branch Davidians should be prepared to defend themselves during the expected assault by federal agents. He based this on the instruction of Yahshua (Jesus) to his disciples on the night of the Last Supper, the evening of his arrest. According to Luke 22:36, Jesus said: "he that hath no sword, let him sell his garment, and buy one" (KJV). Some of the Branch Davidians learned to shoot these weapons, and during the ATF attempted no-knock entry on February 28, 1993, they shot at agents, while Wayne Martin simultaneously called the Sheriff's Department asking to have the shooting stopped.

**Was the ATF Raid Necessary?**

The justifications asserted in the ATF affidavit requesting the judge's authorization of search and arrest warrants have been criticized by researchers. The ATF affidavit alleged that Branch Davidians had purchased kits containing parts used to convert semi-automatic AR-15s to M-16 automatic weapons. This conversion was legal if a permit application was filled out and a \$200 federal tax paid for each weapon and the permit was issued. The ATF affidavit alleged that Branch Davidians were making the conversions without having applied for the permit and paying the tax for each weapon. Robert Rodriguez, the ATF undercover agent who went inside the building at Mount Carmel, had reported to ATF that he saw no illegally converted weapons, but ATF agents went forward with obtaining a judge's permission to deliver the warrants. To bolster their arguments for the need for search and arrest warrants, the affidavit alleged that the Branch Davidians were members of a dangerous "cult" and David Koresh was a "cult leader" who abused children. This aspect of the affidavit has been analyzed by James D. Tabor and Eugene V. Gallagher in *Why Waco?* (1995), and Stuart A. Wright in "Explaining Militarization at Waco" (2005). When approving the warrants, the judge did not authorize a no-knock entry.

Testimony was presented at the congressional hearings in 1995 that the ATF raid was unnecessary. Henry McMahon, the licensed gun dealer from whom Koresh purchased the AR-15s, testified that when ATF agents came to ask him about Koresh's purchases they asked questions about where Koresh got his money and what Koresh intended to do with the weapons, which did not relate to matters of legal compliance for the sale and purchase of the weapons. In their presence McMahon called Koresh and told him that ATF agents were asking questions. Koresh said to McMahon, "Well, if there is a problem, tell them to come out here." The ATF agents waved the telephone away when McMahon offered to let them speak with Koresh, and

before leaving they told McMahon that they did not need to go out to Mount Carmel to talk to Koresh and inspect his weapons.

David Hardy in *This Is Not an Assault* (2001) publishes an ATF memo reporting that on February 19, 1993, when Robert Rodriguez and another undercover ATF agent visited Koresh at Mount Carmel, they brought two AR-15 rifles. The three men went to the backyard and shot the AR-15s, with the agents observing to see if Koresh knew how to handle the weapon. Koresh then brought two Sig-Saur weapons out of the residence, which they shot. According to the memo, Koresh told the men “he believed that every person had the right to own firearms and protect their homes.” Hardy asks why Koresh could not have been arrested at that time, or on one of the many occasions when he left Mount Carmel.

David B. Kopel and Paul H. Blackman, who coauthored *No More Wacos* (1997), point out that the E2 kits listed in the ATF affidavit as having been purchased by Branch Davidians, which the affidavit alleges were for the purpose of converting semi-automatic AR-15s to automatic, were in fact ordinary spare gun parts kits. According to Kopel and Blackman, the Branch Davidians had not purchased the EZ kits needed to convert the AR-15s to automatic. Other inaccurate weapons allegations in the affidavit are described in *No More Wacos*.

### **ATF’s False Allegation of a Methamphetamine Lab at Mount Carmel to Obtain Military Support**

The military support obtained by the ATF prior to and during the raid on February 28, 1993, has been shown as being obtained on false premises. Before carrying out the dynamic entry, which apparently ATF commanders hoped would cast a positive light on the ATF for congressional budget hearings coming up in March 1993, ATF agents received Army Special Forces training at Fort Hood in Killeen, Texas. According to the Posse Comitatus Act it is illegal



for the American military to be involved in law enforcement operations against civilians. A significant exception is when illegal drug activity is involved. Therefore, to obtain the Special Forces training as well as National Guard helicopter surveillance overflights of Mount Carmel and support during the raid on February 28, 1993, ATF agents alleged that the Branch Davidians were operating a methamphetamine lab at Mount Carmel.

When the Branch Davidians moved from the Palestine camp back to Mount Carmel in 1988, they found equipment to make methamphetamine in one of the small houses then on the property. Koresh turned over the methamphetamine lab equipment to the Sheriff's Department. The 1996 congressional report, *Investigation into the Activities of Federal Law Enforcement Agencies toward the Branch Davidians*, concludes that the ATF allegation of a methamphetamine lab operated by Koresh's Branch Davidians was a lie knowingly told to obtain Special Forces training for ATF agents and National Guard support.

### **Military Support Provided to the FBI**

The extent to which the FBI received military support during its operations at Mount Carmel has been questioned. When the FBI brought tanks to Mount Carmel, the Justice Department paid the military for their use and trained FBI Hostage Rescue Team operators to drive them. However, records, reports, subsequent statements, and the Danforth Report indicate that military officers and members of Special Forces, particularly the Army's secretive special operations unit known as Delta Force, were present as "observers." This term is put into quotation marks since Jean E. Rosenfeld's analysis of the Danforth Report, "The Use of the Military at Waco" (2001), points out that "observer" is a military term for "sniper-observer."

### **Did ATF Agents Shoot Blindly into the Building?**

Kopel and Blackman in *No More Wacos* (1997) explain that it is illegal for American law enforcement agents to shoot blindly into a residence. The Branch Davidians alleged that gunfire from ATF agents on February 28, 1993 endangered people inside the building, wounding and killing some individuals. Branch Davidians alleged that ATF agents at the front of the building shot blindly at the windows and walls of the building and through the closed double front doors. Branch Davidians alleged that the ATF agents did most of the shooting, while the ATF agents alleged that they were ambushed and outgunned by the Branch Davidians.

Branch Davidians alleged that Perry Jones (American, age 64), Koresh's father-in-law, was standing unarmed just inside the closed double front doors when he received a mortal wound from a bullet coming through the door. After the fire on April 19, 1993, the physician doing the autopsy reported no wound to Jones' abdomen, but that he died from a gunshot wound inside his mouth. Surviving Branch Davidians disputed this autopsy report, but a second autopsy could not be performed because the coroner's refrigerator containing the bodies of Jones and other Branch Davidians was somehow turned off.

After the shootout, Branch Davidians immediately alleged in Koresh's calls to the media and to the law enforcement officers negotiating with them that they had received gunfire from the National Guard helicopters. After Peter Gent's body was located on top of the water tower on March 5, Branch Davidians alleged that he had been killed by gunshots coming from one of the helicopters.

The Branch Davidians claimed that bullet holes in the building's roof and walls would support their allegations. They claimed that there were more bullet holes going into the front door, especially the right-hand door, from the outside, than there were bullet holes shot from the inside going out. During the criminal trial the left-hand door was displayed in the courtroom by

the prosecutors to show holes made by bullets fired by Branch Davidians. They claimed that the doors were made of aluminum and that the right-hand door had melted in the fire. A defense attorney demonstrated that the doors were made of steel by sticking a magnet to the left-hand door. The defense displayed a photograph that showed a tank pulling the doors away from the flames on April 19, 1993.

### **Uninvestigated Shooting Death of Michael Schroeder on February 28, 1993**

The shooting of Michael Schroeder (American, age 29) on February 28, 1993, as he attempted to walk back to the residence at Mount Carmel after the ATF raid, is an issue that was not properly investigated at the time and dropped out of sight during subsequent investigations. The team of ATF agents he encountered behind the Mount Carmel property claimed that he shot at them and they returned fire in self-defense. Schroeder was killed by six gunshots from one or more ATF agents.

FBI Special Agent in Charge Jeffrey Jamar did not allow removal of the body until March 4. Kopel and Blackman in *No More Wacos* (1997) report that Texas Rangers were permitted to do a limited crime-scene analysis, but when they asked to make casts of footprints, Jamar refused and they were not allowed back on the crime scene for ten days, after which rain had washed away much of the footprints.

A photo of the body taken from a helicopter showed that Michael Schroeder was wearing a blue stocking cap, but the cap disappeared. The cap was of interest, because if it had contained traces of gunpowder that would have indicated that the two closely spaced bullets in his head had been fired at close range.

The books by attorney David Hardy, *This Is Not an Assault* (2001), and attorney David Kopel and criminologist Paul Blackman, *No More Wacos* (1997) describe many more instances of destruction of evidence relating to this complex case.

### **Negotiations Undermined by FBI's Tactical Team**

Historians of religions and sociologists of religions observed that during the siege every time Branch Davidian adults came out, the FBI Hostage Rescue Team took punitive actions against the Branch Davidians remaining inside. In addition, every adult who came out was put into jail, and the wishes of parents regarding the care of children sent out were not implemented. Scholars noted that all of this had the cumulative effect of discouraging adults from coming out and from sending their children out.

The punishment of the Branch Davidians during the siege was first documented in James Tabor's "Interpretive Log" (1994a), and later by Carol Moore, a Libertarian activist, in the event log she compiled from government sources and published in *The Davidian Massacre* (1995). Articles by sociologist Stuart A. Wright (1999, 2003) point out that the FBI's tactical actions against the Branch Davidians contradicted the negotiation techniques taught in the FBI's own negotiation manual. The chapter on the Branch Davidian case in the book *Stalling for Time* (2010) by Gary Noesner, FBI negotiation coordinator at Waco from March 1 through March 24, agrees with the position articulated by Wright a decade earlier.

The 1993 report by sociologist Nancy Ammerman, who was part of the team of scholars asked by the Justice Department to study the case and make recommendations, disclosed that there was dissension between the FBI negotiators and the FBI Hostage Rescue Team about the best means to deal with the Branch Davidians, and that Special Agent in Charge Jeffrey Jamar sided with the agents favoring a tactical approach and discounted the warnings of the FBI's own

behavioral scientists (profilers), Pete Smerick and Mark Young, about the likely disastrous outcome of an assault.

### **Use of CS Gas on April 19, 1993**

As the public learned more about the FBI operation on April 19, 1993 and the use of CS gas against the Branch Davidians, questions were raised about whether FBI officials had given sufficient concern for the lives of the children, two pregnant women and their babies, and the elderly inside the residence.

CS (chlorobenzylidene malonitrile) is a powder. CS burns the skin and mucous membranes. CS converts into hydrogen cyanide when it contacts water, which causes edema in the lungs, vomiting, and asphyxiation. CS converts to cyanide when it burns.

Methylene chloride was the liquid dispersant used on April 19 to deliver the CS. Methylene chloride causes disorientation and incapacitation. It is a solvent (it is marketed as paint stripper) and causes chemical burns in skin.

When documentarian Michael McNulty and his colleagues conducted experiments in Tucson, Arizona, with automatic gunfire and methylene chloride, they found that methylene chloride is so caustic it quickly corroded the sprayers of plastic spray bottles they were using. They also found that automatic gunfire ignites a spray of methylene chloride. McNulty posted on his COPS Productions blog the DOW Chemical “Material Safety Data Sheet,” which states that methylene chloride “[f]orms flammable vapor-air mixtures” (McNulty Blog #4.2, February 14, 2012).

Journalist Dick Reavis (1995, 268) provides a quotation from a chemical reference book about methylene chloride:

HEALTH HAZARDS: Eye, skin, and respiratory tract irritant. Toxic. Harmful if inhaled or absorbed through the skin. Narcotic in high concentrations.

Metabolized by the body to form carbon monoxide. Products of combustion may be more hazardous than the material itself.

FIRE AND EXPLOSION HAZARDS: No flash point in conventional closed tester, but forms flammable vapor-air mixtures in larger volumes. May be an explosion hazard in a confined space. Combustion may produce irritants and toxic gases. Combustion by-products include hydrogen chloride and phosgene.

CS gas is considered a “riot control agent,” and the U.S. Army *Manual on Civil Disturbances* warns against using CS in enclosed spaces. In January 1993 the United States signed the Chemical Weapons Convention, which bans CS gas, among other chemical agents, from use in warfare.

Kopel and Blackman in *No More Wacos* (1997) call the FBI operation at Mount Carmel “the most massive CS assault against civilians in American history.” They report that forty-four of the Branch Davidian corpses tested positive for cyanide. In his 1993 report to the Justice Department, Alan Stone, professor of psychiatry and law at Harvard University, stated that he believed that the information about CS presented to Attorney General Reno minimized its harmful effects on children: “Ironically, while the most compelling factor used to justify the Waco plan was the safety of the children, the insertion of the C.S. gas, in my opinion, actually threatened the safety of the children.”

FBI agents, such as Bob Ricks in a press conference after the fire and Byron Sage in various subsequent interviews, have stated that the FBI commanders believed that once the CS started to affect the children their mothers would remove them quickly from the building. In

1999 retired Colonel Rodney Rawlings of the United States Army, who was present with the FBI commanders during the assault, confirmed this plan and assumption to reporter Lee Hancock in a story appearing in the *Dallas Morning News*. In *Waco: The Rules of Engagement* (1997), James H. Brannon, the attorney representing Koresh's paternal grandmother, said that this strategy amounted to torturing the children to get their parents to take actions desired by the FBI agents.

### **Question of Responsibility for the Fire**

After the fire at Mount Carmel and into the 1994 criminal trial and the 2000 civil trial, government representatives alleged that Branch Davidians set the fire and that David Koresh was solely responsible for the deaths. Government representatives also alleged that FBI agents had no idea that the Branch Davidians planned to set a fire, and their deaths on April 19, 1993 caught them by complete surprise.

Immediately after the April 19, 1993 tank and CS gas assault culminated in the massive fire, FBI agents and government representatives such as Attorney General Janet Reno alleged that Branch Davidians set the fire, while surviving Branch Davidians alleged that tanks entering the building had knocked over containers of kerosene. However, survivor Graeme Craddock gave deposition testimony (1998) that during the tank and gas assault he witnessed someone in the chapel pouring fuel to which Pablo Cohen objected, and that he heard someone overhead on the second floor shout to light the fire, to which Pablo Cohen shouted his objection. Pablo Cohen (Israeli, age 38) died in the fire.

FBI agents were aware that fuel was inside the building and located next to the building. During the siege, agents witnessed Branch Davidians lined up outside the building passing containers of kerosene and other items from the gymnasium storage area to inside the building, as described by Doyle (2012). After the electricity was turned off, the Branch Davidians used

kerosene lanterns for lighting at night. It was known to FBI agents that a large propane tank was located outside immediately adjacent to the back of the central tower. There was a high degree of probability that driving tanks through the building would result in fire.

Michael McNulty reports in his blog post #4.2, February 14, 2012, that in his team's experiments with automatic gunfire, FLIR, dust, and methylene chloride, they found that automatic gunfire into methylene chloride mist ignites a thirty-foot muzzle flash as recorded on FLIR tape on April 19, 1993. On April 19, 1993, gallons of methylene chloride containing CS had been sprayed into the building from 6:00 a.m. to just after noon. McNulty states that he reviewed internal FBI interview reports, and that three or four sniper-observers stationed around the building reported seeing a Branch Davidian inside the second-floor room on the southeast front corner of the building shoot an AK-47 at a Combat Engineering Vehicle whose boom had punctured the building for the insertion of CS gas. The tank then backed out of the building. McNulty writes:

Within a minute the observers had reported a fire had started at that location. We contend that the fire was accidentally ignited by the discharge of the Davidian's weapon in the heavily laden atmosphere of Methylene Chloride vapors in the room from the immediately preceding insertion of the material by the FBI CEV at that location.

That was the first fire seen that morning at the front of the building. We also contend that some of the other fires started in the building thereafter were advanced by the heavy presence of the Methylene Chloride vapors in the building that day. And in conclusion, we believe that the use of that material by the FBI at Mt Carmel constitutes an act of arson by the Government.



Dick Reavis (1995, 269) points out that there is a record of American law enforcement agents using CS to gas a house in which suspects are barricaded and the building suddenly igniting from a flash-bang grenade, gunfire, “pyrotechnic devices” (that use a spark) releasing CS, or an unknown cause. He cites the fires that occurred in conjunction with the use of CS in the sieges of the Symbionese Liberation Army in Los Angeles in 1974, whose members had committed murder, bank robbery, and had kidnapped heiress Patty Hearst; and Robert Mathews, the leader of an anti-government and white supremacist group called “the Order” whose members engaged in murders, bank robberies and domestic terrorism, when he was under siege by the FBI in a house on Whidbey Island, Washington in 1984. Speaking at the April 19, 2013 Branch Davidian memorial service in Waco, Reavis pointed out that the most recent case of CS and fire involved the siege of a resort cabin in which Christopher Dorner, a former Los Angeles police officer and a United States Navy Reserve officer who had killed four people, including two police officers, and wounded three police, was located. On February 12, 2013, the cabin was surrounded by officers with the San Bernardino County Sheriff’s Department. While sheriff’s deputies employed a remote-controlled demolition vehicle to tear down the cabin’s walls, the cabin caught on fire after a “pyrotechnic device” (using a spark) was fired inside to release tear gas. Police radio traffic recorded by citizens and reporters revealed the officers implementing a plan to burn the house and Dorner by deploying “seven burners,” i.e. pyrotechnic devices releasing CS tear gas (Blumenthal 2013).

A disturbing entry in the FBI WACMUR Log for April 19, 1993 was made by an agent who recorded receiving a telephone call at 1:25 a.m. from an M.D. specializing in pediatric burns at the Galveston Burn Center offering his assistance if needed. It is doubtful that an M.D. in Galveston called the FBI in Waco without being called first.

In congressional hearings it was denied by the FBI that on April 19, 1993 pyrotechnic ferret rounds were fired at the Mount Carmel residence. In 1999 David Hardy discovered through Freedom of Information requests that pyrotechnic ferret rounds had indeed been used on April 19. This was reported by Lee Hancock in the *Dallas Morning News*, prompting Attorney General Janet Reno to appoint former Senator John C. Danforth as special counsel. The investigation for the Danforth Report (2000) found that the pyrotechnic rounds were fired early in the morning on April 19, at the beginning of the assault, into a buried bus serving as a tunnel running from the north end of the building to the unfinished storm shelter. FBI agents called the bus-tunnel an “underground bunker,” and it was gassed to prevent Branch Davidians from taking shelter there from the CS being pumped into the building.

#### **Do the FLIR Tapes Reveal a Gun Battle behind the Building on April 19, 1993?**

The 1997 documentary produced by Dan Gifford, William Gazecki, and Michael McNulty, *Waco: The Rules of Engagement*, includes the FBI’s FLIR (Forward-Looking Infrared) aerial footage, which had been used by the government to show areas in the building where the fires first appeared. In the documentary Dr. Edward F. Allard (1934-2011), an expert in thermal imaging, points out that the April 19, 1993 FLIR footage shows rapidly repeating flashes behind the building during the tank and CS gas assault and the fire. Allard concludes that the flashes were caused by automatic gunfire directed toward the building. This explosive allegation appeared to contradict Hostage Rescue Team commander Dick Roger’s congressional testimony that no FBI agent shot at the Branch Davidians on April 19.

The automatic gunfire allegation was explored during the Danforth investigation in 2000, as well as the wrongful death lawsuit brought by the survivors and relatives of deceased Branch Davidians, which came to trial concurrently with the Danforth investigation. A “FLIR

reenactment” was conducted at Fort Hood for the Danforth investigation, with attorneys involved with the civil trial invited to observe. A British firm, Vector Data Systems, hired by the United States government concluded that the flashes recorded by the FLIR tapes on April 19, 1993 were made by sunlight reflecting off objects on the ground. Attorneys for the plaintiffs in the civil trial had three FLIR experts lined up to testify that the flashes on the tapes were gunfire. According to David Hardy in *This Is Not an Assault* (2001), none of the plaintiffs’ FLIR experts testified, when during a six-week period, Carlos Ghigliotti, who had been hired by the House Government Reform Committee to study the FLIR tapes, died suddenly at age 42; Ferdinand Zegel (1933-2002) nearly died of blood poisoning; and Edward Allard suffered an incapacitating stroke. Before his death, Ghigliotti faxed a preliminary copy of the report he was preparing for the House Government Reform Committee to Hardy on March 18, 2000, which Hardy includes as Appendix I to his book (2001). Ghigliotti’s report concludes that a fierce gun battle occurred behind the building, away from sight of the television cameras filming the front and east sides of the building.

Independent investigator and filmmaker Michael McNulty was dissatisfied with the FLIR reenactment at Fort Hood and the conclusions of Vector Data Systems, so he produced a documentary entitled *The F.L.I.R. Project* (2001) depicting his own FLIR/gunshot reenactments, which challenge the Fort Hood reenactment findings commissioned by the Danforth investigation and published in the Danforth Report. McNulty’s F.L.I.R. Project team included Dr. Ferdinand Zegel. On his COPS Productions Blog (#14.2, February 14, 2012), McNulty explains that the night before the reenactment at Fort Hood, the ground was wet down and covered with tarps, thus lowering the temperature of the ground and removing any dust in the air. The experiments of McNulty’s F.L.I.R. Project team revealed that dust, which would have been

stirred up by the movement of the tanks around the Mount Carmel building, was essential for a “heat signature” from the muzzle of a fired automatic rifle to show up on FLIR tape.

### **Debate among Scholars about Responsibility for the Fire**

In 2006 a dispute among religion scholars was precipitated by the publication of Kenneth G. C. Newport’s *Branch Davidians of Waco*, which argues that due to the apocalyptic theology of martyrdom tracing back to Victor Houteff, and which was reinforced by Koresh’s teacher, Lois Roden, David Koresh’s Branch Davidians were “theologically primed” to undergo a baptism by fire and die in a conflict with federal agents. Newport concludes that after the ATF raid occurred, negotiations would not have brought out Koresh and the majority of the Branch Davidians to surrender to law enforcement agents, and that their deaths by self-immolation were inevitable. This led to a scholarly debate in the pages of *Nova Religio: The Journal of Alternative and Emergent Religions* 13, no. 2 (November 2009).

In his article, Stuart A. Wright argues that the evidence is hardly clear on the cause of the fire, that Newport does not critically interrogate the government’s version of events, that federal agents have engaged in considerable loss, destruction, and concealment of evidence, and that the government investigations and two trials have been biased proceedings. In her article, Catherine Wessinger argues that listening to negotiation audiotapes in conjunction with listening to FBI surveillance audiotapes of conversations inside the building, in addition to the statements that Koresh made to the media, provides evidence that FBI officials would have been aware of the Branch Davidians’ theology of martyrdom and that the Branch Davidians expected to die if there was a second attack. Her conclusion raises the question of the intentions of FBI decision-makers in proceeding with the tank and CS gas assault. Newport’s article replies that he finds Wright’s article poorly argued, and that Wessinger is making a serious assertion that is not based on

sufficient evidence, and then reiterates the argument in his book. Newport regards the Danforth Report as the final word on what happened at Mount Carmel, while Wright and Wessinger do not.

In the same issue Wessinger publishes a report describing the Lee Hancock Collection. It contains FBI internal memos reporting on interviews conducted during the siege with Branch Davidians, former Branch Davidians, and people who knew the Branch Davidians. These documents indicate that FBI agents took steps to learn about the Branch Davidians' beliefs and what they were likely to do as a result of the siege. At the time of her article's publication in 2009, Wessinger had found the FBI's two internal documents summarizing the results of interviews about the meaning of Passover for the Branch Davidians, and she had found a similar document entitled "Suicide Addendum" dated April 18, 1993. Subsequently, she located in the Hancock Collection an FBI document entitled "Suicide References" dated March 27, 1993.

The FBI's two Passover evaluation documents and two suicide analysis documents—"Suicide References," March 27, 1993, and "Suicide Addendum," April 18, 1993—indicate that from the beginning of FBI involvement with the case on March 1 through April 18, 1993, FBI agents were evaluating the Branch Davidians for the possibility of group suicide. The two "Suicide" documents report that Dr. Bruce Perry, the psychiatrist who was evaluating the children who had been sent out, and "another case worker," who can be identified as Joyce Sparks of Texas Child Protective Services by her 1995 congressional testimony, warned FBI agents that another assault would be understood by David Koresh and Branch Davidians as indicating it was time for them to die to fulfill apocalyptic prophecies. Sparks had visited Mount Carmel and Koresh had explained his theology to her in detail. The "case worker" told the FBI that Koresh had spoken to her "of a fiery end and explosion." The "Suicide References"

document summarizes the Smerick and Young analysis that Koresh was not likely to commit suicide, but he was more likely to try to orchestrate a “suicide by cop.”

### **Militarization of American Law Enforcement**

The publications by David Kopel and Paul Blackman, David Hardy, and Stuart Wright ask critical questions about how the militarization of American law enforcement contributed to the tragedy at Mount Carmel. Libertarians, Constitutionlists, participants in the Patriot movement, and gun rights activists are aware of the over-reaching of militarized law enforcement in the Branch Davidian case, but this concern has not remained with the broader American public, primarily because of the stigmatization of the Branch Davidians in the media as “cultists.”

### **Effects of the “Cult” Stereotype Applied to the Branch Davidians**

New religions scholars have pointed to the dehumanizing effects of the pejorative “cult” label applied to the Branch Davidians in preparing the public to accept what appeared to be a mass suicide “just like Jonestown” without questioning whether the actions of FBI agents contributed to the outcome. Critiques of depictions in the media of the Branch Davidians have been made by James T. Richardson in “Manufacturing Consent about Koresh” (1995); James D. Tabor and Eugene V. Gallagher in *Why Waco? Cults and the Battle for Religious Freedom in America* (1995); and Catherine Wessinger, “The Branch Davidians and Religion Reporting” (2006). In *Apocalypse Observed* (2000), John R. Hall uses the term *cult essentialism* for the perspective that places all blame on the “cult leader.” Cult essentialism prevents examination of how cultural opposition to an unconventional religious group can contribute to a situation in which there is violent loss of life.

Marc Breault, the former Branch Davidian who made the most concerted efforts to alert authorities to the activities of David Koresh in terms of his sexual relations with underage girls and purchasing weapons, has been criticized for embellishing allegations about the Branch Davidians according to the “cult” stereotype. His instant book published after the fire, *Inside the Cult* (1993), coauthored with an Australian television tabloid journalist, has come under particular criticism by scholars for its lurid accounts of life with the Branch Davidians.

John R. Hall in “Public Narratives and the Apocalyptic Sect” (1995), and Stuart R. Wright in “Explaining Militarization at Waco” (2005) discuss how the “cult” narrative promoted by the anticult movement and the allegations made by Breault and other former Branch Davidians magnified the perceived threat posed by the Branch Davidians in the minds of ATF agents who planned and attempted to execute a paramilitary raid. Hall points out that the most intense “cultural opponents” of a new religious movement may, by their “cult” allegations, unwittingly contribute to a situation in which deaths occur.

### **FBI Agents Ignored Cautions from Knowledgeable Persons in the Public**

In addition to FBI decision-makers ignoring the advice of FBI psychological profilers Pete Smerick and Mark C. Young, and of Gary Noesner who was the FBI negotiation coordinator March 1-24, 1993 (discussed above), individuals within the FBI ignored similar cautions offered by knowledgeable person in the public.

#### **Marc Breault**

Former Branch Davidian Marc Breault understood David Koresh’s theology, and the FBI WACMUR Major Event Log shows that he attempted to communicate with the FBI to encourage them to take care in dealing with Koresh. On March 2, 1993, the entry for 6:00 p.m. in the Major Event Log records that Breault called and spoke with an FBI negotiator offering to explain

Koresh's theology. This negotiator advised his fellow negotiators that Breault could "provide no reliable information" and they should "not waste time talking to Breault." Breault called and left a message on March 3, but he was not called back.

On April 13 Breault faxed a letter to the FBI about the two letters sent out by Koresh during Passover signed "Yahweh Koresh," which had been discussed in the press. Breault's letter said that he and his wife Elizabeth Baranyai were very concerned by the implications of biblical passages cited in the two Yahweh Koresh letters, and they hoped to provide information that could lead to a peaceful resolution. The FBI then arranged for Breault and Baranyai to be interviewed. The FBI's "Suicide Addendum," April 18, 1993, reports that in interviews with Breault, Baranyai, and other former Branch Davidians in Australia, they warned of Koresh's teachings of suicide in the event of an assault.

### **Tim Stoen**

The FBI "Suicide Addendum" reports that the FBI during the siege received a letter from Timothy Stoen, former attorney for Jim Jones (1931-1978) and the Peoples Temple, who was the most significant cultural opponent in the run-up to the Jonestown mass suicide on November 18, 1978. The "Suicide Addendum" reports that Stoen warned the FBI, "it was increasingly likely that a mass suicide would occur," and that he saw "'disquieting parallels' between Jonestown and Waco." The "Suicide Addendum" vaguely reports, "Stoen did not further define the parallels, but offered suggestions for resolution."

Reporter Lee Hancock was permitted to type the contents of a number of internal FBI documents, but not to make photocopies like the many other photocopies of FBI memos now in the Hancock Collection at Texas State University-San Marcos. She reported to Catherine Wessinger in an email dated October 8, 2003, that she saw an FBI message sheet dated March



28, 1993, discussing a telephone call from Timothy Stoen offering advice. Stone followed up with a letter to the FBI on March 30, 1993.

As typed by Lee Hancock, Stone's letter recommended that FBI agents provide the followers "with an honorable alternative to 'dying with loyalty' to their leader." Stone wrote:

Suggested tactics for doing this are as follows: a. Immediately withdraw all tanks, armor, uniformed personnel, and other signs of a military invasion (which simply feeds the Armageddon consciousness of the leader and plays into his hold over his followers).

Hancock reports that other tactics recommended by Stoen included bringing in loved ones to speak with Branch Davidians (this was not done, despite the many requests of relatives), emphasizing staying alive, promising support for loved ones, and laying out simple steps for leaving. Stone's letter concluded, "Time may be getting short."

#### **Dr. James Tabor and Dr. J. Phillip Arnold**

The FBI had consulted with religion scholars at Baylor University in Waco about the meaning of the Bible passages, especially the book of Revelation, referenced in Koresh's theological statements. FBI agents were not uninformed about the meaning of these passages.

After hearing Koresh discussing the Seven Seals described in the book of Revelation with a CNN anchor on the evening of February 28, 1993, after the ATF raid, Dr. James Tabor, a Bible scholar at University of North Carolina, Charlotte, contacted his colleague in biblical studies Dr. J. Phillip Arnold of Reunion Institute in Houston, who drove to Waco to attempt to try to speak with FBI agents. Both Tabor and Arnold advised FBI agents of the significance of the Branch Davidians' apocalyptic theology of martyrdom for the siege and counseled a low-key approach relying on negotiations. After Livingstone Fagan came out on March 23, Tabor and Arnold spent

hours listening to him explain Branch Davidian theology during telephone calls from his location in the McLennan County jail. After Tabor and Arnold heard that FBI agents were planning to implement an assault against the residence, they asked David Koresh's attorney, Dick DeGuerin, to ask the Branch Davidians to listen to their discussion of the Bible's prophecies on a Dallas radio talk show on April 1. DeGuerin took the audiotape of their KGBS discussion to Koresh on April 4 (Tabor 1994a; Tabor and Gallagher 1995).

Tabor and Arnold were implementing the methodology of scholars trained in the academic study of religions, which consists of seeking to understand a religious worldview held by believers. Tabor and Arnold communicated with the Branch Davidians in a manner respectful of the assumptions of their worldview. They were not attempting to dissuade David Koresh and the Branch Davidians from the core assumptions of their theology, which would have been a fruitless effort. Instead, speaking in a manner that indicated they understood the biblical passages on which the Branch Davidians' theology was based, they attempted to persuade Koresh and the Branch Davidians that the waiting period described in the Fifth Seal (Rev. 6:9-11) could be years, and that Koresh should come out, be taken into custody, and from prison send his message of the Lord's judgment and salvation to those yet to be converted. Understanding that apocalyptic interpretations are not fixed in stone and are adjusted in response to events, Tabor and Arnold offered a way that Koresh could come out while maintaining his charismatic authority in the eyes of his followers. The Branch Davidians could come out and remain true to their ultimate concern of remaining obedient to God's will as revealed in the Bible's prophecies (Tabor 1994b; Tabor and Gallagher 1995; Gallagher 2000; Wessinger 2000).

Tabor and Arnold's methodology was compatible with that of FBI profilers, as described in the March 8, 1993 memo by Peter A. Smerick and Mark C. Young:

One of the basic principals of psychological/behavioral profiling or Criminal Investigative Analysis, as we call it today, is the ability to “get into the mind” of the offender and “think” like him.

The approach of Tabor and Arnold was working, as evidenced by Koresh’s statement on April 14 he would come out after he wrote his “little book” and gave the manuscript to Tabor and Arnold for safekeeping. An indication that Koresh intended to come out was his signature on a contract to retain Dick DeGuerin as his attorney, sent out on April 14, which was reported to FBI officials in SIOC and recorded in the WACMUR Major Event Log. Proof that Koresh was actually writing his little book, as he reported to FBI negotiators, was found on the floppy disk that Ruth Riddle had on her person when she escaped the fire. Tabor and Arnold’s strategy had a high degree of probability of working and saving lives, if FBI decision-makers had listened to their recommendations or even to the recommendations of FBI profilers, Pete Smerick and Mark C. Young. The strategy of Tabor and Arnold, which contributed to Koresh’s formulation of his exit plan, was counteracted by the FBI’s tank and CS gas assault on April 19, 1993.

### **Biased Judge Presiding over the Criminal and Civil Trials**

United States District Judge Walter S. Smith, Jr., of the United States District Court for the Western District of Texas, Waco Division, presided over both the 1994 criminal trial involving Branch Davidians and the 2000 civil trial related to the wrongful death lawsuit brought by surviving Branch Davidians and relatives of Branch Davidians who died in 1993. Because of intense views of the Branch Davidians in Waco, Judge Smith agreed to move the criminal trial to San Antonio, Texas. The civil trial was held in Waco. Observers of both trials noted Judge Smith’s bias against the Branch Davidians in favor of the narratives offered by federal agents and their attorneys.

Both trials were extremely complex events. Reporter Dick J. Reavis, *The Ashes of Waco* (1995), and retired United States Air Force major Jack DeVault, *The Waco Whitewash* (1994) published their observations of the criminal trial. Libertarian activist Carol Moore, *The Davidian Massacre* (1995) provides details about the civil trial, as do attorney David B. Kopel and criminologist Paul H. Blackman, *No More Wacos* (1997). Clive Doyle, in *A Journey to Waco* (with Catherine Wessinger and Matthew D. Wittmer, 2012), discusses the criminal trial from the perspective of one of the defendants and the civil trial from the perspective of one of the plaintiffs. Attorney David T. Hardy, *This Is Not an Assault* (with Rex Kimball, 2001) was co-counsel with Ramsey Clark representing Branch Davidian survivors in the civil trial. Sociologist Stuart R. Wright has written about his observations of the civil trial in “Waco Redux: Trial and Error” (2000); “Field Notes from Waco” (2001); and “Justice Denied: The Waco Civil Trial” (2001). Sociologist and attorney James T. Richardson has analyzed the criminal and civil trials as “social productions” in “‘Showtime’ in Texas: Social Production of the Branch Davidian Trials” (2001).

Richardson explains that a judge exercises “discretion” concerning the evidence that may or may not be presented, thus exerting a great deal of influence on the outcome of a trial. Kopel and Blackman explain that in the criminal trial Judge Smith “suppressed defense attorneys’ efforts to introduce self-defense evidence” (238), refusing to allow defense attorneys to call ATF agents Phillip Chojnacki, Ted Royster, and Davy Aguilera, all of whom were in the Blackhawk helicopters operated by National Guard pilots on February 28, 1993, to ask them whether gunshots had been fired from the helicopters. Judge Smith permitted photographs of the four dead ATF agents to be displayed in the courtroom for long periods, but he did not permit photographs of the dead Branch Davidian children to be displayed. Richardson describes how

Judge Smith influenced the selection of the jurors by administering questionnaires with eighty questions to three hundred potential jurors, and then selecting 84 people to go through the *voir dire* juror selection process with participation by the prosecution and defense attorneys. DeVault (214, 235) points out that Judge Smith had the following statements made by Wayne Martin excised from the 911 tape played in the courtroom and the transcripts shown to jurors: “I have a right to defend myself! They started firing first!” and “They started firing at us first!”

Kopel and Blackman point out that in the criminal trial FBI agent James Cadigan of the FBI Laboratory testified that forty-six semi-automatic AR-15s recovered at Mount Carmel after the fire had been converted to automatic M-16s, but Cadigan had examined only one AR-15 and it had been “damaged beyond repair” (241). He did not x-ray or test-fire any of the AR-15s to determine if they had been converted. The defense’s gun expert was permitted only to view the AR-15s encased in plastic covering, so it was impossible to examine the internal components to verify Cadigan’s report that they had been converted. The question of whether or not Branch Davidians possessed and used converted automatic weapons—the allegation that was the rationale for the ATF raid on February 28, 1993—played a crucial role when Judge Smith sentenced convicted Branch Davidians after the conclusion of the criminal trial.

In the criminal trial, the jury found three men, including Clive Doyle, not guilty of all charges. The jury found all eleven defendants innocent of murder of a federal officer, innocent of aiding and abetting murder of a federal officer, and innocent of conspiracy to murder a federal officer. Five defendants were found guilty of carrying a weapon during the commission of a violent crime, and seven defendants were found guilty of aiding and abetting voluntary manslaughter. According to Sarah Bain, the forewoman of the jury, the jurors intended for these verdicts to show that some Branch Davidians had shot back at ATF agents entering their

residence on February 28, 1993. One Branch Davidian was convicted of holding a grenade on April 19, 1993, and one who was engaged in the gun trade was convicted of manufacturing automatic weapons without obtaining the required permits by paying the required fees.

The jury was dismissed as soon as the verdicts were read. Attorneys for both sides immediately asked Judge Smith how defendants could be guilty of having a weapon during the commission of a crime if they were innocent of committing a crime. Judge Smith said that instead of calling back the jurors and giving them additional instructions (Richardson points out that the instructions given to the jurors by Judge Smith were lengthy and confusing), he would set aside the guilty of carrying a weapon while committing a violent crime verdict.

At sentencing on June 17, 1994, however, Judge Smith said that since five defendants were found guilty of carrying a weapon during the commission of a violent crime, they were therefore guilty of conspiracy to murder federal officers. Judge Smith imposed heavy sentences because the firearms had allegedly been converted to automatic. Judge Smith, not the jury, found Branch Davidian defendants guilty of using automatic weapons. Five Branch Davidians—Renos Avraam, Brad Branch, Jaime Castillo, Livingstone Fagan, and Kevin Whitecliff—were sentenced to forty years in prison. Graeme Craddock was sentenced to twenty years for holding a grenade on April 19, 1993. Paul Fatta was sentenced to fifteen years for his role in the gun trade connected to the alleged conversion of weapons. Ruth Riddle was given five years in prison for reporting to a Texas Ranger while she was sedated in the hospital that she had picked up a weapon on February 28, 1993. Kathy Schroeder, who had served as a witness for the prosecution, was given three years in prison for picking up weapons on February 28, 1993.

After the sentencing, the jury forewoman, Sarah Bain gave a number of interviews and made written statements to the effect that the jurors had no idea that evidence was being withheld

in the trial, jurors were convinced that federal agents should have been on trial, and the jurors were confused by the 68-page set of instructions from the judge. Before the sentencing, Bain wrote to Judge Smith explaining that jurors had not been asked to differentiate between who carried and who used a weapon on February 28, 1993. She told an interviewer that the jurors were not asked to consider whether any of the defendants carried or fired automatic weapons. In an interview on June 24, 1994, in San Antonio, Bain explained that by finding Branch Davidians guilty of voluntary manslaughter the jurors believed they were indicating that the Branch Davidians were shooting in self-defense:

Because of an element of self-defense, some were found guilty of voluntary manslaughter rather than murder. In considering the voluntary manslaughter charge, the Davidians had to have acted with adequate provocation. That puts a lot of blame on the government. This was one of the guidelines we were given in determining voluntary manslaughter—an individual was unlawfully killed, but the perpetrator was adequately provoked in doing that killing. In making that decision, we thought we were placing some of the blame on the government (LaRosa 1994).

Attorneys for the convicted Branch Davidians appealed the sentences. After a second appeal to the Supreme Court, in 2000 the forty-year sentences were reduced to fifteen years, Craddock's twenty-year sentence was reduced to fifteen years, and Fatta's sentence continued to be fifteen years.

Although Judge Smith had permitted the venue of the criminal trial to be moved from Waco to San Antonio, he did not permit the venue for the civil trial in 2000 to be moved away from Waco. Despite the request by plaintiffs' attorneys that Judge Smith recuse himself from

presiding over the civil trial, he did not do so. Richardson and Wright report that Smith exercised judicial discretion in a number of ways, including limiting the period to be considered in the case from February 28 to April 19, 1993, and did not allow for examination of the ATF's decision-making that led to the assault on February 28. Nor was evidence permitted to be presented that pertained to the FBI's decision-making process leading to the April 19 assault. Wright details other instances of Judge Smith exercising discretion in the civil trial that precluded the presentation of evidence by plaintiffs' attorneys, and Smith's displays of prejudice toward the Branch Davidians, for instance when he called Livingstone Fagan, "a lying, murdering son of a bitch."

The plaintiffs' appeal in 2002 for another wrongful death civil trial on the basis of Judge Smith's bias was rejected by the United States Fifth Circuit Court of Appeals in New Orleans, Louisiana.

### **Inaccessible and Disappearing Evidence**

The existence of the Lee Hancock Collection of materials highlights another key issue concerning the Branch Davidians—preservation, or lack of preservation, concealment, and sometimes destruction of evidence. The historical record was enhanced by the person who gave Lee Hancock access to numerous internal FBI documents and other government documents, and by Lee Hancock's donation of these to the Southwestern Writers Collection at Texas State University-San Marcos. David Hardy obtained a number of FLIR tapes and documents through Freedom of Information requests, some of which he shared with Hancock. Matthew D. Wittmer's article, "Traces of the Mount Carmel Community" (2009), discusses the collections at Texas State University-San Marcos and the Texas Collection at Baylor University. These two



archives have made the most concerted effort to preserve materials and make them accessible to researchers.

Wittmer reveals that the National Archives and Records Administration (NARA) in College Park, Maryland, holds 155 videocassette recordings and 615 audiocassette recordings acquired during United States Senate and House of Representatives hearings and investigations. These tapes are “Fully Restricted” from public access, including Freedom of Information requests, for fifty years. Wittmer points out that the life expectancy of an analog tape is twenty-five years.

Wittmer reports that the Texas Rangers had custody of twelve tons of evidence—videotapes, audiotapes, documents, and materials recovered after the fire. Documentarian Michael McNulty and survivor Clive Doyle believe it is likely that these materials were destroyed after the 2000 civil trial.

David Kopel and Paul Blackman report that in the criminal trial Texas Ranger Ray Cano testified that the Texas Rangers’ notes of their interviews conducted while investigating the ATF raid had been turned over to the United States Attorney’s office, but these notes were destroyed.

ATF agents had video cameras recording the February 28, 1993 raid, but subsequently reported that all the cameras had malfunctioned. Replies to Freedom of Information requests by David Hardy revealed that the FBI possessed over 171,000 pages of documents relating to the case, hundreds of videotapes, thousands of audiotapes, and over 10,000 photographs, but these have not been released, except to Justice Department attorneys prosecuting the Branch Davidians in the criminal trial and defending the government in the civil trial. The military admitted to having 30,000 pages of documents, 7,000 of which are classified as military secrets. The White House admitted having 580 pages, which it claimed were covered by executive privilege. The

Justice Department has refused to cooperate with court mandates to provide its more than 7,000 records.

Stuart Wright reports in “Field Notes from Waco” that during the civil trial David Keys, a Department of Public Safety officer who was at Mount Carmel on April 19, 1993, testified that at 3:00 p.m. he observed agents loading what looked like a door into a U-Haul truck. Defense attorneys objected to Keys’ testimony, which Judge Smith terminated. Wright reports that in a videotaped deposition that was not shown in the trial, Keys testified that when the U-Haul truck left Mount Carmel it did not turn onto Farm Road 2491 to go into Waco, which would have required it to drive past television cameras. Raw satellite feed of the U-Haul truck arriving at and departing Mount Carmel recorded by Ken Fawcett has been donated to the Texas Collection at Baylor University by Matthew D. Wittmer.

Catherine Wessinger was impressed with the ephemeral nature of materials relating to the Branch Davidian case when she drove to Mount Carmel in 2004 to interview Clive Doyle and saw that the house across Double EE Ranch Road from Mount Carmel, which observers have dubbed the “undercover house,” was demolished. Only the slab remained. Her educated guess after reading the FBI logs is that the house, which served as the ATF’s “undercover house,” was used by the FBI during the siege and as FTOC (Forward Tactical Operations Center) where SAC (Special Agent in Charge Jeffrey Jamar) was located on April 19, 1993. A photograph was taken of Byron Sage standing next to this house with the residence at Mount Carmel in flames behind him. On a subsequent visit she noted that even the slab had disappeared.

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Mark Swett Collection in the Texas Collection, Baylor University.

### **Recommended Website**

Matthew D. Wittmer, Memorializing Mount Carmel Center East of Waco, Texas,

<<http://www.stormbound.org/waco.html>>.

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