U.S. DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO & FIREARMS
TAPE #39

3/4/93
11:00 a.m. - 11:45 a.m.
DAVID: Look, I got to get on this toilet somehow, Jim.

JIM: Okay.

DAVID: Pray for me for that.

JIM: Okay, buddy, let me give you a break.

DAVID: Well, like I say, just give me thirty minutes or so, and I --

JIM: Okay, listen, I really need to talk to you, because we got a few issues to discuss.

DAVID: Okay.

JIM: And one is, let me tell you this one before you go, because there's some, there's a cattle rancher out there --

DAVID: Uh-huh.

JIM: And he was chasing a bunch of cows off way to the right of your place, there, you know his cows hadn't eaten in five days --

DAVID: -- right.

JIM: Well, he was out there chasing them, okay. And I want you to just pass the word. I don't want nobody to think --

DAVID: Hold on, is it Mr. Perry's hand over there?

JIM: Yeah, one of those guys over there.

DAVID: No problem. We see him all the
time. We wave at him.

    JIM: Okay, and also another thing happened, was we had some water pump go out. You know when you go out to Double E Rd. to 2491?

    DAVID: Yeah.

    JIM: There's a big water pump down there?

    DAVID: Yeah.

    JIM: Well some of the neighbors have called the sheriff because their water went out, okay?

    DAVID: Uh-huh.

    JIM: And the sheriff's come up and asked us to get in there cause all the agents are blocking that area.

    DAVID: Right.

    JIM: And they want to let these county water fixers get in there and fix the pump. I just want to let you know.

    DAVID: Yeah, no problem.

    JIM: Okay, if you see people over there, it's pump, pump.

    DAVID: Well, there's people there every day.

    JIM: Oh yeah, okay, but they may be on the pump, and they're pump people, you know?

    DAVID: Yeah.
JIM: Okay, you get fixed up. Hey, is Rachel there?

DAVID: Yeah, she's here, you want to talk to her?

JIM: Yeah.

DAVID: Okay, Rach?

RACHEL: Hello?

JIM: Rachel?

RACHEL: Yes.

JIM: Okay. Listen, is there anything I can talk to the doctor about? David said he was having trouble getting on the toilet there.

RACHEL: Is there anything what? I'm sorry.

JIM: Anything I could -- I got a doctor here.

RACHEL: Uh-huh.

JIM: That I could get to in a few minutes. And, you know, do you want me to ask him about, you know, his injury or anything you can tell me, you know that might assist him? The doctor yesterday was querying me if he was able to have a bowel movement, how that was affecting, you know, it would be related to his general condition.

RACHEL: Uh-huh. So you want to know --

JIM: Well, just let us know if he, if he
does, because the doctor said, urination and bowel movements --

RACHEL: Oh, well he's been urinating.

JIM: He's been urinating, that's good.

RACHEL: Yeah, since the beginning.

JIM: Any blood or anything? He hasn't been urinating blood has he?

RACHEL: I don't believe so.

JIM: Okay, okay, that's good. If he can have a bowel movement that would probably be pretty good.

RACHEL: Yeah, that's what he's going to try to do.

JIM: Okay, well listen, I want to tell you something.

RACHEL: Okay.

JIM: You told me and David told me about what happened, and I think it's important that your story and your side of it, your side of this event gets out, okay?

RACHEL: Uh-huh.

JIM: And when you come out, you can tell it. And, there's a lot of reporters here that have expressed a desire to interview David when he comes out and I think it's important that your side of this
side of this gets out and I wanted you to know that
Henry and I understand that and I'm not telling you
that every agent here understands that, okay? I'm not
trying to tell you that, what I'm telling you is that
Henry and I do and I think you should get an
opportunity to do that. You will when you come out,
okay?

RACHEL: Okay.

JIM: So just keep that in your mind. I
know now it's frustrating, but I think that after
awhile as we talk and David decides it's time to walk
out, this is one benefit and that is to get his part
about the events that occurred, out. I know he wants
to do that.

RACHEL: Uh-huh.

JIM: The Christian Broadcasting Network has
told us that 95% of the calls about David's radio
message were positive and the people were just very
enthused about it.

RACHEL: Well, that was KBBW?

JIM: Yeah, uh-huh, and this guy Craig
Smith? RACHEL: Uh-huh.

And they were, he said there was a little waning, you
know, I mean, some doubt, I mean, of course after
David didn't come out, you know, which he said he
would.

    RACHEL: Uh-huh.

    JIM: But I mean, I talked at length with that, about that with David and he told me, he said Jim, I didn't say I'm not coming, he said I'm just not coming right now.

    RACHEL: Right.

    JIM: So, I understand that. But, I think one thing I want you to remember is about these events that they need to be told, okay?

    RACHEL: Right.

    JIM: And, you know, if something was done by these agents or whatever, it needs to be investigated, looked at, you know what I'm saying? So, people want to hear your side, okay?

    RACHEL: Uh-huh.

    JIM: They do, they are interested, not only the media, but the public, okay?

    RACHEL: Right.

    JIM: So just keep that in mind. That's real important. Okay?

    RACHEL: Okay.

    JIM: You know, I'm just, I wonder, I mean David has really talked to me at length about his Word and I'm just, you know, he's told me so many things,
that I'm just curious if this isn't, if this thing
isn't maybe one of God's ways of testing his resolve,
you know, to spread the Word, you know, beyond, beyond
that temple there, that church there, you know what
I'm saying?

    RACHEL: Uh-huh.

    JIM: Do you know what I mean? I know that
David communicates and, and, has a lot inside, you
know, he's just a real, I don't know how you would
describe, I would say he's a holy man or a pious man
and he's got a gift or something. But what I'm just
saying is, it may be God's way of, so you know, God
sometimes his messages may not be as, just like the
Bible, you kind of, kind of, you know, catches and
describes things a little different, if you know what
I mean.

    RACHEL: Uh-huh.

    JIM: When I was a kid I remember at a
sermon where they talked about the Red Sea, you know.

    RACHEL: Yeah.

    JIM: And the, and the preacher said that it
wasn't exactly as the people walking out of Egypt over
the ocean, but what it was, was the Israelites,
walking through a swampy marsh on foot to get back to
the Holy Land and the Romans on chariots got bogged
down in this place actually, which was actually called
the Reed Sea, you know, and they got stuck and, you
know how the Bible talks about chariots of fire.

RACHEL: You mind repeating that story?
That, I don't know if I quite follow you on that.

JIM: Well, I'm just saying, you know the
way the Bible talks in symbols.

RACHEL: Yeah.

JIM: At least that's what I'm just getting
around. Now I'm just wondering if this event isn't a
way where God's testing, you know, David's resolve to
spread his word beyond Mt. Carmel, you know, that's
all I'm saying.

RACHEL: Yeah.

JIM: He knows more about that than me. You
know, I'm no theologian.

RACHEL: Me neither.

JIM: I'm just a policeman.

RACHEL: I'm not a theologian myself.

JIM: I'm a policeman, you know. You're a
mother, right?

RACHEL: Yeah, right.

JIM: But, so, but anyway, I think that
those are just some things -- you feel strongly about
and I know David feels strongly about and I think are
positives that he will get his side out. Your side will be heard. The public will know, the world will know, and I think that's important. So, are you still with David? Are you helping him or is he --

RACHEL: Yeah, I think, well because I'm on the phone with you right now, I think someone else is trying to help him get up.

JIM: Oh, okay.

RACHEL: So.

JIM: Okay. Well two things I told him was that there's a rancher who's chasing some cows out over there off to the right, out in the field, his cows haven't eaten.

RACHEL: To the right of the house here?

JIM: Yeah. Said his cows hadn't eaten, you know, in five days and David said he thought it was Mr. Perry's ranch hand or something?

RACHEL: Uh-huh.

JIM: So just if you see anybody out there, just tell everybody. And the second thing that happened was some of your neighbors were without water.

RACHEL: Some of our neighbors what?

JIM: Are without water.

RACHEL: Oh, really.
JIM: Apparently there's a pump station right at the end of Double E Ranch.

RACHEL: Uh-huh.

JIM: And some pump, water pumps or water tower pumps or something, and that broke down.

RACHEL: Uh-huh.

JIM: And so the sheriff had called and asked if could get some of these county engineers in there to fix that water pump, so of course we're going to allow them to do that. But, you should be, you should know that there could be people around that water pump.

RACHEL: Oh.

JIM: That's a pretty good way from you.

RACHEL: Down there at those two little towers down there at the end of the road?

JIM: Exactly.

RACHEL: Right.

JIM: But pass the word through.

RACHEL: Okay.

JIM: Because one of these mechanics might have to climb up there or something, you know what I'm saying?

RACHEL: Climb up on to the tower?

JIM: Yeah, I don't know. I mean they
didn't tell me they had to climb up there.

RACHEL: Yeah.

JIM: But I don't want some mechanic to climb up there with a wrench and, you know, somebody thinks he's, you know, going to shoot or something.

RACHEL: Well I notice they feel pretty bold in bringing their tanks onto our property.

JIM: Yeah.

RACHEL: When the agreement was, I mean this is coming from myself --

JIM: Yeah.

RACHEL: The agreement was made that, you know, nobody would come on to the perimeter.

JIM: Right.

RACHEL: And it's just not being upheld.

JIM: Yeah.

RACHEL: I mean they were right here practically in our back yard.

JIM: I understand. I understand.

RACHEL: So who's in charge of that?

JIM: Well, there's a lot of commanders here and you know, there's people on the ground out there and, you know, I think some of the maneuvers they're doing, they're trying to keep, you know, the police and agents safe out there. They don't want to have
anything that anybody could hide behind.

    RACHEL: Well, hey, we're not starting
anything and we never have and we're not set on
starting anything.

    JIM: I understand.

    RACHEL: I mean, you start it then you start
it.

    JIM: Right, I understand. Well, we're not
planning on starting anything either. And, but those
vehicles, you know, will move around, but you know,
nobody's coming in there or anything. Did David say
who the next child was he wanted to send out.

    RACHEL: No, he hasn't talked about it. He,
I think he's trying to go to the bathroom right now.

    JIM: There was a little girl named Heather,
I think that was, we talked about one time that was a
sister of Kevin and Mark, is that right?

    RACHEL? Kevin and Mark, yeah, they have a
sister.

    JIM: Is her name Heather?

    RACHEL: Possibly so.

    JIM: Okay, I may be wrong in that, but I
thought it was Heather, and I think, I think they were
even asking for her. I think Mark had talked to her
when he came over here or something. I think you
might just check with --

RACHEL: Oh, I don't know.

JIM: There's so many children.

RACHEL: I talked to Kevin, that's all I know. I didn't talk to Mark.

JIM: Yeah. Well, there's a lot of children in there and I'm sure it's hard to keep up with every one of them, huh?

RACHEL: Uh-huh.

JIM: But, how are you feeling today, okay?

RACHEL: Yeah, I'm kind of coming down with a cold here, you know, got kind of chilly, sometimes late at night.

JIM: Yeah, I have to check with David on Heather, I think the boys want her, you know, they've kind of been asking. See if that's who he had in mind.

RACHEL: Okay.

JIM: You think you got a cold?

RACHEL: Yeah, I caught a cold. It's pretty chilly in here.

JIM: Through all this, you know, and then you get a cold too, isn't that terrible?

RACHEL: Yeah, yeah.

JIM: Well keep your strength up and --
RACHEL: Yeah, I'll get some vitamin C and try to keep it from getting too bad.

JIM: Yeah, yeah, don't let it because it'll drain you down, you know.

RACHEL: Sorry?

JIM: I said those colds will drain you.

RACHEL: Oh yeah.

JIM: You know you start to feel real weak. I mean you need to keep fluid in.

RACHEL: Yeah, they do.

JIM: Chicken soup, you know, they say, can't hurt it. If it don't help, it can't hurt.

RACHEL: Yeah. Did I talk to you this morning or was that Henry?

JIM: No, that was me. Well you might have talked to Henry real early.

RACHEL: No, cause I remember now that I said Jim, and then after I got off the phone, like it sure sounded like Henry to me.

JIM: Henry left, no I think it was you and me because Henry left early.

RACHEL: Oh okay.

JIM: Yeah. I think that was you and me. That's when we were talking probably about Kevin.

RACHEL: Cause I think I mostly talked to
him since this has been going on. I don't think I've
talked to you.

    JIM: Not as much.
    RACHEL: Before today or maybe --
    JIM: Oh no, we talked.
    RACHEL: I talked to you yesterday, then, right?
    JIM: Yeah, oh yeah we talked, we talked
Monday too, I think, briefly, briefly.
    RACHEL: Well he was the one I guess I
talked to in the night. He's just, he's very
persistent, going about every angle to try to find
some answers or something.
    JIM: Well, he's concerned about you. I
mean.
    RACHEL: I know.
    JIM: I mean, he's, he's a real good guy,
I'm telling you. I've, he's, he's just concerned.
That's the reason. You know, he --
    RACHEL: Well, it's your job.
    JIM: Yeah, well, we're concerned. I mean
we have kids and we have families and we want
everybody to be safe, you know.
    RACHEL: Uh-huh.
    JIM: I know you do too. So that's all
Henry. He's interested in your welfare. He's been just real happy talking with the kids and stuff, you know. He's a good guy.

RACHEL: Yeah, he sounds like a pretty good guy.

JIM: He really is. He's a real gentle kind of person.

RACHEL: Oh, I'm, I'm trying to remember something I heard them say on the T. V., it's just now coming back to my memory. He was talking about, oh, I think I remember now, he was talking about Robert --

JIM: Ro --

RACHEL: -- the agent, well they didn't mention any names, of course they wouldn't.

JIM: Yeah.

RACHEL: I take that back.

JIM: Right.

RACHEL: They just mentioned agents.

JIM: An agent.

RACHEL: What he said was, he said that we never, we never told them that we thought that they were agents and that is not true because before this all happened, David had told me, it was like I think the first time they came over they were standing out by the horse, what is that thing called behind our
Horse --

RACHEL: Horse walker, anyway, and they were asking about purchasing it, and David was out there talking to them. There was, I don't know how many out there, three or four I'm not sure.

RACHEL: FBI agents, something of that sort.  
JIM: Uh-huh, uh-huh, yeah.

RACHEL: So, it, you know, they're not, they don't have all the information.

JIM: No, that's right. I understand that.

RACHEL: But David did tell them that.

JIM: He told them that.

RACHEL: When they first came over, several of them came over, he told them that he thought that were when they first moved in.

JIM: Yeah, uh-huh.

RACHEL: So.

JIM: Well, I understand, that's another part of your story, I think in your side of the events
that needs to be told when you come out. You know, it's important. You know, don't forget it. Write it down. You know, everybody needs to tell their part of the events that occurred and I think it's important that it's not just agents telling what happened. It should be you telling and David telling, you know what I'm saying?

RACHEL: Uh-huh.

JIM: I'm concerned about that. I think that that is very important and so just keep that in mind. I don't know, this is, wish things like this never occurred, you know, I think maybe if you and I talked or David had talked prior, you know, we could have done this differently.

RACHEL: Uh-huh.

JIM: But unfortunately it wasn't us, it was some other people and you know, if we could've done --

RACHEL: So you, yourself are with the FBI, right?

JIM: No.

RACHEL: No?

JIM: No, I'm ATF.

RACHEL: And Henry's with FBI?

JIM: Henry's FBI.

RACHEL: Right.
JIM: I want to tell you that there's great interest in your side, your view of what happened, what you saw and your testimony and that's very important. So I don't want you to think that that's being discounted. The media is very interested in it. So --

RACHEL: Oh yeah, they always are.

JIM: Well, you know, Rachel, but the thing is, this is the problem that David and I have been having with them all week inaccuracies. You know, just like when they said there's twenty kids on the bus.

RACHEL: Right.

JIM: I mean, you know, whenever you're telling one person who tells another person, who tells another person, you know what I'm saying?

RACHEL: Uh-huh, it gets on the radio, and the news and --

JIM: Yeah, and then by the time it's like that, it's not even close to what happened.

RACHEL: That's right.

JIM: It's an old Texas saying, you know, the horse's mouth.

RACHEL: Yeah.

JIM: Right? And the horse's mouth is the person that was there.
RACHEL: Right.

JIM: And you were there, David was there, and I think that that, you know needs to be directly told. It will be, it will be, as it should be. Right?

RACHEL: It should.

JIM: That's right, absolutely and that's, that's going to happen. So, you know, just remember that your day in court will come and your day with the media will come and these things will all be told, you know. How's Sita doing?

RACHEL: Oh, she's fine. She's fine. She was a little bit upset yesterday about the situation.

JIM: Oh listen, I just was passed a report here from the newspaper, it said Treasure Secretary, Lloyd Benston --

RACHEL: Uh-huh.

JIM: -- whose department oversees ATF, said there will be a full review of the operation that occurred at Mt. Carmel.

RACHEL: Lloyd Benston?

JIM: Yeah. He's the, he's the, well you know him, don't you?

RACHEL: The name is familiar. David or Steve probably knows, you know, more, but the name is
familiar because I read it in the newspaper on Saturday when it first came out.

JIM: Well, he's the, he's over ATF.

RACHEL: Oh, okay.

JIM: He's over ATF, see. And, he used to be a Senator from Texas. And, you know, they changed administrations up there. He's the new Treasury Secretary, so he's over all of ATF.

RACHEL: So how long have you been doing this sort of thing?

JIM: Well, about nineteen years.

RACHEL: You like it?

JIM: Well, it, it's hard, you know.

RACHEL: I wouldn't like it. It's too stressful.

JIM: Yeah, it's hard to see people in difficult situations. That part I don't like.

RACHEL: I mean because, to me, it would be hard to go home after the job was over and forget about everything because you become involved and it's like part of your life.

JIM: Well, you do, you know, you do. But, you know, you want to try to help and see what you can do. You know, it's always nice to see things resolve peacefully. And, that's a real reward. I know you
feel the same.

RACHEL: Uh-huh.

JIM: When I was twenty-one I just started out as a uniformed policeman, you know?

RACHEL: Uh-huh.

JIM: But, I had to deliver a baby one time.

RACHEL: Oh really?

JIM: Boy, that was a trip, I tell you what.

I pulled up in front of this house and these two ladies ran out and said, "oh, everything's okay now, the police are here." I said, "oh gosh," there was a lady inside on the couch having a baby.

RACHEL: Ooh. Now, why were you there, what?

JIM: Well, they called, the lady was in labor.

RACHEL: Uh-huh.

JIM: And so they dialed the emergency dispatch, you know, and said send the police and an ambulance, the lady's having a baby. Well, when they put it on the police frequency, I was closer than the ambulance.

RACHEL: Oh.

JIM: You see, cause I was out, you know, in the neighborhood. So, I went there, and I got there,
you know before the ambulance ever came.

RACHEL: I didn't know they would send a
police --

JIM: Yeah, yeah, they used to send us on
any emergency call, you know.

RACHEL: Oh.

JIM: Any time there was an ambulance call.

RACHEL: My mother, my mother had to go in a
ambulance once I think and I don't remember.

JIM: Well in different cities, you know --

RACHEL: Yeah, that's true.

JIM: But that was kind of scary because
here I was alone, you know and --

RACHEL: And you had to deliver it, huh?

JIM: Well, you know, I think, I give the
mother credit for that. I kind of, I kind of just
stood there and tried to help. Tried to look like I
knew what I was doing.

RACHEL: Did you catch the baby?

JIM: Yeah, uh-huh.

RACHEL: Did you cut the cord?

JIM: No.

RACHEL: Or did you wait.

JIM: What I did was I waited, because, got
the baby out and then just laid him on his mother's
side and left the cord, you know, because that's the
way they trained us in the police academy. I knew
that help was just minutes away, you know. So then
the ambulance attendants came in and they cut the
umbilical cord, and you know, cleaned him up and, but
I'm telling your, for, for, for a twenty one year old
policeman who thinks he's a big tough guy, you know,
then here's, and here's, lady having a baby.

RACHEL: Yeah.

JIM: Of course, my uniform, you can imagine
what that looked like.

RACHEL: Yeah, (laughing).

JIM: Then I went back to the squad room and
of course all of the --

RACHEL: Well, were you married yet at that
time?

JIM: No.

RACHEL: Oh, so you, you, that was a new
experience.

JIM: That was a new experience.

RACHEL: You never saw a birth before.

JIM: That's right. I didn't expect, you
know, and all the policemen down there, saying geez,
Jim, where you, where've you been? You look terrible.

But it was really neat, it was kind of neat. You get
thrown in those situations, but you, you know, there's a lot of times when you'd find a lost kid or, you know, something like that which would be real nice when you help somebody. You've got people in there from all over the world, don't you?

RACHEL: Yeah.

JIM: Did they say New Zealand, somebody tell me or is that the --

RACHEL: I don't know. I didn't hear anything of that sort.

JIM: Australia, maybe. I think there was some people from Australia. Maybe it was Nicole, I think I talked to her. Do you know her?

RACHEL: Yes.

JIM: Yeah, she had a accent, yeah she had an Australian accent. I think, I'm trying to remember if her children came out.

RACHEL: If what?

JIM: If Nicole's children, did some of her children come out?

RACHEL: I don't believe so.

JIM: No. Does she have any kids in there?

RACHEL: I think one of them talked to you.

JIM: Oh yeah, I think he did, yeah. Hey, you know what we were going to do before the prayer
service, was, you were going to run down to make a
list of the kids and how old they were?

    RACHEL: Oh yeah.

    JIM: Do you still have that handy?

    RACHEL: Well I remember it and I also
remember what he told me to tell you at that time.

    JIM: Oh, you didn't tell me though. He
didn't --

    RACHEL: No, because he didn't want to talk
anyway, so I didn't even say what he said.

    JIM: He doesn't want you to tell me?

    RACHEL: He wasn't -- I would have to ask
him again. I want to --

    JIM: I won't --

    RACHEL: I prefer to repeat it word for
word, you know.

    JIM: It's okay, I won't get mad. I
understand.

    RACHEL: So, what do you want me to ask him
now?

    JIM: Well, we were just concerned about a
list of the children and their ages, you know, to see
if we had to make any arrangements for the infants
and --

    RACHEL: Just a minute, let me see if he's --
JIM: Hey, you know, if he doesn't --
RACHEL: I think, the curtain's still up, so.
JIM: Yeah.
RACHEL: I don't think he's --
JIM: I mean, you know, he may not be ready to tell me. It's no big thing, I mean, I'd just like, you know, if I could get any, diapers, bottles, stuff ready for that to be taken care of. Some of those little babies and the number, count. Apparently some children, Rachel, have parents outside here, right? That's what the human services people told me.
RACHEL: I mean, I don't know.
JIM: Like, well, I think Kevin and Mark.
RACHEL: Oh yeah, but they're not bottled children, so --
JIM: Oh, no, right, but I think they had a mother.
RACHEL: Yeah, but they're not going to let them go to their mother, are they?
JIM: No, I don't know. I don't know. I thought they were calling their mother.
RACHEL: Sorry?
JIM: I thought they told me they were calling their mother, they were reaching her.
RACHEL: Yeah, but they're not letting any of the children go to their immediately families that aren't involved with this.

JIM: Well, I don't know. Cause they only told me to tell you they were calling the mother of Mark and David. Now whether or not they released them to her, I don't know.

RACHEL: I was under the impression that they were going to put them in a foster home.

JIM: I'm sure some of them will be. That's fairly normal, you know.

RACHEL: Why's that, if they have immediate family?

JIM: Well --

RACHEL: I mean, they are not involved with this.

JIM: It's just temporary.

RACHEL: You know, the child would feel more comfortable being with, you know, a relative.

JIM: Oh, I agree with that one hundred percent. I think it's just temporary till this is resolved, yeah, you know. Once we contact some relatives, I'm sure those arrangements will be made. It's just --

RACHEL: Are they, are they contacting the
relatives of the children --

JIM: Yes.

RACHEL: -- that are there and telling them that they have them?

JIM: Yes, absolutely, uh-huh. Yes they are. Now whether or not, I don't, I'm not telling you that they've released them to those people --

RACHEL: Yeah.

JIM: -- I didn't say that. I don't know that that's the case, but they are contacting them. They're here. I understand some parents or grandparents or whatever relatives are here, okay, and they're getting to see the children, but I can't tell you that they've released them. I don't know that's the case. And, they may keep them temporarily in a foster home until, you know, the rest of you walk out. I've got to have a sip of water.

RACHEL: Uh-huh. Why do they do that anyway?

JIM: You mean to tem-- to keep them temporarily?

RACHEL: Yes.

JIM: Oh, I don't know. I guess it just has something to do with the child welfare rules or something, I don't know. You know, one thing I guess
they'd be concerned about was that, you know, if children came out and then the parents were still inside, you know to keep them till the parents came out.

RACHEL: Yeah. But then what happens to the parents. The parents don't get to go to their children, Jim, you know that as well as I do.

JIM: Well, I think that's initially, you know, but remember this Rachel, I mean any time anything like this happens, you know, there's hearings, there's court, there's bail, and I, I'm not saying --

RACHEL: I heard them say no bail to someone who was arrested already.

JIM: Well, I think, no one who comes out will be released, until, I mean, nobody's going probably have any bail or release till everyone comes out. I mean, you know, I mean, I'm sure that's the case. I'm sure that's the case. You know once everyone's out, like those two ladies who are being held as material witnesses, well that's kind of something that just, you know, it's kind of indefinite until everybody comes out.

RACHEL: Well, I can understand that, as being held as material witnesses --
JIM: Yeah.

RACHEL: -- otherwise they may not be able to contact them.

JIM: Right, but I mean, but I think what's going to happen is once everybody walks out then, you know, the attorneys are going to decide, okay, you know, like this person's a material witness, this person's a material witness, you know, this person were going to charge with something, this person we're going to charge with something and here's the bail. And, then the judge has to set the bail, you know. They have to appear before the magistrate, I mean, once you walk out, I mean, you know, it's all in the hands of the court. It's not in the hands of agents, you know.

RACHEL: (to child) Don't mess with that. Well, I know one thing, back in '88, when we had the trial.

JIM: Right.

RACHEL: The amount that -- of bail, I mean it was, I think it was fifty, fifty thousand?

JIM: Yeah.

RACHEL: I mean, there was other guys in the cell, you know, who were being charged with attempted murder, or murder, or whatever was less than that. I
JIM: Oh, I know.

RACHEL: -- that was something else. That was unbelievable.

JIM: Well, listen, we know that everyone in there was not involved and everyone in there is not responsible.

RACHEL: Well who, how, well who would they consider involved and who would they consider not being involved?

JIM: Yeah, that I can't tell you. I don't know.

RACHEL: Well, you should know, I mean just as a personal conversation, not as telling me, you know --

JIM: Yeah, I --

RACHEL: -- particular aspects, I'm just curious as to how that works.

JIM: Well, I think that the investigation, you know, they'll have to ask a lot of questions, I mean, talk to you guys, you know, see what you say, and you know, see what whoever was on the scene says, you know, I'm sure that's how it going to be done. It's a normal way a case is done, you know.

RACHEL: Uh-huh.
JIM: And, of course, you know, it's got to be proof. It can't be any, just like in witnesses, you know, just like in that Roden case, in '88 when David and the guys were acquitted, it's because the evidence was lacking, you know. I'm sure some people will not be charged, although I could tell you that initially they will be held as material witnesses, I'm sure every adult in there will be initially. And then some attorneys will decide well, we're not charging this person, this person, this person, and we're going to charge these and anyone who was charged, you know, will then appear for bail. You know how that works.

RACHEL: Yes.

JIM: And, I'm not going to lie to you. You know, if I was going to lie to you, I'd say "oh sure come on out, you know, no problem," right?

RACHEL: (Laughing) Yes.

JIM: I'm, I'm telling you what's going to happen.

RACHEL: Oh, I, I know that for sure. I mean nobody gets, gets away free, you know if they've committed a crime, they shouldn't.

JIM: Well, then not everybody in there might have committed a crime, right?

RACHEL: No. Right.
JIM: Okay, so what I'm saying is everybody --

RACHEL: If you are allowed to self defend yourself, you know, --

JIM: Exactly, exactly. That's what we want you to know that you should be telling us.

RACHEL: I mean either you're going to be the one dead or you're going to fire back and --

JIM: Do you know that the law says and I learned this nineteen years ago when I was a rookie, that everyone has a right to defend themselves, and their home and their property.

RACHEL: You know, before this ever happened, I used to, you know, think about, what if, you know, just personal, personal lifestyle, what if someone broke in my house and, you know, I mean it happens all the time, you have people break in someone's home and they, they'll you know, try to rob you, or rape you or whatever.

JIM: Right, exactly.

RACHEL: You know, and if you were to defend yourself, you know, you'd probably still go to jail.

JIM: No, no.

RACHEL: Do you know how that works?

JIM: No, because look at the '88 case with,
'87 with Roden, okay?

RACHEL: Yeah.

JIM: The, the, David and the other guys were arrested, right?

RACHEL: Uh-huh.

JIM: They were charged, right?

RACHEL: Uh-huh.

JIM: But there was no evidence, it was lacking. The truth came out. In other words, David and the other men told what happened and because of their testimony given by your folks in there, they were acquitted. And, you may well have a self defense case here. And --

RACHEL: But even on a self defense case --

JIM: Right.

RACHEL: -- you know, like they said that four ATF agents got killed --

JIM: Right.

RACHEL: -- still even if you're self, you know, defending yourself, to me, I mean, I don't know, I don't really know anything about the law. You know, very little, if you're self, you know, you're defending yourself and you were to kill someone, then how does that still stand?

JIM: Well, then you're innocent.
RACHEL: I just thought, you know, they might still do something.

JIM: No, then you're innocent. Okay?

RACHEL: Cause, you know, I used to think about those kind of things, you know, like what if, you know, cause this is a wicked world and a lot of things happen out there, you know, what if someone, you know, I've had that concern as far as being, you know, molested or raped or by someone out there that was just to break in, you know?

JIM: Absolutely, absolutely, that happens every day. But you have the right to defend yourself. That's in the law. That's in the State law, that's in the Federal Law, that every citizen has the right to defend themselves. And certainly the sanctity of their home. To repel an attack, to repel a rape as you say or some type of injury. You have that right. That's in the law.

RACHEL: Uh-huh.

JIM: You know a man in California, I remember, was -- killed a police officer. And, he was acquitted on self defense grounds.

RACHEL: Oh, really.

JIM: Yeah, I can tell you a case I had in Nashville, Tennessee years ago. Okay? Let me tell
you this story. A man was standing on the front store, step of his house and a policeman come up, and pulled out a gun and pointed it at him and shot toward him and this man killed the uniform policeman, killed him, with a .45 pistol and he was acquitted. The Grand Jury wouldn't even indict him for it. Never even got to the jury. The Grand Jury, you know, which is the ones who, you know, sit first.

    RACHEL: Yeah. See if it's worth hearing the case.

    JIM: See if there's fact, right, uh-huh. And, what I want you to realize is, you know, this isn't even at the Grand Jury. You know what I'm saying?

    RACHEL: Uh-huh.

    JIM: But first you have to have Grand Jury and that's like, you know, how many people they have in those allotment, twenty three people, they have to be citizens, you know, they're not police, they can't be police and they have to decide that there's grounds for a charge. And then it goes to the, if it reaches past there to a trial stage, then the jury has to decide, well, you know, was a crime committed or if it's self defense, then that's, that's a defense.

    RACHEL: Uh-huh.
JIM: You know. And the burden, and you know this Rachel, the burden of proof is not on you, right?

RACHEL: Oh.

JIM: In other words, the citizen has to prove nothing. Doesn't have to prove anything. Doesn't have to present any evidence. In other words, you're innocent. You're presumed innocent.

RACHEL: Well, I know when they went to jail back in '87 and the court was in '88, it, it was, the judicial system was, it was unreal. I learned a lot, by going to that court case, how backwards things really are. I mean --

JIM: Like what, what do you mean?

RACHEL: The District Attorney's Office, Al Shabob (phonetic), the things that he brought out, I mean, things he said that weren't even true. I mean David was talking to, I don't know if it was, it was probably you because when this first started happening, Henry wasn't involved yet.

JIM: Right.

RACHEL: And, you know, Shabob would ask, I mean, I can't speak as well as he does, but, you know, like, when you went out there to to shoot George Roden, did you not, I forget the rest of it, something
or another, and the questions they ask, you know, it's like yes or no. You can't answer yes or no, cause they're asking you --

JIM: Right.

RACHEL: -- you know what I mean?

JIM: Yeah, I know exactly what you mean. I know exactly what you mean, but, remember this now, the way that happens is, that each side has an attorney and each attorney gets to do that to the, to the other side. See what I mean?

RACHEL: Uh-huh.

JIM: So the attorney for your side can get up and say, Rachel, tell me what happened. See what I mean?

RACHEL: Uh-huh.

JIM: He doesn't have to ask a yes or no. Now the other side may get up and say, isn't it true that you did this, yes or no?

RACHEL: Uh-huh.

JIM: See what I mean?

RACHEL: Uh-huh.

JIM: But the, you know, the Constitution of the U. S. protects everyone. And, it say, you know, let's talk about that, I mean, freedom of religion, the Constitution guarantees all these rights, search
and seizure, you have to have warrants and testimony in court and you have to appear in court and you know the agents don't control that. I mean it's not, that's the court.

RACHEL: Are you from Texas or are you from a different state?

JIM: No, I'm from New Jersey.

RACHEL? New Jersey?

JIM: Uh-huh.

RACHEL: So you probably, you wouldn't have even known about that court case then.

JIM: No, I didn't know about it, uh-uh.

Not until, you know, David really started telling me about it.

RACHEL: And then now they keep bringing it up and they're not even bringing up the facts. They're saying things that are totally off the wall.

JIM: I know and I've seen some accounts, well I should say this. I live in Dallas now. I was just a little boy in New Jersey. When you said where are you from Jim, you know. Yeah, I live in Dallas.

RACHEL: So you never heard anything?

JIM: About, well I didn't hear anything about that until, until David started really laying it out for me and then I went and checked some of the
background.

RACHEL: So, then you know the facts.

JIM: Yeah, I know the facts and what they put out is totally inaccurate. I told David that the other day. But, (noise in background) are you still there?

RACHEL: Are you there?

JIM: Rach? Yeah, are you okay?

RACHEL: Yeah, I don't know what happened. I think somebody must have stepped on the cord. Just a minute. You there?

JIM: Yeah.

RACHEL: You still there? Do you know what it is?

JIM: What?

RACHEL: We have this phone, we have this phone and it has the regular, you know, cord and it had a black cord that you plug in. It has two cords.

JIM: Two cords?

RACHEL: Yeah. And, this black cord, one day when we were using the phone --

JIM: Hold on Rachel. Hey check on that phone, Rachel says she needs a phone. Check on that. I thought we were going to check on that and get that done. Get in there to those commanders and see what
we're doing. I already asked about that. I'm sorry go ahead.

RACHEL: Okay. This black cord that's plugged into the phone, when it gets stepped on or something, or it's shaken, it disconnects you. But then when I unplug it, well at first I couldn't hear your voice and now I can. So I just unplugged it totally.

JIM: Okay. I understand.

RACHEL: But, I can't dial, I can't call you unless it's plugged in.

JIM: Oh.

RACHEL: Cause I tried calling you after it happened, like, the phone's not working.

JIM: Yeah.

RACHEL: And then I plugged it back in and then I could call you, so.

JIM: We're trying --

RACHEL: I don't know, it's wierd.

JIM: -- we're trying to get a phone in, I'll let you know and then we'll see what we can do, if I can work it out, I'll try to do that.

RACHEL: Okay.

JIM: Everything's so difficult with the traffic.
RACHEL:  The traffic's really bad, huh?

JIM:  Oh yeah, I mean you can't go anywhere you know. You want to go down the Radio Shack and buy a phone, I mean, you got to have, it's a major operation.

RACHEL:  Are you being serious or sarcastic?

JIM?  Huh, no, I'm being serious.

RACHEL:  Really?

JIM:  That road outside of your place, you know how many cars are out there?

RACHEL:  All the media you mean?

JIM:  Yeah, there's a billion people.

RACHEL:  Well, I didn't know you were over that way.

JIM:  Well I'm down here at the airport, but it's the same way. You know, because this is where a lot of the --

RACHEL:  Uh-huh. Oh, yeah just to get through to get to the --

JIM:  Yeah.

RACHEL:  To the highway.

JIM:  Yeah, that's what I'm saying. Oh, you can get out on the highway on 35, it's okay.

RACHEL:  Yeah.

JIM:  But I'm talking just getting out of
where I am.

    RACHEL:  Yeah, cause you're going to have
everybody trying to talk to you too, at the same time.
    JIM:  Well see, we don't tell them who we
are. But like if we send somebody out to get it, he's
got to go out through all that junk, you know.
    RACHEL:  Uh-huh. Well, they probably try to
talk to him too.
    JIM:  Yeah, you know how the reporters, they
try to talk to everybody.
    RACHEL:  Oh, yeah, anybody.
    JIM:  Anybody.
    RACHEL:  I mean anybody answer.
    JIM:  Well they don't really want to talk to
me. They want to talk to you and David.
    RACHEL:  Yeah, well.
    JIM:  That's who they want, that's who they
want to talk to.
    RACHEL:  -- you guys do to find out things.
    JIM:  Yeah, they don't care -- listen Rach,
nineteen years, I've been doing this. They don't want
to talk to policemen.
    RACHEL:  Oh really.
    JIM:  They could care less. The only --
    RACHEL:  Well that's because they've been
hearing, they've been hearing things already and they
want the other side, I guess.

JIM: That's, that's exactly what I'm
saying. I mean a policeman, they can go find him
anywhere.

RACHEL: Yeah.

JIM: I mean, they're only talking to ATF
and the police because that's who, the only ones they
can talk to.

RACHEL: Right.

JIM: See what I'm saying?

RACHEL: Uh-huh.

JIM: So, just remember that. You know when
this thing goes to court, okay, I've seen a lot of
cases where judges even throw them out before they go
to a jury. I've had that happen. Do you understand?

RACHEL: Yeah, I was listening kind of half,
half heartily there because I was telling my daughter
something.

JIM: Yeah.

RACHEL: You said something about they
sometimes throw it out, excuse me, it doesn't make it
to court.

JIM: Well, the judge throws it out.

RACHEL: Yeah.
JIM: And, and also you got to remember that when a jury is seated, it's got to be you know, local people from the community, the peers. You know a jury has to be made up of peers.

RACHEL: Uh-huh.

JIM: So, you know, in your case the people of Waco and the ranchers and you know what I'm saying.

RACHEL: Uh-huh.

JIM: That's who's the judge in there. You know, that's who's, that's who decides what happened. And the judge would be bound by their decision. It's not his decision. He could throw it out if he wants, you know, or parts of it. There's a whole lot of things that could happen. I just want you to keep that in mind. I think David was getting kind of down and, you know.

RACHEL: I want to tell you something funny.

JIM: All right.

RACHEL: It was really funny in the court case back in '88. There was a, I believe it was a red flannel piece of cloth. What happened was they ripped up a shirt into you know, little pieces and you know, like little squares or whatever and Shabob had this flannel red cloth and you know, he would watch about his procedure and he was saying I think he was trying
to tell the guys, you know, that they were you know, using it to strangle, if I have that correct, I'm not positive on that, but, to use it some way like that. Anyway but I think it had to do with strangling. And it was really funny because when he asked one of, you know, one of our guys, you know what it was used for, well he was trying to tell him that what it was used for. He would, one of the men were permitted to tell him what it was used for.

    JIM: Right.

    RACHEL: And what it was used for was to go to the bathroom.

    JIM: Right.

    RACHEL: And the whole, I mean the whole courtroom just was filled with laughter.

    JIM: (laughing)

    RACHEL: It was, it was funny. It was an experience.

    JIM: Well, I just want you to realize that that all that stuff is the process and it's important to know that that's in place, you know. I don't want you to get down about it. I want you to, it's just something you got to deal with. You can deal with it. Everybody out there's strong and has a lot of character and I think that you can deal with it.
Don't you?

RACHEL: What, the the --

JIM: The court. The courtroom or the, you know, whatever, the hearings and all that stuff.

RACHEL: Yeah.

JIM: Don't you think so?

RACHEL: That people can handle it, is that what you said?

JIM: Yeah, I think you can handle it.

RACHEL: Well, yeah, I guess.

JIM: Well, I think you're strong and I think -- I know you --

RACHEL: Just tell the truth, I mean, what happened.

JIM: Well, that's what, that's what's important. I know you're concerned about it. It's all going to work out and you're going to get in there, I mean, it takes courage to get up in front of those courts and, I know it's like that, but come on out and get the process started, you know, I think that's the best thing to do. I really do. I'm being honest with you.

RACHEL: Uh-huh.

JIM: I don't want to see nobody else get hurt. You don't either.
RACHEL: I sure hope they, you know, don't try anything because I hate to see any more blood shed either. I don't want to see any move violence.

JIM: I don't either, Rachel. I really --

RACHEL: So, I just hope, they don't, you know try to come up in the middle of the night and sneak up on everybody or you know, try to get into the house because, you know?

JIM: Well, they won't, they won't.

RACHEL: Something's going to happens. I mean they'll be risking their lives, that's for sure.

JIM: I know it. But I appreciate you saying that you want everybody to be safe.

RACHEL: Yeah, I do.

JIM: And you take my word. Nothing's going to happen like that. But I think one way to diffuse anything, the whole situation is for you and me and David to agree that now's the time to come out peacefully. Come out, there'd be no more of this armored cars out there. No more guns on either side, and now that the event goes into court process and the, the, television news process, and the public process and all that stuff is over, you know what I mean.

RACHEL: Yeah, Jim, someone was just asking
me if a couple of guys can go out and carry the dead
dogs across the street because they're right in the
front of the house.

    JIM: I know it.

    RACHEL: Would you carry them across the
street and they're smelly.

    JIM: I know it. Steve had asked me about
that yesterday, okay, and let me work --
(End of Tape 39)