REP. ZELIFF: Good morning. The joint hearings of the Oversight Subcommittee on National Security, International Affairs and Criminal Justice and the Judiciary Committee on Crime will now come to order. (Sounds gavel.) I'd like to welcome all those present, our witnesses for the first day's panels, the public, and my friends on both the Oversight and Judiciary subcommittee. I would especially like to welcome my co-chairman during these hearings, Chairman Bill McCollum of Florida.

REP. MCCOLLUM: My pleasure.

REP. ZELIFF: Without further ado, then, we will move to opening statements. We will hear first from the majority subcommittee chairs, then subcommittee minority ranking members, then the full chairs and ranking members. We will then hear from our opening panel. All remaining members can submit copies of their opening statement for the record.

Today, two subcommittees undertake historic joint hearings on executive branch conduct during -- that led up to the events at Waco, Texas in 1993. These hearings were planned in early February by the subcommittees that are here today, the Oversight Subcommittee on National Security, International Affairs and Criminal Justice, which I chair, and the Judiciary Subcommittee on Crime, which Congressman McCollum chairs.

These hearings are being held because very important questions, questions that are still troubling the American public and many of us in Congress have not yet been answered. They are being held because hearings in 1993 on the Waco tragedy lacked vital information, information that we now have today.

Today's hearings are the result of an extensive five-month congressional investigation. Tens of thousands of documents have been reviewed, hundreds of potential witnesses have been interviewed. In human terms, these hearings are about a tragic loss of life. Four brave young law enforcement officers lost their lives on February 28th, 1993. A planned raid went badly and off course. These four agents, dedicated and proud, deserve our full respect. They did not choose to die, but like many others in the
law enforcement community, they chose to serve. In these hearings we will honor them, and we will seek accountability and responsibility. These four young men, so that the nation may know their supreme sacrifice, are Conway Ballou (sp), who was 30; Todd McKeon (sp) who was 28; Robert Williams (sp), who was 26; and Steven Willis (sp), who was 32. If we can get to the bottom of what went wrong and why, these lives will not have been given in vain.

But this is a complex event. On April 19th, 1993, after a 51-day siege, other decisions led to the use of so-called CS gas, and a fire broke out. The fire rapidly consumed the entire Davidian compound, killing all 22 innocent children and more than 60 adults. The truth behind that part of the tragedy is also important, and is the obligation of those who have responsibility for oversight to pursue the truth relentlessly. Speaking for myself, that is what I am here today to do: to find the truth, to let the chips fall where they may.

At their core, these hearings are about how a constitutional government works, but how one branch of a federal government oversees the activities of another, about how we as Americans seek after the truth and do not rest until we get full accountability and responsibility. Oversight is great. In fact, it is the genius of our constitutional system of government. These hearings are also about difficult legal and policy decisions. Did agents die because a well planned raid was hurriedly executed, despite the loss of surprise? Or was the plan itself flawed? Who approved the raid and the original plan? And where are the commanders who ordered it? How did the Treasury, when it reviewed its own behavior, reach its conclusions? On the use of military personnel and heavy equipment against U.S. citizens and other questions linger. How much was used and why? What was the legal justification? Was there a drug connection or not? Why did we need so much force? What are the legal limits and were they violated? On the use of CS gas, did the Justice Department know that it could seriously harm children? Did the President know? Who advised the attorney general and how advised the President? Was the attorney general pressured by the White House to end the siege? What were the roles of Webster Hubbell and Vince Foster? Who actually made the decision to use CS gas with 22 children inside the Davidian compound? After two years, why is there still no clear answer? Finally, what can we do to keep a tragedy like this happening again? What lessons have we learned, and what lessons did we learn about having agencies do their own reviews?
In these hearings we will hear nearly 90 witnesses. They have all been called to tell their accounts. All will testify under oath to tell the truth, the whole truth and nothing but the truth. At the end of the hearings, my hope is that lingering doubts about what happened on February 28th and April 19th, questions about who ordered these events and why, will be answered. Some facts will never be known, but most significant facts will be for the first time openly and vigorously discussed.

Three last points. First, I spent the better part of my life supporting and being supported by law enforcement. I come from New Hampshire, and up there we have great respect for our law enforcement people. Second, many have tried to take these hearings off track. Once and for all, these hearings are not about the Oklahoma City bombing, the Brady bill, the militias, gun control, or any other issue. They are about constitutional oversight. We have sought factual information from every available source. We have done so doggedly, and I am proud of that.

I make no apology for seeking the truth. And I will add that there has been greater accommodation in the minority party in these hearings than in any oversight hearing that I'm aware of during the past 40 years. One last final point, as we listen carefully to every witness, and as we search together for the answers to the many unanswered questions surrounding the events at Waco, I would urge my colleagues to back away from the attraction of political rhetoric. Americans are a very forgiving people. They seek the truth, and they will accept nothing less. If we could perform that function for them -- not as Republican, not as Democrats, but as truth seeking Americans doing our oversight role, there will be no more Wacos. That is my personal prayer, and I urge you all to join me in that effort. Thank you. The Chair recognizes and introduces the co-chairman of the joint subcommittees, and the chairman of the Judiciary Committee's Crime Subcommittee, my good friend, Bill McCollum of Florida.

REP. BILL MCCOLLUM (R-FL): Well, thank you very much, Chairman Zeliff. I'm very pleased today to be here, and to be chairing, with you, these hearings over the next eight days. Stephen Willis, Conway Laboe (sp), Todd McKeon (sp), Robert Williams. You don't know these men, but they are four of the reasons why congressional hearings into the events surrounding Waco will be held this week and next. These four federal law enforcement agents were among the more than 90 Americans killed in the single most fatal episode in the history of federal law enforcement -- the calamitous incident at Waco.
Last week, a New York Times editorial called it one of the biggest law enforcement fiascoes in recent memory. The disturbing truth is that all of these deaths were the direct of federal government action. This tragic incident has added to the distrust of the federal government and, specifically, federal law enforcement. The deadly mishandling of the crisis, and the ensuing mistrust, is why Congress must independently investigate all of the events surrounding Waco.

In looking at this, the basic fact remains -- no matter how you look at it -- that more than 90 people, including four law enforcement officers and 22 children, died as a direct result or indirect result of federal government action. Unavoidable, some say. Maybe so. But before we close the book on those 90 human beings, we better be very sure we know exactly what happened, ensure that everyone who should be held accountable is held accountable, and determine how we can avoid such tragedies in the future.

There is a woman in the audience today whose husband -- an ATF agent for 17 years -- was wounded during the raid. She traveled a long way just to remind us that there is a very painful side to Waco besides the deaths of those that I mentioned. She describes her husband as a man of high integrity who witnessed horrors on that fateful day in February 1992 that were worse than anything she saw in Vietnam. This devoted wife came to Washington to tell us not to forget the sacrifices of the wives and children of the thousands of brave agents like her husband.

Well, let me assure you, Ma'am, that we will not forget. In fact, when these hearings are over, it is my hope that law enforcement officers will be safer, because the supervisors and political officials who give them their orders will be more vigilant when placing them in harm's way.

The fact of the matter is that there are a lot of questions that have to be answered when we go down this process. The four main objectives of the hearings are one, to probe the lingering questions; two, uncover the errors; four, find out who should be held accountable, and craft reforms to prevent these mistakes from happening again.

In looking at the questions that are out there to be answered, there are a number of those. The toughest of those questions are, were ATF supervisors predisposed towards using military-like
tactics to serve a warrant? Could Koresh have been apprehended outside the compound, making the execution of the search warrant safer? Did senior Treasury Department officials warn ATF to call of the raid if the element of surprise was lost? Or was that added to the story after the fact? Did ATF purposely mislead the U.S. Army when it claimed there was a drug lab inside the Davidian compound? Was the judgment of Attorney General Janet Reno and others in the administration to use CS gas and storm the compound reasonable? Essentially, could the ATF and FBI have delayed the assault or handled the entire operation differently? If so, would the four ATF agents and 86 other Americans be alive today?

We still have not uncovered the truth. The mishandling of the crisis and the ensuing mistrust is why we're here independently examining this question. I want to assure the American people that those responsible will be held accountable for their actions. These hearings are a step in that direction. Until we learn the truth and restore accountability to government, we cannot begin to rebuild our citizens' faith in federal law enforcement.

Let me be clear. We cannot anticipate every future crisis, but we can be better prepared, and not have federal law enforcement repeat the errors of Waco. If these hearings can prevent another Waco, I feel that they have been a success.

Now, today's Washington Post says in a headline, "Clinton team focuses damage control on Waco." We're not here for damage control. The article describes how White House political operatives, in coordination with the Treasury and an outside damage control czar, went to work to prepare for these hearings, et cetera. Let me assure everyone here, these hearings will be objective.

They will be fair. And they will be thorough. At the end of the day, we will have as many of the answers as we can possibly have. The chips will fall where they may. There'll be some of the questions that have been raised that will be corroborated. Some of the issues that have been raised as very damaging to the administration may be (corroborated?). But there are going to be quite a number that come out on the other side of the coin, because there are a lot of conspiracy theories running around out there that I really believe, after the sun has set, we'll find are unfounded.

But I'm not here to prejudge. That's why we're having this hearing. We're here to find the answers, to go back and review
what we have to review, and at the end of all of this, we must restore confidence in the rule of law and in the federal government and its federal law enforcement arm. That's what these hearings are about; that and keeping the faith with not only the American people but with the families of those who were wounded or killed at Waco and the faith of the families of those many men in law enforcement throughout this nation of all persuasions, at all levels of government. Thank you, Mr. Chairman.

REP. ZELIFF: Thank you. The chair now recognizes the ranking minority member of the Oversight Committee's National Security and Criminal Justice Subcommittee, my good friend Karen Thurman from Florida.

REP. KAREN THURMAN (D-FL): Thank you, Mr. Chairman. Today we begin eight days of hearings devoted to the tragic events that took place two years ago at the Branch Davidian compound outside Waco, Texas. There is a great deal of national interest in our proceedings.

Chairman Zeliff and Chairman McCollum, let me state right from the beginning and for the record that I'm glad to hear that you hope that these and the public pronouncements about this process being fair and non-partisan are accurate, because we must not lose sight of our mission and who we serve, the American people. It would truly be a tragedy if we wasted taxpayers' dollars on a political side show that added nothing to the body of knowledge we already have concerning this incident. Remember, these kinds of events happen regardless of which party occupies the White House, and I believe we should proceed with that in mind. Subverting these hearings to a political agenda will do nothing for the reputation of either this Congress or our law enforcement.

I do believe that the events at Waco deserve deeper examination. We need to fully understand exactly where mistakes were made, both in planning and performance, and to ensure that they never happen again. And the only way this can be achieved is through impartiality and openness. Let us not forget why we are here this morning. Four law enforcement officers lost their lives, 20 were seriously injured, and more than 80 people died at the Branch Davidian compound. We must never allow our work here to drift away from the interest of those families who lost loved ones.

David Koresh and his followers were under intense scrutiny by local officials. After all, it was local law enforcement responding to very suspicious activities who contacted federal
authorities. The ATF obtained a lawful warrant which subsequently was not challenged in court cases involving surviving Davidians. In trying to serve the warrant, officers came under heavy gunfire. After a cease-fire was negotiated, the FBI took control of the scene and attempted to negotiate a settlement that prevented any further loss of life. Unfortunately, the agency was only partially successful.

Some adults and children left the compound in the days following February 28th, 1993. But on April 19th, the Branch Davidian compound erupted in fire. There are obvious and distressing problems surrounding the strategy and actions of both the ATF and the FBI, and they must be examined and resolved. The Department of Treasury issued an exhaustive report that strongly criticized the plan of the ATF. However, some questions still remain. If our government reform and oversight subcommittee is to achieve its mission, then we must conduct fair and proper oversight.

Finally, Mr. Chairman, I want to reiterate that my purpose over the next eight days is to see what went wrong, to determine if the problems have been corrected, and to make sure we do not engage in trivial partisan politics. I want my constituents and the American people to know that government, while far from being perfect, works for them. If these hearings produce a clearer understanding of what really happened at Waco, then we have done our jobs well. Otherwise, the public will only be left with questions, hearsay, and more reasons to doubt and mistrust us. Let us not follow the tragedy at Waco with a tragedy of Waco hearings. Let us have the heat of passionate debate but the light of understanding and the certainty that only true knowledge can bring. Thank you.

REP. ZELIFF: The chair now recognizes the ranking minority member of the crime subcommittee, Charles Schumer of New York, for his opening statement.

REP. CHARLES SCHUMER (D-NY): Thank you, Mr. Chairman.

Let me begin by saying that I believe with all my heart that we should have hearings on the incidents at Waco. This is the first of eight very sad days. We're going to talk about the deaths of scores of men and women and children, including four ATF agents. If we can learn the lessons of this tragedy by bringing out new facts, or even if no new facts come out, by looking at the old facts in a fresh light, then this is a worthy endeavor. Because in the words of Justice Louis Brandeis, "Sunlight is the best disinfectant." The danger here is that we won't shine sunlight,
but rather a strobe light, flashing on and off and distorting our vision. I have two goals as we enter into these hearings. First, to make the investigation constructive -- (announcement over public address system) -- we interrupt this opening statement for a commercial message. (Laughter.)

REP. ZELIFF: Would you consider it an outside interest? Go ahead. (Laughter.)

REP. SCHUMER: Okay. Are we all set there? We can listen to her. Okay. First is to make this investigation constructive, not destructive and divisive. The ATF and FBI should leave this hearing stronger, better, and more effective at enforcing all our laws, including gun laws, because when the next David Koresh appears, we don't want law enforcement to make the same mistakes, but we definitely want the next Koresh apprehended and, if found guilty, then punished.

The men and women of ATF and FBI made terrible mistakes at Waco. Those responsible for our federal law enforcement agencies have admitted those errors. Law enforcement officials, more than anyone on this panel, feel awfully about the mistakes that cost the lives of four of their colleagues. It is they who go to bed at night thinking about the partners and friends left behind.

And law enforcement officials have made reforms to correct the problem. Nevertheless, if we can leave these hearings with constructive suggestions on how to improve the ATF and the FBI, then they will be of service to the American people.

The second goal is to keep these hearings honest. We will challenge anyone and everyone who presents a biased or factually incorrect view of what happened at Waco. I will not let this become a show trial, with law enforcement as the defendant. These Waco hearings must not degenerate into a kangaroo court.

It is unfair for us today to look at what law enforcement did at Waco in a vacuum, and it is unfair to twist the facts, making law enforcement the villain and David Koresh, the lawbreaker, the victim. That is like saying right is wrong and night is day.

Let us be very clear: David Koresh was a dangerous, sick man, who molested children, preached violence, and led his followers into a horrible suicide. David Koresh was not a peaceful cleric in an ivy-colored -- in an ivy-covered chapel or even an eccentric with strange religious views. David Koresh was an armed fanatic who was
excoriated in his hometown newspaper in a series they entitled, quote, "The sinful Messiah." David Koresh sexually abused children and called it holy. David Koresh was obsessed with guns because he claimed it was commanded by scripture. He hoarded a military arsenal that included at least 48 illegal machine guns and scores of illegal hand grenades.

Remember, ladies and gentlemen, David Koresh and his followers did not greet federal law enforcement officers with a psalm or a scripture. They greeted them with machines and hand grenades, more firepower than even the ATF agents themselves had. Nothing excuses that ambush. Nothing in American law excuses it, nothing in the Bible excuses it. You do not meet a warrant with a machine gun, even if you believe the warrant was illegally obtained.

So let us put aside double standards. I doubt that the most vocal critics on this panel would argue for delay if ATF discovered an arsenal of machine guns and hand grenades mere blocks from her in Washington's inner city, and I doubt that today's Monday morning quarterbacks would demand that ATF wait for the advice of sociologists, social workers, neighborhood preachers, and professors of religion before asking for such an arsenal.

From the beginning, and this is my concluding point, from the beginning, these hearings have had the odor of bias hanging over them. And over the last week, we've discovered where that smell is coming from, the National Rifle Association. We have uncovered covert payments by the NRA to high-priced explosive experts; lawyers associated with the NRA being sneaked onto panels, and finally a witness who was deceived by NRA employees passing themselves off as congressional staffers. It's no wonder that the NRA has tried to hide their role in this hearing. Everyone knows their bias. This is the organization that buys advertisements, calling law enforcement Jack-booted thugs.

Frankly, I don't think that the NRA gives a damn about the tragedy of Waco, but rather wants to destroy the ATF, because they enforce the laws that the NRA despises, the Brady law and the assault weapons ban. And I'm very troubled that some on the majority staff have conceded at least part of the planning and organization of this hearing to the NRA. In order to fully understand what happened at Waco and what went wrong there, we need a fair, impartial, unbiased and factual investigation. Unfortunately, I cannot today say that the hearing is fully living up to that standard.
We have requested that there be an investigation into the role of the NRA, including questioning under oath, employees of the organization and staff members involved in this hearing. So far, our requests have been denied. Now you may ask one final question. Who cares whether the NRA is involved or not? Well, it matters because their hatred of the ATF so distorts their view of the incident at Waco that this hearing runs the danger of missing the broader point -- one man bares the ultimate burden for the horrible scar on American history of Waco. This man is David Koresh, the sinful messiah. David Koresh is ultimately to blame for the horror of Waco, no matter how others seek to twist and revise history. These hearings must not run away from that fact. They must examine where law enforcement failed and seek to improve, not decimate the ATF and the FBI. When we run into the next David Koresh, we want smarter law enforcement to avoid the mistakes at Waco and stronger, more effective law enforcement to apprehend and punish those who molest women and children -- who molest children and stockpile weapons. Thank you, Mr. Chairman.

REP. ZELIFF: Thank you. In the interest of fairness and openness, I let you have a little additional time, three or four minutes, and --

REP. SCHUMER: I appreciate it.

REP. ZELIFF: And I just want to be on the record with that.

REP. SCHUMER: Thank you.

REP. ZELIFF: The chair now recognizes the chairman of the full Judiciary Committee, my good friend, Henry Hyde of Illinois for his opening statement.

REP. HYDE: Thank you, Mr. Chairman. It seems from my good friend Mr. Schumer's remarks that somehow these hearings could be much more abbreviated. The gentleman has a lot of the answers that I don't think were available to everybody else. In any event, these will be interesting hearings. As chairman of the House Judiciary Committee, I shared in the authorization of them, because I think they're necessary, and I think they're warranted. More than two years after the tragedy of Waco, millions of Americans continue to wonder why. Many of my constituents are asking an almost universal question, how could this happen? This episode in our history raises many difficult and lingering questions about timing, judgement, motives and the proper exercise of the federal police power.
Some believe the approach taken at Waco first by the ATF, and then by the FBI, was unnecessarily confrontational. Did the actions and activities of the Branch Davidians and their leader, David Koresh justify the lengthy, costly standoff at their compound? Still others have raised questions about what appears to be the increased militarization of federal law enforcement itself. This series of tragic events, four dead ATF agents on February 28, 1993, and the death of 86 civilians, whose names have not been read here today, inside the compound on April 19th does raise questions about the bureaucratic structure of federal law enforcement.

We have the FBI, the ATF, we have the DEA, Secret Service, Customs, the U.S. Marshal Service, and the INS Border Control. Each of these entities carries out basic law enforcement and investigative functions. Is the authority too dispersed and too scattered among too many federal agencies? Does this fragmented authority, with the accompanying overlap and duplication, undermine the quality of the decision-making itself?

As a member of this committee, the House Judiciary Committee in the last Congress, I participated in our only hearing on these events, and that hearing took place April 28th, 1993, I think too close to the events to allow for a balanced perspective. But even at that time I felt one day of congressional hearings was hardly enough. Few documents were available to be reviewed by members of the committee, and many relevant sources were not interviewed or asked to testify. Subsequently, the two agencies conducted their own internal investigation of themselves.

The American people have asked for and demanded more. There is a sense of national discomfort about what happened at Waco, and Congress is the appropriate forum to respond to these legitimate questions and concerns.

Now, congressional investigations have at least one thing in common with baseball: You don't get very far if you don't keep your eye on the ball. There has been a concerted effort by some to divert attention away from the events at Waco, away from the question of what happened; why did it happen; where blame, if any, should be allocated; and what lesson to be learned; and how we can prevent this from happening again. It will be our effort to focus on the essential facts in a bipartisan way so charges of political motivation, while inevitable, will be discounted by fair-minded people.
The minority Democrats have been accorded great latitude in helping prepare the list of witnesses, and I am confident these hearings will answer most, if not all, of the outstanding questions regarding this tragedy. Most importantly, I hope these hearings will help restore the confidence of the American people in the professionalism and judgment of federal law enforcement officials and officers. There is no tougher job in America than that undertaken everyday by our law enforcement personnel. On the other hand, when government is accused of abusing its great power, citizens are entitled to look to Congress for redress -- and that's why we are here today: no function of government is above criticism or beyond scrutiny.
The Judiciary Committee has legislative, as well as oversight, jurisdiction over the Department of Justice, the FBI, and the ATF. There are lessons to be learned from Waco, and those lessons will be applied as the Judiciary Committee considers relevant legislation affecting these agencies in the future. Thank you, Mr. Chairman.

REP. ZELIFF: The chair now recognizes the chairman of the full Oversight Committee, my good friend Bill Clinger from Pennsylvania, for his opening statement.

REP. WILLIAM CLINGER (R-PA): Thank you very much, Mr. Chairman. And let me begin my statement by addressing what appears to be a palpable truth, and that is that Vernon Wayne Howell, also known as David Koresh, was criminally reckless at the very least, and likely indictable for murder had he lived. No matter what mistakes federal law enforcement authorities made -- and they were many -- Koresh broke the law by collecting a cache of illegal weapons, broke the law by violently opposing the service of a search warrant, and broke the law by allowing the siege to continue for so many weeks. Worse still, Koresh broke the law of morality by refusing to allow otherwise innocent women and children to leave the Branch Davidian compound, thus resulting in their violent and horrible deaths.

After the search warrants were served, Vernon Wayne Howell could have taken steps to end the siege and save the lives of his followers; he did not do so. These hearings should not distract the nation's attention from who bears the ultimate and principal responsibility for what occurred in Mount Carmel, Texas in 1993: It was David Koresh.

As my colleagues will attest in their opening statements -- and have attested -- these hearings have several objectives. And I agree with those who suggest that a principal objective of these hearings must be to try to answer lingering questions regarding these tragic events and to restore the level of respect to which the federal law enforcement community must have in order to be effective. If the members of this body are open-minded in the pursuit of truth, and if the witnesses we call are honest and complete in the facts they present, I have little doubt these goals will be met.

I must say, I disagree with those -- some in Congress and the Clinton administration and the media -- who have argued that these
hearings are unnecessary. They contend that the detailed reports prepared by the agencies involved, and the volumes of evidence presented in the criminal trial leave few issues unresolved. And I contend that any time federal law enforcement officers are murdered, and anytime innocent women and children are killed in the course of government action, extensive congressional oversight is clearly -- is definitely in order.

Just Monday, Alan Stone, who was a member of the Justice Department Waco Report Review Team, wrote in Monday’s New York Times that he found the government's investigation seriously deficient. Mr. Stone added that the government never gave the review team, quote, "a candid account of what went wrong." Comments such as these are quite an indictment of the process that brought us to this point.

I'm also, I must say, disappointed with those who have characterized these hearings as a front for the NRA or for the militia movement. This is, I think, little more than an attempt to shift the nation's attention away from the actual focus of the hearings, which is to find the truth. Some have requested hearings on the militia movement or the involvement of the NRA, and I would certainly seriously consider that request. But today, other question -- no less serious --- must be asked. And those questions have been outlined by the previous speakers.

I have one additional goal for these hearings. The Government Reform and Oversight Committee, which I chair, has been charged with the responsibility of ferreting out redundancy, inefficiencies in the federal government. That includes downsizing government departments and agencies where appropriate. Perhaps the members of this joint subcommittee should ask themselves whether federal law enforcement functions should be consolidated -- not downsized necessarily, but consolidated. Early national performance review recommendations called for the consolidation of some law enforcement activities. Unfortunately, these ideas were not considered seriously.

Hearings on Waco alone will not answer questions about consolidation, but maybe they will raise them anew -- because every day, it seems, we open the newspaper to find unflattering news about federal law enforcement officials and their activities. I know the vast majority of our federal law enforcement personnel are hard-working, dedicated public servants who put their lives on the line every day. And I know the distinguished service of those individuals seldom makes it into the headlines.
As these hearings and subsequent hearings on events at Ruby Ridge, and the scandalous annual ATF roundup unfold, my appreciation of the dedicated service of the vast majority of federal law enforcement officials will remain undiminished. However, I strongly believe we must uncover the truth about these unfortunate events, find inefficiencies where they exist, and restore their faith in the federal law enforcement community.

I want to commend Chairman Zeliff and McCollum for the hard work that they and their staffs have put in is preparing these hearings. I know this has not been an easy process. These will not be easy hearings. And they will not be comfortable hearings. But, in the end, I believe they will put to rest some of the lingering suspicions and doubts that Americans have had in the advent of these tragic events. Thank you, Mr. Chairman.

REP. ZELIFF: Thank you, Mr. Chairman. The Chair now recognizes the ranking minority member of the Judiciary Committee, my good friend John Conyers of Michigan. I might add that two years ago, in reading the transcripts, you were involved in a judiciary hearing I believe a week after Waco took place, and will look forward to your comments and your opening statement.

REP. JOHN CONYERS (D-MI): Thank you, and good morning. I want to begin by emphasizing my deep commitment to what is going to be the most important thing, to me, to come out of these hearings. And that is, how we reform law enforcement to make it a better tool in all of the agencies. And if that doesn't happen, then I will have to tell you in advance that, as we prepared for these hearings, I've come across absolutely no new evidence that requires eight days worth of hearings.

I want to emphasize my deep commitment to law enforcement reform. And I've talked with the secretary of Treasury about these investigation of the Waco raid that underscores the need for reform to restrain abuse. And the most emblematic of these problems is the race relations that infest all of law enforcement, all of the agencies. I've been working on Judiciary for 30 years. And we are finally now beginning to get to the terrible oppression and discrimination that still goes on. And within the Bureau of Alcohol, Tobacco, and Firearms, they had the nerve to again hold this disgraceful Tennessee old boys' round-up -- which is a symptom of the kind of problems that we have.

Now, of course, we can abolish that round-up every year, but the
circumstances and the environment that creates it won't change unless the leaders here and in the Congress and in this administration do what I believe they have committed to me that they will do, is to change that. That's the kind of reform that leads to better law enforcement.

Now, the question still legitimately lingers -- whether there is some other motive for these hearings. We'll have to listen to conspiracy theories of every stripe, but I don't think we'll hear any new facts that contradict the findings that have been brought forward already.

And the reform on the agenda here today that I'm most worried about is the collateral attack on assault weapons. That is the agenda that I am very disturbed about, and so no one need look around and act like they're surprised to hear that that was the first thing this new majority was coming at in this session of Congress. Oklahoma City stopped that. And now, all of a sudden, I'm finding friends who are worried about law enforcement and racial discrimination and disparities that have never said a word before, all the years that I've been working on this. And so I don't want to give any extra credibility to anything that may come out of these hearings.

As Mr. Zeliff referred to, I was the only member of Judiciary who severely criticized this raid when we held a hearing in 1993. And I think that gives me cause and further legitimacy to have great reservations about the purpose of these hearings. This isn't just for the American people. It's about how some forces within our government and nation and the National Rifle Association attempt to repeal the assault weapons ban by tearing down the agencies that enforce the ban. And that's not to say that the events surrounding the raid and the agencies conducting the raid are without legitimate criticism.

But let's be clear about that, because I've already stated my criticisms and I don't change them, but I'm also astounded by the fact that like Americans in this country by a margin of three to one, we believe that the hearings on the militia and the Klan and the skinheads and the Aryan nation are the ones that deserve the hearings before Congress, not the law enforcement agencies and Waco, which has had, as most people know, many hearings, more than four complete hearings. And so, as the only member of this committee who, in the aftermath of the raid, dared to publicly criticize it, I will tell you now, if there was an issue that I believed that needed more scrutiny, I would be the first to call
for a hearing. But in my preparation for this hearing, I've found nothing new.

Now, I welcome all the new friends that we have to this subject and to these kinds of problems, but let's remember this. Before previous support for the raid was before the assault weapons ban gave federal law enforcement the power to make our streets safer by prohibiting assault weapons, and because, in the wake of Oklahoma City, this new majority, I hope, will find the courage to keep assault weapon bans in the law and do not attempt a de facto repeal by going after federal law enforcement agencies.

And with that, Mr. Chairman, I thank you for the time and look forward to this process that brings us here today.

REP. ZELIFF: Thank you. The chair now recognizes the ranking minority member of the full committee, our friend Cardiss Collins of Illinois, for her opening statement.

REP. CARDISS COLLINS (D-IL): Thank you, Mr. Chairman. During my 22 years of service on this committee, I've always been a strong supporter of vigorous oversight by Congress over the activities of the executive branch. These hearings are being portrayed as an effort to hold fair, open and unbiased hearings on the raid at the Branch Davidian compound at Waco, and therefore I should have few reservations about these hearings.

Many observers have noted that despite many hearings and reports on this subject over the past two years, further hearings can only shed more light on the raid and perhaps resolve unanswered questions. Taken at face value, this logic is hard to contradict. I certainly have never been adverse to criticizing federal, state or local law enforcement when I believed that they had overstepped their bounds. I know all too well how law enforcement officials can abuse their authority.

That's one of the reasons why, several months ago, I vigorously opposed the efforts of the Republican majority to weaken constitutional requirements for search warrants as part of the Contract with America. Moreover, I am totally outraged by the recent revelations of federal law enforcement agents participating in a disgustingly racist outing known as the Good Old Boys' Roundup. Therefore, I immediately wrote to President Clinton to express my outrage and to demand a thorough investigation and swift action, which has now been promised.
These hearings also do not suggest any outward partisan biases. The plan for the ATF raid on Waco began in the Bush administration and continued in the Clinton administration. To the extent that errors and abuses occurred, they were bipartisan in nature. Similarly, the Ruby Ridge siege, which is getting new attention, occurred during the Bush administration.

My colleagues on the other side of the aisle would be well advised to seek the facts and not attempt to turn these hearings to partisan advantage.

Nevertheless, I continue to have serious concerns about these hearings, and I would like to share with you my reasons. First, I cannot help but conclude that the recent bombing in Oklahoma City has caused the rush to eight days of hearings on Waco. The only reference in our committee’s oversight plan is a vague statement about a review of ATF activities to occur at the end of this year. The word "Waco" never appears, and we had no indication of eight days of hearings until very recently.

The fact that we are holding extensive hearings on Waco just weeks after the bombing in Oklahoma City by a suspect who reportedly was upset by government action at Waco can only send the wrong signal to disturbed individuals who believe that bombs will bring attention to their grievances.

Second, I am troubled because I believe that these hearings are not so unbiased as we are being told and may have been hopelessly tainted by the involvement of the National Rifle Association. Our first indication of the relationship of the committee Republicans and the NRA on these hearings occurred when the Republicans sought to use a company known as Failure Analysis Associates to examine weapons recovered at Waco. Later we learned that Failure Analysis Associates had been retained by the NRA.

More startling was the recent revelation that individuals calling themselves the "Waco Hearing Team" were contacting committee witnesses. This team was not employed by our Government Reform and Oversight Committee, but instead was employed by the NRA. At this stage, we had no idea to what the NRA hearings team was working with the Republican committee staff. However, this is an unprecedented case of an outside advocacy group using congressional hearings to further their own agenda and at the same time potentially tampering with congressional witnesses.

I have called upon the chairman of our committee to immediately
take action to remove the stain of this outside involvement. As an important first step, members of the Waco Hearing Team must be called before the Government Reform Oversight Committee to be made to explain under oath their involvement in the hearings, by subpoena if necessary. To further wipe the slate clean, the chairman should also disclose all contact staff has had with these individuals.

Third, I am concerned that for some members, the true agenda is not to find the truth about Waco, but instead it appears to be an effort to attack the nation's gun laws, and more important, to divert attention from one of the real issues raised by the Oklahoman bombing, namely, the rise of militias and their implications. The American people have expressed a 3-to-1 preference, as we have already heard, for hearings on militias, not Waco, and I have also requested militia hearings from the chairman of the Government Reform and Oversight Committee.

Fourth, I am forced to note the odd set of priorities in the Government and Oversight Committee in the past six months. When this committee considered five items in the "Contract with America," we held a total of just five hearings. On one bill, the unfunded mandates, we held no hearings. Yet now members are being asked to deal with at least eight days of hearings on Waco. We have plenty of time to rehash Waco, though where are the hearings on matters Americans care about, such as our health care system and putting people to work?

At the end of these hearings, there will undoubtedly be some positive outcome. Perhaps members on the other side of the aisle will begin to recognize some of the concerns I have had over the past decade in the increased involvement of the militia and the military in domestic law enforcement. Maybe they will also reconsider their efforts to weaken standards for search warrants. Perhaps we can learn additional lessons that will avoid another Waco.

However, I am concerned that our Republican colleagues' new interest in constitutional protections, the Fourth Amendment's protections from search and seizure, has made them feel obligated to reinvent the facts in this case.

A number of our witnesses are being called to place David Koresh in a brighter light. The facts remain that Koresh had amassed an arsenal of illegal weapons, that there were serious cases of child abuse, including sex with minors, that Koresh and his followers
fired upon federal agents seeking to serve a search warrant, killing four agents, and that Koresh ordered the fires that led to the death of his followers, including women and children.

We will undoubtedly learn of significant efforts made by government officials, and we all know that two wrongs don't make a right. However, we must never forget the context of this tragedy. I would remind my colleagues that those who wish to protect civil liberties must be willing to recognize that those protections apply to the guilty as well as to the innocent. They apply to all citizens of this country, not just gun owners.

It's a mistake for those who feel the necessity to try to prove that David Koresh was innocent of serious crime to justify their newly found interest in civil liberties.

So, finally, as we begin some of the most controversial hearings the Government and Oversight Committee has ever conducted, I urge the chairman to take immediate steps to rehabilitate the long established honor of our committee by coming clean on the involvement of the NRA in these hearings. Anything less will leave as many doubts in the minds of Americans as they had before these hearings began.

I thank you, Mr. Chairman, for your extension of time and yield back the balance of the time.

REP. ZELIFF: Thank you. (Off mike comments.) The gentlelady --

REP. TOM LANTOS (D-CA): May I be permitted to ask a question?

REP. : We could ask a question from the -- (inaudible) --

REP. ZELIFF: Yes, you can ask -- ask questions

REP. LANTOS: Thank you, Mr. Chairman.

As chairman, as you know, in a previous Congress as chairman of another subcommittee, I held 27 hearings on the (House ?) scandal. As we begin this series of hearings, I think every member of this committee is profoundly concerned that the cloud which hangs over the opening of this hearing be dispelled.

I read very carefully your opening statement, Mr. Chairman, and there is no reference in your opening statement to the involvement of the National Rifle Association in the preparations for this
hearing. Several of my colleagues have raised the issue. I have before me a letter from my good friend the distinguished chairman of the Judiciary Committee, Mr. Hyde, which says, in part, "I share your outrage over an apparent attempt by an outside party to mislead a Texas social worker by identifying herself as a member of the Waco hearing team." This letter was addressed to Mr. Conyers.

Since media reports clearly indicate that it was members of your staff who involved in a surreptitious and sinister way the NRA in the preparation of these hearings. I believe members of this committee and the American people are entitled to your response to these charges -- if I may be permitted to finish my --

REP. BOB BARR (R-GA): -- (inaudible) -- for the chairman.

REP. LANTOS: I'm in the middle of a sentence, if my colleague will grant me the courtesy. Mr. Chairman, I think the integrity of these hearings demands, and the American people are entitled to your response to this basic question. We need to begin these hearings with this cloud removed. I believe you are a man of integrity. I believe that you did not know of the surreptitious involvement of the NRA, but I also believe on the basis of preparing myself for this hearing that members of your staff were directly responsible for the surreptitious and sinister involvement of the NRA in the preparation for these hearings. I think you should have an opportunity to tell the American people what the facts are concerning the NRA, members of your staff, and preparations for this hearing. Thank you, Mr. Chairman.

REP. : ( -- (inaudible) -- question.)

REP. BARR: The gentleman may not think parliamentary inquiries are important, but I believe they are.

REP. LANTOS: I do, too.

REP. BARR: Mr. Chairman, we were --

REP. LANTOS: I do too think they are important.

REP. BARR: Thank you for clarifying that. Mr. Chairman, we were provided prior to the hearing, both in oral communications from the staffs as well as written communications here, certain procedures we'll be following, and at this point, I would appreciate if the chairman could, perhaps, summarize those,
because I wasn't aware of the fact that there would be opportunity for questions that are apparently unrelated to the scope of these hearings, as we've been lead to believe, and that are outside the scope of the hearing procedures we were given. Could the chairman basically summarize what our procedures are going to be?

REP. ZELIFF: We're going to move forward. We've discussed much of this in the past few days. I think the key thing here is that not only myself but I think all of us are going to be held accountable for our results after these eight days, and our commitment to everybody and to the American people is to give a full, open process so we can get at the truth at Waco. All other issues, in my judgment, can be solved or talked about at a different day. But I think the key thing here is we will be held accountable for our results, and I think that's the bottom line.

REP. : Mr. Chairman --

REP. ZELIFF: So I think with -- with -- with -- I think we'd like to move forward --

REP. : Mr. Chairman, a parliamentary inquiry.

REP. ZELIFF: What's your parliamentary inquiry.

REP. : I'm here, Mr. Chairman. My inquiry, then, follows on Mr. Barr's question, whether or not you would reconsider -- and I appreciate the comments you just made -- but whether you would reconsider the rules that disallow full questioning by all members of these two committees. Mr. Lantos just asked a question. Mr. Barr asked you to recite the parliamentary procedures. I would ask that you reconsider, because you are disallowing the full hearing because you are disallowing members of this committee from asking questions, and I'm wondering --

REP. ZELIFF: Well, I think by prior agreement we have a process here that was agreed upon, both by the majority and the minority, and that will give everyone an opportunity to give questions at the appropriate time.

REP. : Thank you, Mr. Chairman. I raise an objection. Thank you.

REP. LANTOS: Mr. Chairman, would you mind answering the question I posed to you?

REP. ZELIFF: Okay. We're going to move on. The chairman and the
ranking members of the two subcommittees have reached an agreement about the procedure for questioning the witnesses during these hearings, which is contained in the document labeled "Hearing Procedures," which all members have before them. Without objection, these procedures will be utilized for these hearings.

REP. CONYERS: Reserving the right to object -- Mr. Zeliff, reserving the right to object, may I reach agreement that this reservation will be sought every day in this proceeding so that we may agree upon this procedure on a daily basis? With that agreement, I would be willing to withdraw my reservation.

REP. MCCOLLUM: (?) Would you yield to me on this, Mr. Conyers, as the chairman of the other subcommittee?

REP. CONYERS: Certainly. I'd be delighted.

REP. MCCOLLUM: (?) I realize you wish to have that reservation every day. But as we proceed, as you know, the reason why the hearings are being conducted by the agreement that we have discussed -- you and I and chairman -- the two full chairmen of the full committees, and the ranking members on the subcommittees have discussed -- is that because we could not get through the hearings in eight or nine days with nearly a hundred witnesses if we did it by other ground rules. And I understand that you may have some apprehension about this -- some of the members do. But I think they need an explanation -- I'm using your reservation to do that -- and I think you would concur that what we are about to do, if you are going to agree to it, as I think you will, is we are going to move through at least today, and I would hope each day, because we couldn't do it otherwise, with 15 minutes of questioning by each side, each committee, each Democrat and Republican for four questioners, and then five-minute questions back and forth; and then the chairmen and the ranking members get five minutes of questioning, and we of course have the power to designate who does it. If we did it by the regular five-minute rule, as the gentlemen -- (inaudible) -- we couldn't -- we just couldn't conduct these hearings in the way we want to.

REP. CONYERS: Reclaiming my time, all I'm pointing out to the gentlemen is that I am in agreement with that procedure. All I want is that this unanimous consent request be renewed every day
of the eight-day hearings.

REP. ZELIFF: (?) I don't have any problem with that --

REP. CONYERS: (?) All right.

REP. ZELIFF: (?) -- and I guess what we really tried to do here, instead of making this a 51-day siege within our own process here, we tried to limit it to eight days. If it doesn't work out, we can go back to five minutes, according to the rules, and we'll be happy to accede to that request.

REP. CONYERS: With that agreement, I will withdraw my reservation --

REP. WISE: (Off mike) --

REP. ZELIFF: Mr. (Wise)?

REP. WISE: (?) I thank you, Mr. Chairman. I may not be as current on this issue, because I'm not a ranking member or a -- one of the people who has been designated to question. It seems to me that a number of the members of this committee have effectively been disenfranchised from participation by the leadership, whether it's the leadership on one side or both sides, and that we just might as well pack up our bags and go home and review the transcript of whatever hearing you conduct. We are not going to be given any opportunity to ask questions. We are going to witness a hearing that proceeds as if it were a prosecution with one side being the prosecutor and the other side being the defender, as I understand the process, rather than starting from a neutral position on the part of all of the members of this committee as we typically do in hearings where we are gathering information, and come to a hearing with an obligation to the American people to come without biases and to gather information for the benefit of the American public.

I hear you say that the rationale for this is expediency and saving time, but I'm not sure what the pressure is to get through this set of hearings. If they are important hearings to the American people, then it seems to me we ought to be taking the sufficient amount of time to give the members of Congress the opportunity to participate in the process. And so I wish somebody on my reservation of right would explain to me the rationale for --

REP. ZELIFF: (?) Mr. (Wise?) ?
REP. WISE: (?) -- how we are proceeding, otherwise I would do more than reserve -- I would actually object. If you would --

REP. ZELIFF: And I understand your concerns. What we tried to do may be a little bit unusual, but I think we tried to be very fair and maybe went too far. We tried to split the questioning, a half hour for the Democratic minority and a half hour for the Republicans. And then we tried to just do that in a very fair and open process. We took and added some 30 witnesses to the list, so we're really trying very hard to make this thing work. In the final hearing panel with Mrs. Reno, we went back to the five-minute rule to give everybody a chance to question her.

REP. : Mr. Chairman, reclaiming my time, I hear the Democrats being represented and the Republicans being represented. What I don't hear being represented in this equation is the American people for whom we profess to be having this hearing. And I'm happy to yield if somebody can explain to me how we're doing justice to the American people just by giving the leadership the right to question witnesses, rather than each of us having the right to exercise our responsibility to our constituents that we were all sent here equally to do.

REP. : Well, if the gentleman would yield, roughly each round of the panel under the five-minute rule, if we would normally proceed under, for every panel we have down here, would take at least three hours. And with all of the involvement of what we need to do to get through the process of doing these, you're going to stretch out the hearings knowing what goes on, we take a recess in August and so forth, over a period of weeks, not eight days. We're talking probably at least a solid month of hearings would be required. I think both subcommittees feel that it is the best interest of all the parties concerned to attempt to get through these hearings in the period of roughly eight days or ten days, or something close to that. And it's strictly a matter of pragmatics.

On the one hand, I would hope that your side would have given you a certain amount of time to be designated. I think on at least my subcommittee on crime, on the Republican side, every single one of our members participates in 15-minute rounds and five-minute rounds; on, I think, more than one occasion, certainly with the five-minute rounds. And then on the two days we reserved out of the eight for the main participants at Treasury and the Justice Department for Attorney General Reno and for Mr. Noble, I believe, we will be under the five-minute rule, and every member here will
go through the routine questioning. So we're really talking about a portion of the time just to try to get through all these panels that have multitudes of witnesses, as you know.

REP. : Mr. Chairman, reclaiming my time, I would just say that I'm not going to object, at least not today, if we're going to re-do this every day. But I really do think we are doing a disservice to the American people, and when we justify that disservice in terms of Republican-Democratic politics, I think we do more of a disservice to the American people, because we simply acknowledge that we have politicized this process to the point where it's a political process, which is what I really thought about these hearings in the first place, rather than it having any substantive benefit. And I'll withdraw my reservation and don't be surprised if I just read the transcript, because if I'm not going to be allowed to participate in the hearing, then I just might as well read the transcript and stay at home and do some other things. Thank you, Mr. Chairman.

REP. ZELIFF: Well, we appreciate your withdrawing your objection. We hope that it works out so that everybody will be able to participate, and I think that will be the case. The objection's been heard. The chair would now ask -- Mr. Taylor. Turn on your mike please.

REP. TAYLOR: Mr. Chairman, I was particularly appalled in looking at the list of witnesses, at a total lack and a total void when it comes to the events, as Mr. Clinger, the chairman, the full chairman of this committee, pointed out that the events leading up to the raid at Waco. (Inaudible) -- hearing about the events where federal soldiers had chased a man literally through the countryside of Virginia and Maryland, interrogated houses, shot up a barn, and then burned down the barn that he was in. Sounds like a terrible thing. Do you realize that man was John Wilkes Booth, the man who killed President Lincoln.

If we start only with the raid itself and not the events leading up to it, aren't we, ourselves, going through the same void? And aren't we, in turn, depriving those four dead ATF agents and the 18 or so who were wounded, the same right that the scum criminals of this country get every time they walk into a courtroom? And that is the right to be presumed innocent until they're proven guilty. Now my question is, are we going to allow the members of this panel who have just been cut off from the time they have to interrogate witnesses at the least the right to move that we subpoena additional witnesses, so that we know about the events
that led up to this; so that we know whether or not it happened in a void, or that maybe some people were doing the job that the Congress of the United States hired them to do, enforcing the laws that the Congress of the United States wrote.

REP. ZELIFF: The whole day is going to be committed to the events that led up to --

REP. TAYLOR: Will the members of this panel be allowed to subpoena additional witnesses? For example, the people who, in the local newspaper, wrote these series of articles called, "The Sinful Messiah." Will we be allowed, for example, to interview the Branch Davidian who claims he was held captive there for three months?

REP. MCCOLLUM: Will the gentleman --

REP. TAYLOR: Will I be allowed to interview the deputy sheriff who called into ATF in the first place?

REP. MCCOLLUM: Will the gentleman yield on that? Will the gentleman yield on that?

REP. TAYLOR: Sure. I'm asking a question.

REP. MCCOLLUM: We have -- yes. Let me answer the question and tell you that I did not know, and I don't think Mr. Zeliff did that your interest in particular witnesses had not been addressed through the minority side, because we -- no, seriously -- we had coordinated --

REP. TAYLOR: It was brought to Ms. Thurman's attention yesterday.

REP. MCCOLLUM: Well, we have -- well, let me just say this. I'm not on your subcommittee, but I just want to make the overall point with you, because we have been trying to be very fair. I think about 85 percent, maybe 90 percent of all the minority requests have been granted. We've expanded the panels. We've done all kinds of things. And I believe we need at least to proceed today. But if there are missing witnesses that really are critical to this, that you feel at each stage we go through we're not really addressing, if you -- going through Ms. Thurman, Mr. Zeliff, and your committee -- want to bring them up, we'll look at bringing more witnesses in here. Nobody wants to keep us from having the whole story told -- least of all me.

REP. TAYLOR: With -- if I could have that understanding from the
other chairman, I will drop my objection.

REP. MCCOLLUM: He wants some understanding of that from you. Okay.

REP. TAYLOR: The understanding is, if there are people that we feel like need to be subpoenaed, who need to have their side of the story told of the events leading up to the raid, then they should subpoenaed and brought before this panel.

REP. ZELIFF: Yes. I certainly -- I assume you agreed to that?

REP. MCCOLLUM: I -- (off mike).

REP. ZELIFF: I mean, within reason.

REP. MCCOLLUM: -- look at the names. We'd like to review them with you. I don't want to say, carte blanche, anybody you feel --

REP. ZELIFF: Yes. And the bottom line is --

REP. MCCOLLUM: -- might be --

REP. ZELIFF: -- is we have been open to everybody's suggestions. We have now got 90 witnesses. If we missed one that you think is really vital, you know, sure, we'll be willing to listen and to talk to you about --

REP. TAYLOR: Well, Mr. Chairman --

REP. ZELIFF: -- just as we have with everybody else.

REP. TAYLOR: Mr. Chairman, reclaiming my time, I think it is inexcusable that the people who wrote the series of articles that appeared in a local paper, that around the time of the raid, were not subpoenaed. I also think it's inexcusable that the deputy sheriff who initially called the ATF in -- which is the purpose of the federal government, is to help out the locals when they need some help.

REP. ZELIFF: Yes. The sheriff will be --

REP. TAYLOR: No, no. But the deputy sheriff. His name is Wiedmeyer (sp), if I'm not mistaken.

REP. ZELIFF: The deputy sheriff is here.
REP. MCCOLLUM: The deputy sheriff is here.

REP. TAYLOR: I think it's also important that we have the gentleman who claims he was held hostage there for three months.

REP. CONYERS: If the gentleman will yield, could you and your leaders, and ours join in with you in a more informal way about the list that you're concerned with?

REP. TAYLOR: Mr. Conyers, if I can have that agreement from the chairmen, I will drop my objections.

REP. CONYERS: I think the chairman has given it.

REP. TAYLOR: Thanks.

REP. CONYERS: And I think the other ranking members have joined in with him already.

REP. ZELIFF: Right. Without objection, so ordered.

REP. CONYERS: Thank you.

REP. TAYLOR: I drop my objection.

REP. MCCOLLUM: Mr. Schiff is the next one.

REP. ZELIFF: Mr. Schiff?

REP. STEVEN SCHIFF (R-NM): Mr. Chairman, I will not actually object. I just want to add that certainly this -- these two subcommittees, as we proceed, should look carefully at adding to the witness list, if it's appropriate to do so, as we go along and as we take testimony from the witnesses.

I just want to point out that, in response to the gentleman from Mississippi's observations, the only federal charge that was made as a basis for the Alcohol, Tobacco, and Firearms Department raid mentioned weapons charges. There was no charge of any other kind of criminal violation. So that this is not an investigation of the Branch Davidian group. It is an investigation of the law enforcement procedures that related to that group.

Now, to the extent that any additional witness would contribute to that, I would certainly join with the gentleman from Mississippi. But I would ask the chair to keep us focused on what the purpose
of the hearing is. And with that, I withdraw my reservation, and yield back my time.

REP. : Mr. Chairman, I reserve my right to object. Mr. Chairman?

REP. ZELIFF: Yes, ma'am?

REP. : Mr. Chairman, I just wanted to follow up on the gentleman, Mr. Taylor's, comments about additional witnesses. I had the opportunity to discuss with one of the spouses who might be here in the audience of one of the wounded ATF, and I would like to add to the discussion that we might have in this combined committee that there were not enough line officers on the witness list, and add to Mr. Taylor's inquiry about additional witnesses to get an understanding as to whether or not additional witnesses are added, and whether or not we may modify some of the rules that may allow full questioning, whether or not these hearings could go beyond eight days.

Would you be willing to consider that -- because I really think that that opportunity should be present only to get at the facts and the truth.

REP. ZELIFF: Both Justice -- both FBI and ATF were very upset about our request for line officers, and we tried to honor that request. We certainly can discuss it, but we tried very hard to work within their needs and their requests on that particular issue.

REP. JACKSON-LEE: Well, I will respect that, but I think that it's certainly something that we should pursue further within the realm, because I think the information will be helpful for where we're trying to go, which is to correct any errors that might have occurred. The other point that I'd like to hear from you on is the extension of these hearings beyond the eight days.

REP. ZELIFF: We hope it's not necessary, but obviously if it needs to go beyond eight days, then we're going to have to be flexible and complete our business.

REP. JACKSON-LEE: Thank you, Mr. Chairman. I would --

REP. MCCOLLUM: Would the gentlelady yield on her time?

REP. JACKSON-LEE: I will yield.
REP. MCCOLLUM: I'm very happy to have the lady on my subcommittee, and we have had a lot of good rapport. And I want to continue that. Let me make the statement so you understand it, and I hope everybody else does, that the procedures that we are trying to accomplish here today are unusual and unique and different, and they cannot be done under House rules unless we all concur. I don't know how many people realize that. And I thought that was what we were working through through each side of the aisle.

Now, obviously we have not done it through our majority. The minority may be sufficient to vet all of this. But we would have to completely reorganize the scope of these hearings and the order in which they come, maybe the days even they're going to be held on, and maybe even carry these hearings over into September when we get back, if we have to call too many witnesses, more than we already have.

But I would suggest, for everybody's benefit, that if we don't have all our heads together, as we don't seem to have here -- and I did think we did, and I think Chairman Zeliff did, too, but we don't seem to -- that maybe after today's hearings, the close of the day, let us proceed today the way we are, because we have our witnesses here. At some suitable time, maybe if we have a break during the day or maybe at the end of the day, we have a caucus, a bipartisan caucus, because again, this is not something we're doing in any partisan way. We've tried very, very hard to work out something everybody could agree, a very democratic process on these two subcommittees, almost unheard of to be this democratic in this process.

REP. JACKSON-LEE: Reclaiming my time, let me appreciate the leadership of all of those who participated in attempting to structure these hearings so that we could move forward. I think the key objection in my remarks is not to take away on how difficult it is to have these hearings and to proceed with the number of witnesses, but in fact to get at the true mission, as I understand these hearings are, to review all of the facts, to ensure that we've heard, if not all, most all of the witnesses, and be able to then secure reasonable responses to the solutions that we all would like to get at. I hope we will be able to have those discussions, because I think I made it clear that I respected the process in attempting to organize these hearings. But what I am concerned about is that we may not be getting the fullest review in light of the shortness of the time and also possibly limitation on the witnesses. So I thank the gentleman for his comment.
REP. LANTOS: (Off mike) -- and I hope I will not need to object, Mr. Chairman. The question I raise, Mr. Chairman, goes to the very integrity of these hearings. You have not yet answered the question, Mr. Chairman, and you clearly have that option.

REP. ZELIFF: Well, I --

REP. LANTOS: For the record, I would like to -- if I may continue, Mr. Chairman -- for the record, I would like to restate my question and request that you either respond to it, which would clearly be my strong preference, or you indicate for the record that in an unprecedented fashion in terms of congressional collegiality, you refuse to answer a legitimate question by a colleague on this committee. So my question, Mr. Chairman, is, for the record, what, in fact, has been the involvement of members of your staff in working with the National Rifle Association in a surreptitious fashion in the preparation of these hearings? I would be most grateful if you would respond to this question.

REP. ZELIFF: I'd be happy to. And I've mentioned it several times and would be happy to do it directly to you. As chairman, and in my involvement here -- and I believe Bill McCollum felt the same way -- that we wanted to hear information from anybody in this country that has anything to do with this. We are very happy to receive information. I think that's the critical stage here. We do not have -- I do not have, since you asked me directly the question, a private agenda.

I do not feel that the NRA is controlling these, as you and others have said. But that's your choice. That's your decision. Certainly if we heard from Mrs. Brady on the opposite end of that issue or we hear from Chuck Schumer -- just let me finish -- everybody has an opportunity to put their points of view forward, and I'm happy to receive those points of view. I may not agree with those, but I think it's up to us to make sure that whatever evidence we got in the process is evaluated, and if credible, becomes part of this hearing; if not credible, gets rejected. Now, that's the answer to your question.

REP. LANTOS: Well, reclaiming my time, Mr. Chairman, with all due respect -- I will be happy to yield to my colleagues in a minute. Reclaiming my time, Mr. Chairman, with all due respect, you have not responded to the question. The question I asked -- and sometimes members of our staff get out of line --
REP. : Mr. Chairman --

REP. LANTOS: It is my considered judgment that your staff members did get out of line by involving the National Rifle Association in a surreptitious manner.

REP. ZELIFF: We don't agree.

REP. LANTOS: My question is, did they -- was this done with your approval? If not, what disciplinary action are you planning to take?

REP. ZELIFF: Let me, before I yield to --

REP. : Mr. Chairman --

REP. LANTOS: I'll be happy to yield to Mr. Conyers.

REP. CONYERS: I just want to help the chairman out here, because all I hear Mr. Lantos asking for is your agreement to conduct an investigation around the NRA activity. And I think if you would accord him at least that simple affirmation, we might be able to get on with the proceedings, Mr. Chairman.

REP. : Mr. Chairman --

REP. SCHUMER: If the gentleman would yield, I believe that the gentleman from California --

REP. LANTOS: I'll be happy to yield to the gentleman from New York and then to you.

REP. SCHUMER: Since I've been active in these objections -- and we have sent a letter asking that that happen. We have not gotten -- we've gotten a response, but it was not responsive to saying either yes or no, whether that would happen. But I would make this point. The National Rifle Association has every right to make its views known, to let the committee know its views, to be here, just as Sarah Brady would.

But what I would say is very simply this. When the line is stepped over, when at least one witness is interviewed by somebody passing themselves off as a member of the committee team, the Waco team, and then only later, because she is a diligent and careful person, does that person admit that they were from the NRA -- and that person has mentioned not just names of NRA higher-ups, but that
she was going to talk to staff members here -- then something has gone amok. When? We know the story of the first instance. The second instance, Mr. Sanders (is?) mentioned. He's listed on the sheet as former ATF agent. But leaders of the NRA say they're paying him and he's on the payroll. That's the problem here, and we have not gotten a good answer to those questions. I don't want the record to reflect this as simply a group of people who disagree with the NRA saying they shouldn't be heard -- not at all.

REP. : (Off mike.)

REP. SCHUMER: I'll be happy to yield when I finish my point.

REP. ZELIFF (?): Mr. Lantos.

REP. SCHUMER: Thank you. If the gentleman would just let me finish my point here, and then I'd --

REP. LANTOS: (Off mike) -- the gentleman from New York and then to the gentleman from Illinois.

REP. SCHUMER: I always like to hear what the chairman has to say because he's a fair-minded gentleman.

REP. LANTOS: Very much so.

REP. SCHUMER: But the point is, what mixture -- did the NRA take roles that the staff should have had? Did they do it with the knowledge of the staff? Did they do it -- which other witnesses? I don't have any idea how many other witnesses. Ms. Haga, who was the person who interviewed the witness, also interviewed and said she was with committee team Waco. And they may not have been as perceptive as Mrs. Sparks, the witness who discovered this. We don't know that. Now, we can ask each witness when they come here, but that, of course, does get us somewhat off-track, because they are, as the chairman and both chair people have said, separate issues. But there is a cloud; let's make no mistake about it. This is not what usually happens in a hearing. There is a cloud hanging over these hearings, and we are attempting, in good faith, to get that cloud removed. So far we've been met with silence. I yield back to the gentleman.

REP. HYDE: Would the gentleman yield? I thank my friend for yielding. I think we're getting a little bit afield here. This woman, who evidently represented herself as from the Waco hearing
team, had no connection with the Judiciary subcommittee, and as far as I can determine from talking to staff, no connection with the Reform & Oversight subcommittee.

She is an independent person, acting independently, and what she said was, in fact, a misrepresentation, and I would suggest you take it up with her or take it up with the NRA, but don't hang that around this subcommittee or Mr. Zeliff's subcommittee.

Now, furthermore, when staffs are preparing for hearings, you used the word "unprecedented." It is unprecedented to want to know who they're talking to, what their work product is. Certainly on the freedom of access to abortion clinics, the question of who your staffs met with, I don't care. It's none of my business. And who our staffs meet with and their work product and their correspondence and their interviews is confidential. We don't want to know what your staffs have done and I don't think it's appropriate to delve into the preparation for hearings. That is unprecedented.

I can say -- I can say this with all vigor. There is no connection whatsoever between the National Rifle Association, the gun owners of America, Sarah Brady, handgun control, Congress Watch, or any of those organizations in preparation for these hearings.

And so I really wish we'd get off this diversion, this side trip, and move forward on what happened at Waco.

REP. : Would the gentleman yield?

REP. HYDE: But I think --

REP. LANTOS: If I may reclaim my time -- and I will yield to my friend -- I would like to tell Congressman Hyde, with great respect and great affection, this is not a diversion. Some of us view that this undermines the integrity of these hearings. It is anything but a side issue. It is anything but a diversion. It goes to the integrity of the congressional hearing process that we all ought to be deeply concerned with.

I'll be happy to yield to my colleague from Michigan.

REP. : May I remind Chairman Hyde of the letter that Mr. Schumer and I sent to him. If the NRA has been working under color of the committee, then certain questions are raised. Undisclosed efforts to have private organizations fund weapons analysis on behalf of
the committee raise troubling issues.

Both criminal statutes and rules of the House restrict certain activities. This is not an incidental matter. This goes to the heart of the integrity of the hearings.

For instance, 22 USC Section 59-E prohibits any member from using an unofficial office account or from defraying officials' expense from any other funds that are not specifically appropriated for official expenses; similar with House Rule 45.

Now, only the chairman can subpoena, issue the subpoenas to quell this problem, and all we're asking, Chairman Zeliff, is that you agree so that Mr. Lantos can withdraw his objection by agreeing to issue a subpoena to determine the appropriateness or, perhaps, inappropriateness, I'm afraid, of the conduct of which we're complaining. This letter has not been answered.

REP. LANTOS: That is precisely the basis of my reservation, Mr. Chairman, and if you agree to the point so ably stated by my friend from Michigan, I would withdraw my objection.

I will now yield time to my friend from New York.

REP. SCHUMER: Mr. Chairman -- I thank the gentleman for yielding -- just two points in reference -- in response to the gentleman from Illinois, the chairman of -- the distinguished chairman of this committee.

First of all, what leads us to think that perhaps Ms. Haga, the person who passed herself off as working for the Waco committee team, was more involved with the staff of the committee than you are saying if she told that to this witness and, in a memo I have here, which she sent to Mark Barnes, who was, I guess, her boss -- he's the outside counsel for the NRA -- she said everything that she -- well, I'll quote it. She said, "Information, resources, and evidence gathered goes to March Bell, who is charged with the coordination of the congressional effort. He is a member of the staff."

Now, maybe she's just doing this on her own, but it doesn't sound like it, and we ought to know that.

The second point I would make to the distinguished chairman, who talks about a committee's work product being sacrosanct, if I just might -- if I just might mention this to the chairman, is we've
spent about a week -- I see the counsel for the president negotiating the very same point, that the work product of the president ought to be sacrosanct. Just as you say, "We don't want our committee staffs to be looking -- we don't want everybody to look into how we set up a hearing and how we do this," well, the majority has been spending a week making the opposite point with the president, that his private notes and what he says to his staff we should be able to examine and perhaps should be public. We went through a process which, with your good offices and that of Chairman Clinger, worked out okay and with the generosity and the wisdom of the counsel, the president's counsel Mr. Mikva, but it certainly seems to me that it is not fair to, on the one hand, say, "Well, the committee's work product is sacrosanct, but the president's work product is not."

The two arguments seem to me to be the same. I yield back to the gentleman.

REP. LANTOS: I'll be happy to yield to the chairman.

REP. ZELIFF (?): I just would like to say that I'd be very happy to be held accountable for our results of these eight days' hearings. We have worked very hard to work with both sides of the aisle here. We've given -- instead of the proportional, we've taken an hour and divided it up, equal time for both sides. We have taken and we've done everything we can to adhere to your requests for witnesses. I think it's been unprecedented.

I think it'll be a real shame if we can't move on with our hearings in the schedule that we have here and get to the panels. You certainly are able to ask witnesses that appear before us any questions you want as to who they represent. They're be under oath.

I just ask you to give us a chance to do what we intended to do. This is not --

REP. LANTOS: I will be most happy to give that chance to all of us, Mr. Chairman, if you commit yourself to subpoena the persons requested in the letter.

REP. ZELIFF: I think what you're doing, and I have a great deal of --

REP. LANTOS: -- (inaudible; crosstalk) --
REP. ZELIFF: -- respect for you -- I respect you --

REP. LANTOS: -- (inaudible; crosstalk) --

REP. ZELIFF: -- but what you're doing is a diversionary tactic that's going to do nothing but throw us off track. We're trying to waste time now. We have people who've come here from a long distance. Let us proceed with what we've tried to do here. We have agreement on both sides. We selected witnesses. Why not give them a chance to appear before us, ask them -- we'll ask them questions. Hold us accountable for results in the end.

REP. LANTOS: Mr. Chairman, I respectfully request that a subpoena be issued to the individuals indicated in the letter of the distinguished ranking member of the Judiciary Committee, and if that is granted, I will withdraw my objection.

REP. : Mr. Chairman?

REP. ZELIFF: Will the gentleman yield?

REP. LANTOS: I'll be happy to yield to my friend.

REP. : I thank the gentleman for yielding. I would just say that I haven't been in the Congress that long, but I certainly know when there is a coordinated effort to delay and engage in dilatory tactics, and I think it's very important that we move forward with these hearings.

There's been a lot of discussion of the National Rifle Association. I happen to be one of those members of Congress who has a zero rating from the NRA. I voted for the Brady bill, I voted with the gentleman from New York on the assault weapons ban. I thought those were important. I disagreed with some of my colleagues. I noticed that some of the members of the minority have a hundred percent ratings from the NRA.

The point is that those are irrelevant to the questions we're asking today about what happened at Waco, Texas, and we need to have oversight questions asked, and I think that we should move forward on these hearings in the interests of time and in the interests of our witnesses.

REP. LANTOS: -- (off-mike) -- reclaim my time. I -- I -- I agree with the sentiments expressed by my friend. I think it is a matter of collegial courtesy to agree to a reasonable subpoena request.
We cannot issue a subpoena on the minority side. Only the chairman has the authority to proceed with a subpoena, and I am wondering why he's so reluctant to agree to this very simple request, which would --

REP. : -- (off mike) --

REP. LANTOS: -- in just one moment -- which would then enable us to proceed immediately. There is no reason, Mr. Chairman, why this subpoena should not be issued, except your reluctance to agree to it, and I request -- I repeat my request.

REP. SCHUMER: Would the gentleman yield?

REP. LANTOS: I would be happy to yield to the gentleman from New York.

REP. SCHUMER: I thank the gentleman. Let me make a suggestion here, because we have -- even though, as my opening statement is clear and many of the others, we have many doubts about some aspects of these hearings. We do not want to see them delayed, although I completely agree with the gentleman that there is a cloud over these hearings and these questions are legitimate.

What I'd suggest is this: Since we are only going to remove our objection for today, and tomorrow that objection will hold again, at the suggestion of the good lady from New York, that we proceed today, that we meet after the hearing with the gentleman from California and those of us here, that we meet with the majority membership/leadership this evening, this afternoon, and see if we can resolve this issue. And that way we can proceed today and still have our right to insist that the truth come out in reference to the aspects the gentleman brings up.

REP. CONYERS: I would join the gentleman from New York in his appeal to the gentleman from California, Mr. Lantos. The only delay is coming from the chairman's refusal to give you a Y-E-S on the question of subpoenas. And so in the interest of time I think it's pretty clear to everybody that can hear where we are, let's see if we can meet after these hearings today and resolve this matter. And I thank the gentleman for his very important and timely contribution.

REP. LANTOS: I want to thank all my colleagues, and I withdraw my objection.
REP. ZELIFF: (?) Without objection, so ordered. Unanimous consent request is agreed to.

We'd like to introduce the first panel. And if you would please, the three members, please come forward and take your places? As you're settling into your seats, Dick Reavis is the author of a two-year research project that is now a book published by Simon and Schuster on the events surrounding the confrontation between law enforcement and the Branch Davidians. The book is right here so everybody can see it. I don't know whether there's a book-signing process, but --

Stuart Wright -- Stuart is the editor and a contributor to the forthcoming University of Chicago book on the same topic, entitled "Armageddon Waco." And Ray Jahn -- Ray Jahn is the assistant United States Attorney who prosecuted the Branch Davidians who survived the fire. And I don't know whether he has a book forthcoming or not -- I'll let him ascribe to that. It is the custom of our committees here that we swear in our witnesses -- if you'd all please stand. On the testimony you are about to give these committees, do you solemnly swear to tell the truth and nothing but the truth? Please be seated. Let the record show that answers were in the affirmative. Before we go to the witnesses, we have a short film that was created for these hearings by CNN that runs from the February ATF raid through the April fire. I want to thank CNN for this special footage and effort. We will now show this, and it's an approximately three-minute film.

REP. SCHUMER: (?) Wait a second. Mr. Chairman? Mr. Chairman?

REP. ZELIFF: Yes?

REP. SCHUMER: (?) I thank the chairman. We, in all fairness to the chairman, some of these procedures, including the 15-5-5-5 procedure, we have talked about, and we were informed we would know what would be happening in these hearings. We were given some witnesses -- not as -- not all that we would like, but many, and we acceded to that. We didn't know anything about this CNN film clip at all. And I'd like to say to the chairman one of the things that I've appreciated is you've told us, you know, in general what the structure of the hearings was going to be -- the reason for that was not pure generosity; it was because of the five-minute rules -- you've listened to that for the last while. We didn't know about this. So what other -- what other things -- Can we go over what is going to happen today from start to finish?
REP. ZELIFF: (?) Would the gentleman yield?

REP. SCHUMER: (?) Yes.

REP. ZELIFF: (?) The film clip -- I haven't even seen it myself. As you know, CNN just offered three minutes of overview. There is nothing in here that has been edited by us. We didn't have anything to do with it. Presumably it's an objective film. There's nothing that you don't know about that I'm aware of that is going to go on today. We have the three witness panels that have been published, and that's it.

REP. SCHUMER: (?) The list of names that were given to us last --

REP. ZELIFF: (?) The list of names that were given to you --

REP. SCHUMER: (?) -- last night are the exact names of the witnesses that will be there? None others?

REP. ZELIFF: (?) Not to my knowledge.

REP. SCHUMER: (?) Okay, and --

REP. : Will the gentlemen yield?

REP. SCHUMER: (?) -- is there any other audio-visual aid --

REP. ZELIFF: (?) No, no other, not that I'm aware of.

REP. SCHUMER: (?) -- that's coming, in addition to this?

REP. ZELIFF: (?) Not unless some witness has brought something with them they haven't told us about.

REP. SCHUMER: (?) Okay. I yield to the gentle -- to the chair -- to the ranking member of the Government Operations --

REP. : Well, I thank you very much. You know, I find this very strange that we would have a film clip going on here. I mean, that's not a part of the process that we all agreed upon. I don't know anything -- I never agreed to have any film clip here. Furthermore, I mean, it's impossible for us to interrogate a film, you know --

REP. ZELIFF: (?) Well, what we're trying to do is recap what happened, and this --
REP. : -- if that's going to be a witness here.

REP. ZELIFF: (?) -- is a film report of what happened.

REP. COLLINS: Everybody knows what's happened. It's been on television, it's been on "Nightline" and everything, and I would object to that film clip being shown at this point in time. It's not a part of the regular procedure.

REP. CONYERS: Mr. Chairman, could I --

REP. ZELIFF: (?) I yield to the ranking member of the Judiciary Committee.

REP. CONYERS: Might I just recommend that we get these hearings underway, by withdrawing a film clip that no one had notice about, even members on your side. I don't see where that's going to add. We've got two authors of the book. I don't know what more CNN can contribute to this.

REP. ZELIFF: (?) We're not asking unanimous consent to show this film.

REP. : Well, pull the plug.

REP. ZELIFF: (?) And we plan to show the film.

REP. SCHUMER: (?) Just reclaiming my time, there was -- there is great dispute about parts of this hearing, as is obvious. There was also some level of comity. And that comity involved the fact that we would know what each -- what was going to happen each day -- not in terms of what the witnesses would say or what questions were asked, but rather who was testifying, who they were, how the panels would be structured and how the questioning would go. I don't -- I doubt there is any problem with a three-minute tape on CNN. CNN is not a --

REP. ZELIFF: (?) Well, the gentleman's time has expired. Please proceed with the film.

REP. SCHUMER: (?) I ask unanimous consent to make my point for an additional minute.

REP. ZELIFF: (?) We are going to proceed with the film.
REP. : Mr. Chairman?

REP. SCHUMER: The chair is denying unanimous consent that I speak for another minute to make my point here?

REP. ZELIFF: (?) Is there objection?

REP. : I reserve the right to object.

REP. ZELIFF: (?) The gentleman reserves the right to object.

REP. MCCOLLUM: (?) Mr. Chairman, I reserve the right to object. And I regret that I have to take this step, but we've seen delaying tactics by the minority that in my estimation are unprecedented. The -- it's obvious that the minority -- first of all hasn't taken the time to consult with the minority members, nor to fairly distribute time to their memberships, or to impart with them the procedures.

Furthermore, the majority side has bent over backwards to provide witnesses. The majority side did not know in fact they were going to spend the first hour of this hearing or more in dilatory tactics to use the occasion to bash various organizations or interests with which they disagree.

And, Mr. Chairman, I move that the joint subcommittees do view this film.

REP. : Mr. Chairman?

REP. : Would the gentleman yield? The motion is in order to consider the --

REP. : I will not yield, and I ask if necessary the previous question on my motion.

REP. : Mr. Chairman? Mr. Chairman?

REP. : Mr. Chairman, I wish to be heard on the motion to be heard --

REP. : I was trying to just make sure that there wouldn't be anything -- (inaudible) -- nothing. I wanted to finish my point.

REP. : Mr. Chairman, I wish to be heard on the motion.
REP. : Mr. Chairman, I have a motion, and I --

REP. : Mr. Chairman, I wish to be heard on the motion.

REP. SCHUMER: (?) (Off mike) -- cut me off, and when you cut me off -- if there was anything else.

(Cross talk off mike.)

REP. ZELIFF: (?) Can we move back? His time has not expired, and we would like to give him his time to finish.

REP. : I will withdraw my motion --

REP. SCHUMER: (?) I will try to be brief --

REP. : -- my motion at this time, and I --

REP. SCHUMER: (?) Okay, I would remind my friend from Florida if we wanted to be dilatory, any one of us could object to these procedures and throw the whole thing into a tumult, and stop them for today. We are trying to get fairness from our point of view, which I hope the gentleman will respect. All I was asking is are there going to be any other things that we didn't -- that we weren't told about that were happening today other than this three-minute film?

REP. ZELIFF: (?) No. As far as I know --

REP. SCHUMER: (?) Thank you. I have no problem with proceeding with the film. Let's move forward.

REP. : A parliamentary inquiry.

(Cross talk.)

REP. ZELIFF: (?) Proceed with your parliamentary inquiry.

REP. : Mr. Chairman, I was not aware that showing a film clip as a part of a hearing was a part of the regular order. Could you cite me to a rule that sanctions this? We have a list of witnesses that has been distributed to everybody, and I have never -- I mean, I concede this is just my second term here, but I've never. This is my second term here, but I have never participated in a hearing that started with -- by the showing of a film clip of any kind. I thought we were here to hear witnesses, and for those who
are allowed to participate in the process question those witnesses. Even those people who have been sanctioned to participate in the questioning process are not going to be able to question this film clip.

So the question I'm asking, my parliamentary inquiry is, what is it in the rules that sanctions this process?

REP. ZELIFF: Rule 11, Clause 2(k)(8). "In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence at the hearing."

REP. : Mr. Chairman, this film clip was not submitted by any witness that I'm aware of.

REP. ZELIFF: That is evidence as to what happened at Waco.

REP. : There is no witness who has requested that this film clip be submitted in connection with their testimony. And I would submit to the chairman that this rule does not sanction this film clip.

REP. ZELIFF: The subcommittee is choosing to receive this three-minute clip as evidence.

REP. : From whom?

REP. ZELIFF: I have received it from CNN.

REP. : Mr. Chairman, I --

REP. ZELIFF: From CNN.

REP. : -- repeat my parliamentary inquiry: What is it in the rules which sanctions your ability to come in and show us a film clip without proceeding in the regular order of the hearing which has already been agreed to?

REP. : Mr. Chairman, may I speak to the gentleman's point? I served on the Government Operations Subcommittee, which is the predecessor to Government and Oversight. And I can cite a precedent for this. I served under Mr. Synar, who was chairman of the Energy, Environment, Natural Resources Subcommittee, and I was subjected to at least a three-minute film clip in which white mice
were put on carpeting that was taken from the -- at this time it wasn't revealed, but carpeting that was taken from the House chambers, supposedly, and the little white mice rolled over on their back and subsequently expired. (Laughter.)

I was not given notice of this. In fact, we found out the reason that the carpeting had been --

REP. : Mr. Chairman, I am reclaiming my time.

REP. : -- had been so contaminated was the carpeting was taken from a storage area --

REP. : -- reclaiming my time on the point of order, Mr. Chairman.

REP. : -- that was in fact treated with -- by a bug spray, and that's what killed the --

REP. ZELIFF: Okay. John --

REP. : -- that's what killed the white mice. So there is precedent --

REP. : I'm reclaiming my time on the point of order.

REP. : -- and there's precedent within our subcommittee and committee. Thank you.

REP. : Reclaiming my time on the point of order, Mr. Chairman.

REP. ZELIFF: Yes.

REP. : I take it that the gentleman's analysis is that two wrongs make a right, and we should therefore agree to this because somebody did it in the past.

REP. ZELIFF: Can I appeal to you for a second?

REP. : All I asked was, is there a provision in the rules of this house or this committee which sanctions this proceeding?

REP. ZELIFF: Yes, there is.

REP. : And I'm not trying to delay this. I would just like to know what the rule is, and the rule that the chairman read to me simply doesn't get us there.
REP. : Mr. Chairman, if I may address it, I think the point was made --

REP. : Mr. Chairman, I've been encouraged by my side to withdraw my objection. I still don't see anything in the rules that allows this. I withdraw my reservation of right or reservation of objections.

REP. ZELIFF: And we'll be happy to work with you and show you the rule. REP. : Go right ahead, Mr. Chairman.

REP. ZELIFF: Thank you.

REP. : It's obvious that you all are going to run this hearing just like you want to run it anyway, regardless of the rules.

REP. ZELIFF: I'll be happy to work with you and go and discuss that rule with you.

We now would like to proceed with the film. I assume we have somebody there to do it. Can you turn up the -- do you have sound?

(Video clip shown.)

MR. CLARK: (From videotape.) (in progress) -- were led by David Koresh, self-proclaimed prophet, who preached that the end of the world was imminent and that it would begin with a battle with nonbelievers.

On February 28, 1993, Koresh's prophecy of a battle came true, though the debate continues about who fired first.

UNIDENTIFIED SPEAKER: (From videotape.) The last words David said to me on the morning of February 28th, when he came down the stairs and there were people coming, you know, you could hear the helicopters in the background, he said, "They're coming. They're on their way. Don't anybody do anything stupid."

TONY CLARK (CNN Reporter): (From videotape.) Seventy-five agents at the Bureau of Alcohol, Tobacco and Firearms raided the Davidian compound looking for weapons, but as soon as they arrived, a gun battle broke out.

911 OPERATOR: (From videotape.) 911. What's your emergency?
WACO INHABITANT: (From videotape.) Yeah. Seventy-five men are around our building and they're shooting at us in Mt. Carmel.

MR. CLARK: (From videotape.) The 45-minute shoot-out left four agents dead and 20 others wounded. Six Davidians were killed that day and Koresh was wounded.

For 51 days, FBI agents encircled the compound. Negotiators tried a mixture of persuasion and agitation to get the Davidians to come out. But only a few left.

So the FBI changed its strategy. Agents began gassing the compound and knocking holes in the walls. Around noon on April 19th, fire broke out, and within minutes, the building was engulfed in flames. Nine Davidians escaped the fire, but about 80, including Koresh, remained inside and died.

Eleven Davidians were indicted on murder, conspiracy and firearms charges during six weeks of testimony. Prosecutors brought in more than 120 witnesses and piles of charred weapons pulled from the rubble of the compound.

ATF agents testified they were ambushed. News video of the raid and secretly recorded audiotapes from inside the compound were played for the eight-woman, four-man jury. The government's key witnesses were three former Davidians. They testified about Koresh's predictions of a war with non-believers. One said the Davidians were trained to use guns. Two others talked about a mass suicide plan, but all three said there was no conspiracy to kill anyone.

Defense attorneys claimed the guns were bought and sold as a business venture. Throughout the case, they raised questions about the ATF and FBI tactics. They argued that the Davidians were assaulted by the ATF and acted out of self-defense.

Tony Clark, CNN, San Antonio.

(End of video clip.)

REP. ZELIFF: We'll proceed with the first witness, Mr. Reavis. Thank you for being here, and we appreciate CNN supplying that film.

MR. REAVIS: I didn't have anything to do with CNN supplying the film.
REP. ZELIFF: Right, I understand that. You each have 15 minutes, and we appreciate very much your being here.

MR. REAVIS: Is this microphone on?

REP. ZELIFF: It sure is.

MR. REAVIS: I'd like to start by thanking the members and the staff of this committee for giving me, a journalist, the chance to talk to our government about what happened in Waco in 1993. I want to emphasize that I come to you as a journalist. That means that I'm not an expert. As you must know from your own sad experience, I'm not an expert on anything.

I think the job of journalists is not merely to repeat what experts and authorities tell us, but to look at it in the light of common sense. And I think that's the job that the members of these committees now face for yourselves.

I want to give you an overview of some of the things that happened in 1993 in Waco, and insofar as I can, explain why they did. I have cut the remarks I wanted to present in view of the ruckus that I've just witnessed here, which is taking time from everyone.

In brief, what I cut says that David Koresh's community was founded in 1934. It had doctrines and traditions that dated back to 1844. David Koresh did not invent the doctrine he taught. He altered the doctrine he taught. The people who followed him did not follow him because he was David Koresh. They followed him because what he said made sense of the tradition from which they came as far as they could see it.

Whatever David Koresh was, his followers were rational people, who were capable of evaluating things and rejecting them, and some did, others accepted him.

One of the prophecies that had been around Mt. Carmel since 1934 called for an ultimate confrontation between God's people, those at Mt. Carmel and the forces of an armed apostate power called Babylon, which in most fundamentalist literature is recognized, or I need to say, is identified with the United States or the United Nations. Perhaps Koresh had looked at those prophecies and his own twist on them, and it was only a twist on existing prophecy, was that the confrontation would take place in 1995. Perhaps with that in mind in 1991, he began studying armaments and buying and selling guns. He pretty quickly found out there's a lot of money
to be made at gun shows, and he and other people started going to
gun shows. And they bought and sold.

They bought items that weren't guns, and they bought items that
were guns. We now say, or the press now says, and most people say
they stockpiled weapons. All gun dealers stockpile weapons; all
gun shops stockpile weapons. We call those stockpiles and
inventory. There was an inventory of weapons at Mt. Carmel. A
number of guys were involved in the gun shows, just as a number
were involved in souping up and restoring cars, and just as a
number were involved in playing in the band. There were circles or
knots or subsets of people who had hobby interests that were only
indirectly related to theology, and guns were one of those
interests. Those guys knew how to use guns. The rest of the people
there did not necessarily know how to use guns. Some of them were
older women in their seventies who were not capable of using guns.
Many of them were children who weren't as tall as the rifles.

In June 1992, the ATF was advised that someone at Mt. Carmel had
ordered a box of dummy grenades. These grenades are legal in
trade; they're used for paper weights, novelty items, one thing
and other, and though ultimately, some of those grenades were
armed and used as weapons, the survivors say they were initially
bought to brad onto ammunition vests that they made at Mt. Carmel
and sold at gun shows. The ATF began its investigation. Its
investigation led to the house of Henry McMahon who will testify
before you. The ATF was questioning McMahon about some guns that
Koresh owned. McMahon says, and his girlfriend, Karen Kilpatrick
has testified under oath, that McMahon picked up a portable phone
and called Koresh. This was July the 30th of 1992. And he said,
David, they're here -- the ATF is here asking questions about your
guns. Koresh says, tell them to come out and see me.

McMahon offers the phone, with Koresh on the line, to Special
Agent Danny Aguilar. When court testimony, it's said that he made
this motion -- he would not accept the call. The ATF refused to
visit Koresh and did not ever speak to him until February the 28th
of 1993, when its words were police, search warrant, lay down. One
of the things that must be asked, and I'm not sure if we can get
an answer at this point, because Koresh is dead, is when he
converted weapons illegally from semi-automatic to automatic. My
suspicion would be that at some point he says, the ATF is
investigating me, and it doesn't want to talk to me. Ah-ha, the
army of Babylon is preparing its attack.

The affidavit that ultimately came out of the ATF's investigation
is weak on several points. There's no evidence between August of
1992, no notations, and November of 1992, as if perhaps the
investigation had been dropped. I would like to know if that's the
case. I have not been able to find out; I hope your committee can
find out. Why was there no activity from August to November? In
November, Aguilar and other people began interviewing old
associates of Koresh, dissident followers, who didn't know much
about guns or much about Koresh's fascination with guns, but did
know a lot about child abuse and statutory rape. My investigations
convinced me that David Koresh was guilty of statutory rape. But I
don't understand why two-thirds of the search warrant is about
child abuse and statutory rape, when the ATF has no jurisdiction
over those offenses.

In a word, what the search warrant found was gun parts; legal guns
parts, but in this way: Both a hacksaw and shot gun are illegal.
Anybody can buy them. Owning a sawed-off shotgun is not legal. It
was the duty of the ATF to show that those gun parts were owned
with an intent to create illegal weapons. I'm not a lawyer or a
judge, but my reading of the warrant does not convince me that
that intent was there, though we know that in fact, the guilt was
there. Someone inside Mt. Carmel did convert those weapons.

The next question that I encountered during my research, or the
next important one was whether or not the raid of February the
28th was necessary. And I want to speak particularly to those of
you who were Congressmen here, because I believe the ATF has
attempted to mislead our Congress when its executives have spoken
to you in the past about the necessity for the raid. In April 93,
David Troy, and ATF executive, testified before the House
subcommittee on appropriations. And he said that the raid was
necessary because, and I want to quote him directly from the
congressional record, we never saw him off the compound until
after we had an arrest warrant for him. That's the end of the
quote. Troy did not tell the subcommittee that the arrest warrant
was issued just three days earlier on February the 25th, and that
ATF agents had begun training for the raid on February the 24th.

In June 1993, Dan Hartnett, another ATF executive, testified to
Congress that there was no time, from the time in January until
the day of the raid, that we had ever seen him off the compound.
That's the end of the quote. Now the ATF conducted surveillance
for about 30 days prior to the raid from a house 200 yards from
Mt. Carmel's front door. And as it turns out on January the 17th,
David Koresh was next door to the ATF's undercover house, in the
home of the landlord of that undercover house. On January the
29th, according to testimony in the San Antonio trial, he signed a receipt in Waco for some machine work on a motor. The receipt was introduced into evidence in the San Antonio trial. And on February the 24th, four days before the raid, he visited a junkyard in Waco. A junkyard employee testified under oath to that.

If, as Mr. Hartnett told the Congress, they had never seen him off the compound, and they had him under surveillance, I don't understand what their surveillance people were doing. Next question becomes, in the Treasury Department's report on the events at Mt. Carmel, it says that the raid failed, causing the death of those four agents and the wounding of others, because the element of surprise was lost. I think that you all should probe to see if the element of surprise was important. The advice the ATF was given before the raid by the Green Berets, and after the raid by almost every commentator was that if you want to surprise someone, you raid them at dawn.

Two men were dismissed from the ATF, Agents Sarabyn and Winowski (sp), because they allowed the raid to go ahead, despite knowing that the element of surprise was lost.

The were fired, but they kept their mouths shut. Everyone who was still on active duty in the ATF was under a gag order.

They kept their mouth shut and appealed to a civil service court, to arbitration. And Sarabyn's brief, in that civil service arbitration, says -- and I'll read a direct quote, "For the agency to contend that surprise was the focus of Agent Sarabyn is to misstate the decision to proceed with the raid," end of quote.

That civil service arbitration hearing was not open to the public. And I don't know, on what basis, it made its decision. But it reinstated both Sarabyn and Winowski (sp).

The next question that I think is important involves the helicopters that flew over Mount Carmel. According to the ATF's report, they came simultaneously. According to the testimony of their pilots in the San Antonio Trial, in which Mr. Jahn was prosecutor, they came perhaps 30 seconds after the ground troops had arrived.

But at that trial, two Waco reporters -- Dan Maloney and John Maclamore (sp) -- showed a film they had made. They had been a half a mile away from Mount Carmel at an intersection -- 2491 and Double E Ranch Road -- filming helicopters, as these helicopters
made three passes over Mount Carmel at close range. They got the third pass on film. They were putting away their equipment when the cattle trailers drove by carrying the ATF ground raiders. So, they pulled in behind those cattle trailers, and followed them into Mount Carmel and produced the footage we've all seen.

What their testimony and film proves is that those helicopters came over first -- probably a minute and a half before the ground troops got there. And that's important, because the first shot -- both sides say; in this context, both sides would have to say -- was either towards those helicopters or from those helicopters.

At the San Antonio Trial, Mr. Jahn and his associates were able to bring about the conviction of a man named Kevin Whitecliff (sp) for having shot at those helicopters. The residents of Mount Carmel say that those helicopters shot at them. They claim the shots came first. Attorneys Dick DeGuerian and Jack Zimmerman, who visited Mount Carmel during the siege, say they examined bullet holes in the roof. And Zimmerman is a Reserve Marine officer. He'll let you know that in a minute. And he says those bullets came from above, from up in the air, into the house.

At the trial, no one in that helicopter -- a pilot testified that he thinks no one in his helicopter fired. But none of the ATF agents who were armed in those helicopters took the stand. One of them will come before you in this hearing -- Donny (sic) Aguilar. I would like for you all to ask him if he or anyone else in those helicopters fired upon Mount Carmel.

The use of the helicopters is controversial because, in order to get them or in the process of getting them the ATF told both the Department of Defense and the Texas National Guard that it needed them for drug interdiction. It claimed there was a meth-amphetamine lab at Mount Carmel and 11 drug traffickers. The list of 11 drug traffickers was presented to Congress in one of the hearings, and I checked out the names. One man at Mount Carmel was busted in 1983, five years before he came to Mount Carmel. Two of the names listed were the names of people who David threw out of Mount Carmel in 1988, because he suspected them of running a drug lab.

REP. ZELIFF: Mr. Reavis, your time is just about expired.

MR. REAVIS: Okay.

REP. ZELIFF: If you would try to finish this.
MR. REAVIS: I will finish this and -- (off mike.)

One of the people named was a 71 year old lady, who I call the arresting officers cited by the ATF and Congress, and they said they'd never heard of her. The same for Catherine Schroeder (sp) and her husband Michael. That charge of the drug lab is fabricated.

I will close now, without talking about the fire. But I want to make one appeal to you all. Like any good journalist, I started my book by writing the government agencies involved and asking for information. The Freedom of Information Act has become the stalling act. I received letters two months later saying, "Wait six months at a minimum." Some of the documents I requested were scheduled for release in 1999 and the year 2000.

The Freedom of Information Act, in all the agencies I know, is being ignored. How can the government tell the people what really happened, if the government won't turn loose of its records?

Thank you.

REP. ZELIFF: Thank you, Mr. Reavis.

Mr. Wright?

REP. : Mr. Chairman, before we begin the -- (off mike) -- inquiry, will the witnesses full statements be made part of the record?

REP. ZELIFF: Yes.

REP. : Thank you, Mr. Chairman.

REP. ZELIFF: Without objection, so ordered.

REP. : (Off mike) -- everybody?

REP. ZELIFF: Sure.

REP. : (Off mike).

REP. ZELIFF: There should be 100 copies with the --

REP. : Do you want everybody -- do you have a copy?
REP. MCCOLLUM: Do you want to wait until this -- John, you got it when we got it. But -- do you have it located? Everybody else have it?

MR. REAVIS: I have some FOI letters I would like to introduce. Can I hand them to someone?

REP. ZELIFF: Without objection, so ordered. Can someone pick --

Mr. Wright, please proceed.

MR. WRIGHT: I'd like to preface my remarks -- I'd like to preface my remarks by saying I'm a lifelong Democrat. I support the Brady Bill and the ban on assault weapons.

REP. : Mr. Chairman, may interrupt Mr. Wright just a moment?

Mr. Reavis, I didn't understand what you introduced. What did you hand forward?

MR. REAVIS: Those are letter that I sent to government agencies asking for information, and their replies.

REP. : Thank you.

MR. WRIGHT: Having said that, I think there are some serious problems with the federal law enforcement at Waco. Ladies and gentleman, we live in a special time in history. As we edge inexorably toward the end of the 20th Century, we bring closure to the second millennium since the birth of Christ. We are on the verge of a new millennium, a new age.

I don't need to tell you that there is a rich religious symbolism attributed to this historical event. There are an estimated 30 million conservative Protestants, Evangelicals, and fundamentalists -- most of whom hold fast to the doctrine of biblical literalism, and await the return of the historical Jesus of Nazareth, and a cataclysmic episode, referred to as the Second Coming.

Many believe this event could take place in the near future -- perhaps before the year 2000. These themes are preached in pulpits all over the country on any given Sunday. One can hardly find a Baptist Church of Christ or Pentecostal congregation, in my neck of the woods, that doesn't sound this message on a regular basis.
Thousands of small churches, remote communities, safe sanctuaries of true believers -- far removed from the centers of power in Wall Street or Washington -- carry the biblical message forward. Within this sector of the population, there are hundreds of religious groups not unlike the Branch Davidians. Independent, proud, defiant, religiously devout believers who think the larger secular world is morally bankrupt.

Historians and sociologists know that dissident millenarian and apocalyptic ideas will become more widespread in the next few years. And this raises an alarming question. Could there be another Waco on the Horizon?

After the conflagration of the Branch Davidians on April 19, 1993, President Clinton asked the same questions all Americans were asking. Namely, why did this happen? Could this terrible tragedy have been prevented? And perhaps most importantly, what did we learn from Waco? Could this happen again?

Judging from the government reports, media accounts, statements from officials in Justice and Treasury, the transcripts from the San Antonio trial of 11 Branch Davidians, and the previous congressional hearings on Waco, I would assert that we learned very little. I would also hold out the strong possibility that we could face another Waco in the future. Federal law enforcement -- particularly the FBI -- has refused to accept any blame or responsibility for the violent outcome at Mount Carmel. Therefore, by simple extension of logic, if the federal agencies did nothing wrong, they are not likely to correct any policies or practices in future altercations. After all, the Davidians did it to themselves, didn't they?

Let me outline a number of problems with the government response to the Davidians, and suggest why I think we could indeed have another Waco. First of all, I have no confidence in the ATF, and that they would not conduct the same military style raid under similar circumstances.

Most of the criticism has not been directed at the method of entry, but rather for not abandoning the raid once the element of surprise was lost.

But the more important question is why was such a raid necessary in the first place? Why did the ATF not seek to execute the search and arrest warrants in a more peaceable means? The Treasury report
indicates that faulty intelligence-gathering led to the preclusion of this alternative. The reports say they relied on the comments of a social worker, Joyce Sparks, failing to corroborate what amounted to hearsay.

I don't have time for a detailed analysis of events leading up to the raid. I would refer committee members to chapter four of my edited volume, "Armageddon in Waco," to be published by the University of Chicago Press next month. I have submitted the text of this chapter for the written record, and subcommittee staffs have been given free publication copies of the book. Suffice it to say that had agents served the warrants while Mr. Koresh was visiting an auto repair shop on January 29th, 1993, or at a junkyard in the Waco area on February 24th, it is likely that four ATF agents and 80 Branch Davidians would still be alive today. Limited and overburdened government funds would have been spent more humanely and judiciously. You and I would have never heard of the Branch Davidians, and these hearings wouldn't be necessary.

To put the matter succinctly, the enforcement actions were excessive. And this raises another point I would like to stress. The ATF garnered an exaggerated and embellished portrait of the Davidians as particularly sinister. It is important to remind ourselves that this was the largest raid in the history of the ATF. In effect, the Davidians became caricatures of evil, posing alleged threats or dangers far exceeding the actual problem. It appears now that the agency was caught up in what social scientists call a moral panic, undermining the agency's ability to make more sensible judgments in its plan of enforcement. There are reasons this came about. It did not develop in a vacuum.

Before, during and after the siege of the Mount Carmel community, government officials repeatedly referred to and vilified the Davidians as a cult. "Cult" is a slippery and politically loaded term with little scientific validity, at least in its common usage. It typically amounts to a moral judgment, not a scientific one. In this context, it is pejorative and derogatory, invoking the worst possible stereotypes. And once affixed as a label, it seems to give justification to the most heinous discrimination. Representatives of the U.S. government have no business perpetuating this kind of prejudice and stereotyping. The law does not make such distinctions even if certain interest groups and the media do.

It is my opinion that in the development and planning of the ATF investigation, agents adopted the ideology and perspectives of
anti-cult organizations and deprogrammers. It seems clear to me now that we can explain the excessive actions of law enforcement in terms of the fear-mongering and hate rhetoric that often characterize these groups. I would like to recommend a moratorium on the term "cult," especially by government officials, and I think federal law enforcement should be more vigilant about their sources of information in the future. These are not impartial and disinterested sources. One does not approach the Ku Klux Klan to learn more about African-Americans. Neither should law enforcement policies be guided by religious hate groups.

Second, I have no confidence that the FBI knows how to deal with millenarian or apocalyptic religious sects. They made a number of crucial mistakes in their operation at Mount Carmel. And again, these are clearly laid out by several contributors to my book, in particular Dr. Nancy Ammermann, who was asked by Justice to review the actions of the FBI in Waco, and Dr. James Tabor, who had an excellent grasp of Koresh's adventist theology. Professor Tabor, along with Dr. Philip Arnold, had a key role in persuading Koresh to reconsider his exegesis or interpretation of revelation, and I'm convinced that the Davidian leader was well on his way to finishing his sacred writ and making good on his promise to come out peacefully when the FBI impatiently assaulted the compound on April 19th.

We now know that FBI officials never notified Attorney General Reno of the April 14th letter by Koresh stating his intentions to write down his revelation and then give up, because they had already defined him as a con man using religion as a guise for criminal activity. I read a few days ago in a Hearst news story that Byron Sage (sp), the lead negotiator for the FBI in Waco, dismissed Koresh's promise to come out because Koresh had broken a previous promise. But there's a lot more to this story. Subsequently, we have learned from the newly released tapes and transcripts of the negotiations that Koresh's promise wasn't broken at all. The FBI changed their demands and then disingenuously told the media that Koresh had lied and broken his promise.

Perhaps this was part of the psychological warfare strategy to humiliate and ridicule the sect leader in hopes of breaking the bonds of loyalty among his followers. But it must be said that they did so without regard for factual accuracy, and the American public has a terribly distorted view of these events as they were conveyed by bureau officials in press briefings. The use of the psychological warfare strategy also indicates that the FBI
misunderstood their adversary. This tactical approach has been used effectively on terrorist groups and drug lords. The Davidians were neither.

Indeed, the FBI never knew who they were dealing with or how to assess accurately the probable actions of the Davidians. To make matters worse, some of the people they did consult were active in anti-cult organizations. I refer specifically to psychologist Murray Miron and deprogrammer Dick Ross, prominent members of the Cult Awareness Network, whose comments distorted and confounded the problem. Dr. Ammermann later stated, in an addendum to her report, that Ross was the expert having the most extensive access to and influence upon the ATF and FBI and was listened to most attentively by them.

I would exhort the committee members to please read the report submitted by the behavioral science experts, Sullivan, Kankro (sp), Ammermann & Stone. Their assessment is damning, pointing out incredulously that the FBI ignored religion as a viable motivating factor. On what basis do federal law enforcement agents make such value judgments? Does the FBI regard non-mainstream religious practices or beliefs as invalid? Have they expanded their jurisdiction into matters of theology?

Equally upsetting is the fact that the FBI has refused any offers of assistance from scholarly experts on marginal or new religions. Those of us who have spent our entire careers studying sectarian religious movements have been shut out. We weren't consulted before the raid or during the standoff and we've been rebuffed since the Waco incident, even though we have made good-faith efforts through the formation of the religion crisis task force headed by Dr. Philip Arnold. I find this arrogance disturbing, and it only convinces me further that another Waco is possible.

A third reason to think another Waco is possible follows as a corollary to the previous point. The FBI (assuming?) has no response team or list of experts prepared for the next confrontation with a defiant religious sect. I am assuming this to be the case since they have not acknowledged any errors on their part. But in truth, they made critical errors in judgment. In Waco, the FBI miscast the Davidians as hostages. The 50-person hostage rescue team, a counter-terrorist unit, was called in at the outset. The standoff was classified as a complex hostage barricade rescue situation. But if the FBI had understood the nature of the beast, they would have proceeded differently and realized that no one was a hostage.
The Davidians sent out a videotape on March 9th showing interviews with members who asserted that they did not want to leave. Even the Justice Department report conceded in hindsight that, and I'm quoting page 205 in the report, "Each person on the video, male and female, young and old, spoke in a calm, assured tone of their desire to remain inside, even after the experience of the ATF raid only a few days earlier. The abiding impression is not of a bunch of lunatics but rather a group of people who believed so strongly in Koresh that the notion of leaving the squalid compound was unthinkable," end quote.

Unfortunately, the federal agents had no religious framework or conceptual scheme from which to understand the motivations of their captives. The idea of surrendering to a, quote, "proper authority," end quote, as the agents demanded, would have been tantamount to betrayal, assuming a Judas role. One has to appreciate the purely religious scenario these people believed they were facing. They were principals in the biblical tribulation, standing with God's anointed prophet. They weren't about to coming cowering out in abject surrender to the Babylonians to be paraded in chains before the unbelieving public, suffering mockery and scorn.

The Davidians lived in a separatist religious community, and in their universe of discourse, a religious language was required to communicate with them. I won't belabor this point, but the FBI had at their disposal experts who could speak the Davidians' language -- Drs. Arnold and Tabor. Their advice was not heeded. They will appear before you to testify later in the hearings, and they have an important story to tell. I hope you will listen to them carefully.

Subcommittee members, I implore you to use these hearings to get at the bottom of this tragedy, to ask hard, penetrating questions of those who know but are not saying. After two years of research and investigation, I still have unanswered questions, and I close by leaving you with some of those questions. Perhaps you can get answers.

Why was a warrant sought in the first place, since David Koresh, on learning that he was being investigated by ATF, invited the agency on July 30th, 1992, through his gun dealer, Henry McMahon, to come to his residence and inspect his firearms? Why did the ATF use armor-piercing ammunition which would easily penetrate the flimsy walls of Mount Carmel when assaulting a location known to
be housing dozens of women and small children? Why did the ATF -- why did the affidavit filed by the ATF to obtain a search warrant include allegations of child abuse, a state offense over which the ATF has no legal jurisdiction?

How is it possible that a deprogrammer associated with the Cult Awareness Network, Rick Ross, an ex-convict with a psychiatric record, came to be an outside expert? Who in the ATF or FBI decides who is an expert? What kinds of professional criteria or credentials are considered, if any?

One of the Branch Davidian survivors I interviewed claimed that helicopters strafed the roof of the Mount Carmel building with gunfire, killing a fellow Davidian. Film footage by television newsmen on the scene indicate the helicopters arrived before the ground party. Were the helicopters firing on the Davidians, and, if so, doesn't that make moot the point or the argument about who fired first on the ground?

Why did the FBI abandon good-faith negotiations with Koresh and move to psychological warfare strategy. The tactical commanders in Waco had to ignore the advice of their own behavioral scientists at Quantico. Agent Peter Smerick, who was in charge of drawing up a psychological profile of Koresh, counseled a cautious, nonconfrontational approach with Koresh in four memos written to senior FBI officials between March 3 and March 8. According to Mr. Smerick, FBI superiors pressured him to change his assessment to justify a more confrontational approach.

Was any consideration given to the effects of psychological warfare on the children at Mount Carmel? Cutting off water, electricity, blaring Tibetan chants, sounds of rabbits being slaughtered, dentist's drills, shining floodlights? Why would the strategy of tightening the noose continued and escalated even after residents responded to negotiations by sending out children? This undoubtedly induced confusion and sent mixed signals to the Davidians, a result confirmed in my interviews with them.

Dr. Robert Kankro (ph), an independent expert, later remarked that this inconsistency --

REP. ZELIFF: I'm going to have to just let you know that your time has expired. If you can just take about 10 seconds, because we have a vote and we're going to have to move forward.

MR. WRIGHT: Okay. Dr. Robert Kankro (ph), an independent expert,
later remarked that this inconsistency has many of the features of a double blind. Is it no wonder that the confidence in the integrity of the negotiations deteriorated? And, finally, why was Attorney General Reno not informed of the April 14 letter by Koresh promising to surrender? I think the American people deserve answers to these questions. Thank you.

REP. ZELIFF: Thank you, Mr. Wright. And, Mr. Jahn, we'll proceed when we get back. We'll open up with you. But the subcommittee stands -- or the committees stand in recess until 1:15 p.m., and we'll resume with Mr. Jahn's testimony. Thank you very much.

#### END OF MORNING SESSION