TUESDAY EVENING PANEL
PANEL B WITNESSES: DR. PHILLIP ARNOLD, REUNION INSTITUTE, HOUSTON;
DR. JAMES TABOR, UNIVERSITY OF NORTH CAROLINA;
CAPT. MARICE COOK, SENIOR TEXAS RANGER;
CAPT. DAVID BURNS, TEXAS RANGER; GLEN HILBURN, BAYLOR UNIVERSITY
2141 RAYBURN
TUESDAY, JULY 25, 1995
REP. ZELIFF: Okay. The subcommittees on the Waco affair will now come to order. All the members of the panel please step forward and be seated. I'll introduce Dr. Phillip Arnold, religious scholar from Rice University who holds a Phd. in religious studies with a focus in apocalyptism and Jewish and Christian history. Professor James Tabor, professor of religious studies at the University of North Carolina, recently he authored "Why Waco? Cults and the Battle for Religious Freedom in America"; Maurice Cook is a captain in the Texas Rangers; David Burns is a captain in the Texas Rangers and Glen Hilburn is professor from Baylor University which is the democrats' witness. Everybody here and present.

Okay. The other members will be sworn in. Mr. McClure is not -- please raise your right hand. Is the testimony you're about to give these sub-committees the truth, the whole truth and nothing but the truth?

PANEL: I do.

REP. ZELIFF: Thank you very much. Be seated. Let the record reflect that the answers were in the affirmative. Who starts. Okay.

Chair will now recognize John Mica for five minutes.

REP. MICA: Thank you, Mr. Chairman.

I'd like to start if I may with two witnesses that are Texas Rangers. I guess -- actually we've got three here: the senior ranger, Mr. Cook, or Captain Cook, Captain Burns, Mr. Foster. How did you get here, gentlemen?

MR. COOK: Well we flew American Airlines -- (laughter) -- I'm not kidding.

REP. MICA: Who paid for the tickets?

MR. COOK: The state of Texas.

REP. MICA: The state of Texas?

MR. COOK: We asked Congress to pay for it incidentally and Congress said that we need to fly on our own.

REP. MICA: Okay and you -- how long have you been here? You've been here for -- I understand you've been here for four days prior to the hearings?

MR. COOK: No sir, we arrived here Sunday night. We got in about 9: 30 and I think it was 11: 30 before we found the hotel.

REP. MICA: And that's for all three of you?

MR. COOK: Well, Brantley Foster is not here. He's a retired Texas Ranger and so we don't know
where he is. He's not under our command.

REP. MICA: Yet during the interim have you spent time with Mr. Ron Noble or Mr. Padle (sp) or other Treasury officials or Justice officials discussing the hearings or what took place at Waco?

MR. COOK: Yes, sir.

REP. MICA: Did you request those meetings?

MR. COOK: Well, I think Captain Burns maybe can address that better than I can because I think he might have gotten the call on that.

REP. MICA: Who requested the meetings?

MR. BURNS: Mr. Mica, if I could only back up to last week, possibly. Is this what you're talking about when we were up last week?

REP. MICA: Well, I understand you were up last week too and had meetings. So you've been meeting sort of on several occasions with Treasury and officials; other federal officials to discuss your testimony and what took place at Waco?

MR. BURNS: Yes, to discuss the facts of Waco we met with both the Republican staff people and the Democratic staff people and we met with Treasury.

REP. MICA: Did you met the majority staff people?

MR. BURNS: Yes sir, twice.

REP. MICA: You did? Did you have lunches or were any meals with Ron Noble?
MR. BURNS: Yes sir.

REP. MICA: You did.

MR. BURNS: Yes sir.

REP. MICA: So you basically have been wined and dined and met with the Treasury officials prior to your testimony and participation here today.

MR. BURNS: We ate with Mr. Noble a couple of time, yes sir.

MR. COOK: I might add that we spent more time probably with the congressional people than we did with Mr. Noble.

REP. MICA: But you did spend time and discuss your testimony. You didn't feel like yo were under any pressure though, did you?
MR. BURNS: No sir.

MR. COOK: Absolutely not.

REP. MICA: Just a quick question. Why, what, are any of you familiar with the missing door that was testified about just before this supposed to be in the possession I guess of the Texas Rangers. Anybody know where the missing front door is?

MR. BURNS: I think I know where it is or where it went. I don't know where it is, but --

REP. MICA: Where did it go?

MR. BURNS: I believe what happened to that door was that if you recall the video tape when they were inserting the gas and the tank made the insertion there at the front doors, when they pulled out there was a lot of debris came with that. The left door was found outside the burned area. The right door, I believe, was pushed inside during burn. And when we got into that crime scene there was quite a bit of just sheet metal. There were metal cabinets and metal frames like dining chairs and this type of thing. And I believe that when we got to clear that debris to start the crime scene that this stuff appeared to have no evidentiary value --

REP. MICA: But they're not sure of exactly --

MR. BURNS: No, that door was not recognized I believe for what it was --

REP. MICA: Captain Cook, you don't know where the door is, and you, the other gentleman doesn't know where the door is either, do you?

MR. COOK: No sir, I do not.

REP. MICA: Thank you.

Just a second to Dr. Arnold and Dr. Tabor. Are you familiar with this report, the recommendations of experts for improvements in the Waco law, in federal law enforcement after Waco?

MR. ARNOLD: Yes,

MR. TABOR: Yes, I've seen that.

REP. MICA: Didn't the administration retain a number of people like the head of the Harvard School of --

MR. ?: Barry Sullivan, Nancy Ammermann, yes sir.

REP. MICA: Right, several individuals. It's kind of interesting that they asked questions like is the federal assault on this religious community near Waco, Texas, together with its ensuing standoff and fiery end emblematic of the trivialization of religion in official America? Though the Branch
Davidians may not in everyone's view typify religious life in many American communities the response of public officials in law enforcement agencies may in fact reflect marginal value assigned to religion as a public matter and the reduction of public religious convictions and actions, et cetera. This is their response. They also said that they felt that we needed to retain a friendly -- a consultant that is that is friendly is not sufficient in the future in instances because of again their recommendations that there wasn't proper knowledge about this group, this religious group. Could you describe this group and the recommendations and their beliefs as it relates again to what's in this report?

MR. ? : Which one would you want?

REP. MICA: Either one. Dr. Arnold? You could take turns.

DR. ARNOLD: When you say this group --

REP. MICA: The Branch Davidian.

DR. ARNOLD: Right. What is your specific question about --

REP. MICA: Again, these recommendations say that we didn't understand their values, we didn't know how to deal with them, it was a sort of bizarre cult or religious group --

DR. ARNOLD: Right. I follow what you're asking now. After the tragedy of April 19, 1993 throughout the next year many scholars began to communicate one with the other, scholars who were experts in religion, and we felt like it would be very important to form a task force -- we did called the religion crisis task force which would be available to help law enforcement, the media, government gain accurate information about religious groups if ever such a situation would ever occur again.

REP. MICA: Why do you believe that it was so important that the religious aspect of this group be understood?

DR. ARNOLD: Right and as Dr. Ammermann and Dr. Sullivan and others in that particular report wrote, "Without a correct understanding of the Branch Davidian religious faith, law enforcement was operating in a vacuum. "They were not able to perceive the meaning of the religious language the Branch Davidians were using; they were not able to understand the actions that the Branch Davidians took; they were not able to know which precise course of action would be of more value than another course of action. And they were unable to know which particular steps could precipitate disaster. Had they had knowledge of the religious faith of the Branch Davidians this story could have ended in a much better and happier way. So I think Dr. Ammerman and Dr. Sullivan and others of us want to communicate to the American people, the law enforcement, to our country, to our government that it is crucial to understand the world view, the ideological world view of a religious group if you're going to deal with them in the act of law enforcement. Not that they are in any way exempt from existing laws. No, they are responsible to those laws like all of us. But if you're going to deal with someone from a different culture or someone who has a different religious language or even a different language, linguistically speaking you want a good translator
present to help you to understand the culture of those people you're dealing with.

REP. ZELIFF: Okay. Gentlemen, time has expired.

DR. TABOR: Could I make a thirty second response since you asked both of us?

REP. ZELIFF: Okay

DR. TABOR: I would just like to say that the FBI reports -- they had literally a facts meltdown and so I think both Arnold and I come with a degree of sympathy. Where do you turn? You had everybody from the nuts to the bolts calling in and saying: "I can solve it." You know -- "I know about the book of Revelation." And so there's also a procedural thing here and it has to do with setting up something that we can explore later. But I think we want to register that sympathy. They're trained in hostage barricade rescue, not the book of Revelations. So who do you call? And they went to certain people at Baylor and so forth, but they had a tough time, in other words, trying to figure out who to listen to.

REP. ZELIFF: Thank you very much. Gentleman from Michigan, Mr. Conyers, for five minutes.

REP. CONYERS: Thank you very much, Mr. Chairman.

Gentlemen and Mr. Cook, in particular, welcome to the House of Representative and these two committees.

MR. COOK: Thank you.

REP. CONYERS: May I ask you, sir, in your opinion is it a good idea to let outside people talk to a suspect or person that you're negotiating with in the kinds of circumstances that bring us here today?

MR. COOK: I think in all our training that it would probably not be a good idea according to our training methods. However, when all other fails you resort to whatever means that will resolve the issue and in hostage negotiation I think you can get too formalized. I think you have to do what works.

REP. CONYERS: Mmm-hmm. You had a chance to interview special agents Sarabyn and Chojnacki and based on those interviews, can I find out what you've learned and how you've used their credibility and whether you think that they knew that the raid had been compromised?

MR. COOK: Let me pass that question to Captain Burns and for the panels. He was the sight commander. He was the on scene commander, so--

REP. CONYERS: You were closer to that, Mr. Burns?

MR. BURNS: Yes, Congressman. I was the task force commander down there. And to answer you question: in my view from the overwhelming evidence that we uncovered in interviewing the
agents, some 60 or 61 of those agents and then what our agents their perception was and what was said when they interviewed Mr. Sarabyn Mr. Chojnacki I do not believe that they're credible in this instance. And I do believe that they knew that the raid was compromised.

REP. CONYERS: Then you know that is a large issue that has been going back and forward in these hearings over the last several days?

MR. BURNS: Yes sir. That's been an issue from almost day one down there it caused us a lot of problems.

REP. CONYERS: Right. It has indeed. Mr. McClure, what is your view with respect to trying to let outside people intervene and talk with a suspect that is being negotiated with, that you're negotiating with? Does that have any basis in good law enforcement work?

MR. MCCLURE: Well, in all our training we try to use that only as a very last resort. In our basic negotiations 101 we teach and train all the law enforcement personnel we advise against using what we call third party negotiators.

REP. CONYERS: Especially those that sort of come in out of nowhere where you don't really know that much about them. Didn't I understand right, there were people trying to intervene almost on a voluntary basis?

MR. MCCLURE: It's my understanding that the negotiations out there got called from literally all over the world for offers for help and it's been my experience that unless you're trained in crisis negotiation and like you say if you haven't been there and you don't know what's taken place then how can you come in and legitimately negotiate with the person on the inside?

REP. CONYERS: Thank you Mr. McClure. Tell me, in your opinion, is there anything different that the FBI could have done to guarantee a different outcome in the Waco standoff?

MR. MCCLURE: I think that you had some of the best negotiators in the country that were out there. I think some mistakes were made. In hindsight, if they had to do it over they might have done it a little bit differently.

REP. CONYERS: No question about that.

MR. MCCLURE: But I think that all the efforts were and the ultimate outcome in my humble opinion was up to Mr. David Koresh. He could have come out at any time. They gave him the opportunity, they presented the vehicle for him and the followers to come out at any time that they wanted to and they chose not to.

REP. CONYERS: It was more or less inevitable from the things I've been hearing and you know, these hearings in a congress, people have their different views and different feelings and different opinions and may have actually legitimately seen things differently. Their defense lawyer sure as heck came here with a point of view that doesn't have to be elaborated on. So, we hear a lot of things from one end of the spectrum to the other. But in the end we've got to settle all of these
myriad conflicting testimonies down and try to find out what kind of person Mr. Koresh is and there's been a great attempt at rehabilitation here today. That's the most amazing feat I've witnessed in quite a while. And last question, Mr. McClure, the dynamics in the negotiation process between the tactical team and the negotiator do you have any feelings about how that went down, or what kind of pressures were at play?

MR. MCCLURE: Well on any operation, any hostage barricade situation you're going to have communication and you're going to have differences between negotiators and tactical commanders. That's healthy. It's ultimately left up to the on scene commander to make the ultimate decision based on recommendations of your negotiation team commander and your tactical commander. They present all options to the on-scene commander and he has to make the ultimate decision. Naturally, tactical people think in tactical terms. Negotiators think in negotiation terms. And sometimes they're not going to always mesh. I'm a trained negotiator, that's the terms that I think in. And I would like to think that if some things had recommendations by some of the negotiators had taken place, maybe some things would have been different. I don't know.

REP. CONYERS: You've done an excellent job and I thank you very much for coming here this evening.

Thank you Mr. Chairman. I appreciate that.

REP. ZELIFF: Thank you Mr. Conyers, appreciate that. And chair now recognizes Mr. Chabot from Ohio.

REP. CHABOT: I can't let the gentleman from Michigan's comment about the attempted rehabilitation of this afternoon go unchallenged. Because I heard no one trying to rehabilitate, particularly if the gentleman was referring to Mr. Koresh. I heard an attempt, here, at least on this side I think on the other side, as well, to get all the facts, get opinions about what happened in this event and to learn from this terrible tragedy, both a tragedy that happened on February 28 before law enforcement officers, brave law enforcement officers lost their lives and then on April 19th when twenty some innocent children perished and other women who I believe were also killed within that facility. I have no sympathy for Koresh, I have no sympathy for any of the other gunmen in that facility. But I have tremendous sympathy for the children that were in that facility. There was no attempt to rehabilitate anybody today. But getting on with my questions to the Texas Rangers. Gentlemen, could you briefly describe what the Texas Rangers' involvement as in either of the two incidents, either the February 28th or the April 19th incidents?

MR. ? : Let me just go ahead and I'm glad somebody asked that question because the Texas rangers first of all -- let me just tell you, there's only 103 Texas rangers in Texas. We've got 254 counties and we're part of the Texas department of public safety which is about three 3,000 commission people strong. All of our rangers have eight years law enforcement or more. So we have seasoned veteran peace officers as Texas rangers. Our role was the United States' Attorney's office and ATF had called and asked us to handle the murder investigation of the four ATF that was killed. And that was basically our role. We did the crime scene. We gathered the evidence and we worked a criminal investigation dealing with murder.
REP. CHABOT: Right, you weren't responsible as the ATF was for the first raid or as the FBI was for the second raid.

MR. ? : No, sir. We were not.

REP. CHABOT: Thank you.

Did you have occasion to have dealings with the FBI gentleman I believe that was one of the commanders down there, Mr. Jamar?

MR. ? : Yes, sir. I did.

REP. CHABOT: And we had some information that one of you gentlemen, or some Texas rangers felt that he was out of control. Could you comment on that?

MR. ? : Yes, I had quite a few disagreements with Mr. Jamar.

REP. CHABOT: Could you pull the mike a little closer, please?

MR. ? : I'm sorry.

First of all, to be fair, as Mr. McClure said there were tactical considerations down there which were the safety of concerns of the HRT and the people inside the compound. We had competing concerns which was for that crime scene. We had to try to work at some point how once they had terminated that standoff. When those competing interests if you will -- it was a matter of tactical or the crime scene, those were always resolved in favor of tactical and I have no argument with that at all. I think the safety of all those people was utmost. The big problem I had was that, I think all of us had including the US Attorney down there was that there was no communication. It got to the point we couldn't even talk to them on the phone. They were destroying the outside of the compound, especially moving the vehicles which we thought was critical evidence for trajectory. We were hopeful we could put people shooting out of those windows and from that window maybe do some trajectory things with ballistic and charge someone specifically with murdering one of those, or some of those four agents. We talked about that. We were told that we would be able to urge our concerns before that happened. That was not done. That was done just -- we found out about it on CNN as a matter of fact. It got so bad that finally Mr. Johnston wrote the Attorney General a letter detailing our complaints and concerns which resulted in main justice and the upper echelons of the FBI becoming involved in that. They came down we had a meeting first with Mr. Mark Richards from justice and I believe Mr. Potts from FBI who was then I think at the number three level. I voiced my concerns to them and my criticisms. About a week later we had another meeting, they came back down and we got pretty much on an even footing. In the meantime I had met with Jeff Jamar and Myron Sage and also voiced these concerns to them in person and told them I was very concerned about the crime scene destruction. I was upset because they let two defense attorneys in on the crime scene. The first time on any criminal investigation I believe that's ever been done.

REP. CHABOT: Let me stop you there if I can; it's getting short on time. One question I wanted to get from the two doctors here and also the rangers. I had and I know many members on both side were very disturbed about the fact that this CS gas was used, particularly when there were innocent
children in that facility. I'd like to ask the doctors first, what do you think about that particular
decision? And that's the question basically: what do you think about the decision to use gas when
there were children in that facility, the tear gas?

MR. ? : I don't know if we all want to hear my answer to that particular question. Because when the
story really becomes known to you as to what happened to the people inside when the CS gas came
in and how it eventually leads to tanks coming in the front to insert more CS gas, when you begin to
actually understand the religious dynamics that went on within the community -- and that's what I
want to talk about later as we proceed through tonight -- you will begin to see a very very sad, sad,
sad story. Because as that CS gas was delivered you can listen to the surveillance tapes made by the
bugs put there by law enforcement and those bugs will tell you many things.

We've already heard some of the more disturbing things. But there are also places in the bugs were
you read, where you can hear or read the Branch Davidians knowing the gas was coming in, you
hear them say, "Let's pray". You hear them reading Psalms. Something like the twenty-third Psalm:
"Yea, though I walk through the valley of the shadow of death and I shall fear no evil". Those kinds
of Psalms. They gathered to pray, they began to recite these biblical passages. And what were they
doing? They were calling upon their God to protect them from the CS gas. Now, that's a sad story.

And I don't want to go on with it in too much melodramatic tones because it can become very very
depressing. As you think about what happened especially later as lives were lost and prayers were
unanswered and people died. It was not a good idea. I'll explain later, but in a sentence it delivered
to David Koresh the apocalyptic situation that he had predicted and expected for ten years because it
came on the 19th.

REP. CHABOT: The rangers?

MR. BURNS: Well, I believe that it had to be very devastating to those people in there. Let me say
that I was advised on the 18th of what that operation was going to be on the afternoon of the 18th. I
did not have at that time a problem with it per se. I was not asked. It was not a consultation thing, I
was merely advised it was going to go forward. The gas is something that's used in barricaded
subject situations and from that context I didn't see a problem with it. I think that obviously the
subjects this was used on small children was quite unpleasant to think about. It's unpleasant for me
to think about it. And I think about it a lot and I had nothing to do with it, but I do think about it a
lot. It is unpleasant.

REP. CHABOT: Mr. Cook

MR. COOK: It's difficult to second guess without having all the tactical information. Gas is one of
the less lethal ways of extracting barricaded individuals. It's less than firearms, it's less than deadly
force even though some will argue that tear gas or CS gas could be deadly on some subjects. But
you know the intent was to extract the people from the compound. I'm sure even though we were
not a part of that program, I'm sure the intent was to extract as may people from that without injury.
discomfort maybe, but not injury.

REP. ZELIFF: Gentlemen, time is expired. Mr. Schumerfor five minutes.
REP. SCHUMER: Thank you, Mr. Chairman. First I guess I'd say it's nice to see this whole panel here because the previous panel was the most unbalanced we've had so far. And to have two defense lawyers for six and a half hours with nobody else on the panel. Clearly they were doing their job, I don't hold that against them. That is not a semblance of fairness or lack of bias. When I heard each of them refuse to really believe that Kiri Jewell was suffering the way she did it really raised my eyebrows about the whole worth of the entire testimony. So I just want to go over a few questions with a far less biased source and I don't know what your answers are going to be but certainly I will have more faith in them than the answers I has from defense lawyers.

The first one is as a well respected law enforcement agency, and you conducted an extensive investigation on Waco, I want to ask you these questions -- earlier today we heard the defense lawyers who were not on the scene at all make the argument that the ATF fired first. What's your judgement as to who fired first? I mean, that's to the rangers.

MR. BURNS: I believe that the evidence was overwhelming in the trial that the Davidians fired first. The cameraman in the reporter, Mr. McLamore (sp), very reluctantly finally I believe conceded that. Of course, he had broadcast that several times. He was more or less a hostile witness. But in my mind there's no doubt who fired first.

REP. SCHUMER: Again, you have no doubt at all that --

MR. BURNS: No ,sir, no doubt.

REP. SCHUMER: So the defense lawyers' testimony there is at clear odds with yours.

MR. BURNS: I certainly have a different opinion than they do, yes, sir.

REP. SCHUMER: Okay, thank you. Second, I want to ask you about the cover-up. We've heard about cover-ups here. We've heard about mistakes made, but then a few people have brought up the term "cover- up. "Now, you were in charge of this investigation afterwards. Have you found that any of the -- from your knowledge -- probably you're the people on the scene with the most extensive knowledge who were not part of the federal government, and in fact it's well-known that you had some tension with some of the people in the federal government; not your fault, I might add, in my judgment, from what I've heard. Do you have any notion that either ATF, FBI or anyone else in the federal government tried to cover up the facts here?

MR. BURNS: I don't believe that it was, as far as the federal government, any kind of conspiracy. I think that certainly on the level of the raid commanders and probably above them in ATF, there were some --

REP. SCHUMER: You mean Sarabyn and Chojnacki.

MR. BURNS: Yes. There was some misinformation that's still being put out to this day about whether or not the raid was compromised.
REP. SCHUMER: Right. But the word "cover-up," the general -- you know, we've heard about Justice coming in and telling the ATF not to look at it -- that's a favorite theory of one of our colleagues -- and other things. Any cover-up in that extent -- not the fact that Sarabyn and Chojnacki might not have been telling the truth, but a cover-up from higher-ups saying, "Don't do it"?

MR. BURNS: I've seen no evidence that --

REP. SCHUMER: No evidence.

MR. BURNS: No, sir.

REP. SCHUMER: And have you, Mr. Cook?

MR. COOK: No. In fact, that was the reason that we were called in was to -- not that the ATF or FBI were not credible sources, but we were an independent credible source.

REP. SCHUMER: Correct.

MR. COOK: That's the reason we were called in.

REP. SCHUMER: Okay. And again, Texas -- you two folks feel that from the Texas Ranger point of view, no cover-up. Is that absolutely correct?

MR. COOK (?): Absolutely.

REP. SCHUMER: No doubt in your mind?

MR. COOK (?): First of all, we would not have stood for a cover-up.

REP. SCHUMER: Well, thank you. And I agree with you there, knowing a little bit of the history of the Texas Rangers. Next question is about the door. Now, we've heard this right door is missing, although the left door is available. And I think you testified to an earlier question that you thought it was on fire and somebody may have walked off with it or it vanished because it was on fire. We do have the left door. First, isn't it true that there are bullet holes going in both directions on the left door? Is that correct?

MR. : That is correct.

REP. SCHUMER: Okay. And so you cannot determine from that door who fired first.

MR. : No, sir.

REP. SCHUMER: Okay. Is there any reason to believe that the right door would be any different in terms of the way the bullet holes would be? They're right next to each other -- (inaudible).
MR. : I don't believe so.

REP. SCHUMER: You haven't seen it. I'm just asking for your advice as a law enforcement officer --

MR. : No, sir --

REP. SCHUMER: -- with a great deal of experience.

MR. : I've seen the same pictures you have. And the best picture I've seen of it, there appeared to be bullet holes in it. I could not say which way they appeared to be coming. But I wouldn't think the one door would be any different from the other, except we've got one and we don't have the other.

REP. SCHUMER: Okay. I want to thank you gentlemen because you shed -- for the first time this evening, you've shed some objectivity on these hearings today. I now have a question for Mr. Tabor, and my question is this, Mr. Tabor: I've read some -- I haven't read all of your book, but I have read little bits of it, and you were nice enough to give me another copy today. You seem to imply that the people of Waco -- (inaudible) -- Waco, the people of Waco, the people of America, all the rest of us, are sort of intolerant because we weren't sensitive enough to the complexity of David Koresh's particular teachings.

On page 42 of your book you write that, 1986, Koresh announced his, quote, "non-legal marriage to 14-year-old Karen Doyle"; later the same year he secretly married a 12-year-old. You say on page 67 that Koresh arranged sham marriages among Davidians to conceal his behavior. And last week, of course, we heard Kiri Jewel's testimony, which I hope you don't have doubts about the way the defense lawyers did, but I'm not even going to ask you that because I have a different question, given your expertise.

I just want to ask you, isn't there some line you cross over between tolerance of somebody whose religious practices are different and practices that in any society would be regarded as wrong, immoral, illegal? Both the weapons and the sexual charges of Mr. Koresh seem to me to cross that line. And as you know, Dr. Tabor, I'm the author, along with Chris Cox, of the RFRA, the Religious Freedom Restoration Act, which said -- which pushed back the government from imposing its will on religions that have somewhat different practices than the norm.

But I would like both of you -- you know, David Koresh said that the Bible commanded him to do some of these very strange, abhorrent types of behavior. It seems to me that at some point, because some person says the Bible commanded him to do things like marry 14-year-olds and sleep with 10-year-olds and, in fact, have an aggregate of illegal weapons, that were crossing the line and they no longer deserve our tolerance. They deserve our condemnation and approbation. And I would like you and Dr. Arnold and maybe Mr. McClure (sp), although it's a little off his field, to just answer that.

MR. TABOR: What the book attempts to do is, as clearly as possible, explain all the areas. I had no involvement in any of the charges dealing with sexual immorality, stockpiling of arms, whatever. My only contribution -- it was very minimal -- was to try to interpret the apocalyptic system.
However, in writing the book, in trying to explain how a Harvard law school graduate, Wayne Martin, or Steve Schneider, with an MA in comparative religion, who some have charged even, you know, gave his wife to Koresh, although that's denied in the negotiation tapes, but certainly other married men did, was to try to also -- I mean, it's a comprehensive book, "Why Waco? ", not -- I'm an academic, and so I try to tread the line between saying, "Isn't this horrible" -- I assume anyone who reads it would be able to judge that certain acts are horrible.

The question is, how did rational people become persuaded that these things were biblical? In other words, this is an attempt to shed light. If you read that chapter, I think you'll see it's very objectively presented. And I basically give, quote, "the best case" -- and I mean that in quotes -- meaning the case David gave. It's an attempt to understand that aspect. It actually had nothing to do directly with the involvement at the end of April and what happened on the 19th. But it's a good -- you know, it's an important point, obviously.

REP. SCHUMER: Thank you, Dr. Tabor. Dr. Arnold?

REP. ZELIFF: Your time has expired, but go ahead and finish up.

REP. SCHUMER: Thank you.

MR. ARNOLD: Yes, sir, I think you're absolutely correct. There are limits when a religious group with individuals in it break certain existing laws, when those laws have to be enforced. We have no quarrel with that. I certainly don't. What I have a quarrel with is not factoring in the religious understanding of the group. You see, this was a religious ecosystem. And when law enforcement broke into that ecosystem, it violated certain traditions and customs. It caused a certain chain reaction to take place.

Now, my point isn't that law enforcement should not enforce the laws that have to be enforced, but my point is that when law enforcement has to deal with these religious groups who have a different world view and different customs, they have to -- the law enforcement has to factor into their actions an understanding of the religious group in order to avoid catastrophe which takes the lives of law enforcement agents or innocent people within. We don't want an event that's designed to accomplish good, boomerang on us, and cause gross catastrophe, as we have seen at Waco.

The way to do that is to bring in religious translators that can translate the language of the group you're dealing with, and ATF did not do that. Neither, I'm afraid, did the FBI earnestly contact and consult religious experts. It's one thing to talk to them and to interview them, but we received no data. We received no information, no transcripts of negotiation tapes. We were left in a void. And we could not, therefore, give the information that would have helped them. Now, we didn't -- I know Congressman Conyers made the point, and I agree with it -- we didn't want to be on the telephone day in and day out with David Koresh. We're not qualified negotiators as the Rangers and Jamar and some of the other experts are. But we believe that we should have been given transcripts of those negotiations so that we could evaluate them and explain the religious language. If we had done that, we ultimately believe that we could have helped resolve the crises without further loss of life.
REP. SCHUMER: That's a fair point, Dr. Arnold.

REP. ZELIFF: Okay, your time has expired. We're going to recess for approximately 15 minutes for this vote. And try to get back as quickly as you can. And we'll resume questioning with Mrs. Ileana Ros-Lehtinen.

(REcess.)

REP. ZELIFF: The oversight committees on Waco will now come to order. I do believe that was our last vote. Every time these bells go off, we have to do these strange things about getting up and running. We don't really control the institution. It kind of controls us. But we apologize. I think we're here for the duration at this point, and we thank you for your patience. Ileana Ros-Lehtinen from Florida, you have five minutes.

REP. ROS-LEHTINEN: Thank you, Mr. Chairman. I'd like to yield my time to Mr. Mica, also of Florida.

REP. ZELIFF: Please proceed.

REP. MICA: Thank you, Mr. Chairman. And thank you, Ms. Ros-Lehtinen. Gentlemen of the Texas Rangers, I have a -- I'm not an attorney, and I've tried to sort through some of this. But I have the definition of self-defense, I guess, under the Texas law, the Texas penal code, and it says, "The use of force to resist an arrest or search is justified if, one, if, before the actor offers any resistance, the peace officer uses or attempts to use greater force than necessary to make the arrest or search; and two, when and to the degree the actor reasonably believes the forces immediately necessary to protect himself against the peace officer's use or attempted use of greater force than necessary. "Is that basically the law in Texas, as you're familiar with it?

MR. : That is the law, yes, sir.

REP. MICA: Again --

MR. : Yes, sir.

REP. MICA: And I want to ask the gentlemen, Dr. Tabor and Dr. Arnold -- again, I have to keep going back to this report because this is the report that the Department of Justice asked various religious experts to look at what happened there and make recommendations. And they made some conclusions. They said the Branch Davidians had an apocalyptic world view in which they expected attack from the outside world. The reason for arming themselves was to protect themselves from an expected attack. Is that correct, as you understand it?

MR. TABOR: Part of it was business. They actually turned several thousand dollars a year by trading guns. And the other part, I guess we could say, was at least claimed to be theological. That was to provide self-defense. So part of it --

REP. MICA: Do you believe --
MR. TABOR: So the answer is yes.

REP. MICA: Do you believe, Dr. Arnold, that they believed this? And this is also Dr. Cansero (sp), I think it is, who's the head of NYU Medical Center, the head psychiatrist there. But this is his observation. Is that something you'd agree with, Dr. Arnold?

MR. ARNOLD: Definitely. They had not only the economic reasons for doing what they did, but also they definitely had religious reasons in order to protect themselves when the prophecy would one day be fulfilled that they would be attacked. It's not an attempt to go on the offensive and go to war against people, but all the prophecies that they quoted -- and I have listened to 51 days of negotiation tapes, almost all of them by now, and they were not intending to have those weapons in order to go to war but to defend themselves when they were attacked. They did believe it would happen.

REP. MICA: Well, this same doctor who's dealt with probably -- in New York, I imagine -- every kind of strange case you could imagine, he said, "Certainly an armed assault by 100 agents had to be seen as an attack independent of who fired the first shot. "And then he goes on and said that "If an armed individual enters your home by force and you have reason to believe that the person represents a mortal threat, you are allowed to fire a weapon in self-defense in most states," as, you know, I cited the law. Do you think that this is also a correct assumption? They viewed 100 -- and this is in the first assault, with 100 -- you know, the cattle cars coming up, et cetera.

MR. TABOR: The earliest statement we have from David Koresh on that is made at about 2:00 in the morning on KRLB Radio just after the 28th, so you're now to March 1st. And the announcer says, "David, what do you feel about those four agents that were killed? "And David said, "My friend, it was unnecessary. "He says, "You don't know us. We don't know you. You came in here. We have women and children. " And so he essentially expressed that self-defense. We have the tape and the transcript if you want it in the record. That was his view. And then he went on to give the religious side, which is a little more bizarre, but it had to do that at the end of time you take up a sword rather than lay down a sword; that Jesus has told his disciples, "My kingdom is not of this world or my servants would fight. "That's pacifist. "But now my kingdom is not from here" -- now, meaning later it would be. That was their understanding, that you would fight.

REP. MICA: Well, before you respond, Dr. Arnold, I want to cite also this report. This report also -- and one of the recommendations of the doctor who was retained for this said, "It's important that the training of law enforcement officials make clear there are individuals who have deeply-held beliefs that are sincere and not a screen for criminal activity. "Do you concur with this finding here, and is that the case with this situation?

MR. ARNOLD: That's right. The Branch Davidians had religious beliefs that they sincerely held. They really believed that their religious beliefs were based upon the Bible. Now, I don't agree with that. You don't agree with that. But that was their religious faith. And it wasn't just sort of a vague, ethereal faith. They thought that the Bible predicted in its prophecies, all the way from Genesis to Revelation, that the church community there at Mount Carmel was to do specific things, like fly the flag that it flew outside, build its place the way they were building it. Every detail was worked out.
And so on April 13th, in negotiation tape number 217 that Dick DeGuerin wanted to play earlier today, David Koresh expresses this idea that the last days had come. He says in this tape that he went out on his porch. He said, "Stop. There's women and children in here. "And a shot rang out and hit the door to the right. That door, he says, kicked. And then he says, "If you don't believe me, look at the videotape. I know you have that tape," he says. "I saw you making it across the road. "So from the Branch Davidians' point of view, they had been attacked. Now, I don't know. I'm just a simple teacher of religion. I don't know what really happened that day. But he says, "There's a videotape that will prove it. "And he says the door would prove it. Of course, we hear today that that videotape is no longer available or didn't work. But David Koresh did not know that, did he, on April 13th?

REP. MICA: Mr. Chairman, I ask unanimous consent that the tape that he's referring to there be submitted for the record.

REP. ZELIFF: Without objection, so ordered. We now turn to the gentlelady from Houston, Texas, Ms. Jackson Lee, for five minutes.

REP. JACKSON LEE: Thank you very much, Mr. Chairman. And first of all, in minding my manners, I want to welcome the Texas Rangers here and thank them for their courtesies. And let me -- please allow me to briefly question you because I have issues dealing with the religiosity, if you will, of this group. And I want to ask some questions of Dr. Arnold and Dr. Tabor and -- is it Tabor?

MR. TABOR: Tabor. (Corrects pronunciation. )

REP. JACKSON LEE: Tabor. I want to get you in Louisiana. And so I'm going to focus some very pointed questions on Mr. Burns and Mr. Cook, and I thank you for being here. There was some questioning at the very beginning about wining and dining. Are you bought and paid for? Is your testimony here bought and paid for? I'm not sure whether you're eating at McDonald's or what, but you gentlemen look like you're well-endowed, strong, and could miss a meal, and so food is not an enticer. But are you bought and paid for? Is your testimony here bought and paid for? By anyone?

MR. BURNS: No.

REP. JACKSON-LEE: Mr. Cook?

MR. COOK: I hate to answer that with just a no. I would like to be a little stronger, but --

REP. JACKSON-LEE: Go right ahead.

MR. COOK: Well, out of respect of this panel, I think that I'll just say no and that's absolutely absurd -- (inaudible).

REP. JACKSON-LEE: Absolutely not. And I thank you for being here. There are many suggestions of coverup and a variety of suggestions about the Texas Rangers involvement. I know you from the state of Texas as the state of Texas viable law enforcement entity. And my concern -- or would like
you to respond to your ability during this very tense situation, when the HRT team was around to do a full investigation, and your very strong effort to do so. Did that occur? Both of you may answer, if you'll do it briefly for me, please: Did you make every effort to make a full investigation, even during this very difficult time period?

MR. BURNS: ( ) Yes, we did. And of course early on we were hampered with the standoff, and considerations we had to have for the tactical considerations -- safety of both the HRT and people inside Mount Carmel. We proceeded with all due speed as fast as we could. Once the standoff had been terminated by the fire, then we began to go ahead at a faster speed and was able to conclude the initial part of the investigation by about May 15th, which was the crime scene search and the gathering of all the physical evidence out there. That investigation went on right up to the time of the trial on the 10th day of January of 1994. But we did conduct what I believe was a very exhaustive and thorough investigation. The investigation has not been challenged by anybody that I am aware of. As a matter of fact, most of the 17 defense attorneys after the trial publicly said that we had done an outstanding job on that investigation.

REP. JACKSON-LEE: And you had limited resources, it's my understanding, to even do this -- is that my understanding?

MR. BURNS: ( ) Yes, we did have limited resources.

REP. JACKSON-LEE: Were you familiar with Mr. Koresh and his followers before this whole incident occurred?

MR. BURNS: ( ) I had never heard of Mount Carmel or David Koresh before March -- before February 28th.

REP. JACKSON-LEE: All right. Mr. Cook, will you answer the fullness of the investigation with limited resources?

MR. COOK: Yes, ma'am. And something that probably hasn't been made clear is that I, as the senior Ranger captain and the commander of all the Texas Rangers in Texas, and with that my responsibility was to ensure that Captain Burns as the site commander followed the proper procedures, and done what was necessary. I had no doubt that he would do that. However, I spent many a night at Waco visiting him, supporting him, ensuring -- going to the scene myself and making sure that everything was followed. And as criminal investigators -- I think being from Texas you'd agree that the Texas Rangers are well known for their investigative abilities.

REP. JACKSON-LEE: That I know. And I thank you for that. And maybe if my colleagues, if we last here long enough, and someone might have some additional time, I would like to pursue another line of questioning. But I wanted to make sure that we were aware of the fact there's limited resources, got right to the point, and evidence -- and preserved evidence that might not have been preserved without your presence there. And I thank you for that.

Let me just say to the two theologians who are experts -- and I am not -- frankly I raised issues at the very beginning of this hearing that I hope in the corrective measures we will have more insight
on religion, on sects -- S-E-C-T -- I have to always say that to make it clear. Frankly, I wish this had not happened. But let me probe you to clarify what I think has been a continued misrepresentation -- maybe a branch, but not a Seventh Day Adventist -- 135 -- that's all David Koresh I think had in that compound. Eighteen-forty-four, yes, they gathered in the hills, the Seventh Day Adventists, believing something else would occur, but it was not a violent setting. When nothing occurred, they went back to where they came from. They are pacifists, and have been pacifists for many, many years. This gentleman was gathering a whole compound of arms.

Now, what I am trying to separate is the ability of David Koresh and his musical talent and his charm to convince people who had been in there for 35 years -- and he was a Johnny-come-lately with a mismatch of religious beliefs that were not even the purity of Branch Davidian. One, the worldwide church of millions of people -- 750,000 in this country alone -- it is a church that gives, that volunteers, that has missionaries. Not David Koresh -- did not give. They were confined in this area and not doing any kind of charitable effort whatsoever. Allen G. White (sp) is what the Seventh Day Adventist Church believes in -- they did not. They would not accept her as a prophet. Also, the Seventh Day Adventist Church would not in the least have a gentleman who was having sexual contact with children. And so this association with the Seventh Day Adventist Church was broken many, many years ago, and we should make that very clear. And this massing of arms is not the Seventh Day Adventist Church. This was a splinter group, and we recognize, as you understand religion -- and I hope you share this with me as you give me the answer -- churches and religions will also tell you that (they're full of ?) prophets that they don't believe in. And this may have been -- I don't know Mr. Koresh one way or another, but he may have been this category. This was a distinct and separate group of individuals that was --

REP. ZELIFF: Your time has expired --

REP. JACKSON-LEE: -- mesmerized by Mr. Koresh, who was involved in the illegal activities. And do you have a response to that?

MR. TABOR: (?) Although all the sects, I believe, of the Davidians came from a Seventh Day Adventist background, I agree with almost all of your comments. And you're correct: It was a one-way relationship; that is, these people had exited the Seventh Day Adventist Church -- that's their background -- and had gone on to either Branch -- Branch Davidian or Koreshian views. They would claim, as all break-off groups I think traditionally do, to be representing the parent body. He quoted Sister White constantly, as he called her, and believed he was his successor. Now, to the --

REP. JACKSON-LEE: But did not --

MR. TABOR: (?) To the seven million Seventh Day Adventists, of course that's an absurdity. And it's like many groups. As you know, the Mormons have the reorganized as well as the main parent body. It's typical for the break-off group to claim it was first and more original than the parent group. It was this kind of a fight. So from the Adventist point of view, the Seventh Day Adventist point of view, it was a one-way relationship. They went out, but were not of us anymore. David would say you went the wrong way -- you should have come with us. We've got 130. So it's --
REP. JACKSON-LEE: I think the violent ends I would like to have -- as Dr. Arnold referred to -- that the violent end was completely contrast to the teachings of the Seventh Day Adventist Church. I consider it a complete separation. Now, maybe cult training or sect training -- I don't want to use the terminology, because I know you've disputed that -- certainly is needed. But you have to distinguish what you're working with. And I hope you are doing so --

REP. ZELIFF: Your time has expired.

MR. HILBURN: (?) Well, may I answer now?

REP. ZELIFF: I think you slipped in an extra question there. I think --

MR. HILBURN: (?) Well, I didn't answer the first question.

REP. ZELIFF: Okay, well just do it in reasonably good time.

MR. HILBURN: (?) Sure, very quickly. Yes, I also agree, as Dr. Tabor does, there is a great difference between the two, and I think the issue of fighting and not fighting is an important distinction you're making. The one thing I wanted to say --let us not assume, though, that the members of the Branch Davidian religious community were in some way simply mesmerized or hypnotized. No, these people were very educated, intelligent people who were very, very well versed in many, many religious traditions and doctrines. They had studied these things. They had become persuaded because of their study of history, their study of theology, their study of the Bible -- that David Koresh was interpreting the Bible correctly. I don't think he was, you don't think he was; but they came to that conclusion based upon their own study of his teachings. They studied, and studied, and studied these things, and came to the conclusions they did.

REP. ZELIFF: Time has expired.

REP. JACKSON-LEE: Thank you, Mr. Chairman. (I know that ?) we'll also look into the issue of the question of power --

REP. ZELIFF: I think time has expired. Okay? If we keep going with this colloquy all night, we could be here -- we can go the clock around. So I am going to ask you to be a little bit -- a little bit more --

REP. : Mr. Chairman, it would help when addressing the two doctors over here, maybe the panel could say just alternate or whatever -- Dr. Tabor, Dr. Arnold, so we don't have to think we --

REP. ZELIFF: I think reasonable people can come to a reasonable conclusion that let's use a little common sense, and I think it will get -- it will just work out just fine. We always try to let the question be answered, but when we start doing a little dissertation back and forth, that's where we're going to stop the common sense and we're going to have to say no. I mean, that's the way it's got to be. Okay? So if everybody would work with us, we'll try to get done before midnight.

REP. JACKSON-LEE: The gentleman had not been able to answer my last question, but I do
appreciate your comment.

REP. ZELIFF: Should we have a little discussion about this? Do you want to say something about this?

REP.: I want to go on.

REP. ZELIFF: Okay.

REP.: Thank you.

REP. ZELIFF: Regular order -- let's go. I would like to address my question to Mr. Burns. And before I do, I'd just like to say that I recognize that the Texas Rangers are only second to Scotland Yard in terms of longevity, and you certainly have our deepest respect, and we thank you for coming here.

MR. COOK: (?) Thank you, Mr. Chairman.

REP. ZELIFF: And we -- I guess just a couple of questions. Can you confirm that the FBI in any way -- and I know Bill Johnston talked about this, or wrote about it -- changed or destroyed evidence at the crime scene?

MR. BURNS: Did they change or destroy evidence at the crime scene?

REP. ZELIFF: Right. As you went in your investigative approach, and the responsibilities that you had to perform, did you see the FBI changing the crime scene in any way, moving things around, things that were not normal, according to your procedures established?

MR. BURNS: No, sir, as I said earlier, and didn't get to finish the answer, they were moving the vehicles, which destroyed valuable trajectory evidence; in the end it turned out it wasn't -- it didn't matter because the --

REP. ZELIFF: It didn't seem to be standard operating procedure according to what you understand.

MR. BURNS: I'm sorry?

REP. ZELIFF: I say when you see that happening you don't consider that standard operating procedure, do you?

MR. BURNS: Certainly not in any crime scene I've been on, no.

REP. ZELIFF: And were they -- as you worked with Mr. Jamar and worked with the FBI, did you find them pretty cooperative and respective of your input?

MR. BURNS: No, sir.
REP. ZELIFF: Could you elaborate?

MR. BURNS: I'm sorry?

REP. ZELIFF: Could you tell us what you -- just elaborate on that -- just tell us a little bit what you mean by that?

MR. BURNS: As I said earlier, we had very little contact with them -- more input early on. The FBI, when they run an operation, they run it, and there's not -- you don't work with them -- you work for them or you don't get along. But it deteriorated to the point if I went over there, the door was always closed to the -- where Mr. Jamar was. Several times I waited a half hour, 45 minutes to see him -- never saw him. I finally quit going over there. We couldn't even get a phone call through. It was total lack of communication. We were not able to urge any of our concerns. We had (law ? ) concerns about what they were doing outside of the crime scene, and we were told that they might have to move the vehicles. Before they did, they would let us urge our concern. We discussed it. That did not happen, which was a very devastating thing, I thought, to us. So --

REP. ZELIFF: Did you consider this a pretty serious situation?

MR. BURNS: I did, yes. And it ended up Mr. Johnston considered it so serious that I believe he literally jeopardized his career with the U. S. Attorney's Office by writing that letter to Janet Reno.

REP. ZELIFF: But doing the right thing?

MR. BURNS: Oh, yes, yes.

REP. ZELIFF: And isn't this what it's all about, trying to do the right thing here?

MR. BURNS: Yes, sir.

REP. ZELIFF: And isn't the criticism -- do you kind of -- what's your reaction to the criticism that we are all trying to do this at the anti-law enforcement, and these hearings are -- you know, do you think that's the case? Or do you think we're really trying to get at the truth?

MR. BURNS: No, sir, I don't believe that these hearings are meant to anti-law enforcement. I think that some of the questions that are asked are, you know, maybe not what I would want to be asked -- and I've been asked one or two I didn't want to be asked to here, and didn't think they were quite proper -- but that's everybody's privilege, and I don't argue with that. But I do not think they are anti-law enforcement.

REP. ZELIFF: Did you feel that the situation relative to Waco was properly put to bed by the internal investigations by both Treasury and Justice? I mean, those two big books -- I mean, did that do it all? Or was there anything else that came out after the fact that -- I mean, was it properly just laid to rest? Should we just tell the American people, look, this is an internal investigation -- that's good enough? Or do you think we really needed to go further?
MR. BURNS: Well, I haven't seen the Justice report. I have read the Treasury report. It was, I think, quite lengthy and exhaustive, and covered a lot of items. But I do believe in just talking to people in Texas, there are a lot of questions in the American public about this. And I think that it does cast doubts on all of law enforcement -- not just federal. So it certainly --

REP. ZELIFF: (Inaudible) -- get the questions answered?

MR. BURNS: To that end we need to clear the air, so to speak. So, no, I don't disagree with that at all.

REP. ZELIFF: Mr. Potts and other folks -- did you get the feeling that Mr. Jamar was making all of the decisions on the ground there, or he was taking orders from who?

MR. BURNS: Well, my experience was that he was in total command down there. Now, what his -- my experience with the FBI is that normally they keep the line open to Washington when they do anything. So -- but that's been my past experience with them on any kind of significant operation. That control is normally exercised out of Washington to a large degree, I believe. So --

REP. ZELIFF: Was it run out of Washington?

MR. BURNS: That's my understanding. Now, I cannot say that --

REP. ZELIFF: Would that indicate the reason why that on the 14th, I believe the earlier testimony today, that he indicated to the two attorneys that they had all the time in the world, and it would have worked -- I mean, there was no big rush, and then all of a sudden we had this plan to move in on the 19th?

MR. BURNS: I believe that could be one explanation for it. I certainly had no input and very little communication -- and although I had had more then than I had had before.

REP. ZELIFF: Do you think -- let me ask both of you a question to kind of think through. I just have a feeling in my stomach that of trying to figure out where all this thing goes, and who ultimately made a decision prior to April 19th that led to this tragedy. And do you get the funny feeling -- I don't know, maybe as a Texas Ranger you might want to mention this -- I mean, who's responsible if you screw up -- does the buck stop with Mr. Cook? Or does it -- I mean, where does it go all the way up the line? And the same thing with the FBI and the same thing with the ATF -- and in this tragedy -- do you feel -- and I'll give both of you a chance -- just talk about your frustrations, talk about the challenge that you -- in what you walked away from this incident -- because you're -- you go anywhere in the country, they're going to ask you about this. Tell me, what were your problems, what were your challenges? And where do you want to see us -- where do you want to ultimately end up on this thing?

MR. BURNS: Well, of course our problems, as I had already gone over, was the fact that initially we had competing interests down there. We had the standoff that had to be resolved before we could proceed with the crime scene and do the investigation. Once that was over, then of course we were left with a situation that nobody in law enforcement has ever faced before. And I would like to say
that we did get 100 percent cooperation from the FBI laboratory and support people from April 19th on. There's -- I can't say enough good about them. We had a lot of help from some of the (DPS ?) people -- so it was a joint effort.

Of course it was a very frustrating investigation, because the crime scene had been totally destroyed before structurally. First of all, we had the tanks running outside, removing vehicles and things, and then initially on the 19th we see the tanks, you know, destroying to some degree the structure, and then the fire that totally destroyed that structure. So we had been making a plan for 51 days down there to go in and, number one, get a hundred live bodies out of there, and do whatever we were going to do -- whatever that degree of culpability we could establish there, and do that -- but then to go in there and do a crime scene search in the structure. And these plans, you know, with no pun intended, literally went up in smoke on the 19th. So we had to go back to square one.

And it was, you know, very, very depressing. I can remember sitting there in the FBI command post, forward command post, on the closed-circuit TV cameras, watching that fire, and thinking, okay, you know, start coming out -- you know, you've got to start coming out of there. And then pretty soon we had about a 35-mile-an-hour wind that day down there. And I realized real quick they weren't going to come out -- they couldn't.

REP. ZELIFF: Mr. Cook?

MR. COOK: Well, let me say I took also Captain Burns' information seriously about the cooperation level that we were getting to the point that I took the letter that Bill Johnston wrote, and I got it to our governor. I gave it to our security guard who was able to put it in her reading. And he -- I had a personal note on there to her, explaining what our frustrations were. She called me, told me that she read the letter with interest, considered the concerns, and gave me a telephone number at the White House, and said, "If you have any additional trouble you need to contact this number -- the people have your name -- it's a 24-hour number. "The next day, or the day after, we were scheduled to have a meeting with a group of people out at Washington -- I think some of the higher-up FBI and some different people -- and she told me basically who was going to be in the meeting and so forth, and to -- that things should get better -- gave me some assurances that they would get better. I have to say they did get better. I think probably midway through -- I believe Captain Burns will also say this -- that we tend to be included more than we have prior to that.

You asked about authority, and I think that the responsibility ends with the top level. That's the reason I went to Waco. After I worked my day in Austin, I drove 90 miles many a day -- not every day, but almost every day. And I can pass on authority, but I can't pass on responsibility. The director of the agency, who is my boss, also went to Waco on a number of occasions. We both knew that our careers were on the line also, so we went there to make sure.

What can we learn from these mistakes? I think that that's what law enforcement training is predicated on -- is our mistakes. When we're children and we fall down we learn if we fall down we're going to get hurt. We learn to walk. And sometimes in law enforcement we have to fall a few times before we learn how to walk correctly. I would hope that this would develop a better line of communications with local law enforcement. And if there is no reason not to trust the local law enforcement, I think at that point maybe the federal agency should include the locals a little bit
more, especially when we have a vested interest in the outcome. However, we agree that the responsibility for that hostage -- or siege situation, or whatever you want to call it, that that was the responsibility of the FBI, and we didn't intend to interfere with that.

REP. ZELIFF: Thank you very much. Mr. Taylor, you are recognized for five minutes.

REP. TAYLOR: Thank you, Mr. Chairman. I have a series of questions. And since we only have five minutes, I'll ask five minutes worth of questions -- you call can answer them at will. (First off, ? ) just with the Rangers-- I've always -- you all have a great reputation, much like the Mississippi Highway Patrol. Would a brave man hide behind children? Or women and old men? True or false?

REP. ZELIFF: (Off mike. )

REP. TAYLOR: Okay, Mr. Chairman, I want to open this up with the Rangers. You know, we heard about David Koresh -- he said he was a messiah, he said he was there to taking Christ's place, in effect. Would a brave man hide behind children? Would he hide behind women and old men?

MR. BURNS: (? ) Well, I think that kind of goes without even answering it to say the obvious is that, no, I think bravery has a much more profound meaning than to do that.

REP. TAYLOR: Is it the opinion of -- I want to ask the theologians -- having seen everything you've see, where parents gave their 11- and 10-year-old children to Koresh, for him to sexually exploit, gave their wives to Koresh -- gave everything they owned to Koresh -- if Koresh told his followers to walk out after the first raid -- if he had said walk out, would they have done so?

MR. : (Off mike. )

REP. TAYLOR: If they had given him the most precious things they have, they couldn't get them to walk across a field?

MR. TABOR: Could I say first the premise of the question that he gave -- these are -- until Kiri Jewell testified on Wednesday, to my knowledge there was no sworn testimony. We had newspaper reports, media reports --

REP. TAYLOR: If I may interrupt, Mr. Tabor -- I'm sorry, I've got to --

MR. TABOR: Yeah, but you said a man who gave -- so I can't agree --

REP. TAYLOR: (Off mike) -- Court ruled that that young lady, when given to her mother in shared custody was given to her only under the condition that she go nowhere near David Koresh.

MR. TABOR: (? ) My position is that unless something is established legally that we can't say a lot about it -- we can suspect things -- and so I didn't accept the premise. I think most of us are persuaded that these things are true. I'm just saying they've been talked about, not established by testimony. But that was the premise. The question was what? If he told them to come out would they come out?
REP. TAYLOR: He told them to walk out?

MR. TABOR: (? ) I think he would have to couple it with an explanation from scripture. Now, if we was capable of coming up with that, I think they would have. But in listening to the 250 hours of negotiation tapes, you begin to see that what he does is always persuade them from scripture. He doesn't just say, "I am the dictator -- you now walk out at my command. "That wasn't his style. It would be, "Let's go to the Book of Habacuc, let's go to the Book of Nahum. Is this what God requires us to do? "

REP. TAYLOR: That was more of a yes-or-no question. (Inaudible) --

MR. TABOR: Well, the answer is with scripture they would, but ordered no. Sorry.

REP. TAYLOR: Okay, I want to turn back to the gentlemen from the Texas Rangers. We have seen in the case of Hussein, and sometimes right now in the Bosnian Serbs, the atrocious use of other human beings as human shields. Isn't it accurate to say that Koresh kept those children, those old men and those old women around as human shields? I mean, after all -- I'm going to turn back to the theologians -- Christ knew, according to the Bible, that his end was near. Christ told, if I am not mistaken, Judas, "Do what you have to do. "He didn't bring the apostles around him and say, "Bring me a bunch of children to surround me. "If Koresh was really Christ-like, don't you think he would have done what Christ did? The truth of the matter is the man was nowhere near Christ-like. He was a coward. He was a coward who hid behind children, old men and old women, who could have told them to leave -- but he didn't -- because he was a coward. And it just absolutely drives me crazy that this committee has spent now five days trying to paint the bad guys as the good guys, and the law enforcement community of this country as the bad guys. And they won't even allow the people who wrote the -- (inaudible) -- the opportunity to come talk before this committee, or to allow the lady who said she was held for three months against her will to come talk to the committee, or to allow the person who said that Koresh had a hit list to come talk to this committee. And, Mr. McClure (sp), I know there is something you have been waiting to say -- please, in this time I have left please say it.

MR. MCCLURE: (? ) Mr. Taylor, I've trained negotiators from Alaska all the way to the southern tip of Florida and several foreign countries. When you go back to negotiations basic 101, there are two areas that you stay away from in negotiations. One is religion and the other is politics. (Laughter. )

REP. TAYLOR: Do you know of a single instance -- do you know of a single instance where an outside negotiator prevented -- solved a problem? We keep hearing if they just turned to some outside negotiator that everything would have been --

MR. : We're not negotiators, sir, and never claimed to be.

REP. TAYLOR: Do you know of a single instance, Mr. McClure (sp) -- that is your job with the Atlanta Police Department?

MR. MCCLURE(sp): Retired from the Atlanta Police and presently commander of criminal
investigation with Douglas County Sheriff's Office.

REP. TAYLOR: Do you know of one? Yes or no?

MR. MCCLURE (sp): No, sir, I don't.

REP. TAYLOR: Thank you, sir. I promised to ask every panel the same question. Therefore -- and the question is: Do you know of anything, or have you heard of anything, have you seen anything that would justify the killing of four ATF agents, the wounding of 20 more, by David Koresh and his followers? Let me say that the only person who said yes -- so when I asked him specifically which one of the law enforcement officers, whether it was Mr. Robert Williams or Conway McBue (sp), or Steven Williams (sp) or Todd Kehan (sp) -- he couldn't name me the one that he said should have been killed, but one of the defense attorneys, one of the criminal defense attorneys said they should have been killed. Do any of you think that the ATF agents were murdered justifiably?

MR. : Sir, you are bringing up a question that was discussed this morning at great length. And as I am no lawyer, and I don't understand the legal matters of all these technicalities of what murder is or what voluntary manslaughter is. But the discussion this morning by Dick DeGuerin and Jack Zimmermann made the point that they were found innocent of murder. Now, you're saying was their murder justified? I don't think that anyone should be killed. I think what happened was wrong. I think it was completely unnecessary that anybody died. Those agents -- I weep for them that they were killed -- and the Davidians who were inside. And -- but I don't know what happened that day. I was not there. It was a sad day and it was unnecessary.

REP. TAYLOR: Can I take that as a no?

MR. : Can you take what as a no?

REP. TAYLOR: Your answer, sir.

MR. : No to what question exactly?

REP. TAYLOR: Can you think of any reason for those people to have died at the hands of David Koresh?

MR. : I can't think of any reason that would justify people being killed there, unless there was an aggressive attempt to assassinate David Koresh -- and I know of no evidence for that.

REP. TAYLOR: Thank you, sir. Mr. Tabor?

MR. TABOR: I don't think the deaths on either side were justified. I would include the six that were also killed on the other side, as well as the four -- as well as those wounded. Judy Snyder was shot while nursing her baby -- through the chest. So, you know, she showed it on the video -- showed her thumb, showed her wounds. That's certainly unnecessary. All of the wounding and killing was unnecessary.
REP. TAYLOR: Mr. Cook?

MR. COOK: Well, let me say that if I should die in the future executing a lawful search warrant, I would hope that if this committee took that issue up they would think that it was not justified in someone killing me for doing what the state expects me to do -- or the United States government expects me to do.

REP. TAYLOR: Having said that, sir, do you think -- have you heard or seen or read anything that justifies the murder of the four ATF agents?

MR. COOK: No --

REP. TAYLOR: (Or the 20 more ? )?

MR. COOK: No, I do not.

REP. TAYLOR: Mr. Burns?

MR. BURNS: No, sir, I have seen nothing -- everything quite the contrary -- there was no justification for what they did -- the Davidians did.

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REP. TAYLOR: Thank you. Mr. McClure (sp)?

MR. MCCLURE (sp): I don't see any justification whatsoever, Mr. Taylor.

REP. TAYLOR: Thank you very much. Thank you for bearing with me, Mr. Chairman.

REP. ZELIFF: Okay. Who do we have on our side? Mr. Buyer, you have five minutes.

REP. BUYER: Thank you, Mr. Chairman. There was some discussion previously, and I forget which one of the rangers referred to it, the letter from the Assistant United States Attorney, Bill Johnston to the Attorney General. Was that the letter dated March 23rd of '93?

MR. : I believe that's right, Mr. Buyer.

REP. BUYER: Pardon?

MR. : That's right, I believe I've got --

REP. BUYER: Okay, that's March 23rd. I would like unanimous consent if we could have this included in the record at the appropriate point.

MR. : That is correct --
REP. BUYER: Thank you. I do have a couple of questions for the two rangers, but before I do that I would like to extend a welcome, as representative of the seventh district, from Mr. Frank McClure, who is from the seventh district. It's an honor to have you hear, Frank.

With regard to the hierarchy and the chain of command, Mr. Cook, I thought you would be in the best position to answer this, who did the Texas Rangers report to?

MR. COOK: I report to the Director of the Texas Department of Public Safety.

REP. BUYER: And that person reports to the governor?

MR. COOK: No, sir, he reports to a three person commission, and that commission is appointed by the governor at staggered terms, so we don't directly report to the governor.

REP. BUYER: Okay, is one of the primary duties of the Rangers to conduct criminal investigations?

MR. COOK: It is.

REP. BUYER: Okay. What is the point to you -- or the goal of conducting one of those investigations? Would it be fair to say it's a search for the truth and to obtain evidence objectively?

MR. COOK: Absolutely.

REP. BUYER: Okay. During the course of your investigations is it standard procedure for somebody at a higher level than the Ranger, who you've identified, to direct the investigation's cease?

MR. COOK: Well there hasn't been anything usual about this particular investigation as far as the Rangers were concerned.

REP. BUYER: No, I'm not talking about this particular investigation. I'm talking in general terms.

MR. COOK: Unusual, yes, but not unheard of.

REP. BUYER: Okay. Would it be unusual to receive a directive that says stop interviewing witnesses because they may be developing exculpatory evidence?

MR. COOK: Well I think if you said that that was the reason for stopping developing exculpatory information I think you would have to look a little further to make sure that's exactly what the intent of that directive would be.

REP. BUYER: It would raise a question in your mind that would have to be explored a little further?

MR. COOK: Well exculpatory evidence is something that we develop from time to time when we
do an investigation. You know there's a certain amount of exculpatory evidence in any investigation.

REP. BUYER: Absolutely. Should whether or not an investigation though proceeds forward, say in the early stage, be determined simply because it may churn up or turn up exculpatory evidence? Should that be a reason an investigation proceeds forward or not?

MR. COOK: I think first of all as an investigator I have a responsibility to develop and record exculpatory information, if for no other reason to get the prosecutor advised of what lays in wait out there. So I would think that that would be a necessary step to investigate that, but keep in mind in the context that -- I think this letter we heard some in the earlier testimony -- investigations in our own agency. We have some of our administrative investigations stand down until we get our criminal investigation done because they can take our reports and use them in the administrative investigation, which usually serves a purpose. But we can't take necessarily their's because there's certain rights that go along with employees that we interview. We can force them to give us a statement under the civil process, but under the administrative process, where we can't do that under criminal.

REP. BUYER: If let's say a directive came down, if there were the sort of situation you've described, where there might be an administrative proceeding as well as the criminal investigation proceeding, would that directive indicate that the reason for requesting that you stand down on one investigation be temporarily to allow another to proceed forward, for example?

MR. COOK: Yes, sir, that would be the reason.

REP. BUYER: Okay, simply receiving a directive to stop so that no further evidence is accumulated, that would be -- would that be unusual?

MR. COOK: Well I don't know if it would be unusual. I think that these type of investigations are unusual first of all. So we don't have -- these are not a common investigation where you have a personnel interest or an administrative interest as well as a criminal interest.

REP. BUYER: Okay, maybe I misunderstood. I thought that the Rangers conducted a wide range and a large number of investigations each year. Is that not true?

MR. COOK: Outside this investigation?

REP. BUYER: Yes, I'm not talking at all about this investigation.

MR. COOK: The only administrative investigations that we conduct are on our own personnel, on the Texas Rangers themselves. As far as outside the department, or in the department, that is usually handled by internal affairs or someone else. But we do conduct criminal investigations that involve our own personnel in our agency.

REP. BUYER: Okay. That's what I'm really talking about, is a criminal investigation. Would it be
unusual to receive a directive that a criminal investigation stop simply because it may develop
evidence that might be exculpatory down the road?

MR. COOK: All I can say is I never received such a directive.

REP. BUYER: Okay. And in how many criminal investigations have you participated -- would you
hazard a guess?

MR. COOK: Well I don't know whether I would hazard a guess. I've been in law enforcement 30
years and I've been a Texas Ranger for 21 where I've primarily investigated offenses, so I've
investigated hundreds.

REP. BUYER: Let me ask you very briefly, Mr. Cook, about another area and that is media. Do the
Rangers have guidelines concerning contacts with the media in ongoing investigations, particularly
undercover investigations? Spell out very clearly the circumstances under which statements might
be made to the media prior to an investigation going down?

MR. COOK: Prior to the investigation going down it is discretionary with the personnel involved in
the investigation, what's the investigation. Once charges are filed, in the case where charges are
filed, we defer all news inquiries to the prosecutor simply because we don't want to jeopardize the
case.

REP. BUYER: Right, but prior to that would one of the determining factors, for example, be the
risk of disclosing an undercover investigation prematurely?

MR. COOK: To answer your question, we very seldom -- in fact we have a no comment press
comment and we do not interact with the press with regard to our criminal investigations that I can
recall. We just don't do it.

REP. BUYER: Is that basically your pretty sound law enforcement policy?

MR. COOK: It's not a -- it's a policy that's presently in the drafting stage because I'm putting it in
writing. Prior to that we've had a verbal policy that we restrict contact with the media except where
we have to make contact. We don't go out -- and if you notice we've never been on "Top Cops",
we're not on any of these shows, we stay out of the media as much as we can. We would not
advance notice the media that we were going to do a raid, if that's what you are asking.

REP. BUYER: That is what I am asking. I thank you, Mr. Cook.

REP. ZELIFF: You want to pass. By prior arrangement we are going to pass on this side. I am
going to yield now to Mr. Boehlert for five minutes.

REP. BOEHLERT: Thank you, Mr. Chairman. Dr. Arnold, Dr. Tabor, were either of you
interviewed by ATF or Treasury with regard to their reports?

MR.: No, we weren't.
MR. : No, no, not at all.

REP. BOEHLERT: I think it's perhaps just a little outrageous for Mr. Conyers to have said today it was for some purpose to try to rehabilitate Koresh. That is pretty -- an outrageous comment. Because what I think I'm getting out of today is we are hearing from witnesses whereby they are not in this. The administration likes to stand by this as though it is the complete record and we're finding out that it is not. We're discovering that perhaps there were -- and hopefully we can get into it -- tensions between the Texas Rangers and the FBI.

First of all, before I get into that type of thing, let me say an extreme compliment, not only to your heritage of Texas Rangers, but also to the magnificent job you continue to do. I extend that compliment to you gentlemen, thanks for coming up here. Of course it's easy for me having been not only in prosecution and defense, it's just inquisitive to me to say why would Treasury have brought you up here and wined and dined you if in fact they were so worried about some things. It's amazing, it's that coaching process, right guys?

MR. : I don't think it's good intelligence to be able to comment before you --

REP. BOEHLERT: I hear you, I hear you. You are also very tactful as a Ranger. Let me also say that I think what has also been obvious is there's a tremendous disconnect, a disconnect between those who are on the ground who are the operators and the negotiators, and that of the politicos in Washington. The politicos in Washington that are captured by the do something mentality, we have to do something. You know it's easy to look at Waco in a vacuum, but we also have to remember what was going on in the dynamics of the politics of the time in early 1993, about the administration in turmoil in domestic policies, in foreign policies, and trying to catch traction and they couldn't catch traction. There are a lot of things that were going on, a lot of people can remember.

The one thing that in fact has bothered me though is that we heard testimony today from the two defense lawyers who also were part of the negotiations about a deal, about the deal. And Mr. Koresh's mental state as to whether there was a deal or wasn't a deal. And my question -- Dr. Tabor, you've listened to over 250 hours of these tapes -- it appears to me by some of the transcript here of these tapes that David Koresh was pretty convinced that if he could be permitted to finish writing the seals that he was going to participate in a surrender and that there was a change in mental frame of mind that the people on the ground knew and believed. And I think it's quite obvious the defense lawyers felt that they got used in the process because perhaps the politicos in Washington, they were going to do something, and not really yield to those on the ground who were actually trying to move toward a peaceful settlement.

And so this disconnect in the communications is very bothersome to me. And before I ask this final question, the other thing that's bothersome to me was -- you know we have the two defense lawyers discuss about the deal and their mental aspects of the deal, and then we have gentlemen -- who was it -- I guess I want to call it part of the damage control team -- Richard Scruggs, Assistant Attorney General, has to run and get on PBS to say there was no deal, there was no deal, there was no deal. I see a gentleman sitting right there behind you. That's pretty amazing.
Would you please, Dr. Tabor, bring us up -- you're listening, and your opinion about those five days and the mental state of Mr. Koresh and whether there was a deal or wasn't a deal.

MR. TABOR: Obviously I wasn't there, I am going by the tapes --

REP. BOEHLERT: Yes, that's what I am asking.

MR. TABOR: Basically there were three things. There was a signed letter that David sent out with his legal papers that he considered to be a legal surrender offer, or plan. It doesn't give the details of when, but it had to do with the manuscript. But you've got to go back a little -- we might not do it on this question -- and understand why that was a breakthrough. He's responding directly to what we had suggested to him when the FBI allowed material to go in on the last day that the lawyers went in, April 4, Sunday before Passover. This is a direct response to that. We can explain that later.

The other thing is listening to the tapes you can exactly see the mental state of the people inside. It's buoyant. David says did you take a shower for me, Dick? Yeah, I took a couple. They are talking about coming out. They are excited about it. And finally interviewing the survivors, I spent a month with David Thibbideaux in Israel trying to help him through the grief process, introducing him to people over there that I knew, trying to get his mind off Waco. We talked many, many hours. He said we were so joyful that weekend because we knew we were coming out, that finally David had got his word of how to do this legally, the lawyers, and theologically in terms of his system. So that's the evidence. The evidence is in the tapes. I would urge all of you who have time to listen to the last five days, it's very clear.

REP. BOEHLERT: But when you have -- what I said the disconnect is, when you have those operators on the ground, the negotiators, actually saying you know we've got a deal, the mental state here of Mr. Koresh -- he is going to write these things and we're going to move out. But yet on April 14th -- and we are going to get into this the next couple of days -- about the meetings with the Attorney General about how are we going to move in and we're going to do something by golly and we're going to move in. And we have this huge meeting and what discussion then were related to the President, well we don't know, we'll have to see. And the President wants to use executive privilege on stuff, he can do that. And we can talk about that --

MR. COOK: Janet Reno kept asking is there an argument for waiting, give me an argument for waiting. One of the things that we would like to know, I would like to know, I am sure you would like to know, was she given this argument for waiting. She was shown something about the letters that we can explore in a further question, but was she given the argument that I just gave you?

REP. BOEHLERT: To the Texas Rangers, as I understand there were three surrender scenarios and there was some indication that Koresh would have surrendered to the Texas Rangers and not the FBI. Would you comment on these three surrender scenarios and whether or not that that indication was true or not.

MR. : To my knowledge there was never an offer by the Davidians to surrender to the Rangers. There was some conjecture that one time early on that they might do that. Captain Bobby Prince
(ph) and I, who was involved not at that time, went to see Mr. Jamar and offered a ranger to help him negotiate if that would be helpful. Not one of the captains, but one of the rangers, that had been trained, most of them by FBI. He thanked us for that offer and we never heard anything else about it.

Later on Captain Cook and I met with Mr. Zimmermann and Mr. DeGuerin and Mr. DeGuerin talked about them surrendering to the Rangers. Captain Cook told them that that would have to go through the FBI because they were in command there, it was their deal, that we would not approach them, that they would have to approach us. Where that went from there I don't know. We had one meeting I was there. I think Captain Cook can talk about some other conversations he had with Mr. DeGuerin.

After the fire and we got into the investigation we were listening to the Rangers -- that is we were listening to the negotiation tapes for criminal type information. One time I was called in to listen to an excerpt of the tape -- I believe on about March 12th with Steve Snyder where he was talking to the FBI and the negotiator tells him the Rangers are going to be doing the investigation. And he in fact interrupts the negotiator and said I would like to talk to one of them sometime. The negotiator goes on to finish the statement and then Snyder comes back and says what would be the chances of me talking to a Ranger? And then the negotiator talked to him about well we would have to clear it with the bosses here and in Washington and -- (inaudible) -- passed over.

So that's -- if that's what you are talking about, that's what I know about it. But as far as a formal offer or declaration from the Davidians that they would surrender to us, to my knowledge that was never made.

REP. ZELIFF: The gentleman's time is expired. Mr. Scott from Virginia is recognized for five minutes.

REP. SCOTT: Thank you, Mr. Chairman. The gentleman from Texas is a member of the government reform and oversight committee and would like to participate, and obviously can't, so I'll yield my five minutes to him. He's been a member of the Texas -- was a member of the Texas legislature prior to coming to Congress and I am delighted to yield my full time to him.

REP. : Thank you and I thank my colleague from Virginia, and he also served many years in the Virginia legislature. I appreciate his courtesy.

Let me first say that obviously, Captain Cook, you know from all the years growing up in Texas, and we have a lot of pride in the tradition of the Texas Rangers, but no one is always perfect obviously. And I think today a lot of our colleagues are recognizing that and there's high expectations today you know for the Rangers being here.

Let me first say, and this is not necessarily for the panelists, but my colleague, Mr. Boehlert, had made some allegations here concerning whether the mark of a new administration. And if there's any shred of evidence that the President or the administration was involved, I would hope that if they haven't called a witness that would say that that we would. Maybe we could call other witnesses than the 90 or more than we have. But let me remind my colleagues that in March of '93
we had a new administration. In fact I think the President would probably love to go back to those poll numbers he had in March of '93 and April of '93 instead of what he is seeing today. So whether they needed a success or not in Waco, concerning what was happening in New York at the World Trade Center bombing, I would hope that we would look at fact finding instead of making political allegations.

Let me get down to the questions now, and I think I've learned something from these days of hearings. One is that -- and Captain Cook if you can -- that the FBI and the ATF did not associate local law enforcement. You offered, the deputy sheriff's offered, and the FBI takes it over and they don't bring anyone in. Do you think we ought to try and change the law that unless there's allegations of local corruption that we would require a federal agency to associate and bring in local law enforcement. In this case obviously the Texas Rangers, or maybe the deputy sheriff, because there are allegations of child abuse that's a violation of Texas law -- it may not be federal law -- and so maybe we should require that. Do you think that would be something we should look at?

MR. COOK: Well I think there is certainly room for federal law enforcement as well as state law enforcement. I think that this Congress should give a lot of consideration not to make it a national police force and invest all of the power in one entity in the federal government such as the FBI. As far as the ATF, quite honestly, we work real close with ATF because they have a lot of people that have a lot of local law enforcement influence in their agents. And we have a pretty strong bond with ATF. This doesn't change the outcome of our investigation, of course, but I will have to say that in all fairness to that.

REP. : So do you think we should -- again if you are concerned is a national police agency like the FBI, if we required them to bring in whenever there's something -- particularly if there's a violation of local law, in this case in Waco.

MR. COOK: I think when you have a shared interest, yes I think that somehow or other there should be a shared understanding there because the local agencies have an interest and a vested interest in what's going on in their community. But I don't know how you get that done in a way because there's different levels of trust, there's different levels of violations, there's different levels of lots of things. And just like in this case, the FBI was the proper person to handle the siege part of it because they are better equipped. They've got more personnel power, they've got more equipment, they've got sophisticated stuff. You know probably one flight of the airplane would probably eat up our budget.

REP. : I can understand that. Let me -- you mentioned earlier in some questions concerning your service of a search warrant or arrest warrant in a similar situation, that you are charged like the ATF on federal level, or all law enforcement, to serve an arrest or search warrant. If you could, and again we're all Monday morning quarterbacking here, how would the Texas Rangers do it differently knowing what you know about Mr. Koresh and you had a search warrant and an arrest warrant for that location, that individual.

MR. COOK: I was afraid we was going to get asked that question. That is a difficult question.

REP. : I want to still be your friend, Captain.
MR. COOK: Okay, thank you. And I too yours. But that's a difficult question to answer because we train different, we think different a lot of times. And even though we have the same overall objective of executing the search warrant, I am not sure that I have -- and this is kind of a cop out -- but I have all the details available to me, even though I know a lot of things I've heard in the committee and so forth, to make that assessment. I would tell you first of all I probably would have done it with a lot less people just because that's the way we do. And we would --

REP. : And you didn't have those resources either.

MR. COOK: And quite honestly we might have, even knowing all the weapons were in there. We might have gone up and knocked on the door. I don't know that we would have done that. I think that that's the reason I have captains, we have lieutenants. We would have got together, we would have discussed it and in all probability we would have discussed it with even people who weren't even assigned to the task force or to the search warrant.

REP. : (Inaudible) -- what I think you said was he would send me to the door. (Laughter. )

REP. : That's what captains and lieutenants are for.

MR. : I assume so.

MR. COOK: Rangers captains are designed to lead, and quite honestly I find it real difficult not to get personally involved in lots of things. But I accept my administrative responsibility.

REP. : Our first panelist we had was an author who is well known to us in Texas, Dick Reavis. In the jacket of his book -- and I have to admit I haven't had a chance to read his book -- but Mr. Reavis points out that the government had little reason to investigate Koresh, even less to raid the compound at Mount Carmel. Do you feel like the federal government had reason to investigate Mr. Koresh because of the information you know that any other law enforcement other than the FBI or ATF would have investigated him, and also had reason to arrest him?

MR. COOK: Absolutely, and I would say to the committee that I am somewhat embarrassed that the Texas Rangers, even though we are a small group and we don't know of all the crimes going on in Texas, I am somewhat embarrassed that we were not aware of what was going on in the compound because I personally don't think that we would have tolerated it any more than anyone else. And for that reason you know I feel bad that we did not have an opportunity to put a stop to it.

REP. : Mr. Chairman, I won't ask questions, but let me just remind the panel of an old saying in Texas -- instead of having 90 agents there was only one Mount Carmel, we might have only needed one Ranger to take care of it.

REP. ZELIFF: Thank you very much. Your time has expired. Now the Chair yields to Mr. Coble from North Carolina for five minutes.

REP. COBLE: I thank the Chairman. I just came back from a supper meeting. It's still supper to me,
not dinner. And many people have portrayed these hearings as Democrats versus Republicans, which I think is very unfortunate. But there are some people that insist upon doing that. I just met with a Democrat, former elected official in the south, ardent Democrat, and I told him where I was going. And he said to me when I saw it on TV almost two years ago, he said I said to my wife, Betty, have the federal agents lost their minds. That was his instinctive response. And then he went on to elaborate -- inserting gas where there are women and children. And I thought I would share that with the committee. It happened about an hour ago, an hour and a half ago.

Mr. Cook, as you pointed out, you stumble, you try to find out what caused you to stumble, and not do it again. And that's the purpose of these hearings. Find out what went wrong and then correct it. I just said to my friend from Maryland, I said I've never met a Texas Ranger before today. But I think I would like most of you.

Now -- (inaudible) -- Texas Ranger is a little too smooth for me sometimes. You boys are a little closer to the ground. Good to have you all -- that's a compliment.

MR. COOK: But I appreciate you making that observation.

REP. COBLE: It's good to have you all here.

MR. COOK: Thank you.

REP. COBLE: And speaking of down home, I want to welcome Dr. Tabor. He does not live in my district, he does live in my state. Dr. Tabor, I am sure many people say to authors -- oh, I am going to read your book the next four or five days. Dr. Tabor, I will read this book prior to the year's end -- (laughter). Before this year ends I will have read "Why Waco? " I want to pick up on the gentleman from Mississippi, his questioning to you, to the two religious experts. I am not uncomfortable -- strike that -- I am comfortable being a Presbyterian. I probably would not have been comfortable at Mount Carmel. Different strokes, different folks. But one feature that escapes me, and see if you fellows can bring me in tow, or get me in tow, I'm a pretty broad minded guy. But I cannot square anyone accepting the fact that his wife and his daughter should be surrendered to anybody. Now obviously there must have been a scriptural foundation for that because as we've learned today, and prior to today, these -- many of these folks were intelligent, sound people. Illuminate for me.

MR. COOK: Well why don't I say a couple of words about it and then I'll let Dr. Tabor enlarge upon it. Briefly, just right to the point, David Koresh interpreted Psalms 45 as a messianic prophecy, that in the last days a prophet like figure would come to whom many, many wives would attach themselves. Then he took a verse out of I Corinthians where the Apostle Paul writes that those of you who have wives, be as though you have none. So there were two or three passages that he used in his own way, believing that he had somehow been given this revelation of what those verses meant, and he was able to exercise that at Mount Carmel. My point is there were religious reasons for his actions, as disgusting as they are to us.

MR. TABOR: What I would say on that is -- it's covered in the book -- there's a whole section on that -- but my concern in these hearings and in this testimony is to say what could have been done to get them out irregardless of these practices that I think just about all of us would find bizarre, if not
absolutely immoral. And so it's not sidestepping the issue because we need to understand what was going on inside. But when you come down to it, it comes down to a question of not how he behaved and justify it's scripture. I think it's interesting, that's why I've decoded it in a book on Waco, but when the government confronts such a group, even if the leader is totally evil by any normal standard, what are the procedures for dealing with such a person. So that would be my answer. But the details are in the book. I am glad you are going to read it.

REP. COBLE: And I look forward to reading that, Doctor. And gentlemen, I must declare consistency with you. I don't care how evil or how despicable it was within, and from what I can gather it probably was. It goes back to what my friend said tonight, have they lost their minds. Retrospect, 20/20 hindsight, I will admit, but bad things happened at Waco, both inside and outside.

Doctor, did you want to be heard again?