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REP BRYANT: And by that -- is that true?

ATTY GEN. RENO: Cancel what, sir?

REP. BRYANT: Did you retain authority to terminate that raid at any point?

ATTY GEN. RENO: I don't know what the FBI would have done if I had terminated it while the lives of FBI agents or others were at risk and they had to do something.

REP. BRYANT: Okay. But at that point on the 19th, now, we've got basically the only people whose lives were at risk would be inside those armored personnel carriers. And to the extent they were, I understand that. But they could have certainly backed those out of there and turned around and gone back, I assume. But by retaining that authority -- and I think your answer was, yes, you did -- you don't know what the FBI would have done. I assume they would have obeyed you. Were you in close communication as you went to Maryland and as you attended your function up there and as you came back?

ATTY GEN. RENO: Yes.

REP. BRYANT: Were you aware that, in fact, they had demolished at least one half of that gymnasium and, in fact, accelerated the plan?

ATTY GEN. RENO: I did not see the gymnasium. I saw them go to the front door, to the side, but I didn't see the back.

REP. BRYANT: I still have some difficulty understanding how, from the FBI side, they could believe that this gas would be effective if you keep knocking holes in the building and letting the 35-mile-per-hour wind continue to come in there, and especially when you knock down half a gym and open it up. I don't know how you could ever imagine that would be effective. It seems to me you've got to go in and systematically begin tearing down the building, which it appears to me they were doing.

ATTY GEN. RENO: As I understand it, and even understand -- first of all, I'd like to go back to your original point, because it's very difficult when people drop something and then move on to another point. So let me pursue it as to the points that you raised. The acting attorney general of the United States was an appointee of the Republican administration, Stuart Gerson. I met with him prior to the time I took office on general matters and to effect an appropriate transition when I was sworn in on March 12th. I think if you talk to Mr. Gerson, he will tell you that the president of the United States acted very appropriately in that situation. But the governor of Texas may not have known that he was the acting attorney general or who the Rangers should contact, and it may well have been that she simply gave him Mr.
Foster's name so that Mr. Foster could advise him as to who the attorney general was, who he might contact, or what the circumstances were. But it was a very unusual situation because you were into an administration by a month and a half without an attorney general.

With respect to the trip to Maryland, the FBI urged that I go ahead and make the trip because they wanted -- they considered that it was going to be a slow, gradual process. They did not expect that everyone would come out. They were worried that if I were publicized as canceling something that it would attract attention and create additional pressures. I went because of that, but I was in constant communication with them.

REP. BRYANT: I think you answered my questions. Thank you. My time is up.

REP. MCCOLLUM: Mr. Bryant, your time is up. Ms. Jackson Lee, you're recognized for five minutes.

REP. BRYANT: Mr. Chairman, could I also ask, by unanimous consent, that we attach this Texas Ranger letter?

REP. MCCOLLUM: I think we did, but without objection it will be if it wasn't. Mr. Schiff, you're recognized for five minutes.

REP. SCHIFF: (Inaudible.) Madam Attorney General, who was in charge of perimeter security around the Waco site, the compound? What agency, I mean.

ATTY GEN. RENO: The FBI.

REP. SCHIFF: All right. Did the FBI ever ask for help from Texas authorities to help bolster perimeter security?

ATTY GEN. RENO: I don't know what specific understandings existed between the FBI and Texas authorities. What I did in terms of perimeter security when I asked when they expressed concern about the HRT state of readiness, because it had been on line for 51 days, I asked first, "Can't you pull them back and send another in?"

REP. SCHIFF: It's not the hostage rescue team; it's perimeter security (against?) this militia army that's marching on the Waco compound that (you?) referred to.

ATTY GEN. RENO: I don't know of any militia army that was marching on the Waco compound, sir. I've explained to you what the information was.

REP. SCHIFF: Well, did the FBI --

ATTY GEN. RENO: Here is the important --

REP. SCHIFF: Let me state the question. Did the FBI request help with perimeter security from Texas law enforcement? I believe that's a yes or no question.
ATTY GEN. RENO: Sir, my understanding is that they did and that the Texas law enforcement authorities were involved. But to go to the further point, with respect to perimeter security, what I was told was that the HRT would have to be pulled back. I asked if we couldn't substitute local law enforcement or state law enforcement capacity to control the perimeter. I was advised by the FBI that they did not have the capacity of an HRT team. That relates to the perimeter security. Perimeter security, as I understand it -- and you will have to check with the FBI, or I can get the details for you -- the FBI had local law enforcement involved in part of it. But to retain the capacity for sharpshooting, for the capacity to control it, you needed a team of the quality and the skills of the HRT.

REP. SCHIFF: To patrol the perimeter, to keep outsiders from coming in?

ATTY GEN. RENO: Not just to patrol the perimeter but to ensure the perimeter security.

REP. SCHIFF: On the outside, because you referred to perimeter security from the outside. You brought up the issue of the militias. And I'm wondering if--

ATTY GEN. RENO: From the outside and from the inside, sir.

REP. SCHIFF: All right. People did come out of the compound between February 28th and March 21st. Is that right?

ATTY GEN. RENO: That's right, sir.

REP. SCHIFF: And I presume that they were checked for weapons or explosives when they came out; there'd be some standing procedure for that?

ATTY GEN. RENO: I don't know exactly what the procedure was. I assume that they were.

REP. SCHIFF: What was done with those people?

ATTY GEN. RENO: It would depend on -- I would distinguish between the children. I don't know what the -- as I understand it, the children were checked. In terms of health, they were returned to their families, where appropriate. Others were charged where there was evidence that they were involved in the original assault on the ATF agents. But I don't have the specifics.

REP. SCHIFF: Were the adults who came out of the compound charged?

ATTY GEN. RENO: I don't know, sir.

REP. SCHIFF: If they were, wouldn't that make people reluctant to come out of the compound who you wished to surrender and avoid a confrontation with?

ATTY GEN. RENO: I think that's one of the issues that we had to face. You had people in the compound who we believed were responsible for the deaths and the injuries of ATF witnesses, and
we could let them walk away from it. But I couldn't in good conscience let that happen where I had evidence that anyone was liable.

REP. SCHIFF: Well, just since my time is about up, I would like to go back to the CS gas question just to this extent. There was no -- I appreciate the fact that you tried to look at the effects of this gas, but there was no example anyone gave you of where there had been a deliberate or even accidental, but certainly not a deliberate gassing of children to find out what the effects would be, because when I asked the experts, they couldn't give an example. So no example existed that fit this situation.

ATTY GEN. RENO: Yes, sir. That's what you said this morning, and I agree that I know of no situation that fit this situation.

REP. SCHIFF: And Mr. Jamar stated rather dramatically that he would be willing to wait a year in earlier testimony if he had assurance that Mr. Koresh would come out.

ATTY GEN. RENO: I would agree.

REP. SCHIFF: You would have waited for a year?

ATTY GEN. RENO: If I had known he was coming out for sure at the end of that year.

REP. SCHIFF: Well, what about perimeter security, child abuse, child sexual assault and all the other reasons you've said were the need to make a decision to go forward?

ATTY GEN. RENO: One of the factors was whether the negotiations, the continued negotiations, would produce a situation in which he would come out. He had lied from the very beginning. We've been over that today. And based on everything that was told to me, the negotiations had reached an impasse in terms of trying to get anybody to come out. If I could have been assured that at the end of a year he would come out after he'd written his seven seals, I would have waited. As I indicated earlier to Chairman Hyde, I would wait if I had some assurance that he was coming out.

REP. SCHIFF: Just to follow up, waiting would have meant all the perimeter problems, the fatigue of the hostage rescue team, the child abuse would have continued for a year. It sounds like that statement you just made, with respect, Madam Attorney General, contradicts the reasons you've said for --

ATTY GEN. RENO: No, it doesn't, sir. You're simply --

REP. MCCOLLUM: Mr. Schiff, your time is up.

ATTY GEN. RENO: You're simplifying the whole matter. What I've to stress from the very beginning is that so many factors went into this. You've got to weigh one against the other. If I had no feeling that he was going to come out at the end of a year -- if I knew that he was going to come out at the end of the year and that he had not, in that interim period -- that he would not do anything to take his life or the life of agents, I would be in a totally different situation.
REP. MCCOLLUM: Mr. Schiff, your time is up. Mr. Blute, you're recognized for five minutes.

REP. BLUTE: Thank you very much, Mr. Chairman. And thanks again, Attorney General Reno, for your straightforward answering here. I agree with you that this format is difficult to maintain some focus on a line of questioning, and in order to do that, I would now yield my five minutes to Chairman McCollum.

REP. MCCOLLUM: Thank you very much, Mr. Blute. Testimony, Ms. Reno, we received indicates that one of the Army officers with whom you consulted on the use of the CS gas told you that there were risks with that gas and that mothers might leave their children when that gas was used. Knowing this, wasn't it clear that the chance of success at the heart of this go-slow gas plan -- that is, getting the mothers to come out with their children -- was improbable?

ATTY GEN. RENO: I don't remember that -- and the officer who testified, as I understand it, was not at the meeting. He was testifying from notes. What I was concerned about is a mother might be in one place. She might come out and leave the child in; at any rate, the separation. And these were -- again, what we were told was that the gas would be far more effective than it was. Its ineffectiveness was apparently diminished because of the wind, but that they would not be able to remain inside and that the people would come out.

REP. MCCOLLUM: Let me assure you that though Ambassador Holmes did the testifying yesterday because of classified information of the identities of these officers, I was present, as were all of the subcommittee members, when we got a briefing with those officers present, and that was the testimony of one of the officers. Now, I'm not questioning (anything else?).

ATTY GEN. RENO: All I'm telling you is what my memory is --

REP. MCCOLLUM: No, I understand. I'm not --

ATTY GEN. RENO: -- (if?) the same situation would arise if the parent got separated.

REP. MCCOLLUM: Let me ask another question about -- to follow up on something that I still haven't been completely satisfied on. I got you detoured early on when I asked the last set and I didn't really get around to following up. After you had indicated to me a few minutes ago, when I was questioning you last, that if you were -- that you were pretty sure that the shooting would occur on those vehicles as they approached the compound, that that was a logical thing. I think that's paraphrasing what you responded to me.

Would you have not logically concluded, once that thought was there in your mind, that the gas plan would inevitably be accelerated, or more probably than not be accelerated, and that, given all that was known about the Davidians, it would not have been sensible, it would not have been logical to
expect that the Davidian mothers would react by bringing their children out when you had this accelerated assault, when you had the involvement that Mr. Clarke, the deputy director of the FBI, said he was so concerned about?

In other words, I'm concerned that -- whether you made this step or not in your reasoning at that moment under all the pressure and all the facts that were before you, I don't know. But looking at it in the cold, hard light of day, it seems logical that if you expected the vehicles to be fired upon and you knew the plan said when they were that the accelerated gas insertion program would take place -- and I assume you knew what Mr. Clarke told us, and that is that he was always concerned that the accelerated gas program, if it actually happened that way, would result in the opposite reaction from what we wanted, that they would indeed retreat or act some other way -- act more like Davidians, I guess you could say, than rational people -- wasn't that a grave concern to you?Did you think about that?

ATTY GEN. RENO: Mr. Chairman, if I haven't convinced you by now that I tried to think of everything, that I was concerned about everything and that I reached the best conclusion that I could, I'll try again. My whole point was, what do we do?I have no assurance that they're coming out. Chairman Hyde and others have talked about their messianic complex and what they might do at any time. You've dismissed that as saying, "Well, that was just March 2nd. "But it's replete throughout there.

I was taking the best situation I had, taking the best steps that I could, to try to get them out. The factor that is more important to me than anything else is, based on what I was told by everybody responsible, was that the gas would have a far more immediate impact than it did. And as I've indicated earlier, I think that was because of the wind. But there was the additional concern. It was not just the insertion of the gas throughout the building. It was another feature which related to the egress and to the concern that all of us had that they be able to get out if somebody was trying to block it. Those were the factors that went into this consideration.

REP. MCCOLLUM: Well, the point is that -- and it's obvious -- that you felt the risk was worth it. And I'm not trying to put any words in your mouth. That's just the conclusion I think that you've given us. And I don't doubt it. I'm just trying to bring out the facts. I've got a question very quickly for you. Did you know, did anybody inform you -- either Mr. Sage -- I guess he didn't do it directly -- or Mr. Hubbell or somebody who was your go-between to talk to the commanders in the field about the negotiations -- did you know that Mr. DeGuerin, the attorney for Koresh, had earnestly expressed to the negotiators, to Mr. Sage in particular, that he believed not only in this last-minute plan but that he believed that Koresh would come out within 10 days or so of the 14th or 15th?I guess it's the 14th of April. I'm just asking whether that ever got conveyed to you, that particular 10-day point, not whether it would have made any difference or not, but whether it got conveyed.

ATTY GEN. RENO: It was not conveyed as an agreement. It was conveyed as DeGuerin thinking that he was going to come out after he finished the spiel, but it would be anywhere -- that there were different days discussed. That is what prompted the effort to find out specifically when he was coming out since he had again and again said he was coming -- March 2nd, March 19th, for the Passover -- but he wouldn't come out. That's the reason we followed up and tried to see what Dr. Miron thought of it.
REP. MCCOLLUM: I understand. That's the point, though, is whether or not you were told specifically what DeGuerin told us here, and that is that he advised Mr. Sage and the negotiating team on the 14th that he really believed that DeGuerin would come out within about 10 days --

ATTY GEN. RENO: That Koresh --

REP. MCCOLLUM: I mean that Koresh would come out within about 10 days, that he would have completed these seals in that short a period of time. Now, I'm not asking whether you believe it, whether -- obviously the FBI didn't believe it. I really want to know if that particular strikingly, relatively, comparatively short time point was even given to you as a piece of information. That's all.

ATTY GEN. RENO: This was so important because it came immediately -- the letter to DeGuerin, immediately after the letter of April the 14th, was a part of all of our conversation. I looked at the letter. I analyzed the letter. I said, "What do we have to show that it's for real?"

REP. MCCOLLUM: And the 10 days was in that letter? I don't recall it being there.

ATTY GEN. RENO: I don't know whether it was in the letter and I don't know whether it was specifically 10 days or not. But --

REP. MCCOLLUM: Well, that's -- I understand. That's what I was getting at. I just wanted to know -- and I don't want to beat a dead horse here, but the 10-day point is important to me. And it's not necessarily decisive of anything, but I would like to have known --

ATTY GEN. RENO: I think it was --

REP. MCCOLLUM: -- (inaudible) -- you have answered it. You don't know and you don't remember it.

ATTY GEN. RENO: I think it was very important, in terms of DeGuerin and the letter, to see whether there was any step that he was taking that was going to show what happened. And we tried to respond to that.

REP. MCCOLLUM: By the way, our records don't show that Schneider ever said six months or six years. That may be something you had conveyed to you, but our copies of the transcript don't show that -- "for what it's worth" department, not that that, again, is material necessarily. We're going to take a recess -- my time has expired -- until five minutes after the conclusion of this vote. We'll be back after that.

REP. : (Off mike.)

REP. MCCOLLUM: Well, I think there's just one vote going on right now. But if there's more than one, it'll be five minutes after the conclusion of the final vote of this series. Thank you. We're in recess.
(Recess.)

REP. MCCOLLUM: These hearings are reconvened. And apparently we have no more votes this evening, so consequently we should be able to expeditiously, with good flavor, let you go very shortly, Madam Attorney General. But we've got a few more questioners. Mr. Buyer, you're recognized for five minutes.

REP. BUYER: Thank you, Mr. Chairman. I don't mean to dwell on the issues of the HRT, but indulge me if you would, please, ma'am. In your statement on pages five and six, as you went over to give some examples of the steps that were taken, you directed the FBI to improve our capacity to respond to complex hostage and barricade incidences in the future. When the FBI moved in with your tanks and assault vehicles on April 19th, did you recognize this as some form of a hostage or barricade incident?

ATTY GEN. RENO: Those terms have been used. At that point, I didn't think that there were hostages there. I think it was a situation, however you want to call it, where they weren't coming out.

REP. BUYER: I recall, by reading the statement of the military advisers that were there, that one of them had said that they couldn't really grade the tactical plan because it was so different than anything that they had ever experienced because it was neither an assault nor was it a rescue of a hostage situation, which leaves me with the impression that this is an arrest.

ATTY GEN. RENO: That was made very clear in the discussion because what we were faced with, if it were a military situation -- you, from your military experience, would know you'd go in and there would be an attack, an attack in different forms, perhaps. But here there was a situation where we had a clear regard for the human life involved. We wanted to effect the ultimate arrest of David Koresh. We wanted at least to try to get the children out in a measured increase of pressure through the use of gas that would at least try to get him to release the children so that we could deal with it. So it was a situation that the military didn't confront, hadn't confronted.

REP. BUYER: Well, the reason I asked that question really was for clarification, because when I read this, I don't want there to be left the impression here that perhaps you thought this was a hostage or barricade situation. So I'm glad you have corrected that because I think a lot of the questions deriving on the issues of should you have waited and what that means and the implications really goes to the fact that it was not an in extremis situation. And I think that's extremely important. One thing I also want to make it clear -- there is a -- you did reach out to many different individuals for views; one in particular, a Dr. Dees (sp). I noticed his memo to Mr. Jim Wright. It's interesting because he gives a rather straightforward analysis of the negotiations, and this is dated April 17th. And he really -- his bottom line was "I don't believe negotiating in good faith will resolve the situation as it now stands." And I thought it was really interesting that he pointed out that he thought that really the FBI standing shoulder to shoulder with BATF undermined some of the things the negotiators were doing.

He also pointed out that some of the other negotiating strategies were undermined by other ancillary
actions; for example, efforts to gain trust were undermined by the continuing presence of the BATF and a variety of irritants and complications, whether it be military vehicles, the noises, such as the killing of the rabbits and lost electricity. Another is the appeal to his religious solutions were undermined by use of rational arguments and overt skepticism towards his claims. Another was the quid pro quo deals were undermined by repeated double-dealing. Another was the efforts to undermine his authority, to irritate Koresh and his followers are undermined by (simultaneous treating?) Koresh and his leaders and allowing him access to legal advice. And it went on.

One thing that I thought was pretty interesting was at the very end -- (inaudible) -- it brings up the fact about the press. The press will focus increasingly on the cost of the operation, beginning asking questions about the White House role in the operation and the expense and how it's justified. I think we have to be really up front here. And one thing I do, when I sit on the National Security Committee and we end up making a lot of important decisions, sometimes you have to separate yourself as a legislator and say, "If you were in the Oval Office, what would you do?"And I think some of my colleagues have been hard, perhaps, on the president, saying that "You made the decision to approve, didn't you?"Well, I'm glad they finally have come out and said, "Yes, I did. "But you know what?If I were sitting in the Oval Office, I would sure want to know what's going on and I would want to be informed as much as possible. And if, in fact, you had to come to me to make the approval decision, it would be done. I think that's extremely important.

The last comment that I have to make is that I don't think that you should be judged harshly on whether you waited for the time sequence here; should you wait or shouldn't you have waited, or because you waited for 51 days, that somehow shows a lack of leadership or that type of thing. Ma'am, I do respect you. And the idea of law enforcement, it's not like the bell rings and the fire truck has to go out, because there are a lot of parameters and things you have to take into account.

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So I think that (deferred?) decisions temporarily, while waiting for a change in circumstances, to help make up one's mind is normal for the rational mind and is not a sign of weakness. On the other hand, I think it's a sign of strength. And it's important to cultivate a belief in one's infallibility. And the apostle Paul said it, "Let all things be done decently and in order. "And I think you exercised judgment. It was very difficult, but you exercised that judgment. And I think these hearings have been very helpful to me as a legislator as we've moved to the ultimate questions of what are the legitimate purposes of government agencies and their interactions and how do we seek to resolve these issues?And I look forward to working with you --

ATTY GEN. RENO: Thank you.

REP. BUYER: -- because I have to ask the questions. What is the future of the BATF?

ATTY GEN. RENO: Thank you very, very much. I'd like to go back again because I think highlighted in the memorandum -- and this is one of the memoranda that I saw as I tried to prepare. And it was through this memorandum, as I recall, that I basically learned of the tension that had existed early on at the time before I came into office. It was this memorandum that prompted us to make sure that there was nothing we could do at that point to go forward and that the reason I asked
Webb Hubbell -- actually we had heard about this and he had summarized it, but it was this concern as expressed in this memorandum, because it's the memorandum of April 17th. But what is clear here is the need to develop what I think we have developed through the critical incident response group, the capacity of negotiators and tactical people to work together as a real partnership.

REP. BUYER: This is a great learning tool. Thank you.

REP. MCCOLLUM: Mr. Buyer, your time is up. Ms. Jackson Lee, do you wish to go now?

REP. JACKSON LEE: Thank you very much, Mr. Chairman.

REP. MCCOLLUM: You're recognized for five minutes.

REP. JACKSON LEE: Thank you. Attorney General Reno, I think that as we close out these hearings, the one thing that we can all conclude, in addition to our acknowledgement of the loss of life, is that democracy costs. It costs in decision-making, in balancing the rights of security versus constitutional rights. Let me acknowledge right off that I applaud your earlier statements regarding your affirmation of the values and the necessity of the exclusionary rule, and that is that you've utilized it as a prosecutor. You've seen law enforcement utilize it, and you view it as valuable to have an objective intervener, as I've had to be as an associate municipal court judge, reviewing search warrants to make decisions that would hold up in court. And I only need you to give a yes or no that that is a valid tool and the protection of the exclusionary rule under the Fourth Amendment is valid. Is that my understanding of what you had said earlier to Mr. Scott's question?

ATTY GEN. RENO: That's correct.

REP. JACKSON LEE: I'd like, then, to pursue this whole question, as we close, of giving comfort to the American people of how we strike a balance that results in democracy. I remember the passion that I experienced in protests of some of the Black Panther trials when, in New Haven, Connecticut, it seemed that all the streets were filled with National Guard. We left there as young people, however, safe and secure, but we were protesting the rights of someone to have a fair trial.

At the same time, I remember being appalled at reading the tapes of the (Cointel?) probe that resulted in the siege, if you will, on many civil rights leaders in the '60s and '70s, particularly in the '60s, dealing with Dr. Martin Luther King and the Senate hearings thereafter that indicated that there should be some restraint on the Federal Bureau of Investigation. So it is to point out that all of us bring a sense of history to these hearings, I as an African-American, and some others with other experiences. We bring these experiences to the table.

I would hope that as we look at conclusions -- and I want to go back to your conclusion that you had in your opening statement. And before I do that, let me acknowledge that my questions earlier, when I was reading, did come from this document which was the summary report or summary documentation that you utilized in your decision-making, and you answered my question by saying this was one of the courses. But you raised an issue that I think is important. We didn't understand the Branch Davidians, what they believed in. There wasn't a lot of belief. They were not a distinct, organized church body as some would like to have associated with, a church body that exists today
that has more of a world humanitarian effort. Do I understand, however, that part of the solution that you're offering is to increase the utilization of behavioral sciences and crisis resolution centers so that we can be sensitive to the many myriad groups that are in this nation that deserve protection under the Constitution? And I'd appreciate it if your answer would be brief, only because my time is limited.

ATTY GEN. RENO: Yes.

REP. JACKSON LEE: Can I also cite as an example of a modification or improvement an enhanced SWAT team so that possibly in this instance -- and you made a very good point. You said we're here today and you don't know if we as congresspersons would have made decisions based on what we're learning or what we're reviewing. But you indicated that one of the sources of response would be a SWAT team possibly increased or enhancement and that they might have been able to be utilized. And let me follow up my question, as my time is going.

Would you also comment on your involvement or understanding of military involvement because of the American people's sensitivity to that? And lastly, do you think it was a good decision to allow the attorneys, the defense attorneys, to go in and to be involved but then have their response, commenting that the government agents acted improperly or were too quick to act? I would hope that as you answer these questions we can reinforce our beliefs and desires to be able to support democracy and as well to represent or to recognize that we all have different viewpoints and have suffered or benefited the burdens and the benefits of being an American citizen. And in order to have that value and that virtue and that benefit, we must experience law enforcement as well as the Constitution equally together. If you would answer those three questions, I'd appreciate it.

ATTY GEN. RENO: With respect to the military, we were very sensitive to that issue. We looked at it, and I wanted to make sure that we -- I asked about the tanks and how we got them and learned that we had entered into an arrangement with the military whereby we leased them under a memorandum of understanding or a contract of some sort so that the military was not involved except in terms of maintenance, and it was to provide the protection. But I have always been extraordinarily sensitive to the Posse Comitatus requirements based on my experience in south Florida, where we constantly had to determine how we could rely on the military and how we couldn't and how important it was. And so I share that concern and we continue to review that.

With respect to the attorney being permitted to go in, as has been pointed out, this was an extraordinarily unusual step, but I think it was a step taken to try to explore every avenue, to try to come up with something. And I think we tried to build on that. Chairman McCollum had asked me about it, trying to build, trying to show some indication that he was this time for real.

And the third point, as I mentioned earlier in my opening remarks, the FBI is working with both Michigan State University and George Mason University to develop the capacity to understand. I think that is one of the great challenges that we face in this country today. I see community policing at work because people are understanding and developing an understanding of the community they serve and the people they work with. I see the FBI reaching out in so many different ways now to effect a relationship with the community, to understand the community, to better serve the community.
I think one of the great challenges of law enforcement and why it is such an extraordinary profession, such a critical profession, is how does it protect its people while at the same time ensuring their rights? And we are dedicated to trying to do that, and I have great respect for the direction that Director Freeh has taken.

REP. JACKSON LEE: Mr. Chairman, there was another question that I --

ATTY GEN. RENO: I'm sorry.

REP. JACKSON LEE: -- beg your indulgence, and I know that I ran them off quickly. It was the question of the SWAT team with the idea that it may have been able to save the children or maybe -- (inaudible). You might want to explain that, that you increased SWAT team --

ATTY GEN. RENO: What I -- as I indicated, what we had was one hostage rescue team that provided the perimeter security. It was supported by local law enforcement, as I understand it. But they had the training, the expertise and the skill. I was very surprised when I took office and learned of the situation that -- learned that the SWAT teams that the FBI had and that local law enforcement had did not have the training of the HRT so they couldn't be interchanged. This will provided increased -- an enhancement of the HRT team. But we have also already provided the enhanced training for the SWAT teams that would make them interchangeable. And as I believe I told Chairman Hyde, what I would do now, without that concern, is I would have interchanged or the director of the FBI would have interchanged the team and we would have waited longer to see what might have happened. What the final outcome would be, no one will ever know.

REP. JACKSON LEE: Thank you, Mr. Chairman.

REP. MCCOLLUM: Thank you, Ms. Jackson Lee. Mr. Clinger, you're recognized for five minutes.

REP. CLINGER: Thank you very much, Mr. Chairman. Again, Attorney General Reno, we thank you for your long day with us. And I think as we come close to the end of this series of hearings, we're all attempting to figure out what lessons we can draw from what happened, what steps we can take or what steps perhaps we shouldn't take in the future to ensure that we don't have it again. And I think you deserve credit and praise for undertaking to do some things within the department, within the Department of Justice, to address things that you feel were brought about by this event.

But I want to invite you to look again, as I talked earlier this morning, in sort of the broader perspective of your inter-departmental concerns. I think that the decision-making process is clearly critical in these kinds of elements. How do we need to change it or do we need to change it? And there's been an awful lot of discussion about the president's engagement or lack of engagement in the decision to go in or in the decisions that were made with regard to Waco. And your testimony has been that you made that decision and it was your decision and it was based on all of the information you've had and that the president concurred in it.

That suggests to me some sort of a lack of engagement. It was sort of a passive agreement with the decision that you would make. You had the benefit of having the total briefing and the total
exposure to all of the decisions. But given the fact that this was the largest, you know, law enforcement activity or engagement that anybody can remember, shouldn't perhaps the decision have been elevated to that level? I mean, the president has a broader perspective perhaps, with all due respect, a broader perspective of what may be involved.

And we're talking about serious ramifications that could have flowed from this, that did flow from this. And I guess, shouldn't -- in my view, his engagement was sort of at a very tacit level and not directly involved. And I guess my sense is, shouldn't this kind of decision be made at the president's level? Shouldn't he have the ultimate say? And shouldn't he have been exposed to the kind of briefing that you had before that decision was made?

ATTY GEN. RENO: I had talked with Chairman Zeliff earlier, and I don't think that you were in the room. And so if you were and I repeat, forgive me and just stop me. But what I tried to explain is the president may be briefed on a mission involving the military in foreign policy because he is clearly the commander-in-chief of the military and that is an executive function. Law enforcement is in a way a quasi-judicial function which involves the necessity for independence. As I explained, if there was a congressman and the president was fussing around in that investigation and what was being done and how it was going to be resolved, you'd be irate. And if a congressman called me and tried to pressure me and fuss around in an investigation, we'd all be irate.

In law enforcement, you have to have an independence to a certain extent if the interests of the nation are involved, and that's the reason I think it was important that he be advised and that we have that opportunity to let him know, particularly since he had been earlier concerned when he had an acting attorney general from the prior administration. It is a very difficult balance to walk, Mr. Chairman, to retain the independence of law enforcement so that the president, the Congress, are not dictating to the FBI how to do something. And this was a law enforcement operation. I will continue to look forward to the opportunity to work with you on how we draw that line, but it was one that I think he drew quite well.

REP. CLINGER: Let me, before my time has expired here, ask one further question, and that was, to return to what I said this morning, and that is, my concern is that we have two different law enforcement agencies and two different departments and yet they were involved in a mutual exercise but reported to different leaders, to different decision-makers. And I know that you are reluctant to talk about turf battles and so forth, but looking at the broader picture, might it not make sense to have all of the law enforcement agencies that might be involved in these kinds of activities under one leader so that there's no possibility of confused signals being given?

ATTY GEN. RENO: Mr. Chairman, I don't reach out for other people's turf. There are times where it would be far easier to coordinate.

REP. CLINGER: I'm not asking you to do that. I'm just asking you to say might it not be something to be considered?
ATTY GEN. RENO: Any time you can develop a structure that provides appropriate checks and balances but provides better coordination, it's always well to consider it.

REP. CLINGER: Thank you.

REP. MCCOLLUM: Mr. Clinger, your time has expired. The gentleman from Mississippi wants to reserve his time, as I understand it. Mr. Coble, you're recognized for five minutes.

REP. COBLE: Thank you, Mr. Chairman. General, again, it's good to have you with us. Let me make a few statements, then I'll hear from you in conclusion. We've been criticized for having these hearings, though they should have been conducted earlier, it's been said. Well, I tried to get these hearings conducted almost two years ago, to no avail. I think they have been useful. The Washington Post, New York Times, Wall Street Journal, among others, have editorially endorsed a favorable report on the hearings. I think some good has come from these hearings.

Speaking of turf, Secretary Bentsen was before us last week; well, several days ago, General. And I was disappointed. I thought his attitude was rather cavalier. We were discussing a letter that he had received concerning Waco, and the letter was a ticking bomb after the fact, again, applying 20/20 hindsight. But he was very casual about it. I think he just dismissed the letter; don't think he talked to anyone about it.

Now, I don't suggest that anybody invade another's turf, but I think it would have been good if he'd picked up the phone and said, "Janet" or "General, I'm in receipt of a letter. This is laced with potential problems. You might want to look at it. I'm going to send it over to you." Or conversely, if you would have received such a letter that involved another agency, you might want to pick up the phone. "Listen, I have no dog in this fight from my shop, but I just received this letter from my staffer and I think it may warrant your attention." I would hope that would happen during subsequent problems when they rear their heads.

Another problem that bothers me to some extent -- I don't think you ordered it, but the order to bulldoze Mount Carmel after the fire. And having done that, evidence was destroyed. We heard several people refer to a missing front door. Well, that could or could not be crucial, but I think it would be at least tangible and worthy to examine. Perhaps there was a good reason for the bulldozing; maybe to make it safe or remove a hazard, maybe to destroy evidence, maybe both of those, maybe neither of those. But I think it would have been good to preserve that site, if it could have been done, to have permitted independent arson investigators to come aboard, on the ground that so many of our citizens now -- and I don't say this critically, General -- but so many of our citizens now are wary of the government. I think it would have been beneficial to have had government arson inspectors as well as independent arson inspectors. But that was pretty well nullified by the bulldozing having been done.

Having said all that, with what little time I have left, I'll be happy to hear from you in response.

ATTY GEN. RENO: My understanding with respect to the bulldozing was that it was done after -- and I presume it was done -- if you have a burnt structure like that, it can be unsafe -- that it was
done for safety reasons; that after the arson investigators had examined it, as I understand it, they were independent arson investigators, independent from the federal government. The problem in just leaving it there is you -- for evidentiary purposes it becomes nothing if you don't maintain the security of it and if you don't maintain the facility of it. But I would be happy to explore any concern you have for the future.

REP. COBLE: If you would, because it was my recollection -- and I may be wrong about this, but it was my recollection that this was done prior to independent arson investigation. And about the other turf, if you cabinet members would feel comfortable extending your tentacles into other areas, I think you could do that inoffensively, you know, without stealing turf.

ATTY GEN. RENO: Well, here's what I have done, as I testified earlier. I have reached out to the Treasury Department to establish a more regular working relationship in which we meet to discuss issues of mutual concern. I think it has been very beneficial, and we do that on a regular basis.

REP. COBLE: I think open lines of communication, I think there's no substitute for it. The red light illuminates, and that tells me my time has expired. Thank you, General, for having been with us today.

ATTY GEN. RENO: Thank you.

REP. MCCOLLUM: You're correct, Mr. Coble. Your time has expired. With Mr. Taylor continuing to reserve, you're recognized, Mr. Mica, for five minutes.

REP. MICA: Thank you, Mr. Chairman. I do want the record to reflect that I have known Janet Reno for many years; served in the state legislature when she was appointed a state attorney, and always admired and respected the capable job she has done. This has been a very painful experience for all of us. You talked about some of the things that haunt you and I talked about some emotional things that have haunted me and being cast in this role to review what took place and try to make some sense out of it.

I hope you can understand my concern, Ms. Reno, when, on our side of the aisle, we've had a chance to hear all the experts on CS gas and then we're given this report at basically the close of business -- I never got it till yesterday -- your briefing report. And on page 40 it does cite that there's been extensive experience in looking at the effects on children. And we had not been given that information. I contend that based on the flawed information you were given that you made a decision, and maybe you'd make that same decision again today. But in fact this -- we did not see this report -- I did not see this report, and it was one of the things that I was concerned about.

I've also been concerned about looking at where CS gas has been used before. We heard Mr. Schiff talk about anyplace in the world where gas had been used. I have copies of the Amnesty International reports; they never cite any use of gas except as one pointed out in one of your reports -- not by me -- that the use of the gas might be misinterpreted.

I asked where there are reports available, and I have information that I think is fairly readily available -- this GAO report. It says Israel's use of manufactured tear gas in the occupied territories.
I'm holding a copy of the report here. And it was requested by Mr. Dellums in 1989. Did Dr. Salem, by any chance, or anyone else, make you aware of that report?

ATTY GEN. RENO: First of all, sir, I am advised, and I wish your staff would verify that this information -- this report hadn't been provided to the committee for some time, and certainly we --

REP. MCCOLLUM: I might respond. We could not find it in the materials until two days ago. But I don't know whether it was provided or not, but it was certainly not something we could until --

REP. MICA: The other thing here, Mr. Chairman --

ATTY GEN. RENO: It is because we have tried every way we know how to respond --

REP. MICA: With due respect also, our side got some 40-some- thousand pages of material, which were put in a room here. We didn't find out until after the proceedings began -- well into them -- that there was an index provided to the minority. And, again, we're just trying to get to the bottom of this. But in the report that I cited here, this report says on page three -- and, again, Mr. Dellums asked for it -- exposure of high concentrations of tear gas in small enclosed spaces for 10 minutes -- now, I'm going to say just 10 minutes -- that's not there -- is potentially lethal, particularly to infants and children, the elderly, and those with respiratory and cardiac disease.

Now, again, I asked for information. I got this. It's my understanding the only one that you consulted was Dr. Harry Salem. Dr. Salem told us that -- he also said there was limited information available, to be honest, as opposed to what you got in your briefing report. Would you like to respond?

ATTY GEN. RENO: Yes, please, sir. And I've tried so hard to work with Chairman McCollum to make sure that we got you the records that you needed. I discussed with him one evening, making sure that there were -- every record was available. He said that there was only one concern that he had had -- that we provided it without really organizing it. I don't know whether it's incorrect or not, but I then got a call the next day saying that he had asked his staff to call to correct the record, because we had tried to organize it in the way we had presented it to you. We have tried to do everything we can to make sure you have the records.

REP. MCCOLLUM: Let me, if I might, if Mr. Mica has finished his comments --

REP. MICA: Thank you.

REP. MCCOLLUM: -- explain the status of this so everybody understands it. I think the Justice Department overall has done a superb job of cooperating with our committees. You provided information we've asked for in a timely manner every time we've asked for it -- more so than anybody else. The blue book itself, apparently which is a shorter version of a larger briefing book, was not apparently in and of itself available to us till Friday. Now, why I don't know. But having examined myself to some extent all of these papers over the weekend, we had every document in that blue book you have in front of you, Madam Attorney General, was contained as a part of a larger briefing book about yea big -- literally -- I don't want to exaggerate, but about that big -- with
a red cover on it. And it has been excerpted. There is not a single item that I know of in the blue book that wasn't in it. We did have that, and we've had that for some time. But I think there was a lot of confusion, because you were given the shorter version to work with, and some people referred to the shorter version, which is what you have in front of you. And we had a lot of confusion about it for a while -- that's it. But we've had complete cooperation. I do not want anyone --

ATTY GEN. RENO: Thank you, Mr. Chairman.

REP. MCCOLLUM: -- to feel otherwise. At this point in time --

ATTY GEN. RENO: Could I -- I don't think I answered his question though.

REP. MCCOLLUM: Please go ahead. I'm sorry, I didn't mean to keep you from that. But I didn't want the record not to reflect what I just said.

ATTY GEN. RENO: This book was given to me on April the 12th, when they first presented the plan. I looked at it, and my first reaction was: What about children? I started asking questions. They then arranged a meeting with Dr. Salem, explaining that he was, so far as they knew and their research indicated, was the country's foremost toxicologist familiar with CS gas. He came to the meeting. He had consulted with the pediatrician. He advises -- I don't have any recollection of whether he talked to me about the GAO report -- but I am advised that he was familiar with the report.

And the GAO report, as I am told -- and you perhaps covered it with the experts here -- does not determine -- make the determination as to whether it's CS gas or CN gas that was involved. Again, we had no record of the CS gas.

What we have tried to do with respect to the gas -- what we will continue to try to do is to explore every concern that anyone has, with the best experts that we possibly can, because law enforcement will inevitably have to rely on CS gas to prevent harm through far more lethal means, and we want to make sure we do it the right way.

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REP. MCCOLLUM: Your time has expired, Mr. Mica.

REP. MICA: Thank you.

REP. MCCOLLUM: At this point I will recognize Mr. Ehrlich for five minutes.

REP. EHRLICH: Thank you, Mr. Chairman. I'm going to yield my time, but I just have one quick follow-up on actually that line of questioning, just getting everything straight. Is your testimony that Dr. Salem had conferred himself with the pediatrician or pediatricians with respect to the propriety of using the CS gas? Is that factual?

ATTY GEN. RENO: My recollection of our meeting on April the 14th at the FBI was that he had
consulted with the pediatrician.

REP. EHLICH: I thank you. Mr. Chairman, I yield the remainder of my time to my friend, colleague, and member of the full committee, Representative Bono.

REP. BONO: Thank you very much. Madam Attorney General, I am in full agreement with you that your number one concern was the welfare of the innocent children, and I think that's where you should have focused. Now, as far as your decision to approve of gassing the Davidians with the CS gas, apparently your selection, and after hearing a little more testimony, was based on Dr. Salem's advice on the report prepared by the British research team that provided testimony to this panel earlier in this hearing -- is that correct?

ATTY GEN. RENO: I think that Dr. Salem -- he would have to tell you what he had based his reports on. He referred to the -- I believe it's referred to as the Hensworth (sp) report.

REP. BONO: Okay.

ATTY GEN. RENO: But he had also expressed to me what he had done in terms of trying to find data --

REP. BONO: But basically you base your testimony off of Dr. Salem?

ATTY GEN. RENO: I don't base my testimony on Dr. Salem; my testimony is that I consulted with Dr. Salem as part of the process to try to make sure that I did everything to ensure that the gas would not produce permanent harm to children or the elderly.

REP. BONO: Was that the only study you did?

ATTY GEN. RENO: That was the person that I talked to. I also consulted, because they were there at the same time with the commanders --

REP. BONO: All right, part of the British study that was testified here -- they gave us descriptions of symptoms of overexposure of the CS: producing excessive salivation, congestion of the nose wall and the pharynx, a feeling of suffocation, and first and possibly second degree burns in sensitive people. The report further quotes the U. S. Army Chemical Research and Development Center, that they know of no laboratory studies that have ever been conducted with CS that have been utilized on children as subjects. They also state that the Army databases contain virtually every study on CS that has ever been conducted by any government or private facility in the world. Knowing that your first concern was for the children, I find it difficult to understand how after extensive, exhaustive research you failed to uncover the following information that I uncovered in just one day: a report contained in the Journal of American Medical Association, dated August the 4th, 1989, that states, I quote, "Inhalation and toxicology studies at high levels of CS exposure have demonstrated its ability to cause chemical pneumonitis and fatal pulmonary edema. "According to a ear and nose and throat surgeon that I talked to, pulmonary edema is caused when the mucous membrane is irritated, it secretes mucous which in children and infants plugs up the bronchi. They thus drown in their own saliva and mucous. As soon as the child breathes the fumes, the process begins. Soon after that, the
child has little lungs left to breathe, and dies. I find it impossible to believe that the most powerful law
firm in the country, the Department of Justice, at your disposal you could not find this information
out, that I found out in one day with two staff members.

I recall you saying that the buck stop here. But this information is here. It wasn't that hard to obtain.
I talked to a few doctors. Edema is well known. The danger of edema and CS gas is pretty well
known with just about every physician. So I can't believe that you did extensive studies on this, and
didn't come up with the same data that I came up with in merely one day. And I can promise you
that I can come up with a lot more. So I am sorry to say, Madam Attorney General, that I think you
failed there, and if you care to respond, please do. But I think that it's the responsibility of the
attorney general in cases like this to research every bit of evidence, and if there is counter evidence,
then the error should be on the side of the children.

ATTY GEN. RENO: Sir, what we did was to consult with the foremost toxicologist in the country.
Subsequently other people raised the concern. We consulted with other experts trying to pursue
every possible lead, and we will continue to. I am sure if you had this information you would have
questioned the experts when they were here and gotten their responses.

REP. BONO: I understand that, but that's not an answer -- I'm sorry. I mean, you only talked with
Dr. Salem. My point is there --

ATTY GEN. RENO: I'm sorry, sir, what I --

REP. BONO: -- were several people that had this information, and that that should have been
researched before --

REP. MCCOLLUM: Mr. Bono, your time has expired. Mr. Chabot --

ATTY GEN. RENO: May I just address that?

REP. MCCOLLUM: Yes, you may --

ATTY GEN. RENO: Because I think he said I only talked to Dr. Salem, and what I've tried to
explain is what we have done is any new piece of information has been developed we have tried to
pursue it. And the experts are still telling us, sir, after pursuing it -- and I'm sure if you had that
information you would have presented it to the experts when they testified before the committee --
but we will continue to pursue absolutely every lead we can to ensure the use of non-lethal means
whenever possible.

REP. MCCOLLUM: Mr. Chabot, you're recognized for five minutes.

REP. CHABOT: Thank you, Mr. Chairman. General, as you know, the Justice Department did a
report on this whole Waco incident. And on page 113 of the report it says that after the fire agents
searched the buried school bus that served as a shelter and found it to be cool and undamaged. Now,
the implication of that passage is that the children could have been safe if they were allowed to go
there. Were you aware of what we learned yesterday, that the government intentionally gassed and
bulldozed debris over the trap door leading to the school bus, so as to prevent people from escaping to that area?

ATTY GEN. RENO: No.

REP. CHABOT: All right. Also, Special Agent Jamar testified last week that after the CS gas was inserted into the compound he would have exited in a "New York minute," as he described it, as if to suggest that everyone should have expected the Davidians to act accordingly -- to basically do the same thing. Don't you think this reveals a failure on the part of the agents in the field to recognize how differently Davidians would react as a result of their religious beliefs and their devotion to Koresh, even though obviously the rest of us, it's hard to fathom how they had this regard for Koresh with what he was all about, but would you respond please?

ATTY GEN. RENO: The best analysis that we had was that the gas was that the gas was not effective as we had imagined it would be because of the wind, sir.

REP. CHABOT: Okay, but relative to the response of the Davidians -- so basically what you're saying then is there wasn't enough gas in there, or that the wind blew the gas out of the building, and that's the reason that you don't think the Davidians came marching out with the children.

ATTY GEN. RENO: That's correct.

REP. CHABOT: Okay. I think many people disagree with that. But nonetheless, I really just wanted to --

ATTY GEN. RENO: Well, if you have any information to that effect, it would -- (inaudible) -- we continue to pursue this --

REP. CHABOT: I think one of the key mistakes really that was made in this whole thing was the fact that it was assumed that the Davidians, despite their rather bizarre religious beliefs in many areas, that they would act like reasonable people. And they obviously didn't. They didn't come out, and I don't -- I guess none of us ultimately know why that happened. But General, let me ask you one final question here. You told us this morning that you were aware of plans to escalate the gassing and disassembling the house with tanks if the Davidians opened fire after the gassing began. Now the Department of Justice report says that you, and I quote, "emphasized to the president that the operation was intended to proceed incrementally. " Did you also tell the president that the gassing would not be incremental but would instead be escalated if the Davidians fired on the tanks, and the people on the ground new ahead of time. They thought, in fact, that they probably would be fired upon. Did you tell the president that, or did you leave him with the belief that the gassing would be incremental even if they were fired on?

ATTY GEN. RENO: I gave him the full plan. And may I also suggest to you that the information that's provided to me is that we did not bulldoze the debris over the trap door.

REP. CHABOT: Okay, I believe in one of the -- the testimony yesterday was that it was.
ATTY GEN. RENO: Well, you might check it out.

REP. CHABOT: Okay. I'd like to follow up after that just to make sure.

ATTY GEN. RENO: And the important thing to understand is, as my understanding of what happened in the -- I think you perhaps -- he said, I immediately started to push the burning debris away from the bus area.

REP. CHABOT: Okay. I think we should probably follow up because I don't have a lot of time left.

ATTY GEN. RENO: Well, if you have any questions after you check the transcript, let me know.

REP. CHABOT: Okay, we'll be happy to do that. And there was some testimony about that yesterday. But I think that seems fairly significant.

ATTY GEN. RENO: But I think again what -- what -- because I keep hearing about this confusion, and not having been here or seen the testimony, I would refer you to the record. But the plan was that if they fired, the gassing would occur around the building. What the concern that developed, since they weren't coming out, there was a concern that perhaps they couldn't get out because of barricades, so there was an effort made to provide egress from the building. My understanding from the testimony, and again, I think we should check it to make sure that it's absolutely correct, is that one of the supports for that back part was inadvertently hit and knocked down, causing the collapse, but that that was not a part of the planned gradual escalation. That was to occur after 48 hours.

REP. CHABOT: Right, that was a different area from the school bus that I was talking about.

REP. MCCOLLUM: Mr. Chabot, your time has expired. I believe we only have two more on our side unless others show up. So Mr. Taylor, you and Mr. Schumer, I'll recognize you, Mr. Taylor, for five minutes -- unless you have others out there.

REP. TAYLOR: Thank you, Mr. Chairman. Ms. Reno, I'm not going to get the luxury that the ranking member or the chairman are going to get to some (honest ?) things, but I would like to give some observations on behalf of law enforcement. We start off with the first two witnesses who tried to portray David Koresh as just a simple country preacher who might have owned a few and sold a few guns. Well, folks, country preachers don't sleep with ten-year-olds. Country preachers don't hold people against their will for three months. Country preachers don't compile a hit list of people who disagree with them to be eliminated -- I'm using his words. And country preachers don't kill law enforcement officers when you go to serve a warrant them, and then wound 20 more. And in the words of the ex-green beret from Viet Nam, outgun them to the degree that he was never outgunned by the Viet Cong.

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We later heard allegation after allegation that gas killed these kids and yet no proof of it. We've heard allegations of an illegal warrant and no proof of it. We heard allegations that the military was involved in this and no proof of it. As a matter of fact, what we have seen is that yes, Agent
Rodriguez somehow didn't get the message strong enough to the two guys who didn't pull the plug on the raid, and I regret that. And we lost some good people. But it in now way justifies the murder of those four agents and the wounding of 20 more, and in no way justifies David Koresh holding 80 people, through whatever spell he had on them, as human shields. When it’s all said and done, David Koresh, if he could talk husbands into giving him their wives, and if he can talk parents into giving their daughters to him, then he could have certainly talked them into walking out of that compound and going through the judicial process that you or I or Ms. Reno or anybody else in this country would have to participate in if we're accused of a crime.

Now certainly, there have been some mistakes that I just outlined. But it does not justify the deaths of these four young men, younger than every one of us on this panel. You know, we just had a vote on the House floor, by two-thirds -- in fact, two-thirds of the Republican members, I haven't checked the Democrats, were going to go save Bosnia because they have a lawless society, a lawless society where people are raped and murdered, and their homes are stolen from them. Well, doggone-it, the only thing between us and a lawless society is the law enforcement people of this country, the thin blue line that enforces the laws of this country.

And they deserve the same rights that every criminal gets when they go into a courtroom, and that is the right to be presumed innocent until they're proven guilty. But unlike every single criminal that walks into a courtroom in this country, they couldn't call any witnesses. They couldn't bring in the two TVS -- the newspaper reports who put together a series, talking about the things that I just talked about. They couldn't bring in the lady who said she was held against her will. They couldn't bring in the other one who said Koresh had a hit list and was going to kill people. And above all, they couldn't bring in Koresh, because he would not listen, and for 51 days, he would not come in.

So Ms. Reno, I'm sorry that you have to be in the chair at the moment, but you are the top law enforcement person in the country, and the buck does stop with you. But I think it is only fair that for once this committee gives the law enforcement people of this country the respect they're due. And above all, if one message can come out of this, it's not right to kill a cop. I sure as hell hope there isn't some nut out there saying, gosh, if I kill somebody, Chairman Zeliff and Chairman McCollum are going to have me up to Washington, and I'll get my name all over Readers Digest. That is not the message we need to be sending out. We need to show respect for law enforcement. There are heck of a lot of laws that I don't like. I voted against the Brady Bill; I voted against the assault weapons ban, but they are the laws of this country, and we have to abide by them. And with that, I want to thank the chairman. Thank you for being with us, Ms. Reno.

REP. MCCOLLUM: Thank you, Mr. Taylor. Mr. Shadegg, you're recognized for five minutes.

REP. SHADEGG: Thank you, Mr. Chairman. I may well not take it all. Madam Attorney General, I want to just clarify a couple points we brought out earlier this morning in my earlier questioning. One was, you indicated in response to my question about the FBI's position that they would not give the phone back -- phone back -- unless the Davidians were willing to surrender. I asked if you knew about that, and if you had known, would you have agreed with that decision. You indicated you weren't sure of the facts. Page 292 of your report reads, and I'm going to read it directly, from 9:49 to 9:54 a.m., the negotiators broadcast instructions to the compound regarding efforts to reestablish telephone contact. The negotiators said, the phone would be reconnected only if the
Davidians clearly indicated they intended to use the phone to make surrender arrangements. So, just so you know that, it is in the record.

The second issue I tried to go into was the now infamous, I guess, crushing of the back of the building of which I think there is great doubt. Because Mr. Clark testified that it was an intentional crushing pursuant to the plan. The plan had said if after 48 hours, then we will begin to systematically destroy the building. My understanding of that was that they were going to peel off the front so they could see in. Instead, six hours into the raid, they begin to crush the back of the building, the back portion of the gym. You have said here today, and you repeated it just now in response to Mr. Chabot, that you thought that was inadvertent. And there was testimony that was inadvertent. But that is what is so frustrating to me, because the video tape which we showed in here, showed the tank going back and forth numerous times, over and over and over again. And even these two still photos, one shows a portion of that roof still in place and the tank way back, and then later, it shows that entire roof destroyed. It's a section far wider than the tank. So it took more than one run to do it.

If you don't realize now that that wasn't an accident, I worry about the depth of which you've analyzed this incident, and I know you've said today that you intend to go further and investigate it some more. I urge you to do that. Because the claim that it was accidental simply is incredible. And I read on the plane last weekend going home, two quotes from you and one by Mr. Jamar. When Ms. Reno approved the plan, Mr. Jamar said, she gave the FBI agents special orders that gassing must stop immediately if there were -- quote, "any indication of danger or harm to those children."

I can't square the crushing of the back of that building with your concern about danger or harm to the children. Not only did Mr. Jamar say it, but Mr. Potts said it -- quote, "any indication about danger or harm to those children, the rule was back off, get away, stop." I just don't understand how that squares with the crushing of the back of the building and with the conflicting testimony about how it happened. We are here to investigate what happened. It seems to me it has been an important hearing for that goal. It seems to me it's a tragedy when this happens. I think we had a duty to look carefully into these facts and to try to find out what happened, and to see that they don't happen again. Because the mistakes here cost thousands of hours of agony and -- in your life, I'm sure, as well as the lives of those individuals. I have -- I'm frustrated by the fact that we can't clarify even simple facts like this. And I hope that we can learn a lot from this experiment, this hearing. We just try to go into this, but I must tell you, I'm frustrated. I'm frustrated by even the ability today to kind of put conclusions to some of these facts.

ATTY GEN. RENO: I share your frustration when you have such a tragedy as this, and you try to figure out what to do in the future to avoid the recurrence of it, not in an experiment, but in a thoughtful way. And what I had suggested to you, Congressman, is I didn't hear the testimony yesterday that you're concerned about. And as I said before to the chairman, we'll just review everything and continue to consider just what was involved.

REP. SHADEGG: I appreciate that. I would urge you also to look at a portion of your own report that reveals a young girl, where they negotiated back and forth about her release. And Mr. Koresh said he would release her if he was allowed to talk to Mr. Rodriguez. The most riveting testimony in this entire hearing came from Mr. Rodriguez about his frustration and his inability to stop the ATF raid which led to the death of all of these people. And the FBI said ultimately, they would not allow
him to talk to Mr. Rodriguez -- they would not allow Koresh to talk to Rodriguez, and the girl that --
the young girl, six-year-old girl that Koresh had agreed to release if he could simply talk to
Rodriguez, ultimately, your report says, presumably died in the fire. They couldn't identify her
body. I find that kind of negotiation inconsistent with what was clearly your goal, which was to save
lives.

REP. MCCOLLUM: Mr. Shadegg, your time has expired. Mr. Schumer, you're recognized for five
minutes.

ATTY GEN. RENO: Are you going to --

REP. MCCOLLUM: If you'd like to respond, you always can, Madam Attorney General.

ATTY GEN. RENO: Thank you very much. Again, I think it's so important as we work through the
issues here that we not rely on memories but that we understand exactly what was said, why Mr.
Rodriguez couldn't be present, and we will continue to work with you on those matters.

REP. MCCOLLUM: Thank you. Mr. Schumer, you're recognized for five min-
utes.

REP. SCHUMER: Well, thank you. And first, I want to thank the attorney general. I think it's been
a long and grueling day, but I think you have conducted yourself, everyone will agree, with dignity
and with candor, and I think everyone of us is appreciative for that. I guess what I'd like -- I don't
really have many questions, which is rare for me, but I think you've answered them all to the best of
your ability. I have to say in all candor, not every answer makes the pain of what happened go
away, and not every answer exactly, in full clarity, tells us what happened. And I think one of the
reasons for that, very simply -- and not what happened, but why it happened -- is that by the time the
attorney general got into this situation there were no good answers. There were no easy answers.
Four ATF agents had died, others had died, and there was no easy way out. There was no good
solution. And here people on both sides of the panel are groping for that sort of little crystal out
there that says, "Aha, everything that was done was done well and perfectly, and there was no
alternative" -- we can't find that. Or, contrariwise, "Gee, this was -- here's exactly what went wrong,
and we won't do it again." And that's not terribly satisfying at the end of the day. In fact, it's in a way
frustrating. But I think that given the circumstances, not being a Monday, or a Tuesday, or a
Wednesday, Thursday or Friday morning quarterback, attorney general, you've certainly impressed
me with the intelligence, the honesty and the compassion with which you approached the problem,
and I dare say that any one of us could not have done any better, even though the outcome was not
what we wanted.

So what I would like to do before yielding to Ms. Jackson-Lee the rest of my time, is ask you if
there is anything else that you would like to say at the end of this long and grueling day where
you've done very well -- not only for yourself, but for the law enforcement men and women that you
represent.

ATTY GEN. RENO: I appreciate that opportunity. And I think what I'd like to say is that law
enforcement is the most difficult job there is. They have got to make decisions that other people go
to law schools and sit and desks and work in libraries to find the answer to, and they've got to make
it right then and there. They've got to consider human life, and they do it day in and day out. And in the course of it, whether it's a police officer on the streets of an urban area, a deputy sheriff, a federal agent, they are again and again exposed to terrible danger. And they have got to risk their lives, as FBI agents did here, to save people.

They have also got to make sure that the rights of this nation are protected. It is a challenging, it is a wonderful profession. But it is a profession that is so fraught with difficulties, so fraught with challenges.

I am so encouraged by what I see around this country when I go to a community policing event. I see people -- police officers relating to their community, working together. It is police officers who are bringing people together. In South Dallas I stood there as a young woman said for the first time she was trusting a police officer. I see FBI agents, DEA agents, ATF agents, working together, working with the community, working with local law enforcement. I see so many good things happening as a result of law enforcement agents who cared desperately about their community and the well-being about all their people.

I've enjoyed the opportunity today to get to know Chairman Zeliff better. And what I think we need to do is to learn what we did here today: that if we talk together and work together, and put aside tensions and feelings, sometimes we come up with a better understanding. That is what good and thoughtful law enforcement is doing throughout this nation. And I look forward to working with all members of the subcommittee to continue to do that here in Washington.

REP. SCHUMER: Thank you. Ms. Jackson-Lee, do you --

REP. MCCOLLUM: Your time has expired. If Ms. Jackson-Lee has one question we'll ask her ask it.

REP. JACKSON-LEE: Thank you, Mr. Chairman. I thank Mr. Schumer, and I thank the chairman -- I thank Mr. Schumer as well for his questions on Governor Richards in providing that information probably on an informational basis. But there was quite an active exchange just a while back on the questioning dealing with the CS gas. It has been something that has been permeating all those who question what happened, about whether we should have waited. Do you have in your review any evidence -- or did you look at any evidence, meaning the autopsies or anything, that might have given you a conclusive understanding or assessment that from the period of about 11:30 to about the time the fire started -- and the CS gas had been in for a period of time -- that individuals were immobilized, including the women and children, such that more could not have come out? Is there anything that you might have reviewed? Because the fire started twelvish; the hits and the break-in started about 11:30, and some people did escape. Do you have anything that tells us that CS gas immobilized and suffocated any of those babies --

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ATTY GEN. RENO: We have nothing that tells us that. We have --

REP. JACKSON-LEE: (Inaudible. )
ATTY GEN. RENO: We have nothing that tells us that. We have information to the contrary. One of the agents who went in to save the life of the woman who went back in said he had no -- there was no gas in there. You had information -- I believe testimony here from one of those people who had been in the compound that the gas would be blown out immediately. There is no information whatsoever, from those that came out or otherwise, that anybody was immobilized by the gas.

MS. JACKSON-LEE: But you would study definitely the use of such gas at any time ever again in your tenure?

ATTY GEN. RENO: What we will continue to do is to study the CS gas, how it is used. As I indicated earlier, law enforcement has used it as a very appropriate means to resolving matters without lethal force, and to resolving it peacefully, and we will continue to do that, and continue to strive to develop as much technology as possible that will permit us to resolve issues such as this safely for all concerned.

REP. MCCOLLUM: Ms. Jackson-Lee, the time has expired.

MS. JACKSON-LEE: Thank you.

REP. MCCOLLUM: And Mr. Heineman, I believe you're the last questioner we have. Five minutes -- you are recognized for five minutes.

REP. HEINEMAN: Thank you, Mr. Chairman. I am motivated now to answer my colleague from Mississippi on the other side relative to law enforcement respect -- but I won't get into that. I will continue to keep this on the high road. I don't believe we need to get into politics when we're talking about such important issues. But I don't think we're fooling law enforcement. I've been in the business 38 years, and I've got a kid in the business. We know who are friends are; we know who the talkers are and who the doers are. We know who votes for the Exclusionary Rule to support law enforcement and those that attack it. But I'm happy about these hearings. I think you, Ms. Attorney General, performed very well today, and you've cleared up in my mind questions I had about where you stood on these issues. And I have may have taken an unfair swipe at you in this chamber at some point in the past, and I apologize for that. And I at this time would like to yield the balance of my time to the co-chairman, Mr. McCollum.

REP. MCCOLLUM: Thank you very much, Mr. Heineman. I understand, Mr. Mica, you have a 30-second request. I yield to you for that purpose.

REP. MICA: Just one point. The attorney general had testified here this afternoon that she wasn't sure whether Dr. Salem was aware, whether this was CS gas or had mentioned it -- or CN gas. On page one of the GAO report, it starts at the bottom of the page: "According to U. S. and Israeli sources, only one kind of tear gas, known as CS tear gas, has been used by the IDF in the occupied territories. "And I wanted that to be part of the record.

REP. MCCOLLUM: Thank you, Mr. Mica. Let me ask just two quick questions. I think we need clarification on them, Madam Attorney General. First of all, yesterday, Secretary Holmes,
Ambassador Holmes, testified at the invitation of the FBI's hostage rescue team, two British special air service personnel were on the scene during the siege. Can you clarify for us -- do you know why they were there? We never -- he said he couldn't testify to that, because he didn't invite them -- the military didn't invite them.

ATTY GEN. RENO: I don't know the circumstances, sir. I don't know the issue. I'll be happy to provide it --

REP. MCCOLLUM: If you would. I just wanted to be sure we didn't go away and have 50 people calling the office saying, "You never clarified that question." My understanding is they were not actively engaged; they were only there as observers. But it would be great for the record if you would give us that information.

Secondly, yesterday I had occasion to question some folks about a memorandum from Park Dietz (sp), PhD, one of the consultants that you had. And I just want to clarify this with you as well. I'm not going to give you the whole memorandum -- well, somebody is giving it to you. But I don't care about the basic thrust of it. It was a April 17th one to Jim Wright (sp), and Dietz (sp) is giving a whole list of reasons what he thought went wrong, why he didn't believe the negotiations in good faith would resolve the situation. It's essentially corroborating your position. But at the end of it there were two disturbing conclusions he reached. He said, "If everything continues as it's been going, I expect the following" -- and he lists several things. The last two I want you to clarify for us. The last two are -- he says, "The authority of the FBI in all of its operations will continue to weaken, and the press will focus increasingly on the cost of the operation and begin asking questions of the White House role in the operation, how the expense can be justified, ad whether the situation might have called for a more courageous approach." This was part of your briefing package in the big briefing book I read over the weekend. Can you assure us that neither one of these latter two were factors influencing your decision to authorize the gas?

ATTY GEN. RENO: Yes, because I saw Park Dietz's (sp) memorandum as I made the final decision that Saturday. And one of the things that was key to me -- I've already mentioned in previous testimony that cost -- I didn't want the cost involved to be an issue. Human life was too important. I didn't want to address that issue. Nobody in the FBI talked about weakening the authority, but again, people would seem -- "Don't let them get away with this" -- that was not the issue. The issue was: How did we bring the people out, the children specifically out safely without them being hurt? And that was what motivated me at every step of the way.

REP. MCCOLLUM: Well, I've concluded my questioning. You have certainly answered all the questions of this panel to a great extent for two rounds today, and I will know that you and I will see each other in other forums -- numerous times I presume over the next few months. One of those will be hearings that we will conduct in the fall on the question of reauthorizing all of federal law enforcement. I'm looking forward to those. I know that your contribution will be very important to that -- as were these hearings today and throughout the past nine days. And I would welcome you, if you wish to stay -- we are going now to have three closing statements to all of these hearings -- one by Mr. Zeliff, one by Mr. Schumer, and one by myself. But you are not required to stay. You have been here a long time today -- that is your choice. You may either sit through these closing statements, or you may choose to go back home or back to the office, whatever the case may be.
ATTY GEN. RENO: I should go back to the office, if it wouldn't be a problem.

REP. MCCOLLUM: No, it would not be a problem. Again, thank you very much for being with us today.

ATTY GEN. RENO: Thank you.

REP. ZELIFF: Thank you for being here.

REP. MCCOLLUM: Thank you very much.

REP. : Mr. Chairman, a parliamentary inquiry.

REP. MCCOLLUM: Yes?

REP. : I had asked whether we would have unanimous consent that members of this committee could submit both an opening and a closing statement for the record, and if there was a time period to do so.

REP. MCCOLLUM: There is a time period of no limit, and for the next 30 days or so. But I would suggest that those statements be submitted by early September when we return from the recess. The report will be written then. Unanimous consent to do so is granted. I'd also like to ask unanimous consent that he three documents I used yesterday in questioning Mr. Jamar and Mr. Sage be admitted into evidence without objection. Hearing no objections, they are so admitted.

There being no other business but the closing statements, I now turn to my co-chairman, Mr. Zeliff. We've worked a long time through a lot of days, and the floor is yours for what we have agreed upon are limited brief periods of time for closing today.

REP. ZELIFF: Thank you, Mr. McCollum, Mr. Chairman. I too look forward to working with the attorney general in where we go from here in terms of putting our report together.

The curtain now draws to a close on 10 days of oversight hearings into the executive branch conduct in the 1993 events near Waco, Texas. We've heard intensive questions, emotional testimony, and thoughtful, if occasionally combative discussion. We've heard from nearly 100 witnesses who have told their stories from their heart.

Despite these efforts, the work of the two subcommittees is not over. As recently as last week, the executive branch delivered documents to us. Several witnesses raised questions which must be pursued. Further interviews must be conducted. Conflicting testimony must be addressed. The final task will be the preparation of the report which will lay out the facts as presented to Congress, and answer all the questions being posed by the American people to the fullest possible extent.

My goal has been, and continues to be, the complete presentation of the facts. This effort will continue for several months. A final report will not likely be published before the end of the year.
There are, however, several conclusions which I feel comfortable discussing today. First, the organizational structure of the federal law enforcement agencies warrant very close scrutiny by Congress. When the ATF conducted the largest law enforcement raid in our nation's history, the Treasury secretary was out of the country attending a G-7 meeting; his deputy was in Washington minding the store, but that deputy knew relatively very little about what was about to occur near Waco, Texas.

It is difficult to criticize the actions of Secretary Bentsen; after all, we hire Treasury secretaries to help manage the nation's economy, and not to serve as the nation's chief of police. Perhaps what will come of these hearings is the consolidation of law enforcement functions into a single department with the necessary expertise and civilian control to ensure that the job gets done right.

In this instance, the ATF lost the element of surprise and continued with its raid anyway, setting up a tragic turn of events. We must continue to review and challenge the level of expertise, training and professionalism of the nation's law enforcement officers to ensure that the mistakes at Waco are not repeated.

Second, the involvement of the nation's military in domestic affairs requires further debate. It is apparent that ATF manipulated evidence to suggest the existence of a drug lab at Mount Carmel compound. The Department of Defense was required to accept the false evidence offered by the Department of Treasury, and was forced to provide military equipment and training during the standoff and subsequent disaster. American tanks were turned on American citizens, without the approval of anyone who is politically accountable to the American people. Unfortunately, the funds used to supply this equipment were paid for by monies devoted to our nation's drug war.

Third, we must ensure that the American people can hold the nation's leaders accountable for the actions they take and the decisions they make. I am most disappointed by the dodging and weaving of the White House in the hours following the tragic ending of the Waco siege. Despite assurances of the chief of staff that no significant action would be taken by the FBI without the President's approval, the first comments by the President after the fire suggested abstention and avoidance: Quote, "I was aware of it. I think the attorney general made the decision. I knew it was going to be done, but the decisions were entirely theirs." The administration's response to the Waco disaster suggest that we have come a long way since the days of Harry Truman. A sign on President Truman's desk proclaimed, and I quote, "The buck stops here," unquote. Similarly, President Kennedy stepped up to the plate and accepted full responsibility for the ill-fated Bay of Pigs fiasco. In the Clinton administration I find it is very disturbing that the attorney general and not the President steps forward to state, and I quote, "The buck stops with me," unquote.

Now, my colleagues on the other side of the aisle have argued that the day after the fire, after severe scrutiny by the nation's press corps, the President finally admitted culpability and responsibility. It is no wonder that the nation is so cynical. In fact, a poll released yesterday by the President's pollster, Stanley Greenberg, found that 76 percent of respondents say that they rarely trust Washington. Americans are forgiving people, but they want their leaders to be responsible for their actions. Mr.
Schumer has suggested that I would criticize the President if he was too involved, and then would criticize him if he was not involved enough. I can understand why he himself has spent so many years criticizing Republican president the same way. But the truth is when American tanks are used in any way on American citizens, the President must be involved and darn well should admit it. I've always believed that presidents deserve credit when things go well, and responsibility when things go badly. After the Oklahoma City bombing, the President effectively marshaled the very much needed federal agencies to rush aid and comfort to the victims, and to investigate the crime. The President deserved the nation's applause at that time.

Finally, I believe these hearings have helped dispel the conspiracy theories and ugly rumors that have circled this issue for the last two years. We have found no ground conspiracies. We have found, however, troublesome evidence of at least two powerful government agencies which had lost touch with the missions entrusted to them by the American people. Poor decisions were made to conduct a military-type raid. Poor decisions were made to continue the raid after the element of surprise was lost. Poor decisions were made to use military tanks to destroy the compound. And poor decisions were made to use tear gas against the elderly, the women and the children. Worst of all, poor decisions were made by the civilian leadership of these agencies to monitor and oversee the powers of the federal government. While I certainly agree with those who argue that David Koresh is to blame for the loss of over 80 American lives, the series of mistakes, misjudgments and poor decisions made by government agencies did play a role in the terrible tragedy in Waco.

In the small state that I come from, people expect the answers from the government. For too long and for too many in Washington, my constituents and so many Americans have not gotten straight and honest answers. In this way, people believe their government has failed them. When I ran for Congress in 1990, I ran on the issue of accountability. Accountability means standing up for what we believe, making difficult choices, and taking full responsibility for our actions and their consequences. When the credibility, effectiveness and respect for federal law enforcement is called into question, I will stand up for law enforcement; but, clearly, we must understand precisely what happened, and we must review procedures to make certain that we learn from this tragedy in order that it does not happen again.

I am troubled by the administration. It seems to me that I've heard things here which I have heard before from this White House. Attorney General Reno has testified that the President was in the loop on decision-making and approval. Testimony by some responsibility -- by some responsible for executing the Waco raid would suggest a lack of knowledge or responsibility for the consequences of their actions. This, ladies and gentlemen, is not accountability, it is not responsibility. My constituents sent me here to get answers to difficult problems. My job is to get answers. Some of my colleagues may wish to gloss over what happened in Waco. My colleague from California has actually compared my conduct in these hearings to McCarthyism. Well, let me say simply that accountability, responsibility and oversight are constitutional obligations of this body,
and something we in this government must not underestimate, dismiss or ignore.

And I want to say one very important thing, and I think it's probably the most important thing that we can say: That the tragedy of four grave ATF agents that were killed as they attempted to enter the compound, carried away by their colleagues that were also wounded during the raid, I can only imagine as the father of three sons, including a Marine, how terrible it would be to watch the video of one of my boys attempting to enter that compound window from the roof. Were their lives unnecessarily taken? There is no greater friend to law enforcement than this member of Congress, and I believe every member of the law enforcement community puts his life on the line every day. I think that for their sakes we must learn the lessons of Waco. We must minimize the danger to our men and women who put themselves in harm's way. Their missions must be clearly defined to assure success for the absolute minimum number of casualties.

Let us not forget the innocent children who died in the terrible tragedy at Waco as well. I can't begin to fathom their utter fears as tanks blasted CS tear gas into their home. Over the PA system they would hear, "This is not a raid. ""This is not a raid": it was probably the last thing they heard before they died.

The people of New Hampshire, the people of Texas, and the people of this nation deserve from their government nothing less than a full accounting for the tragedy named Waco. Let us never forget our responsibility to the people we represent. I, for one, shall not. I believe these hearings have helped ensure that mistakes like those I mentioned will not be repeated, and the wildest of conspiracy theories are without merit. For these reasons they have been worth my time, and I hope the time of each of my colleagues.

I am looking forward to working with Ms. Reno. And, finally, I would just like to say that I'm a small businessman from the northern part of New Hampshire in the White Mountains. I believe that I just try to look at things -- I'm not a Harvard lawyer -- I -- and there are many articulate people up here. I look at things from a common-sense point of view, and what I have heard for 10 days -- not all of it adds up. And that concerns me and distresses me. And I have a picture in my mind as I go to bed at night -- looking at that picture of that tank going back in and out of that front door, and with the announcement saying, "This is not an assault. "And I just think that our government acted very improperly. And I hope -- and my encouragement to Ms. Reno would be: I hope that she takes the opportunity with Mr. Freeh to, as I think he is now doing, to take a good look at the FBI from top to bottom in terms of rules of engagement, from their mission -- ATF ought to do the same, as we are now doing with CIA. I think it's time that we just take a very, very close look. We need to hold people accountable. We need to be responsive to the people we represent. Thank you, Mr. Chairman. I am glad these 10 days are over. We look forward to doing something different, but I think we have done some good work for the Congress.

REP. MCCOLLUM: Well, thank you, Mr. Zeliff, Mr. Chairman yourself. Mr. Schumer, you're recognized for your closing remarks.

REP. SCHUMER: Well, I thank you, Mr. Chairman. And I guess the first thing I'd say is I'd like to just talk a little bit about the fact this finishes the second phase of the hearings -- first about ATF and up to the date of February 28th, and now that period up until April 19th and further on. And it so
happens, to me, the second part of these hearings has been a little less satisfying than the first part in terms of just results -- I'm not saying how they were conducted or anything else.

In the first part it became pretty clear what happened. First, we had somebody like David Koresh -- hardly a benign individual, somebody who was not only a law-breaker, but in my opinion a morally corrupt individual, who used religion as sort of a shield for his own desires, for his own ability to make himself into sort of a megalomaniac who could do whatever he wanted in any way. And so that starts the conundrum. And then you have -- and in my judgment the idea that the ATF, or any agency, could just leave him alone forever is wrong. As I said earlier today, we are a nation of laws, and we shouldn't be rationalizing why law-breakers can continue to break the law. We may want to change the law -- that's what this Congress is all about. We may want to say that the law is wrong and agitate against it. But you cannot ignore that. And I'll get back to that later. But so they had to act. They didn't act well.

And the blame in the first part of the hearing was fairly easy to pinpoint. Yes, we can second-guess the plan, but the plan wasn't a bad plan. It's been used over and over again -- not in this scope. But when the element of surprise was lost, so was the raid. It was that simple. And so the first part of the hearings we're able to pinpoint something that had been pinpointed before -- I think the Treasury document is an outstanding document. Early on there were attempts to discredit it, but by the end of the first part of the hearing, people said, "Yeah, it's a good document." And we found very little new from that document -- very little that was materially new. Some people said, "Well, what about the fact that there were these -- the drug part of it?" -- that was talked about in the document, and had very little material effect on the raid; in other words, if there were drugs there, and brought the military in to train, not do anything else. And we found that there were here -- this was more of a morality play -- there were a couple of people who were, quote, "bad guys" -- besides from Koresh -- not on his level at all -- but people who messed up, who should have had the sense to call off the raid when the element of surprise was broken. They didn't.

The second part of the hearing is more troubling, because there are no real bad guys. Someone asked Janet Reno, well, why were there no punishments the way Sarabyn and Chojnacki were punished, and of course the head of the ATF, Higgins, and his deputy who was here, Hartnett, lost their jobs. Why was there no punishment?And she said, "Well, I couldn't punish anyone, because I couldn't put my finger on who deserved to be punished -- who did something wrong?" Well, the raid didn't work -- no question. You know, a few days ago I compared the nitpicking on the Republican side to -- you know, I said that if this committee looked at D-Day they'd court-martial Eisenhower. But the analogy was not correct -- it was correct in that aspect -- but it wasn't correct, because Eisenhower's mission succeeded. Yes, mistakes were made, but the goal of taking the beaches and getting a few footholds in Europe succeeded. This one didn't because the goal here was to rescue -- to apprehend Koresh, but to rescue the innocent women and children who were there -- didn't succeed. So we know that.

But no one in all the days has come up with a good answer. The only answers, you know, like some of the editorials which said, well, they should have waited it out, were based on misinformation -- that there was no food and water. And I was amazed at sort of the common sense of one of the agents who said, "Of course they had plenty of water -- they were doing their laundry. We could see it the day" -- I forget which agent said that.
Okay, so this second part, I'd say, remains somewhat less satisfying -- not because of blame, but because once there was a David Koresh, an evil man, and once the first operation was botched there were no good answers -- none at all. And it is not fair in my judgment to use Monday morning quarterbacking, unless you have a better answer that would have been a better answer at the time. And we've heard a lot of nitpicking again, but no one I've heard come up with a better answer. And that's sad and not satisfying, because there ought to have been a better answer. In retrospect, obviously don't do it the way you did it. And I think the attorney general admitted that here, and I'm glad she did. But on that day, there wasn't a better answer, and that's what you have to judge by if you're going to be at all fair.

Well, summing up the whole -- I don't want to get into all the details, but I do want to do a couple of things in terms of summing up the whole situation here, the whole hearing. First, I want to thank many different people. I want to thank both Chairman McCollum and Chairman Zeliff for their procedural fairness. We did not have one procedural dispute here. That was very significant. In other words, the amount of time was apportioned fairly. At first the witness list we were given, I thought, was all lopsided, but when we said let us choose some of our witnesses, they said yes. And the proof positive of that is Kiri Jewell in the most riveting testimony of the whole hearing, which I thought appropriate set the stage, because the greatest evil was Koresh, and she brought it out in simple, common-sense terms, was allowed as a witness. I think all of us in the minority believe that procedurally these hearings were conducted in fairness by both Chairman McCollum and Chairman Zeliff, and we thank you for that.

I'd like to thank my colleagues here. We are a disparate group. We have on this committee some of the most conservative and some of the most liberal Democrats, and then some people in between like me. And yet we all work together, and we had pretty much, without getting in a room and sort of plotting, we all had about the same viewpoint. You couldn't really distinguish what Gene Taylor said from what say, Mel Watt said, except for maybe disagreement on something like the exclusionary rule which was not relevant to what happened here, directly. And so I want to thank my colleagues.

And finally, on my side at least, the people I'd like to thank the most are the staff. They were just wonderful. And you know, we heard a lot of complaints on the other side. Hey, Schumer, how'd you get that document so fast. You're (having?) an unfair advantage. Well, I'll tell you what our advantage was, I don't think it was unfair, these people back here. And I think every one of us thanks them for the hard work and diligence that they were -- they were totally committed to this, and we are very appreciative. I don't want to get into a detailed play-by-play of the hearing, but I do want to talk about a few things about where we go from here. Because if these hearings are going to be constructive, where do we go?
It brings up my fears that some will use this hearing as a pretext to cripple ATF in particular. If that was an overriding concern, I would have liked a couple of questions asked of some of the people whether it should be restructured, instead of just bringing it up at the end in an ad hominem way. The mistake that was made, losing the element of surprise has nothing to do with the structure of law enforcement, nothing.

So my view is that we ought to strengthen -- they ought to learn from their mistakes, but the idea of weakening, abolishing or folding ATF into another agency, whether it's a good idea or not, this hearing had very little -- I think it's not a good idea -- but this hearing has very little to say about that, and there should have been a bunch of questions if that was in the back of the minds of people. And then there are two other major questions that I'd just like to leave hanging out there. First, why, in recent and modern America, is there so much hatred and paranoia out there? That truly troubles me. We walked along side that feeling in doing these hearings because of the fear and hatred of a man like Koresh, who I have no sympathy for, but all the hundreds of people who faxed us every day, many of whom believed in conspiracy, many of whom saw the world in totally different views than we did, what is going on with those people? Why is it that so many people are so angry, some bigoted, taking their anger out in bigotry, some just coming up with conspiracies out of thin air.

We can dismiss those conspiracies, and we should. And I hope this hearing does, although as I said in my opening statement, I'm troubled that some have added fuel to the flames, those conspiratorial flames. But it still troubles me why they have need of conspiracy to sort of make their world view complete. And how much danger do they pose to this country? And that is why I am glad one positive result of these hearings -- in the middle of them, Chairman McCollum who has been, as I say, somebody who I think -- don't agree with him on some of these issues and on some others, but he's been thoughtful, and when he called for hearings on the militias, that may be one of the best outcomes of these hearings. And I just hope that they will be -- I don't ask that they be ten days, but I also hope that they don't just be three hours, because if you look at the problem that we're floating in here, that is one, and we ought to look at that.

And finally, I worry after a hearing like this, not saying, not bringing up who's more pro-law enforcement or whether the questions out there were pro or anti-law enforcement, we'll leave that aside. But I worry about the paralysis of law enforcement. I've worried about it for a while. We're in a country of second guessers. And we all second guess every action that is taken. Folks over at that table are excellent at that. And so are we all, because we reflect that. We do a lot of second guessing. That's your job, I don't begrudge that, but that second guessing leads to a failure to act. And we get into a vicious cycle. On the one hand, law enforcement is weaker, so the laws are less enforced, so people have less faith in law enforcement, so it gets weaker still, and the cycle goes around and around.

I was struck by Henry Hyde, a man I have tremendous respect for, bringing up at the end, well we have to understand these religious cults and these religious type of attitudes to better deal with it. And he almost was being sympathetic. He wasn't saying it justified their actions, but it was getting close. And I also remember my frustration when those on the left would do the same with people who were wanton murderers, saying let's understand the horrible childhood they had. Well I want to have understanding, but I don't want it to get in the way of keeping our nation the nation of laws that we are. And I worry about it. I worry about how difficult it is to be a cop on the beat. You're darned
if you do and darned if you don't, and how difficult it is to be one of the people at that table.

Now we saw those people, and one impression I will always have is how -- of the law enforcement folks who came before us day in and day out, but they were good people. They were fine people. They were trying to do their jobs with the right blend of toughness and compassion. And I think they impressed every one of us, and I think they impressed people throughout America. They weren't jack-booted thugs, nor were they bleeding hearts just sitting there examining problems. They were fine. And what are we going to do? And how can this hearing help us make them do their job with fairness and compassionate understanding, but without paralysis and a Hamlet-like failure to act. I think that is one of the great challenges that we are left with here. And I believe these hearings have had their good side and their bad side. But overall, if instead of going off on a theory, let's cripple ATF, let's cripple FBI, but instead, how can we have better law enforcement in this country that all the people of America, even those on the extreme right and the extreme left will believe in, then we will have made a better country. And I thank you, Mr. Chairman.

REP. MCCOLLUM: Thank you, Mr. Schumer.

REP. ZELIFF: May I just make a quick --

REP. MCCOLLUM: Yes, Mr. Zeliff, you may.

REP. ZELIFF: Just so that nobody walks away from here misunderstanding me, and I may have not made myself clear to you, when I say organizational structure, the federal law enforcement agencies, I did not say weaken ATF. And what I'm looking at is, and I say it to Attorney General Reno, she has an opportunity with Louis Freeh right now as they look at some of the changes that are going through the FBI. Take advantage of the time and what we've learned here. Let's make it better; let's make it so that we have respect for all law enforcement. I did not single out ATF. You did, I did not.

REP. MCCOLLUM: Thank you. I just want to conclude and --

REP. : -- (Inaudible) --

REP. MCCOLLUM: Somebody's singling out here nobody, I guess, but we're ready to wrap these hearings up, and I do have a few remarks I'd like to make, having had the privilege of chairing today and the privilege of working with both you, Mr. Zeliff and you, Mr. Schumer, for quite a number of days now. I'd like to make these comments. After ten exhaustive days of hearings, the Bureau of Alcohol Tobacco and Firearms February 28, 1993 raid on the Branch Davidian compound in Waco, Texas, the 51-day Federal Bureau of Investigation siege, and the CS tear gas assault of the compound on April 19th, 1993, all Americans have a much better idea about what happened, what went wrong and who was at fault for the mistakes and the loss of life.

More than 90 Americans died at Mt. Carmel from February 28th through April 19, 1993, including four ATF agents and at least 22 children. While it will take several weeks for the compilation of a written report, these two subcommittees, all of us who have participated have begun to draw conclusions, and I think it appropriate to share a few of mine. Before I do, I feel that I should
address the issue of whether these hearings have been good for law enforcement. The combined law enforcement experience of the Republican members of these joint subcommittees is remarkable. Our membership included a retired police officer, a police chief, district attorneys, an assistant state attorney general and two federal prosecutors. I personally have spent countless hours of the past 14 years working on crime legislation that has benefitted federal, state and local law enforcement in dozens of ways.

We all know that the best way to support law enforcement is to support the rule of law. When we demonstrate that none of us are above the law or beyond scrutiny, we strengthen the very institution of government, including the process by which its rules are enforced. This is why we can state, without hesitation, that citizens are obliged to accept peacefully the service and process of law by law enforcement, to voice their objections not through violence against officers performing their lawful duties, but through the judicial system. Now none of this tragedy would have happened but for the diabolical actions and mind set of Vernon Howell, also known as David Koresh and his fanaticism. The evidence portrays a depraved man who most probably deluged himself into believing he was the Messiah of God. It clearly appears Koresh captured the minds of his followers with a radical interpretation of the Bible's book of Revelation, and held absolute control over them to a degree hardly matched in the annals of American history.

All females in the group appear to have belonged to him to satisfy his sexual appetites and to no other males. Over some period of time, he had sexual relations with an undocumented number of under-aged girls as young as ten. Koresh was manipulative with everybody with whom he came in contact and always had a biblical interpretation to explain his deviant and sometimes unlawful behavior. Perhaps because of distrust of the outside world and law enforcement, or perhaps because of his religious views which propelled him toward a violent, possibly fiery confrontation with outside authorities to fulfill his destiny, Koresh amassed a huge cache of weapons. A sizeable number of these weapons were illegal under federal law.

Notwithstanding any defects in supporting affidavits, the ATF, no doubt, had probable cause to obtain an arrest warrant for David Koresh and a search warrant for the Mt. Carmel premises. ATF agents conducting the raid on February 28th acted with great courage and with honest convictions that what they were doing was right. It will never be known with absolute certainty who shot first. But it is remarkable that every single ATF agent at the scene, in Texas Ranger interviews, stated with firm conviction that the first shots came from inside the Davidian compound. I, personally, am convinced that this was the case and believe that any reasonable person listening to all of the testimony we heard would come to the same conclusion.

However, none of this excuses the incredible mistakes by the ATF raid planners, the raid commanders and those overseeing the ATF in the Treasury in Washington. There's plenty of blame to go around. The raid plan was flawed in concept. The ATF should have taken whatever time was necessary to arrest Koresh away from the Davidian compound, and then proceeded to attempt a less confrontational approach. Evidence is clear that from the top on down, ATF abandoned any idea of arresting any way away from the compound at least ten days or two weeks prior to the February 28th raid. This was a tactical decision that had nothing to do with how often Koresh came out or whether he could be lured out.
ATF officials decided that it would be preferable to make a dynamic entry to search the premises with Koresh present. This decision lacked common sense, was based on flawed intelligence and demonstrated the ATF's lack of appreciation of the beliefs and tenants of the Davidians and Koresh's hold on them. Additionally, there was no compelling reason for the ATF's sense of urgency that drove the raid to be conducted on February 28th, as opposed to two weeks, a month or even later. Furthermore, any real appreciation for the religious tenants and group dynamic of the Davidians would have alerted ATF to the fact that the type of assault they conducted on February 28th played into the prophecies of Koresh and the theories of his followers in such a way that a violent confrontation was predictable.

I might note that early ATF abandonment of capturing Koresh outside the compound before the raid is a critical, new fact revealed for the first time during these hearings. The undercover operation was amateurish. Intelligence was very poor. ATF really never knew enough about what was going on inside the compound to make many of the judgement calls that were being made. It is unforgivable that all the videos and still photographs taken from the undercover house were never reviewed by the key planners and decision makers. The plan was never reduced to writing. As it turns out, command and control was sorely lacking. No one in Washington either in ATF or Treasury insisted on a written plan to review. Everyone up top seemed to assume that if surprise or secrecy was lost, the raid would not go forward. But there was no written plan containing this, nor was there any explicit instruction from Treasury officials or ATF Director Higgins or Deputy Director Hartnett to the raid commanders not to proceed if surprise or secrecy were lost.

It appears that a primary reason the dynamic entry route was chosen was because ATF did not have the experienced negotiators or capability of conducting a siege of any significant duration. This fact was ignored in the Treasury report and glossed over by ATF witnesses. A bad siege experience in the mind of ATF Agent Buford in Arkansas seems to have made him determined to avoid a siege, and because he was the seasoned agent involved in the planning, others deferred to his views and embraced the dynamic entry approach. No thought appears to have been given to seeking assistance from the FBI before the raid. If the TV cameraman had not tipped the Davidian mailman the morning of the raid, the element of surprise would not have been lost. No doubt the press should have acted more responsibly. But it should have been obvious to ATF officials that they were putting surprise at risk when they laid their cards to the officials of the local newspaper and even ATF's own public relations agent called two television stations the day before the raid and said words that conveyed the impression something was going to take place very soon.

Then, of course, one cannot understate the tragic mistake of Officers Sarabyn and Chojnacki in disregarding the frantic warning of undercover agent Rodriguez the morning of the raid that the ATF's cover had been blown and the element of surprise lost. Despite their denials during the hearings, the evidence clearly points to their understanding of Rodriguez's warning at the time he gave it. The failure of Secretary of the Treasury Lloyd Bentsen and his Deputy Secretary Roger Altman to meet with ATF Director Higgins at all during the 30 days or so they had been in office proceeding this raid cannot go unmentioned. If a normally routine meeting that the head of a department would have had with one of his top law enforcement agency heads in the first couple of
days after assuming office had been conducted by Secretary Bentsen or Deputy Secretary Altman, there is a good probability that Higgins would have been asked to reveal any important active ATF cases, and surely the Waco case would have come up.

If that had happened, the Treasury officials would have had more than 48 hours to react to the raid proposal. One can't help but believe a more thorough review by Treasury officials superior to the ATF would have kept some of the tragic mistakes that led to this raid from happening. In general, the Treasury Department responds after the raid was positive and constructive. The detailed investigation and Treasury report were reasonably good, but not as perfect as Under Secretary of Treasury for Law Enforcement Ron Noble wanted us to believe. Clearly, Noble and some others at Treasury tried to distance Treasury officials in the new administration from the decision making process and any blame. Mr. Noble's comments on 60 Minutes that ATF agents had been directed by Treasury not to proceed if the element of surprise was lost simply was not the case. In testimony, Noble admitted that no one was ever explicitly directed in this fashion.

Now, the conduct of the FBI in the 51-day siege, and the CS gas assault is a different matter. In my opinion, while mistakes were made that came out of these hearings that have not been admitted by the FBI or the Justice Department, none of them rise to the gravity of the errors of the ATF or the Treasury Department. Institutional pride appears to have caused the FBI to dismiss any idea of calling on local law enforcement to assist in the negotiations or in the tactical response. While the operation of some technical equipment in the general direction of the on-site operation of the siege may have required FBI personnel, there was no compelling reason given not to have considered the use of local SWAT teams to maintain the perimeter should the Hostage Rescue Team have needed to stand down to refresh perishable skills had the siege lasted longer.

Also, the FBI negotiators did not appear to recognize the potential benefit of using religious experts in working with Koresh and did not give any weight whatsoever to the efforts of Koresh's attorney in the final days to draw Koresh out by appealing to his desire to be the messenger of God, rather than a martyr. The attorney testified he believed Koresh would have come out in ten days or so. Despite statements to the contrary at the hearings, it was clear that all on-site key FBI personnel had concluded that the negotiations were at an impasse, and that Koresh was a liar who would never come out well before Koresh's attorney presented what he believed to be a breakthrough with Koresh on the 14th of April. Had the FBI tactical commander of the operations Jeffrey Jamar and the chief on-site negotiator Byron Sage not been so absolute in their minds that they might have more generously projected the state of these negotiations to the Justice Department and Attorney General Reno during the three or four days immediately prior to the gas assault.

In a memorandum dated April 15th, 1993, to the director of the FBI, Dr. Murray Myron, a consultant hired by the FBI and describing his feelings about Koresh's writings to interpret the Seven Seals which were integral to the final few days of negotiations stated, and I quote, "it is apparent that the muse is upon him, and that he is feverishly working on his manuscript. He can be expected to value these writings in the highest regard. Their publication and dissemination could be a powerful negotiating tool. "Sage and Jamar say they never believed Koresh was really working on these manuscripts, and that it was all a ploy to stall for time. While Myron shared the view that Koresh would use the writings of his interpretation of the seals to delay coming out, he clearly thought that Koresh was working on them, would eventually produce them, and this could be the
negotiation tool to get him out.

Had the FBI officials taken this matter more seriously, had the attorney general been given a more objective flavor of the negotiations, and had the attorney general talked directly to the negotiators and Koresh's attorney, the CS gas assault might not have been approved by the Attorney General Janet Reno, at least for a few more days. There is no evidence to substantiate the concern of Jamar and others in the FBI that there was a danger in delaying the implementation of the CS gas plan for a few more days or even weeks. Mr. Rogers, head of the Hostage Rescue Team, said that the HRT could remain deployed for at least two more weeks. The FBI apparently believed that Koresh not only would never come out voluntarily, but that he was determined to have a violent confrontation. Consequently, they concluded that with each passing day, the chances grew greater that Koresh would choose to attempt to come out in some violent manner which might endanger FBI agents and the children.

While it was certainly plausible to consider this scenario, the idea that his taking such action was eminent on April 19th is not supported by the facts. The fact that one Davidian who came out said Koresh had considered a plan to come out with explosives wrapped around him on March the 2nd does not justify the conclusion that 49 days later, with no intervening evidence of Koresh planning any voluntary violent exit, waiting a few days or even weeks longer would produce this result. Somehow they rationalize their actions by concluding that time was on Koresh's side, while most law enforcement with experience would indicate time was on the side of the FBI. Lastly, all involved should have recognized the probability that the Davidians would open fire when the vehicles approached to insert the gas, and that the type of violent confrontation this would present would play into the hands of Koresh's religious prophecies and interpretations of the book of Revelation.

Since the gas insertion plan called for rapid acceleration of vehicles that were fired upon, it would seem obvious to everybody that this was going to happen. It would seem equally obvious that it was a good probability under those circumstances that Davidians in the compound would not bring their children out during such a confrontation. Consequently, this plan was a very high risk, aggressive plan from its inception. Yet the FBI did not recognize this fact; they should be faulted for failing to do so. If they did recognize it and did not adequately apprise the attorney general, they are certainly to be faulted for that.

Perhaps a high-risk aggressive tactic to end the siege would have been necessary at some point, but it should have been recognized for what it was and judged on the basis by all concerned.

Now comes the question of whether Attorney General Janet Reno acted as a reasonably prudent man or woman would have done under the circumstances in allowing the CS gas assault to take place on April 19, 1993. It is clear that everyone at the FBI badly wanted this plan approved, and pressed very hard over a considerable period of time to get the go-ahead. To her credit, Attorney General Reno resisted for some period of time, asking many of the questions that most would have expected her to ask and consistently got answers that reinforced the contention of the FBI that this was the only responsible thing to do.

Because of this, it would be easy to conclude that despite the tragic consequences, she acted in a
reasonable manner in approving the assault. However, it is not that simple. Faced with the critical question of whether there was an impasse in the negotiations, would a reasonably prudent person, having to make the CS gas decision, have immersed herself personally in determining the status of these negotiations rather than accepting the characterization given her by the Justice Department and FBI officials she assigned to talk with chief negotiator Byron Sage?

One can only wonder how different it might have been had Attorney General Reno personally talked with Sage, Jamar and David Koresh's attorney and gotten the full flavor for herself of what was or wasn't happening in the last days before the assault. Then one must ask why the attorney general would have believed that the Davidians wouldn't open fire on the approaching vehicles to insert the gas, thereby accelerating the insertion of the gas and creating a confrontational environment likely to lead to a total failure of the plan. And from her testimony, she apparently assumed it was likely the Davidians would open fire, as, in fact, they did.

Then one has to ask, why should she have assumed that the people inside would act like reasonable people when the gas insertion occurred rather than like the followers of David Koresh, whom they were? Had Attorney General Reno fully appreciated the nature of the people in the compound and their religious tenets and total subservience to Koresh, surely she would have concluded that it would have been unlikely they would respond to this CS gas assault by simply bringing the children out. She would have seen it far more likely that the women would huddle the children together in a dark corner, pray, and try to outlast the attack, or just consider it all their destiny and perhaps their salvation to die there together.

Were there solid reasons for the attorney general to force the resolution of the siege on April 19 rather than waiting a few more days or a few more weeks? While the FBI certainly presented it that way to her, each of the primary reasons given fails at close examination. As has already been discussed, there is no evidence to support the concerns expressed by the FBI that there was any imminent likelihood of Koresh initiating an unprovoked, violent confrontation. While there was some concern over the hostage rescue team fatigue, they could have lasted at least a week or two longer. While not the perfect solution, local law enforcement could have backed them up during such a stand-down.

Conditions inside were not good, but there is no evidence that the health of the occupants was in any immediate danger or that child abuse was any greater during the siege than it had been over a considerable period of time prior to the February 28 raid. There was considerable question as to whether negotiations were truly at an impasse, which the attorney general could have discovered had she taken the time to personally immerse herself in this question.

In short, the American public has every reason to wonder whether this tragic result would have happened if Attorney General Reno had followed her initial instincts and taken the time to let this siege play itself out at least a few days longer. In the end, the same decision on the CS gas plan might have been made and the same result might have occurred. In my judgment, under the circumstances, the prudent thing would have been for the attorney general to have delayed the carrying out of the plan at least long enough to have personally talked with all the key players at Waco involved in the negotiations and the standoff. She did not do this.
It should be noted that the FBI did nothing sinister and their agents performed, for the most part, in the usual outstanding manner we have come to expect from the FBI. We'll never know why the fires were started or -- excuse me, the evidence is overwhelming that the fire was started inside the compound by some Davidians. We'll never know why the fires were started or who inside the compound started them or why some of the evidence is missing.

I, for one, am convinced there was no conspiracy or plot and that what mistakes were made by the FBI are attributable to the failures of human nature that one might expect from extreme stress of these circumstances.

Surely these hearings have accomplished much of what was intended. The American public has been given the opportunity to thoroughly review the details of what happened at Waco and an assessment has been made by congressional oversight of the actions which took place and the mistakes which were made. In the fall, the crime subcommittee of which I chair will undertake hearings on the reauthorization of much of federal law enforcement, including the FBI and the ATF. Knowledge learned from these hearings will be invaluable in these considerations.

Now, I have taken a considerable amount of time to close and I appreciate the indulgence of my colleagues. But after you've done 10 days of hearings and after we've been through all we've been through, all three of us understandably wanted to express our own personal views.

Let me state in conclusion that this is not the report of the committee. The committees will get together. There will be a written report issued in the fall. The minority will be given the opportunity to comment on that report. Perhaps there will be corrections changed or details made available that were different before. And they will be given the opportunity, should they still dissent from the report, to issue a written comment. But at least these are a few thoughts that I have about the details of what went wrong and what we discovered and what we learned over the past several days.

Again, I want to thank my colleagues for their indulgence not only in regard to this close that each of us made, but also with regard to all of these days of hearings. You've been very remarkable. All the staff have been very good about it. And, yes, the media, too, has been patient with all of us. And we appreciate greatly the opportunity that we've had, Mr. Zeliff and I in particular, sharing this job of chairing this, to present to the American public a thorough analysis of what happened at Waco and what went wrong and maybe a lot better insight. And at the end of the day today, I hope and I believe that federal law enforcement going forward henceforth will have more credibility and maybe we'll be able to put a lot of the conspiracy theories and the other problems with Waco behind us.

The hearings are now adjourned.

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