

JOINT HEARING OF THE CRIME SUBCOMMITTEE OF THE HOUSE JUDICIARY
COMMITTEE AND THE NATIONAL SECURITY INTERNATIONAL AFFAIRS AND
CRIMINAL JUSTICE SUBCOMMITTEE OF THE HOUSE GOVERNMENT REFORM AND
OVERSIGHT COMMITTEE

SUBJECT: REVIEW OF SIEGE OF BRANCH DAVIDIANS' COMPOUND IN WACO, TEXAS
CHAired BY: REPRESENTATIVE BILL MCCOLLUM (R-FL) AND REPRESENTATIVE
BILL ZELIFF (R-NH)

WITNESS: ATTORNEY GENERAL JANET RENO
2141 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, DC

TUESDAY, AUGUST 1, 1995 (Morning)

REP. MCCOLLUM: This hearing of the Joint Committees on the Waco matter
will come to order.
This morning, we are embarking on the last day of a series of hearings
that we spent nine -- I
guess nine days altogether looking at what happened at Waco -- the who,
what, where, and why.
Today, marks the end of our major effort to thoroughly examine the
actions and events that led to
the tragic loss of more than 90 lives of Branch Davidian compound near
Waco, Texas -- including
four ATF officers and 22 children.

We have heard from nearly 100 witnesses over a period of ten days. We
have achieved the primary
goal I stated at the start -- to give the American public an
opportunity to review the events at Waco
in a chronological and exhaustive manner, to hear the who, what, where,
why, when, and how of
this story.

If not one new fact came out -- and I believe many did -- we
accomplished something significant
towards putting this awful tragedy behind us. At times, these hearings
have produced more heat
than light. It's regrettable the politics involves itself in oversight,
but that is the nature of this
business. Messy as it often is, I believe congressional oversight
serves its vital purpose in the
preservation of America's cherished heritage.

I want thank the members of these joint subcommittees for their
endurance and their patience. I
also want to thank my staff for the long nights of work. My Chief
Counsel, Paul McNolty (sp),
Glen Schmidt (sp), Dan Bryant (sp), Erin Dunkel (sp), Audrey Clement
(sp), and Tim Bidwell
(sp). I know they're going to enjoy the August recess.

Today, we're honored to have Attorney General Reno with us. This is the
second time she has
appeared in this room to speak about what happened at Waco. The first
time occurred less than two
weeks after the fiery ending on April 19th, and less than two months
from when she was sworn in

as attorney general. We were still trying to figure out what happened at that time. Americans appreciated her willingness to accept full responsibility for the outcome. And she has continued to show this exemplary character ever since. But now we have an opportunity to look at Waco with a much more careful eye.

Everyone agrees that Ms. Reno was forced to make tough decisions, and that she performed her duty admirably. None of us would have wanted to be in her position. Yet, I know Attorney General Reno respects the fact that we must examine the soundness of her decision as part of our responsibility.

Today, we will question whether she was adequately informed about the status of negotiations at the time she gave approval of the gas insertion plan, whether she understood the certainty of an accelerated execution plan, whether she appreciated the unique nature of the Davidians, and how they might react to the tanks and the gas. These are just some of the questions that we will examine.

All of this will be for the purpose of avoiding such tragic results in the future. All of this will be for the purpose of restoring credibility to federal law enforcement. With that, I will yield to my Co-Chairman, Mr. Zeliff, and thank him for all of the time that he has spent on this. And it's been a pleasure working with you, Mr. Zeliff.

REP. ZELIFF: Thank you, Mr. Chairman. And we -- I think it's almost unheard of that the opportunity to have two subcommittees working so well together. And I appreciate your help.

Today is the tenth and final day of the Joint Subcommittees oversight hearings into Executive Branch conduct in the 1993 events near Waco, Texas. I believe that we have all learned a great deal. Certainly, I have. Many of the conspiracy theories have been laid to rest, or should be. There is now a clear confirmation that major and in some -- important instances that were avoidable, mistakes and errors in judgment were made. These areas involve chiefly those who are higher up in the chain of command. And as we insist upon accountability, it is not the line agents who should be answering. Throughout this terrible affair, the line agents have distinguished themselves as disciplined, brave and heroic.

On reflection and review, I think it is clear that the responsibility -
- either by the decisions made or

by the decisions not made lies elsewhere. It lies with those who made threshold decisions, or distanced themselves from those decisions. It lies with those who are expected to be fully informed upon making or contributing to those decisions. It lies with those in who all others place their trust. And with those who were in a position to demand the right facts and to act upon those facts.

Many Americans listened and wondered and tried to figure out what happened at Waco and why it happened and the way it did and who was responsible for making the central decisions. We needed a sense of closure. When nearly 100 Americans die, including law enforcement officers, two dozen innocent children and more than 60 others in a preventable and arguably predictable nightmare, something is seriously wrong. How much more plainly do words come, as written by Roger Altman in his striking memo of April 15th to Secretary Bentsen. Mr. Altman is not in the decision-making process, yet he sees the predictable nature of the tragedy. Quote: "The risks of a tragedy are there," he says, unquote.

Meanwhile, Mr. Smerick at the FBI writes four memos discouraging a shift away from negotiations to a tactical response. He writes until he feels that he has to change his recommendation because, in his words under oath, he must please those above him, including the director of the FBI, Mr. Sessions. At the same time, warnings abound that use of CS gas in an enclosed area at high volume will be dangerous to small children. There are Amnesty International reports, a GAO report, expert scientific papers, even logs from the Ruby Ridge incident of eight months earlier, all blinking red danger signs.

The attorney general has resisted the use of CS gas, perhaps on the same instinct that Mr. Altman has. Still, information comes to her that children are now being beaten inside the compound, information that is not new and which others will completely contradict. The attorney general is either not informed or does not view as significant a peaceful resolution offer that is made on August 14th by -- I'm sorry, that's April 14th -- by Koresh and his lawyers. The offer is collaborated by the Texas Rangers. Detailed, but largely verbal, the offer from Koresh suggests a shift in the way he perceives himself from being a martyr to being a messenger.

Lawyers for Koresh and the Davidians leave a discussion with Jeff Jamar, who heads the FBI

operation at Waco, thinking that they have all the time they need, the time necessary to get the writing done and complete the arrangement. Their own view is that it'll take 10 to 12 days. On April 15th, FBI negotiator Brian Sage talks for two hours with Webster Hubbell, a close friend of the president's and number two man at Justice. Also on the conference call are Mr. Potts, Mr. Richard and Mr. Clarke of Justice. They're told that Sage and Jamar

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have received an offer from Davidian lawyers, but Sage discounts the offer as not new and expresses his view that negotiations are fruitless.

What they say to the attorney general is unclear, but the offer is not pursued. Jamar has testified that he never got word from the Davidians that Koresh was actually writing and that if he had gotten such word, he would have called off the gas and tank assault. But he also admits that he never directly told the lawyers or Koresh that he would need to see proof of the writing or else a different approach would be taken.

Meanwhile, the attorney general gets a briefing book on the assault. She admits that she does not read the briefing book, the briefing book that sets out the final gas and tank assault plan. Even if the attorney general had read the book, missing from it was Mr. Jamar's knowledge that CS insertion and the compound's destruction by tanks would be accelerated. According to page 272 of the Justice report, the attorney general, without reading more than the chronology, either alone or in consultation with others, approves a CS gas and tank plan.

On April 19th, as the plan predictably accelerates, she is either watching or does not stop it as she leaves for lunch at Baltimore. Eventually, while she is at the Baltimore lunch, the entire compound will burn to the ground. The children will perish. The lawyers for the Davidians, who were given no advance warning, speed to the scene as soon as they learn of the gas plan, but get there too late. But accountability absolutely must mean that when information is brought to your attention, you do not set it aside and assume the best. Not to read the materials available in the briefing book for a matter of this magnitude, even if they turn out to be flawed or incomplete, seems to be unbelievable or at least careless.

We will make public today a document that we will only be able to make public in terms of

excerpts. It is a White House document and it goes to an issue at the heart of the decision-making process. It is my firm view that on issues which clearly have, in Mr. Altman's words, "the risk of tragedy," responsible decision-making means insisting that all knowledge be placed before the decision-makers.

It means digging for all the information and showing the foresight to err on the side of caution, where uncertainties clearly exist and where less risky options, no matter how poor the chances of success, may exist.

Americans are very forgiving people. When President John F. Kennedy attempted to resolve the conflict in Cuba with force and failed in the abortive Bay of Pigs incident, he did not dodge. He did not pass the buck to anyone else -- not to his secretary of Defense. He let it be known that he had, in fact, made the decision and that all the blame was rightly with him. The American people applauded his quick, honest confession, and the nation moved on.

When the American people are less forgiving is when someone says that the decision and responsibility lies elsewhere, but withdraws himself from the decision-making process altogether. Leaders do not dodge. They do not let others take the blame when they are involved or should have been involved themselves.

While we have come back to this momentarily, I think it has to be said, and I think most Americans understand it intuitively, that there is a night and day difference between admitting that you were involved in a decision-making process, that you were part of a shift in tactics, especially if those tactics failed.

As we try and tell the American people what happened at Waco, we must be able to tell them who was in the decision-making loop and who was not. Who ultimately made the final decision which led to the tragic set of events? Thank you, Mr. Chairman.

REP. MCCOLLUM: Thank you, Mr. Zeliff. Mr. Schumer, you're recognized for an opening statement.

REP. CHARLES SCHUMER (D-NY): Thank you, Mr. Chairman, and today, of course, we will hear from Attorney General Janet Reno, and I, for one, am glad that someone of towering integrity like yourself, Madame Attorney General, is our last witness.

Let me say that there are some very valid questions to ask the attorney general. Why did she decide to go in on the 51st day of the siege, not the 40th, not the 151st? Who did she talk to about the effects of tear gas? Why did they use tanks? Who told her about the continuing risk of sex abuse inside the compound?

Madame Attorney General, I guess this hearing must be somewhat frustrating to you. After all, you've been asked these questions again and again and again. But you also know, Madame Attorney General, I'm sure, that there's nothing wrong with asking them again and again because there was such a great loss of life. I'm confident that Janet Reno will tell us she gave the orders. She will also, I am confident, accept the consequences as she has from day one.

Unfortunately, those watching these hearings may witness Tuesday morning quarterbacking the likes of which we have not seen in a long time. If the Attorney General had waited past the 51st day and David Koresh had decided to light the compound on fire because of some machination within his own twisted brain, you can be sure that Ms. Reno would be testifying before us today answering questions about why she didn't act faster and why the president didn't order her to go in sooner.

We should not have a political witch hunt here today and we will not allow charges to be leveled without fact. We will hear from some on the other side that the president was somehow responsible for the events at Waco, yet there is not one shred of evidence that the president interfered with the decisions of law enforcement experts. This charge was part of a fishing expedition that came up empty. Some in the majority are twisting a few selected words in an internal presidential memorandum to fit their preconceived political agenda.

The bottom line is that the chain of command worked exactly as it should have in this case. The president was given recommendations made by his top deputies, who got their information from the top experts in their areas. He was informed of what went on, but did not interfere unduly with their decisions. We cannot allow people to twist this into some kind of sinister plot. Even the statements of my colleague Mr. Zeliff that the president didn't accept responsibility fly in the face of fact. A day after Waco, at the president's press conference, he said, "I accept responsibility,"

plain and simple. We cannot treat one person's innuendoes as fact. If we do, we give new life to conspiracy theorists and those who seek to politicize these hearings. Let me also, on the 10th day of these hearings, lay out again the criteria by which we can judge them as a success or failure, at least in my judgment.

On the first day, I said that these hearings will have been a worthy endeavor if, one, we bring out new facts or, if no new facts come out, we are able to look at the old facts in a fresh light; two, we are given the opportunity to refute the baseless charges, accusations and conspiracy theories that surround Waco, the issues mainly of motivation not of action. And three, that the investigation is constructive and not destructive and divisive; that this hearing will create an ATF and an FBI that are stronger, better and more effective at enforcing all our laws including gun laws.

Well, let's go over those criteria. First, while we have learned of some new details, no new major material facts about the incident at Waco have come out at these hearings. There is no doubt that the ATF and FBI messed up and messed up badly at Waco. Just ask the people who head these agencies. They'll not only tell you about the mistakes, but as you will hear today from Attorney General Reno, they will tell you how they live with the tragedy every day of their lives. Once the element of surprise was lost, the ATF should never, never have continued with the initial raid. And using armored vehicles to punch holes in the side the compound was clearly counterproductive.

On the second criteria, refuting baseless charges that some from the conspiracy theory industry have put out, I'm disappointed that some continue to treat misinformation and innuendo as fact. For example, this Sunday we heard that the government killed over 80 people at Waco. Fact, the government did not kill anyone at Waco. David Koresh is the killer. David Koresh is to blame for the tragedy. David Koresh, beyond any reasonable doubt, as our experts told us, lit the fire. The most important thing that this hearing taught us is that you cannot compare the mistakes of the ATF and the FBI with the evil of David Koresh. It is wrong to twist the facts, making law enforcement the villain and David Koresh, the law breaker, the victim.

Law enforcement made mistakes. They were mistakes of action but not of motivation. They did not fire until fired upon, and they did not light the fire in the compound. They acted in good faith to

enforce the law. They tried their best to save the innocent people in the building, although their best wasn't good enough in this case. We have to give them the benefit of the doubt after all, looking at the monster they had to deal with. Every charge that we have heard regarding law enforcement's motivation in this episode has been completely put to rest. No one out in America should believe that there was an intention to kill David Koresh or any of the people in the compound because people didn't agree with his religious views or other types of activities.

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Another myth we've heard again and again is that tear gas "killed Davidians, including children. "Fact, the autopsy reports show that tear gas killed no one. The people either died in the fire set by the Davidians or were shot by fellow Davidians. And we need help from everyone in refuting outlandish charges and conspiracy theories while at the same time admitting that serious mistakes were made. I want to thank my Democratic colleagues who have been an effective truth squad during these hearings. You've done a wonderful job. I would also like to compliment Chairman Bill McCollum for being a fair arbiter of these hearings. I believe he truly wants to get to the bottom of what happened at Waco, and I also believe we won't agree on everything. But when the evidence shows that a charge is baseless, he had no problem saying so. That takes a lot of courage and deserves a lot of credit. Charges about the ATF agents with Darth Vader helmets, similar to the NRA jack-booted thug comments, are not leveled anymore. I believe that's a result of our efforts to keep these hearings honest.

The final and most important criteria in judging these hearings will be whether we leave with stronger federal law enforcement. On this point, the jury is still out. In some ways, the ATF and FBI are already stronger. You can bet that the ATF will not undertake another raid after losing the element of surprise.

Interagency coordination has already been improved. Plans for serious situation like this will be reviewed far more carefully than they were in both the Treasury and Justice Departments.

But more needs to be done. We still have not gotten a good answer to why Sarabyn and Chojnacki were reinstated. William Buford, the ATF agent, still says he feels like he did after coming home

from Vietnam -- "I did a service for my country and was being criticized for it. "

Finally, and in the final analysis, we have to remember in this new world we live in there are no certainties. We cannot be sure that future law enforcement activities will be flawless. But we cannot allow law enforcement to be so tied in knots because of past mistakes that they will be paralyzed the next time. There are some who say well David Koresh had the 48 machine guns, and he may have done the child molestation, but he wasn't harming the outside world. Why didn't we leave him alone? Why did we have to go in? Why did we have to have such an operation against him?

Well I would ask everybody to remember that we are a nation of laws. If we let the next David Koresh act above the law, if we let militia members not even pay parking tickets or taxes because they don't like this government, we're going to see an increase in lawlessness. We will see even less respect for the government because it's our laws that we need. Two hundred years ago our founding fathers engaged in a noble and wonderful experiment called the United States of America, that is founded on our laws. We cannot allow anybody, no matter what their motivation, to escape from the controls of those laws.

REP. MCCOLLUM: Thank you, Mr. Schumer. As most of you know, Karen Thurman, Congresswoman Thurman, who is the ranking member on Mr. Zeliff's subcommittee, cannot be with us because her husband had a kidney transplant, a very successful one, over the weekend. And so to give an opening statement is the full ranking member of the full committee, Cardiss Collins. Ms. Collins.

REP. COLLINS: Thank you very much, Mr. Chairman. And as you have said, Karen is not here and I want before I give my statement to acknowledge the very fine work that Congresswoman Karen Thurman, with the ranking member of the Subcommittee on National Security, International Affairs and Criminal Justice, has done on this particular hearing. She has in fact done an outstanding job throughout these very lengthy hearings and I think she deserves our thanks. So I would ask unanimous consent that her statement be included at this point in the record, Mr. Chairman.

REP. MCCOLLUM: Without objection.

REP. COLLINS: Thank you. Mr. Chairman, as these 10 days of hearings on Waco come to an end I would like to make some general comments before turning to the remaining issue for today's hearings. As I said in my opening statement two weeks ago, I have always favored vigorous Congressional oversight, but these hearings gave me pause for a concern. Over the past 10 days we have seen both the good side of these hearings and the bad. On the positive side we've often received a clearer picture of the events and the conspiracy theory. Earlier in this hearing we were reminded who the real culprit of the Waco tragedy was, David Koresh.

From Kiri Jewell's first hand testimony that Koresh sexually molested her when she was only 10 years old, through the testimony of the ATF agents who were ambushed and repeatedly shot by Branch Davidians, to the expert testimony that Koresh and his followers started the fires that led to the deaths of 80 Davidians, we have learned that David Koresh must be held accountable for the Waco tragedy. Efforts to implicate the President and to blame the government rather than Koresh for the deaths at Waco are outrageous, offensive and totally contrary to the evidence received at these hearings.

Such irresponsible statements suggest that a broader political agenda is one of the driving forces behind these hearings. We've also refuted many other myths and conspiracy theories. ATF did not shoot the Davidians from helicopters. And there was no secret role for the U. S. military forces at the raid. The hearings have also tended to support the findings of the two major reports conducted by the Treasury and Justice Departments into the raid.

At the same time, many of the concerns I mentioned last week have proved to be correct and yet have gone unanswered. We had clear testimony from two witnesses that the NRA attempted to influence their testimony in these hearings.

Yet this joint Waco committee has taken no actions to look into the charges. I was also concerned that after the bombing of federal workers at Oklahoma City, the anti-gun control advocates and the militias would use these hearings to attack supporters of gun control. And judging from the vicious hate mail that I and other members who support gun control have received, these organized efforts appear to be in full swing.

Let me now turn to the issues for the attorney general to address. It appears that there are three

questions that have to be answered. First, why did the attorney general agree to the FBI plan to insert tear gas into the Mount Carmel compound? Second, did she make the decision on her own, or was she directed to do so by someone else, presumably from the White House? And, third, what was President Clinton's role?

The first question is the one I am sure that Attorney General Reno has considered over and over again in her mind. We have received days of testimony on the safety of CS gas, the possibility of fire, and how the negotiations were proceeding. Some of this testimony was probably not available to the attorney general at the time she had to make the decision, but some of the testimony, such as the science of CS gas, may have been more relevant to a rule-making on whether to permit the sale of CS gas at the supermarket than to the decision to introduce gas in Mount Carmel.

The reality for the attorney general in the days leading up to the April 19th injection of gas was whether the tear gas plan was the best option, or whether continuing to wait was the best option. The scale of justice has only two sides. We must recognize that there were no reasonable options. In this context, we must ask Attorney General Reno not only what she knew about tear gas and children, but also what she knew or might have feared would happen in the event of further delays.

I find the second question -- namely, whether the attorney general actually made the decision on her own, or whether someone else pressured her -- to be an offensive question. Why wouldn't the leading law enforcement official for this decision make it? Why would, say, well, Web Hubbell or Vince Foster, whose names the Republicans constantly bandy about, make such a decision? First of all, I think it's clear time for us -- all of us -- to let that man Vince Foster rest in peace, and his family to get on with their lives. But unlike those two gentlemen who spent careers in a corporate law firm, Attorney General Reno had been working with law enforcement officers for many years as the Dade County District Attorney. But whether she had been in office for two weeks or two years, she would have had a greater feeling for a law enforcement operation than any other political appointee in the administration. So I wonder whether some of my colleagues question her role because they cannot imagine a woman taking responsibility for great decisions.

The third question is: What was the role of President Clinton? This is the most curious question of

all, because I have not seen any evidence that would contradict the conclusions reached by the Department of Justice report on this issue. That report found that the President was kept informed about Waco, and in particular was told by the attorney general of the tear gas plan, and that after questioning about the safety of the children, he only concurred in the decision. The report included a letter from the President that explained these circumstances. The President stated that he was informed by the attorney general about the tear gas. He described the questions he asked and stated that, quote, "after asking these questions, and receiving those answers, I said that if she thought it was the right thing to do she should proceed, and I would support the decision," end quote.

On April 20th, 1993, the President had a news conference reiterating that he was informed of the plan, supported the plan, and took responsibility. And if the chairman or anyone else has found evidence to the contrary of this account, I and the committee I am sure would be interested. But I haven't seen anything yet to support it. Thank you, Mr. Chairman.

REP. MCCOLLUM: Thank you, Ms. Collins. I now recognize the ranking member of the full committee, Mr. Conyers, whom I believe has an opening statement you requested yesterday.

REP. CONYERS: Yes. Thank you, Mr. Chairman. Good morning, Madam Attorney General. I want to let you know that I am really glad you're here this morning, because you are the 94th witness in nine days, and your appearance signals that this is the end of the Waco hearings. I've been waiting for you all week. (Laughter.)It's wonderful. At last.

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Now, I've been questioning and arguing with attorney generals since 1965 -- starting with Nick Katzenbach, during the Civil Rights days. And you are the first lady attorney general. And I want to tell you that you're as confident and thorough and as well prepared as anybody. So that, for everybody that's worrying out there -- what's going to happen to Janet today -- you can sit back and get a cup of coffee, because nothing is going to happen to her. She's going to tell it like she always tells it -- to me and everybody else.

I, like Chuck Schumer and Cardiss Collins, are very proud of the role that we, on the Democratic side, have played in this hearing. I mean, it's been tough enough even with us here. And I hate to

think about what they might have been like. They've gotten quite out of hand. We're really out of gas. And so, we're going to take you through not only all of their questions, but dozens more that will be thought of on the seat of the pants. And then we will be through with Waco.

But what remains, Madam Attorney General, is the investigation of the militia, the Klan, the Aryan Nations, the skinheads, that are scaring the pants of millions of Americans all across this nation -- some who live in rural areas that dare not say what I'm saying. And I have people in Michigan come up to me and tell me how grateful they were that we were asking for hearings on the militia.

And out of the Waco hearings -- and I want to praise Bill McCollum, and include Chairman Hyde in this commendation -- we're going to have hearings on the militia. It is true that, across the years, everybody has taken a nod and a wink at these organizations with guns, training out in the woods all over America. If those had been Black men training out there, we wouldn't have to hold hearings on them, they would be surveyed, filmed, and watched from morning, noon, and nighttime. But it's gone on. And the good thing about this is we're going to begin to look at them, because people need that protection.

As you know, coming out of the civil rights movement, I've had a lot of criticism of the criminal justice system. The racism that you've encountered and fought, and that I have encountered and fought, is still there. In the Alcohol, Tobacco, and Firearms, in INS, in Customs, in DEA, in the Department of Justice, yes. We've got a lot to do to really make justice mean what it says. And you and I and others have to somehow get a hold of this prison building mania. We cannot build enough prisons to incarcerate everybody in America as a way to solve the crime problem. And so, I'm delighted that you're here. I look forward to your testimony, and then an end to these hearings. And it won't be a moment too soon for me.

REP. MCCOLLUM: We --

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

REP. MCCOLLUM: Thank you, Mr. Conyers.

We have two more very short opening statements -- the ranking member of the Reform and Oversight Committee. Government Oversight has wanted to give an opening statement. Because

Mr. Clinger is absent -- the chairman, and then Mr. Hyde, who is the chairman of the full Judiciary. Mr. Schiff?

REP. STEVEN SCHIFF (R-NM): Thank you, Mr. Chairman. I just want to make two points, briefly. The first is, to you, Mr. Chairman Zeff and Chairman McCollum. I think, as we come to the last witness here to day -- the attorney general -- the hearings have accomplished their main goal, which is to bring all of the testimony possible into the public, so that the public can make up its own mind as to what happened.

Second of all, I want to observe -- in fairness to the attorney general and the Department of Justice -- that, although there are legitimate questions that should be asked about the handling of the siege, this siege was already in existence at the time the Department of Justice took over responsibility for this matter.

The original raid by the Bureau of Alcohol, Tobacco, and Firearms, was under the jurisdiction of the Treasury Department. And I think one of the things this hearing has already shown are a number of problems in the Treasury Department's management of the situation -- beginning with the fact that they allowed the Bureau of Alcohol, Tobacco, and Firearms to be fixated on the idea of conducting a military raid styled to execute the search warrant on the Davidian compound -- even though this was inherently risky to the children inside the compound -- as testified to by a case worker from the Texas Department of Family Services, to the danger to their own agents.

And it goes all the way to the other end with the Treasury Department, that the number two person at the Treasury Department, Mr. Altman, when he heard about the FBI plan, and had concerns. He said it was a potential tragedy, passed it onto his boss -- the secretary of the Treasury. The secretary of the Treasury basically did nothing on the memorandum, saying, "It's not our responsibility any more. That may have been legally the case, but the secretary of the Treasury could have picked up the telephone to the attorney general to make sure that this information for there. So, Mr. Chairman, I just want to say, I think we have learned a lot at these hearings. I think they have been beneficial. I yield back.

REP. MCCOLLUM: Thank you, Mr. Schiff. Mr. Hyde, you're recognized for an opening statement.

REP. HENRY HYDE (R-ILL): Thank you, Mr. Chairman. I am so taken with my colleague, Mr. Conyers, because we serve together on the Judiciary Committee. He's the senior Democrat that I always follow carefully what he says. And I even go back into the archives, because I like to re-read what he says. (Laughter) And on April 28th, 1993, in the one-day hearing, which I know suited the gentlemen more than this eight, nine, 10 days -- he's a great encapsulator of investigative hearings. So under the previous regime we had a one-day hearing, April 28th, 1993.

And the distinguished gentleman from Michigan said this to the distinguished attorney general:
"Madam Attorney General, I'm extremely disappointed in the decisions that have been made out of the Department of Justice, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco & Firearms. In Philadelphia we had a mayor that bombed people out of an eviction. In Jonestown we lost the life of my colleague, Congressman Ryan, who tried to get Don Edwards to go out there with him, because of a miscalculation about cult people. We had Patty Hearst and the Symbionese Liberation Army. We had Wounded Knee with the Indians.

"Now, when in God's name is the law enforcement at the federal level going to understand that these are very sensitive events, that you cannot put barbed wire, guns, FBI, Secret Service around them, send in sound 24 hours a day and night and then wonder why they do something unstable? The root cause of this problem was that it was considered a military operation and it wasn't. This is a profound disgrace to law enforcement in the United States of America, and you did the right thing by offering to resign. You did exactly the right thing. I commend you for it."
Well, I think it's useful to --

REP. CONYERS: Would the gentleman yield for a quick observation, please?

REP. HYDE: I will, with pleasure, yield to my friend.

REP. CONYERS: Thank you. First of all, I'm very flattered whenever the chairman quotes me. Now, I'd like him to --

REP. HYDE: You should live in a constant state of flattery. (Laughter.)

REP. CONYERS: I'd like the -- I would like the chairman to either support my remarks then or my remarks now. I mean, the choice is yours, sir. (Laughter.)

REP. HYDE: Well, I love Byron but I don't support him all the time. In any event, I just think it's important to get the fullness of the gentleman's views on these very important issues. Now, I will just say this. Against the background of Jonestown and the available information about the millennialist, apocalyptic beliefs of the Branch Davidians, information that I believe was largely dismissed by those in charge of this siege, I am increasingly convinced that this catastrophe was avoidable.

Madam Attorney General, you were in office 38 days only and you suddenly became the designated spear-catcher for everybody in the administration. And I think you were imposed upon, but it was ever thus in the bureaucratic world. Your decision was only as good as the information you received to back it up. And for whatever reason, I'm convinced you didn't get adequately informed. The use of the CS tear gas is most revealing. It was done to drive the Davidians out of the building. But the theology that guided and animated them made them resist being driven out into the arms of the Babylonians. They were treated as hostages but they never were hostages.

Now, what good can come of these hearings? When dealing with religiously-driven people, learn as much as we can about their beliefs and motivation. I can't stress that too much. A second quality is patience, patience, something we all lack. I certainly do in abundance. The use of gas is designed to make people sick, we understand that, and make them good and sick; make them so sick that they cannot stand the premises where they're receiving the gas. And when children are involved, where infants are involved, it is a high risk that I don't think is worth taking. Little kids, little infants who can't care for themselves, can get very sick, can vomit, can strangle in their own vomit. And I just think it's highly imprudent.

Those are some of the things we can learn from this. There are many, many more things. This has not been an effort to denigrate law enforcement as such. Every member on this side of the aisle is proud of our police officers in any and every branch of law enforcement. They do a very dirty, dangerous job with inadequate compensation. And we understand that and we honor them. But that does not mean that we should forfeit our responsibility of oversight. And we have exercised that as best we could in this very important occasion. And again, Attorney General Reno, I think you have done an excellent job given the limitations that surrounded you just being in office for 38

days. That was a tough one. I think other people might have helped you more, and they didn't. I thank the chairman.

REP. MCCOLLUM: Thank you very much, Mr. Hyde. I would like now if the attorney general would stand to be sworn in, please. Would you raise your right hand? Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

ATTY. GEN. RENO: I do.

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REP. MCCOLLUM: Thank you. Please be seated. The record will reflect that the attorney general responded in the affirmative. At this time I want to introduce the witness, at this point in time. I have an introduction. And I don't know that you need to be introduced. I think we already know that the attorney general, Janet Reno, was born in the -- was sworn in as the nation's 78th attorney general by President Clinton March 12th, 1993. From 1978 to the time of her appointment, Ms. Reno served as the state attorney for Dade County, Florida. She was initially appointed to the position by the governor of Florida and was subsequently elected to that office five times.

Ms. Reno was a partner in the Miami-based law firm of Steele, Hector & Davis from 1976 to 1978. Before that she served as an assistant state attorney and as staff director of the Florida House of Representatives judiciary committee after starting her legal career in private practice. Ms. Reno was born and raised in Miami, Florida, where she attended Dade County public schools. She received her AB in chemistry from Cornell University in 1960 and her LLB degree from Harvard Law School in 1963. You may proceed with your testimony.

ATTY. GEN. RENO: Thank you very much, Mr. Chairman. Three days after the Waco standoff began, David Koresh promised the FBI that he and his followers would surrender immediately after a tape he had made --

REP. MCCOLLUM: Could you pull the mike a little closer? I don't believe we're able to quite hear. I know that's difficult with your -- thank you very much.

ATTY GEN. RENO: Three days after the Waco standoff began, David Koresh promised the FBI that he and his followers would surrender immediately after a tape he had made was broadcast on

the radio. The tape was broadcast. What did he do? He broke his word. He did not surrender. In fact, while the tape was being broadcast, Koresh and his followers were not gathering their belongings and preparing to surrender peacefully. Instead, they were busy rehearsing a plan to blow themselves up and take as many agents as possible with them by walking out of the compound with explosives strapped to their waists.

On March 19 and 20, Koresh said he would come out soon. He did not. In early April, he said he would come out after Passover. He did not. On April the 14th, he let his lawyers believe he needed only a few days to complete his manuscript on the seven seals, and he would then surrender. The FBI showed Koresh's April 14 letter to an expert at Syracuse University, who concluded it was another ploy, another delaying tactic.

But the FBI kept negotiating. They kept asking Koresh when he would finish the seven seals and come out. On April the 15th, the negotiators asked Steve Schneider, Koresh's second in command, whether he had seen any finished pages of the manuscript. Schneider said he had not. On April the 16th, the negotiators asked Steven Schneider again whether Koresh had completed the first seal. Schneider said no. On the 17th, Schneider said he couldn't say whether it would be six months or six years.

It's easy, in hindsight, to suggest the so-called surrender offer of April 14 was a missed opportunity, but we considered it carefully. We didn't dismiss it casually. Even though Koresh broke every promise he made and even though he never gave the FBI any reason to believe he would surrender peacefully, the FBI kept negotiating, kept trying every way they knew how to talk Koresh into leaving, but he never gave them a specific date.

When I took office on March the 12th, 1993, the most urgent issue I faced was how to bring the standoff to a safe and peaceful end. Remember why we were in Waco: Four federal agents had been killed trying to arrest Koresh and to seize illegal explosives and illegal weapons, including hand grenades, grenade launchers, and machine guns. We couldn't just walk away from it.

Day after day, FBI negotiators tried to arrange a surrender. During the standoff, the FBI had 949 conversations with Koresh or his lieutenants, totalling almost 215 hours. At the urging of the FBI, the local sheriff attempted to get Koresh to surrender. So did several lawyers and others who were

given extraordinary access to the compound. We faced an impossible situation. Koresh wouldn't leave. He had told the FBI as early as March 7 that no more children would be released. What to do next?

We studied intelligence reports. We met with outside experts. The perimeter was becoming increasingly unstable, with frequent reports of outsiders, including at least one militia group, on the way either to help Koresh or attack him. The FBI's hostage rescue team was nearing its seventh week at Waco, and experts had advised me that they would soon have to be pulled back for retraining if they were to maintain their state of readiness.

We checked on the Davidians' food and water supplies, and I was advised that they had provisions to last up to a year. I asked the FBI to check the water supply again, and I was advised the supply was plentiful and it was constantly being replenished.

Clearly, a dangerous situation was becoming more dangerous, especially for the children. We had received allegations that Koresh had sexually abused the children in the past, including Kiri Jewell when she was just 10 years old. We had also received allegations that Koresh had physically abused the children. For example, a former Davidian alleged that Koresh had once spanked a young child for 40 minutes so hard that her bottom was bleeding. The child was only eight months old.

During the standoff, the environment in which Koresh forced those children to remain continued to deteriorate. Human waste was being dumped into the courtyard.

The FBI submitted a plan to use an irritant gas incrementally, beginning at one end of the compound, to shrink the usable space, to induce Koresh to start letting his people go. I asked whether the gas could cause permanent harm, especially to the children and the elderly. Dr. Harry Salem told me, as he told you again last week, that CS gas was the safest, best-studied tear gas in the world. He told me the gas would not cause any permanent harm to the children and the elderly.

The April 19 operation began with clear announcements of our intentions, repeated time and time again, aimed at giving the Branch Davidians opportunities to leave safely. The Davidians responded with heavy gunfire from the tower and other parts of the compound.

Yes, we had hoped the Davidians might not react violently if we used the gas in a slow, incremental manner, but those hopes were dashed by the Davidians and their guns. Our response was measured. We inserted gas, then waited, then inserted more gas. We were very careful never to insert more gas than a fraction of the safe limit.

Six hours went by, six hours, and still no one came out. The rest you know. The Branch Davidians were recorded while they spread the fuels used to ignite the fire that resulted in the deaths of all but nine. FBI agents risked their lives to rescue several of them. Others emerged through holes the tanks had made in the walls after it was learned that other exits had been blocked from the inside.

We will never know whether there was a better solution. Had we not acted when we did, and Koresh had brought things to a sudden and violent finish as he had rehearsed, we would probably be here today anyhow. And you would be asking me why I hadn't taken action earlier; why we had not tried to use tear gas to resolve the situation. Everyone involved in the events of April the 19th made their best judgments based on all the information we had. We have tried as hard as we can to study what happened at Waco, to learn from our experience and to make changes so that as we go forward, we can be as prepared as possible to deal with such future situations.

Let me describe briefly some of the steps I have directed the FBI to take to improve our capacity to respond to complex hostage barricade incidents in the future. The FBI has selected a group of more than 30 senior agents for additional training and hostage barricade situations. And these crisis managers will be called upon to assist the on-scene commander during a crisis. This system was used very effectively in the immediate aftermath of the Oklahoma City bombing, and I am very proud of the results. The FBI is increasing the size, composition and equipment of the hostage rescue team or HRT to permit the replenish of resources and personnel during long-term hostage barricade situations. The FBI has increased the number of negotiators stationed at HRT headquarters, and additional training seminars have focused on identifying negotiating psychology and strategies.

The FBI has formed a critical incident response group to deal with crisis situations. This group has also been used successfully in the investigation of the Oklahoma City bombing. In addition, they

have provided training to key officials in the Department of Justice and the FBI. The FBI special weapons and tactics or SWAT teams are not better able to assist the HRT in a crisis. The FBI has increased its SWAT team capabilities. There are now 19 enhanced SWAT teams strategically placed around the country; SWAT teams now cross-trained with the hostage rescue team, and the SWAT training unit is now under the direct supervision of the HRT commander. The FBI is in the process of establishing a long-term relationship with the crisis

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resolution centers at both Michigan State University and George Mason University to call on their behavioral science expertise during a crisis incident.

The FBI has also created a resource list of experts knowledgeable about both mainstream and non-mainstream religions and will be in a position to tap both their expertise and their contacts within the religious community in the event of a future crisis. The FBI is continuing its research into non-lethal and less-than-lethal technologies such as CS gas as alternatives to the use of deadly force. Ladies and gentlemen, Chairman McCollum, Chairman Zeliff, and the members of the subcommittee, this was the hardest decision I have ever had to make, probably one of the hardest decisions that anybody could have to make. It will live with me for the rest of my life. I'm accountable for it, and I'm happy to answer your questions.

REP. MCCOLLUM: Thank you very much, Ms. Reno. I will start the questioning by yielding myself five minutes and will proceed under the five-minute rule. I'd like to know if you had any evidence, if you had had any evidence might be a better of putting it, on April 17th, the day you approved the tear gas attack on the Branch Davidian compound, that Koresh was actually writing his Seven-Seal manuscript, would you have waited a few more days?

ATTY GEN. RENO: There was consideration that -- we were told that he was writing it. What we were faced with was March 2nd, he said he come out, he didn't come out. After that, I came into office and was aware of that experience, aware of what he'd said all along the way. Because they kept telling us what the process of the negotiation was. When I heard that before Passover, he said he would come out after Passover, I counted the days until what we estimated was the end of his Passover, just hoping, praying that he would come out so that this matter could be successfully

resolved. But just as Passover ended, he sent out a letter saying, no, I'm going to wait and explain the Seven Seals, and then I will come out.

I was advised during that whole time after the letter of April the 14th that the FBI had sent that letter to one of the experts that had relied on overtime trying to understand the letter, the religious implications and otherwise. We were advised that people were trying to find out whether he was serious, and the best we could get from Steve Schneider was, it may be six months, it may be six years. And what I was faced with in that situation was a situation where this whole perimeter was becoming far more unstable; where people were concerned that he might, instead of waiting as he did to set fire, where he might carry out the plan that he had rehearsed, which was to exit the facility with explosives strapped to him, take agents with him, and while the others committed suicide inside. What I was faced with, considering all the options, was that at this moment, we had the best situation, the best opportunity to resolve it.

REP. MCCOLLUM: Well, let me come back to this point. Mr. Jamar, Jeffrey Jamar, the tactical commander of the operation for the FBI on the site, had testified before us over the last week or two that had an actual piece of paper, some portion of this manuscript been brought out, he would have recommended to you to wait.

And what I really was getting at by my question was not the background, though I think it was appropriate for you to give it, but had that piece of paper been in your hand, had you had some physical evidence he was really writing, would you have waited?

ATTY GEN. RENO: If you look through the transcripts of the discussions had with both Koresh and Snyder, they were asking can you give us something, can you give us --

REP. MCCOLLUM: Yes, ma'am, but if you had had it, would you have waited? I'm not asking you whether you had it, you obviously didn't have it. I'm not trying to quibble with that. Would you have --

ATTY GEN. RENO: One of the things I haven't done is do too much Monday morning quarterbacking, but what I am saying is that we were asking for some tangible evidence, something to show that he was, as a matter of good faith, proceeding. And if he had come out with a letter saying yes, I am going to do it but I'm not going to tell you when, that would be one thing.

If he had come out with the first seal and said see, I did the first seal in two days just as I said I was going to do, I wouldn't have gone forward.

REP. MCCOLLUM: Well let me give you the background of the way I see this and why there are some who ask a serious question about this. In the transcripts of the negotiations over the final few days, the 16th, 17th in particular, it's very clear that David Koresh had said he was working not only on the first seal, but that he had completed that, it just hadn't been transcribed, and that he had nearly completed the second seal. He also said that after some discussion he had wanted to bring the entire manuscript out as a whole. But he agreed on the 17th of April that he would produce a single manuscript, what he had completed, once it got transcribed. That's the first time there's any acknowledgement of that fact or that he had made that agreement.

Then on -- a little later discussion of the same day -- later in the afternoon -- it became clear that Judy Snyder was supposed to be typing this, didn't have any batteries for the typewriter or typewriter ribbon. One of the problems was they had no electricity because the electricity had been cut off by the FBI. Now knowing that, and then knowing also what Doctor Murray Myron, who was the expert at the FBI, said in a memorandum on April 15th, 1993 to the Director of the FBI, and I quote -- "It is apparent that the mews" -- that's Koresh -- "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, dissemination could be a powerful negotiating tool. "

Some would say that knowing those things that I just said to you, or at least if you had a flavor of this in any sense of the word, that you had an obligation to do more than simply ask Mr. Hubbell and others to talk to Mr. Sage on the phone on the 15th to discuss the negotiations, that you should have immersed yourself in this issue, and that you should have actually made a telephone call personally to Mr. Sage, the chief negotiator, to Mr. Jamar, the tactical commander, and to the attorney, Mr. DeGuerin, for Mr. Koresh and discuss this yourself before you made this absolutely critical decision that the negotiations were at an impasse, which I think you did make based upon everything given you.

Can you tell us why you did not choose to personally make phone calls about such an important critical question to any decision you are going to make?

ATTY GEN. RENO: Because I was being advised -- I had been advised of Mr. Myron's statement. And when you read the statement, Mr. Chairman, you should read all of it because it says in sum I do not believe that there is in these writings any better or at least certain hope for an early end to this siege. He talks an awful lot more and I would like for the whole statement --

REP. MCCOLLUM: Well, we're submitting the whole statement into the record, Ms. Reno, and I'm aware of that.

ATTY GEN. RENO: And I think it's important as we go through this to try to see the bigger picture. What we were told about was a man who on March the 2nd added to a tape that he wanted broadcast an addition saying I will come out as soon as this has been broadcast. He did not come out because he then said God had told him to wait.

What I tried to do was to make sure that I was fully informed. From what I have heard I was fully informed of what Mr. Sage thought. I read Dr. Myron's statement. I tried to understand. And what I was faced with was a situation where the negotiators said we think we have reached an impasse, nobody else is coming out voluntarily. We looked at the entire situation and we made the best judgment we could. I am very satisfied that in the information furnished to me by the FBI I was informed.

REP. MCCOLLUM: Thank you very much, Ms. Reno. My time has expired, but Mr. Schumer.

REP. SCHUMER: Thank you, Mr. Chairman, and thank you Attorney General Reno. First I would like to ask you a couple of questions about the President's role. I didn't think we would be asking those here, but since we've had so many innuendos and allegations I think we should put them to rest. So I have two specific questions which if you would you could answer concisely and then a more general question. First, did the President change any material aspect of the plan as developed by the Department of Justice and approved by you?

ATTY GEN. RENO: No, he did not.

REP. SCHUMER: And second, did the President or any one in contact with the President, pressure you in any way or in any way suggest that you should speed things up to end the siege?

ATTY GEN. RENO: No, he did not.

REP. SCHUMER: Thank you. And the third question, which is a general question, is what precisely was the President's role in the development and approval of the gas insertion plan?

ATTY GEN. RENO: I appreciate that opportunity to address this issue because it's very important. People somehow or another equate the President's role as Commander in Chief of the Armed Forces with some similar role in law enforcement. But law enforcement has a very interesting function, which is in many instances quasi-judicial, so you do not want the executive directing and controlling for political purposes or otherwise the law enforcement function.

I tried to do everything I could to make the best judgment I could as what has been characterized in the position of chief law enforcement officer of this country. I wanted to make sure it was done the right way. If we were conducting a political investigation, an investigation of some public official, you wouldn't be asking me, or people wouldn't have been saying, that the President should intervene. Clearly in this situation we did it the right way. We conducted a law enforcement review, we made a law enforcement decision. I advised the President, he asked good questions, and said he was going to back me up.

REP. SCHUMER: Did he back you up?

ATTY GEN. RENO: He certainly did.

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REP. SCHUMER: There was no running away from it or anything of that sort?

ATTY GEN. RENO: I told you in this same room before -- I got two phone calls when I got home the night of April 19th, the early morning of April the 20th. The first was from my sister, and the second was from the President of the United States. One I had known for 52 years; and she was prejudiced. The other I had known for about a month; and he was supportive.

REP. SCHUMER: Thank you. Okay, next question -- and just before I do, I would just like the record to show I have great respect for my colleague from Illinois, Mr. Hyde, but I'd like the record to show that there was no evidence of any vomit found as a way of the children dying as a result of the tear gas. First, vomiting is very unlikely as a result of tear gas, as our witnesses

stated; and, second, there was no evidence that that was the method by which these children, terribly unfortunate, children died.

The next question I have is a more general question, and this also relates to my colleague from Illinois and others -- they're talking about we should understand more about religious groups and how they function. One of the criticisms made of you is that since you didn't understand how these religious groups work, you made an incorrect decision. Sometimes I wonder -- you know, when we hear about inner-city robberies and things, when the other side seems to rise up when people sometimes on this side would say we should understand what led these kids to break the law. My view is that whatever happened in people's backgrounds, on either way, if you break the law you suffer the consequences, period. But, nonetheless, could you please tell us in your mind how you weighed the fact that this was a religious sect with hardly conventional views? And, second, in your mind, as you had to make that very important and awful decision, what in your mind were the consequences of waiting them out, just sieging it and waiting and waiting and waiting, and not taking the action to insert the gas?

ATTY GEN. RENO: I think --

REP. SCHUMER: That's my final question. So you can answer it as long as you want to. And I think it's important to understand it in the whole context, because one of those issues that has troubled people is that they see a piece here and not a piece here. I answered the question in one way on a specific issue, then the New York Times will say, "Oh, they would have run out food and water," not realizing that we had investigated that situation to learn that they had up to a year's supply of food, and that the water was being constantly replenished without -- proportionate to the rain. So let us look at the whole picture.

The first thing I was confronted with was the gas. What to do about that? And my first reaction was: What about the elderly? What about the children? It is very specific in my mind as to how I asked that question, because I had come to Washington in February. My mother had died the previous December. She had suffered from lung cancer for four years. I had took care of her. She also had emphysema. And the image that I had as I first confronted the issue of the gas, and people's description was: What if she had been detained against her will, how would that have

affected her? And I kept going over it and over it again with her in mind.

The other image that I had that was so vivid was I had a brand- new 11-month-old grand-niece who had come to Washington who had seen my sworn in. And my reaction was, What do I do about somebody like Kimmy? What is the answer to that? And I kept going through it and saying I can't do this. That's when the issue arose -- and I had the opportunity to meet with Dr. Salem. And we went through it. He said he had consulted with the pediatrician. I was told that he was the foremost toxicologist in the country. He addressed my concerns, but those were so vivid in my mind, because I saw two real-live people who I had to consider what the impact would be on him. What I have tried to do in terms -- and I realize this is far afield -- but it's important to see the whole picture. What I've tried to do is people, including our experts that we asked to be involved, has raised questions about the gas, is to try to do everything I could to make sure that we were as fully informed as possible.

In meeting with Dr. Salem, representatives of the military's Delta Force were also there. And they started talking and we started reviewing the plan. We heard their views. One of the concerns they expressed was whether the HRT team, after 51 days on the line, could maintain a state of readiness. And they said they would pull -- if they were in the same situation, they would pull them back. That caused me concern, because I had been advised that the perimeter was unstable, that people -- there were intruders -- there were threats of people coming in either to attack or to assist. So I had to look at that.

I meanwhile looked at the status of negotiations, as I explained to the chairman. You have no idea how I counted the days, and woke up the morning that Passover was supposed to be ending, hoping that we would receive some tangible word that he was coming out. And I followed the negotiations. I considered the letter of April the 14th. I looked at Dr. Miron's statement. And we called Sage. And I think there's a clear understanding of what we had been -- what we had gone through.

I then tried to figure out what else I could do. How much food? They couldn't have that much food there, and then I learned they had purchased these MREs, these military ready programs or something, and they had perhaps as many as 50,000 of those and a lot of other food stuffs, and

they could last up to a year.

On the title three -- somebody mentioned that the title three -- the electronic surveillance that was in the building -- indicated that they might be low on water. I specifically called Ray Jahn to see just what the situation was. The FBI went back and checked it again, and found that the water was being replenished. I said, isn't there something that you could distribute through an airplane, and just fly over and put them to sleep for an hour while we go in and get them out? -- and was told that there was no technology that could be provided. I talked about tunneling, and that seemed, based on all the information that was provided to me, too dangerous in terms of the explosives that were in the compound and what might happen.

One of the things that haunted me was the whole problem of suicide. Of this (millennialist ?) theory that Chairman Hyde has referred to -- we went back over it.

I looked at everything. I looked at Dr. Myron's statement. I tried to understand. I even went to the Book of Revelations myself, trying to understand. And clearly, Mr. Chairman, that was a possibility, as I told you two years ago in April -- a possibility that haunted me. And I kept coming back to it.

But what I was faced with, as I understood his statements, and as the experts had said during the course of the whole 51 days, this may indicate that he wants to bring it to some explosive end.

We had the information after March 21st that they had hatched and rehearsed a suicide plan early on that could also result in the deaths of agents. But, I said, "If it's that" -- I mean, "If that possibility exists, how can we go forward?" What they told me was that, on a number of occasions, they had talked to him, and he had said, "No, I'm not going to commit suicide." They had -- he had specifically discussed that with them. He said, "It is not in my teachings." So, we knew it was a possibility. But what I was faced with was all of my experts telling me that the siege wasn't going to be over any time soon. With Steven Schneider saying that he might be in there for six months or six years before he finished the Seal. This man who had already broken his promises.

The FBI told me that they were, at that point, in the best state of readiness possible to try to bring a peaceful resolution to it. And faced with all the circumstances, I determined that we should go

forward. But we clearly consulted and understood the religious implications. I mean, that is consistent throughout all the materials that we talked about, that it was clearly one of the factors that was considered. We want to do everything we can for the future, to make sure that we're capable of doing that. That does not mean that the FBI should be collecting information about religious groups. I don't think anybody on this panel wants that to happen. But we have got to, and we have identified, religious experts in various areas that we can rely on for the future, should we ever have to face it again.

REP. MCCOLLUM: Thank you, Mr. Schumer. Thank you, Ms. Reno. Mr. Zeliff, you're recognized for five minutes.

REP. ZELIFF: Attorney General Reno, I reviewed -- and if the clerk could pass out copies and put up the chart -- a memo from Mack McLarty, the president's -- then chief of staff to the president -- on March 1st, 1993. The memo summarizes a call that the chief of staff made to the acting attorney general, where he discusses the FBI's and the president's philosophy of negotiating until a resolution is found.

Unfortunately, the White House has refused to give us a copy of the memo, but has allowed us to quote the sentence of greatest concern. The memorandum states specifically -- and I quote -- "The acting attorney general concurred fully with your philosophy regarding this matter, and assured me that no significant action would be taken without White House approval," unquote.

General, I consider the use of military tanks and teargas to be significant action. Can you state whether you specifically obtained White House approval, or whether you simply advised the president, without getting his approval -- or is there a difference? Backing you up, is that the same thing as approving. And, in other words, how do the American people hold their leaders accountable, if the president plays no role in a siege of 51 days?

ATTY GEN. RENO: Mr. Chairman, I think that the American people want to make sure that law enforcement conducts itself without regard to influence from those outside law enforcement -- except when it is appropriate. Clearly, the president had talked with the acting attorney general before I took office, and had been advised by the acting attorney general of the plan underway to try to peacefully resolve the situation. He told the acting attorney general that, if the plans changed,

to let him know. I followed that direction, and advised him -- as I think I should have advised him on something that could affect national concerns. But we advised him based on a law enforcement judgment -- not a political judgment, not the judgment of the White House, but the decision was made in the law enforcement arena -- where it should be.

We have got to make sure that we -- and it involves both the president and the Congress. One of the most difficult roles that I have faced is how do I respond to Congress in an appropriate way --

REP. ZELIFF: Because of time -- if I could just --

ATTY GEN. RENO: If I'm --

REP. ZELIFF: I apologize.

ATTY GEN. RENO: Okay. And then when you're through, I'll finish.

REP. ZELIFF: Okay. Because then we can go on --

ATTY GEN. RENO: Okay.

REP. ZELIFF: -- towards the end here. And you can add anything you'd like.

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The problem that I have here, if the president said to you, "Attorney General, I don't like this gas plan. Please do not move forward. "Would you move forward anyway?

ATTY GEN. RENO: As I will go on and finish now. What I wanted to do was to make sure that I had considered everything in a law enforcement arena. I presented it to him. He asked good questions. If he had said, "I am concerned about gas. "What about it? That's exactly what he said. And I told him what I had done in the law enforcement context -- consulting through the FBI-- to find out what was the appropriate step to take.

REP. ZELIFF: Do you think that that memo indicates that he has an interest -- I mean, nothing will be done without his approval. Does that mean that nothing will be done without his approval?

ATTY GEN. RENO: Which --

REP. ZELIFF: The memo right up there.

ATTY GEN. RENO: I don't -- you'd have to ask Mr. Gershwin about --

REP. ZELIFF: Let me just ask you two things -- because of the time --

ATTY GEN. RENO: But it's clear --

REP. ZELIFF: Wait. And then let you take as much time as you want to answer it. And our problem here is --

ATTY GEN. RENO: Okay.

REP. ZELIFF: -- is that, that we have very little time. I posted a memorandum written by Deputy Treasury Secretary Roger Altman to Treasury Secretary Lloyd Bentsen, discussing your potential decision to use CS gas as a means to end the Waco siege. In his memo, he states that -- and I quote -- "My rough guess is that she won't approve the use of gas, the risks of tragedy. And if the FBI waits indefinitely, Mr. Koresh will eventually will concede," unquote.

Mr. Altman wrote this note after he was briefed by Justice Department officials. Why did he walk away from a Justice Department briefing thinking that the gas was unsafe, and that Koresh would concede, while you walked away that all hope was lost, and it was time to use the gas?

And then, the other thing -- and then, take your time and answer both if you would. As you know, that's -- questions about the chain of command as it relates to decisions made to the use of CS gas, that means, and the Waco siege.

I don't mean to suggest that there is some sinister plot by the White House, but I do believe that the American people have a right to know who was in charge and who was making major decisions during the administration. I posted several statements made by either yourself or the White House, and let me read these to you. And are they also passed out?

"I approved the plan and I'm responsible for it. The buck stops with me. "This is you. This was from the Washington Times on April 21st, 1993. "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. "This was from President Clinton the same day, April 21st, 1993. And the last one: "The buck stops here. "This was a sign on President Truman's desk.

My question here, Attorney General, can you please explain why these statements are so diverse?When military weapons are turned on American people, who makes that decision?Where exactly does the buck stop?And I know there are two or three questions in there, and please take as much time as you'd like.

ATTY GEN. RENO: Okay. Let's go back to the first point that you were asking about; if you'd put that back up, please. As you may recall, Congressman, I was somewhat delayed in getting into office and was not sworn in till March 12th. Mr. Gerson was an acting attorney general who had served in the previous administration, and I think clearly the president was concerned about the fact that he did not know Mr. Gerson and had not nominated him for the office in the sense of a permanent person representing the president, and wanted to make sure that there was a clear line of communication. With respect to the second matter, you indicated that Mr. Altman had walked away from a briefing. I'm looking for that but I don't see any walking away from a briefing. But --

REP. ZELIFF: In truth, doesn't it indicate that he was at a briefing? He talks about -- my eyes aren't probably as good as a lot of people's.

ATTY GEN. RENO: It says, "Ron Noble informed me that the attorney general is weighing a request from the FBI to use an advanced form of tear gas on the compound in Waco. Among other things, this gas doesn't dissipate. The FBI" -- and it goes on. I don't see that he walked away from a briefing.

REP. ZELIFF: "My guess is that she won't make the decision. The risks" --

ATTY GEN. RENO: I'm happy to address that, but I don't --

REP. ZELIFF: "The risks of a tragedy are there. "

ATTY GEN. RENO: But what I wanted to make clear was I don't see any reference to Mr. Altman walking away from a briefing. What I was faced with was a considerable briefing. I've outlined to you the briefing over several days that I was involved in. I weighed what Mr. Altman and everybody else faced with that situation would weigh. And as I indicated earlier, in my response to Mr. Schumer's question, I tried to do everything I could to come up with the right decision based on all the factors involved.

With respect to who is in charge, I have consistently said that with respect to law enforcement matters it is important that neither Congress nor the executive interfere in terms of any inappropriate involvement. That means that the attorney general and the law enforcement apparatus of this country should function in a nonpartisan, thoughtful way that you in Congress can have

confidence in and that the president can have confidence in. That is a very difficult task to walk and a very difficult line to walk, but I have tried to do it every way I know how and to make informed law enforcement judgments. With respect --

REP. ZELIFF: Excuse me --

ATTY GEN. RENO: You said I might answer. With respect to the use of military weapons, these pieces of equipment were unarmed, as I understand it, and were contracted -- I mean, it was like a good rent-a-car.

REP. ZELIFF: A good rent-a-car? A tank going into a building?

ATTY GEN. RENO: These tanks were not armed. They were not military weapons. And I think it is important, Mr. Chairman, as you deal with this issue, not to make statements like that that can cause the confusion. These tanks were used to protect FBI agents who were on the front line, who were exposed to men who had killed four FBI agents -- ATF agents -- who had wounded 15, who we knew were armed with very high-powered weapons. I don't think you would want them to be unprotected, Mr. Chairman.

REP. ZELIFF: I don't. Could I make one comment relative to Mr. Altman?

REP. MCCOLLUM: Your time has expired.

REP. ZELIFF: Mr. Altman's testimony --

REP. : (Off mike.)

REP. ZELIFF: Mr. Altman testified last week under oath that he did get -- he was briefed --

REP. MCCOLLUM: Order, order. Mr. Zeliff, your time has expired. Mrs. Collins?

REP. COLLINS: Thank you, Mr. Chairman. Madam Attorney General, let me just say we all know that everybody's been speculating on the other side about what happened and all of that. But the president gave a three-page statement about what happened, and I think that statement was -- yeah -- it was on April the 20th. It's a three-page statement. And in that statement he talks about conversations that he had with you, et cetera, and that he was going to follow whatever action you wanted to take. And so I'm requesting that the entire three-page statement be made a part of the record, Mr. Chairman, and ask unanimous consent.

REP. MCCOLLUM: Without objection.

REP. COLLINS: Thank you, Mr. Chairman. Now, let's get back to, if you will, the -- thank you -- if you will, the matter of the tanks. You know, I have here -- in the Journal Gazette on Wednesday, July 19th, there was a story that said that "Mr. Souder (Sees?) Help in Waco Hearing. "And in it he says, "'The only law that they clearly established Koresh broke that I can see so far is he had sex with consenting minors,' he said. 'Do you send tanks and government troops into the large sections of Kentucky and Tennessee and other places where such things occur? Since Koresh viewed he was married, which then comes to the polygamy question. In other words, we're sending tanks in to enforce polygamy laws. The children and their parents didn't object to Koresh having sex with the girls,' Souder said. And so the question is, to what level do we try to enforce laws against sex with minors?"

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The question is, isn't it, as you have said, whether or not these men were fired on before and they knew there was a danger and so the tanks should have been used?

ATTY GEN. RENO: I think it's important that when you consider the use of tanks that they be considered as vehicles providing the armored capacity to prevent the penetration of this ammunition that we knew Koresh had.

I can't speak to whatever was done prior to the time I took office, but clearly with respect to the day of April the 19th, I could not put FBI agents out there, exposed, when I knew what these men would do and when they started immediately to fire on the FBI. That's just wrong.

REP. COLLINS: Let me ask you another question. On the -- one of those (opposite boards ?) they had up there was a statement -- I believe it was the first one they had up there -- about what all was supposed to happen and this and that. Could the first board be put back up there again?

Yeah, that's the one right there. You know, we've talked about that before, and I think it's interesting that Mr. Zeliff would refer to that statement, because right here in "The Washington Post" on July the 13th, he said, "There was no smoking gun found in the Waco siege documents. "That's the headline on that story, and in the story he says, quote, "'There's no smoking gun,'" end quote, "Representative Bill Zeliff, Republican of New Hampshire, said last night after

spending more than three hours examining the documents and copying them in longhand. He said he and other House members who viewed the documents were not allowed to make any mechanical copies, but, nonetheless, he said there was no smoking gun.

So then my reason for bringing this up is the fact that he seems to think that -- he contradicts himself, obviously.

REP. : -- (off mike) --

REP. COLLINS: No, no, no, no, no, you can't refute what you -- I mean, it's in the paper, and you know whatever the paper says is right. (Laughter.)

REP. : -- (off mike) --

REP. COLLINS: But let me say this, Madame Attorney General, I really feel that you've done a tremendous job here, and I don't see anything at all that refutes the information that you have given before, that the president has said in his statement, and I'm still waiting for somebody anywhere, on the other side of the aisle or this side of the aisle, to show any reason whatsoever that whatever you have said or the president has said has been contradictory, and with that I yield back the balance of my time.

REP. MCCOLLUM: Thank you, Ms. Collins. I recognize for five minutes Ms. Ros-Lehtinen.

REP. BOB WISE (D-WV): Mr. Chairman, parliamentary inquiry.

REP. MCCOLLUM: Who's seeking a parliamentary --

REP. WISE: Right here.

REP. MCCOLLUM: Mr. Wise?

REP. WISE: Mine is simply a question of procedure. Is it the chair's intention to -- is there one round of five minutes per panelist, or are we going to -- I'd heard a rumor of two rounds earlier.

REP. MCCOLLUM: The intent now is to complete one round. If necessary, we will do two rounds. You should expect that as a probability at this point, that there will be two rounds.

REP. WISE: A probability. Thank you, Mr. Chairman.

REP. MCCOLLUM: Ms. Ros-Lehtinen, you're recognized for five minutes, and I will restart the clock.

REP. ILEANA ROS-LEHTINEN (R-FL): Thank you, Mr. Chairman. Madame Attorney General, it's a pleasure to be with you today. I've had the pleasure of having worked with you for more than a dozen years as fellow south Floridians on the myriad of issues that confront our communities in south Florida. I've always found you to be an honest and straightforward person, and I know that you are doing your best in your new capacity in this job. As south Floridians, we're also very anxious about our families and our neighbors today and tonight as another hurricane awaits them, and so we pray that everything goes fine for our loved ones down there.

And, as south Floridians, we share a common concern about the harm done to all of our communities by the drug trade. To help combat this problem, Congress has authorized the military to assist in these anti-drug efforts. I'm very concerned about the misuse of that authority by an agency that wants to treat the defense budget as free money above and beyond what Congress has allocated for that agency. We heard in our hearings from Mr. Wade Ishimoto, who is an outside expert brought in to critique the planning of the initial raid, and Mr. Ishimoto stated in his report to the Treasury that ATF believed that a drug nexus was necessary to obtain military support. He later stated that the drug nexus was tenuous at best, and the committee provided him access to a document which stated that the drug nexus was, in fact, made up. And my questions deal with this issue of the drug nexus.

Do you agree that such deceit not only undermines the reputation of law enforcement but undermines the constitutional right of Congress to control the purse strings?

ATTY GEN. RENO: As I took office on March 12 and as I have jurisdiction over the FBI, I am not familiar with all the details of everything that went into the reports with respect to the initial contact by ATF and what was done there, so I really can't address that, but I can, in a more general term, suggest something that has guided me both as a prosecutor in Miami and here, and that is a very clear concern for the Posse Comitatus Act and for strict adherence to it, and that is something that I constantly ask about and am concerned about, for the reasons you suggest.

REP. ROS-LEHTINEN: Has your office looked into the issue of the misuse of this authority by ATF?

ATTY GEN. RENO: From all that I have been able to understand -- and, again, I do not know the details of the ATF study -- but from what I understand, from the experts that I have -- whose views I've considered, I think they think it was a thorough study, so I have not reviewed it in detail.

REP. ROS-LEHTINEN: Do you know anyone in the department who might have reviewed it?

ATTY GEN. RENO: I'll be happy to check and see if there is a person and after the lunch break, if I may, I'll provide you with that information.

REP. ROS-LEHTINEN: Is it possible that you could order someone in your office to look at that review of that drug connection?

ATTY GEN. RENO: If I may, let me see just exactly what's been done, and we will report to you just as soon as possible to make sure that you have the full information.

REP. ROS-LEHTINEN: Would the Department of Justice, based on what you have heard or the Treasury report et cetera, consider drafting guidelines for the identification of drug involvement to prevent the sort of abuse of the system that we saw in this particular case?

ATTY GEN. RENO: I will review it and see just what is in place to make sure that -- but again, my jurisdiction and what I can provide guidelines for is, in effect, limited to the Department of Justice agencies, and I feel very comfortable with our processes. But it's something that we've got to constantly review to ensure that there are appropriate checks and balances, and I will do so.

REP. ROS-LEHTINEN: Do you know if Congress needs to tighten up the definition of drug involvement for the purposes of acquiring military assistance?

ATTY GEN. RENO: I think that from all that I have seen, the law is satisfactory as it is now. But what I will do is again review it to make sure and try to provide you with whatever information we develop.

REP. MCCOLLUM: Ms. Ros-Lehtinen, your time has expired.

REP. ROS-LEHTINEN: Thank you, Madam Attorney General.

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

REP. CONYERS: Thank you, Mr. Chairman. Madam Attorney General, there is a great deal of evidence that this committee has already received indicating that the decision was the attorney general's and the attorney general's alone. And some members cannot accept that you have that much responsibility, especially early on. This was an ongoing event when you came to the attorney general's office. And I don't know, it suggests that perhaps that because you are a woman, that they didn't think that you would be shouldering all this by yourself. Have you had any experience with this kind of attitude before?

ATTY GEN. RENO: The last time I had experience with that was when I was appointed state attorney of Dayton County in 1978. And people would stop me on the street and say they were sorry, but I seemed like a nice girl, but they didn't think I could do the job. After I'd been in office for five months, one of my chief critics in that regard came to see me and said he'd changed his mind. I will tell you that from Chairman Hyde, Chairman McCollum, I don't know Chairman Zeliff as well, and for the members of this committee, they have been nothing but supportive in terms of my capacity to do the job. They may disagree with me on a number of occasions and we will continue to disagree, but they have been very supportive of my ability to do the job even if I am a lady.

REP. CONYERS: Well, I think that -- I think you've held yourself in good stead because you immediately made it clear that if there was any responsibility or culpability to be assigned to anyone, that you would offer your resignation, which was refused by the President of the United States. And I for one, thinking this matter out, think that you made the right decision, and I'm glad you're still on the job, because there's a lot of work to be done. I think that the time that you are here at this particular point in American history gives you a unique opportunity to move on correcting things that still need correcting, and we've been talking about them across already the short period that you've been attorney general.

Now, what about losing the element of surprise as a tactical error? Can you comment on that, and by the way, that wasn't discovered by these two committees, that's been known for quite some time, but how did losing the element of surprise affect the strategy that was employed at Waco, ma'am?

ATTY GEN. RENO: Well, again, as in response to Congresswoman Ros-Lehtinen, I have not delved into the intricacies of what led to the Treasury raid on February 28th, 1993. I inherited that. It obviously had an impact. But I have been very impressed with Treasury's response, it's candid, in-depth investigation. From what I hear, as I indicated to the Congresswoman, people think it was a thorough investigation, and I think it clearly reflects that it had a very adverse effect.

REP. CONYERS: Thank you very much. I was impressed with Chairman Hyde, my friend, reading my comments earlier about this matter. And I'm sorry I don't have his comments, which were very instructive that I plan to bring up on the next round. And they are of such magnitude, I plan to put them in the record. But I yield back the balance of my time.

REP. MCCOLLUM: Thank you, Mr. Conyers. Speaking of Mr. Hyde, he is recognized for five minutes.

REP. HYDE: I just wish the distinguished gentleman would put them on a chart. (Laughter.)

REP. CONYERS: Well the record is quite sufficient, sir.

REP. HYDE: Well, I'm not sure you're serious about what you're saying. Madam Attorney General, reading from the report to the deputy attorney general on the events at Waco, Texas, February 28th to April

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19th, a Department of Justice document dated October 8th, 1993, and turning to page 271. On April 16, Richard met with Hubbell and Carl Stern. According to Richard, Hubbell advised him that the attorney general had disapproved the plan to end the FBI standoff. Hubbell then asked Richard what he thought the FBI's reaction might be. Richard answered that the FBI would not be pleased; that they would nonetheless accept the decision, and that they may then talk in terms of withdrawal. When Hubbell asked Richard if he would like to speak with the attorney general about the decision, Richard declined, explaining he had nothing more to say. According to Richard, Stern commented that going ahead with the plan might be looked down on in the eyes of the public and likened it to Saddam Hussein's gassing of the Kurds.

Richard disagreed with Stern's analogy. A short time after Hubbell spoke to the FBI to report the

decision, Director Sessions, Clarke and Potts arrived in his office. According to Richard, when Hubbell advised them that the Attorney General had disapproved the plan, Director Sessions asked to speak to her. Hubbell left and returned 10 minutes later with the Attorney General, who made no reference to her disapproval of the plan. Instead Reno, who was still not convinced about the timing, requested the preparation of a documented statement describing the situation in the compound, the progress of the negotiations and the merits of the proposal. She asked that the statement be completed by the following afternoon.

Now there is a footnote, number 35, the Attorney General did not read the prepared statement carefully nor did she read the supporting documentation provided along with the statement. She read only a chronology, gave the rest of the materials a cursory review, and satisfied herself that "the documentation was there." Now something caused you to change your mind. Was it Director Sessions? Obviously it wasn't this memorandum because you only -- you didn't really read it, you looked at it cursorily.

I just have two questions. Who convinced you, was it Hubbell, was it Sessions, that you should go ahead with this and give it approval and why didn't you read the documentation, the briefing book that they gave you?

ATTY GEN. RENO: I did not ask for this briefing book, Mr. Chairman. What I had asked -- in the course since I had first been confronted with the possibility that there might be a gas plan the week before, I had been gaining additional information. When the formal plan was submitted to me on April the 12th -- you are aware of the questions that I asked. The first question I asked was about the gas, it's impact on the elderly and the children. I continued to explore that. I listened to how people described how the representatives of the HRT team, how Dr. Salem described its impact and that was of concern to me. I would not like to use it on a child if I didn't find another alternative because it would be uncomfortable. But it would be far better if I could bring those children out than exposing them to danger down the road from suicide plans that Koresh himself had rehearsed. So that was one of the considerations.

I then looked, as I have explained before, because this was a gradual process. I had not decided on April the 12th or on April the 13th what to do or not to do. I just knew I wasn't going ahead at that

point because I didn't have enough information. I've explored with you what I did in terms of identifying the food supply, of reexamining the water supply, of looking to see what had been done about negotiations. With the advent of the letter, which put a whole new twist to it, we started talking about the letter and what might be expected and what they had been able to get out in terms of any tangible evidence that he was indeed going to comply with the terms of the letter, unlike the terms of his March 2nd statement that he would come out when the tape had been played.

When Hubbell came in to see me I had -- at that point was still concerned about where we stood with respect to all of the issues. When I went to see them I walked with Hubbell to his office, where the representatives of the FBI were -- I think it was Director Sessions, Floyd Clarke and Larry Potts -- I don't know who else was there. We talked further, and one of the points that kept coming up was what the HRT team had told me -- I mean the military HRT team -- that 51 days on site you would begin to lose a state of readiness. You should be pulled back to be retrained. As we discussed it what was clear to me was again they were not going to be able to control that perimeter and control the circumstances --

REP. HYDE: You do agree that only one hostage rescue team is not enough, that we've learned that from this event, did we not?

ATTY GEN. RENO: As I indicated to you, and as you -- when we look back to our conversations a little over two years ago -- what I was faced with -- I said why can't we pull the HRT team back and put in a SWAT team. I was told by both the military commanders and the FBI that the SWAT team as it existed at the time was not trained to properly protect and provide the security that was necessary and that they would be reluctant to do that. As you know, one of my first recommendations that I followed through on was to try and enhance the capacity of the SWAT teams that were already in existence to interlink with the HRT team and to expand the HRT team. Because if I had had the expanded capacity -- the very question I asked was can't we put somebody else in there. What about local law enforcement, I asked them about that. Couldn't we go to some of the really good law enforcement agencies in the country and see if they had a capacity to substitute, and was told that that was not the case. So clearly, as I said in my opening statement, one of the recommendations that we have made -- because as you have pointed out, the

administration had asked for additional SWAT teams, and it was immediately approved after this matter had been aired in April of 1993.

But it was at that point in the discussion with Director Sessions, with the other people there, nobody -- no one person changed my mind. It was I was not prepared to move. With the additional statements from the FBI that they were going to ultimately have to pull that HRT team back and that they were reaching the limit, this seemed to be the best time. Not knowing if six days later --

REP. HYDE: In other words, the fatigue -- and I mean that not pejoratively -- of the hostage rescue team, drove you to say it's now or never, so let's do it?

ATTY GEN. RENO: They did not characterize it as fatigue, they characterized it as a need to retrain in terms of the skills and they characterized it as a diminution in terms of skills of judgment, of being on the front line for 51 days. And it was that discussion and the recognition that if I waited 10 days he might carry out what he had threatened to do on March the 2nd, and we would be far less prepared to deal with that than if we did it under our own terms.

REP. MCCOLLUM: Mr. Hyde, your time is expired. Mr. Scott, you are recognized for five minutes.

REP. SCOTT: Thank you, Mr. Chairman. First, looking at the board I think there are some things that need to be clarified. I have before me a document from the administration of William J. Clinton 1993, and I would like to quote some parts of it.

In reference to -- I am sorry -- date of April 19th, 1993. The question is, "Mr. President, did you authorize the move on Waco this morning, sir?" His response, "I was aware of it. I think the attorney general made the decision, and I think we -- I should refer all questions to her and the FBI. "In response to a further question: "I want to refer you to talk to the attorney general and the FBI. I knew it was going to be done, but the decisions were entirely theirs -- all tactical. "

Mr. Chairman, I point this out because the time of this is 10: 58 a. m. , in the middle of the raid. So of course any tactical questions should not be responded to by the President at a press conference in Washington, but by the attorney general and the FBI on the scene.

Later, the next day, April 20th, we have a quote on page 461: "I was informed of the plan to end

the siege. I discussed it with Attorney General Reno. I asked questions I thought were appropriate for me to ask. I then told her to do what she thought was right, and I take full responsibility for the implementation of the decision. " Attorney General Reno, is that an accurate -- as far as you can remember as what happened?The President was asked in the middle of the siege, and deferred questions to you, and that's what's kind of up there?But as soon as the siege was over he took the responsibility that everyone in the administration has agreed that he did?

ATTY GEN. RENO: I think this is one of the most curious issues to come in here, because I think the President of the United States did absolutely right. He was asked - - he asked to be informed of a person whom he had not nominated as attorney general to be kept informed, he knew that he would be informed if plans changed. We informed him. He did not intervene in law enforcement issues except to ask good questions, and to make sure that we had explored every opportunity to resolve the matter peacefully. He was concerned. He left the tactical decisions to us. And I just want the American people to understand how important it is. If the President of the United States is going to be involved in, and taking operational responsibility for law enforcement actions, that's just inconsistent with what we should be doing in this country to provide for an appropriate balance, where Congress and the executive conduct in the policy decisions, the operation decisions, but law enforcement is done without regard to interference from the outside. And he just did the right thing.

REP. SCOTT: And --

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ATTY GEN. RENO: It has been puzzling to me, because some people say the President didn't take enough responsibility, and then during the course of these hearings other people have said he exercised too much responsibility. I think he did just right.

REP. SCOTT: And was there any -- would it have been appropriate for him to answer technical questions in the early stages of the siege itself?

ATTY GEN. RENO: If I had heard that he was doing that, I would have been on the phone telling him to please, please, please don't say anything while we have a very sensitive operation under way.

REP. SCOTT: Thank you, attorney general. On another subject, the reaction of some of the Davidians in other incidents that have occurred have led some to believe that there are groups of Americans that have lost confidence in law enforcement. Senator Bradley last week mentioned the case of an African American law student in Los Angeles who was stopped for no apparent reason, handcuffed, but subsequently released. You are aware of other indignities that many of our law-abiding citizens suffer if they happen to fit a drug courier profile, where innocent people who happen to fit a demographic profile are stopped to be searched. Law-abiding citizens and some gun -- who own legal firearms, ought to feel secure that law enforcement personnel will not stop them and search them or invade their homes.

Historically the only defense that we've had against this is law-abiding citizens -- against -- the only defense that law-abiding citizens have against these illegal searches has been the Exclusionary Rule, that provides that the results of an illegal search cannot be used in a trial. Law enforcement officers therefore have no incentive to make illegal searches, no incentive to invade the homes of law-abiding citizens, because even if they found something they couldn't use it at trial. During these hearings, we have heard from law enforcement officers who have said that they can enforce the law without breaking the law. We have heard the head of the ATF say that he is a strong supporter of the Exclusionary Rule. And we heard the former director of the FBI -- said that if there are any problems in complying with the rigors of the Exclusionary Rule, that the standards of law enforcement should be enhanced, not important standards of the law diminished to accommodate law enforcement personnel. He specifically criticized excusing so-called good faith illegal searches.

In spite of the strong support for the Exclusionary Rule, we've also received testimony that the watered down Exclusionary Rule has made it -- has not been the strong protector for innocent people that it traditionally has. So my question, Attorney General Reno, in light of the strong support we've heard for the Exclusionary Rule, including high-ranking career law enforcement personnel, can we get the support of the administration for the strongest enforcement of the Exclusionary Rule, so that law-abiding citizens can have appropriate confidence that they will not be stopped and searched or have their homes invaded when they have committed no crimes?

ATTY GEN. RENO: As a prosecutor for a number of years, and now as attorney general, I support the Exclusionary Rule wholeheartedly. I had the opportunity to serve on a committee of the American Bar Association that addressed the issue. And the Exclusionary Rule in the eyes of law enforcement has been a very helpful tool in terms of ensuring professionalism and appropriate regard for the Constitution.

REP. SCOTT: Thank you.

REP. MCCOLLUM: Thank you, Mr. Scott. Your time has expired. Mr. Clinger, you are recognized for five minutes.

REP. CLINGER: Thank you, Mr. Chairman. Thank you, Attorney General Reno for being here today to discuss these very serious issues. I just have a couple of comments and then a question. I think returning to the question about the use of the tank, I can appreciate the statement that the tank was used as a defensive means of protecting agents who were involved in that raid. But I think you would agree that if you were on the inside of the compound looking out you might not have had quite such a benign view of that tank, nor would you have been aware that the tank was not armed, that in fact it was -- it would look like a very, very menacing, I think threatening piece of equipment coming at you. So I think it really depends on your perspective as to the tank. Obviously, one of the reasons for these hearings is because the credibility, the effectiveness of law enforcements -- federal law enforcement has been called into question by a number of event. And I think, obviously, one of the purposes of these hearings is to try to identify those areas that need to be changed, corrected, reformed, in order to restore credibility in federal law enforcement. I think that is a mission that we are all -- we all can share.

I think that, largely, these criticisms have been leveled at the ATF, but there have been some to the FBI as well. And most recently, the question of the credibility of the report that was done with regard to the Ruby Ridge situation. And I just would ask you, up front, General Reno, because there has been serious questions raised about that report and about the activities of the people doing the investigation -- and it is now being re-investigated -- do you anticipate that that report will be forthcoming soon? That is, the re-evaluation of the events are Ruby Ridge?

ATTY GEN. RENO: With respect to your first issue about the tanks and the menacing quality --

those tanks had been around. People knew about the tanks. I think they were very accustomed to the tanks, at that point. And in the early morning -- as I think Mr. Sage has told the committees -- Byron Sage specifically announced that there was going to be an insertion of gas, that they would not be fired on, that they had an opportunity to come out, that they could come out peacefully, where they would go, how they would come out. They were given an opportunity to come out. They were not fired on.

And I think that it's clear that -- in those situations where they have killed four law enforcement agents, where they have wounded 15 -- that to expose FBI agents to danger unnecessarily would just be wrong. I think it provided the proper balance.

REP. CLINGER: I agree.

ATTY GEN. RENO: With respect to Ruby Ridge, we have conducted an extensive investigation that is still ongoing. The local prosecutors -- some state statutes may -- statutes may differ from federal statutes -- has asked for the opportunity to pursue the matter without us commenting on it. And as soon as I am able to -- consistent with his investigation and consistent with the ongoing investigation -- I want to do everything I can that's proper, under the federal privacy laws --

REP. CLINGER: To do it.

ATTY GEN. RENO: -- to make the information available.

REP. CLINGER: You don't, at this point, have an end date in view as to when this might occur?

ATTY GEN. RENO: No, sir. I don't.

REP. CLINGER: Okay. Thank you. I may have a little different perspective on what we're doing here, because I think one of the charges we have in the Government Reform and Oversight Committee is how we can in fact reform government, how we can downsize government, how we can make it more efficient and more effective. So, I want to talk to you a little bit about the organization and structure of the nation's law enforcement agencies -- because that has been called into question. As I say, their credibility has been under attack.

We've heard testimony that, while the ATF was conducting what turned out to be the largest law enforcement raid in the nation's history, their boss -- who would be Treasury Secretary Lloyd

Bentsen -- was in Europe at a G-7 meeting. And I'm not in any way criticizing him for doing what his primary responsibility is, which is to -- as the Treasury Secretary -- being at those meetings. But I think it does make me wonder why the federal government's police force -- which is very highly visible -- is located at the Department of Treasury. I don't think that it's necessarily a very high item -- a priority item -- with the secretary of the Treasury. I don't think it should be, I mean. And therefore, I think the question arises, you know, is that a proper place for the nation's police department to be.

I also remember early suggestions by the National Performance Review that some law enforcement agencies should be consolidated, and that the recommendation was then rejected. My question is this, have the events at Ruby Ridge and Waco and the two years that have transpired since those events given you any thoughts about the reorganizing of the federal law enforcement agencies? It just seems to me that -- particularly, the ATF perhaps has not received the close supervision in the Department of Treasury, which has given rise to the charge that it's a rogue elephant of law enforcement. Wouldn't it be better to have that really under the purview of the department that is most intimately involved with law enforcement and with the federal judicial system?

ATTY GEN. RENO: As you will recall, not only is -- I mean, Treasury has two very fine law enforcement agencies, both Customs and ATF. One of the things that I resolved when I came to Washington was to try to avoid turf battles. I didn't come to Washington to take over other people's territories. I came to Washington to work together, to make sure that we coordinated as thoroughly as we possibly could, and that there were steps to be taken within the Department of Justice.

We developed the Office of Investigative Agency Policy that has taken some giant strides -- with Director Freeh and Administrator Constantine's leadership -- in bringing the Justice Department agencies together, in close coordination. And I'm very proud of that effort. But we've reached beyond that, and we have worked with the Treasury Department -- having meetings and working together on matters of mutual concerns, so that there is coordination. And that is the way that I have proceeded.

REP. MCCOLLUM: Mr. Clinger, your time has expired.

Mr. Lantos, you're recognized for five minutes.

REP. TOM LANTOS (D-CA): Thank you very much, Mr. Chairman.

Let me begin by saying, Madam Attorney General, that you exude a degree of sincerity and decency and competence and compassion that makes all of us very proud to have you as our attorney general. You are a terrific role model for millions of young women who aspire to public service.

I have taken it upon myself to try to give both the events and this set of hearings some degree of historical perspective. And over the course of the last few days, it's become increasingly clear to me that the historical parallel to Waco is, of course, Jonestown. A charismatic, criminal, deranged cult leader causing the nightmarish death -- in this case -- through self-immolation of a large number of American citizens.

But I also think it's important that we look at the hearings in historical perspective, because hearings are a very important part of this Congress -- of any Congress. Every time we hold a set of hearings, we, ourselves, are on trial. So, what is the verdict with respect to the hearings? And it's a mixed verdict.

I want to pay tribute to Chairman McCollum for the degree of objectivity and fairness with which he conducted his portion of the hearing. And I want to pay tribute to him for being man enough to state the obvious facts. I quote from, I believe, yesterday. It was Chairman McCollum who said, he believes the hearing "should close the book on speculation about how the fire was started." And I'm quoting him directly.

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"It seems very apparent to me the fire was started inside the compound by Davidians," end quote. This is a responsible, intelligent, and obviously factually accurate comment.

But I must say that in part these hearings are eerily reminiscent of the McCarthy hearings of the 1950s that some of us are old enough to remember. Senator Joseph McCarthy usually would call a press conference prior to his hearings to inform the press in advance about what would be established in the hearings, and the press dutifully reported Senator McCarthy's claims. When the actual hearings were held, the witnesses did not say what Senator McCarthy said they would say

or what he wanted them to say. But the press had already reported his charges.

Now, it seems to me that in a number of instances we have had very significant parallels to the McCarthy hearings. Contrary to Chairman McCollum's conclusion, I believe a day or two ago our other chairman stated, and I quote, "We killed over 80 people. "Well, "we," presumably meaning the government. It is not the government that did it. It is Koresh that did it. And I think it's extremely important, as Congress attempts to rebuild its reputation, that all of us in this body act with a degree of responsibility.

In this connection, I ask unanimous consent to place in the record a letter from the distinguished judge, the White House counsel Mikva, to Mr. Zeliff which states in the opening paragraph, "I am writing in response to your comments on Meet the Press regarding the president's involvement in events at Waco. Your comments were nothing short of irresponsible, intent on creating a story without any news and alleging a scandal without any basis. "

Madam Attorney General, I would be grateful --

REP. MCCOLLUM: Without objection, it will be --

REP. ZELIFF: Would the gentlemen yield just for a 30-second response?

REP. LANTOS: I would like to finish asking my question.

REP. : I object to that, Mr. Chairman.

REP. LANTOS: Let --

REP. : (Inaudible) -- designed to embarrass Mr. Zeliff, and I'm going to object to that and place it in the record.

REP. LANTOS: Mr. Chairman, I think it's my time.

REP. MCCOLLUM: Objection has been heard, I'm sorry, with regard to the document.

REP. LANTOS: May I finish my question?

REP. MCCOLLUM: You may finish your question.

REP. LANTOS: Thank you. Madam Attorney General, would you draw your view of the historic parallel between Jonestown and Waco?

ATTY GEN. RENO: Each situation is going to be different, Congressman. In one situation it may

be one group; in another, it may be somebody with particular ideas. We have got to learn from each experience. And one of the steps that the FBI has taken is to try to develop, in the process of composing a critical incident response group, the capacity to learn from Jonestown, to learn from Waco, so that we build on our experience to do everything we can to avoid such a tragedy for the future.

REP. LANTOS: Thank you very much.

REP. MCCOLLUM: At this time, your time has expired. Mr. Schiff, you're recognized for five minutes.

REP. SCHIFF: Thank you, Mr. Chairman. Madam Attorney General, I'd like to ask you first -- you've now been here for some time this morning -- have you in any way felt treated unfairly at this hearing this morning? Have you felt that you're being the victim of any kind of McCarthyite tactics or anything like that?

ATTY GEN. RENO: No, sir.

REP. SCHIFF: Thank you very much. Madam Attorney General, I said earlier and want to re-emphasize that in fairness to you and to the Department of Justice, by the time you got involved the siege had already started, the raid had failed, because the raid was launched by the Bureau of Alcohol, Tobacco & Firearms, which is under the Treasury Department. And I bring it up again because Representative Ros- Lehtinen asked you several questions about misrepresenting to the military the fact that -- the claim that this was a drug-related raid when it was never originally a drug-related raid. It was always a firearms violation raid.

I want to say that was done by BATF also and not by anyone in the Justice Department. I think it's significant, though, because I think it shows that the BATF so desperately wanted the military training that they misrepresented the facts of the raid to get the training, at least without reimbursement, because they wanted this to be a military-assault kind of operation. And safety factors for all considered didn't matter to the agency, including safety of their own people.

Madam Attorney General, having recognized that you got into a very difficult, inherently difficult situation, as has been stated, I think there are some legitimate questions that we might ask you about. One is, you stated that your first concern was about the effects of CS gas that were used. I

think that's an understandable concern. I asked all of the witnesses who testified as experts about CS gas, did they know any precedent anywhere in the world where there was a plan to pump CS gas into a building for 48 hours straight, which was part of the FBI's plan, and they all answered no.

And I asked the witnesses, did they know of any precedent anywhere in the world for the deliberate insertion of CS gas into a building for any length of time in which there were children, and particularly infants, present, and they said no. And I'm wondering if, when you were being advised about CS gas, if you asked that question about "Has this been done before as the FBI wishes to do it in this case"?

ATTY GEN. RENO: We explored it because I was trying to see whether there were other circumstances. I don't think that I learned of any other circumstances in which a similar situation was involved. And so I don't think that we were able to find any precedent for it.

REP. SCHIFF: Wouldn't that kind of indicate that there could be a problem with that plan if you can't find any precedent for it?

ATTY GEN. RENO: One of the points that we tried to address was, did we have any record of it? Did we know anything? We went to everything that we could find. I consulted with Dr. Salem. He consulted with or talked to a pediatrician, as I understand it, trying to see what we knew, coming to the point that, considering everything, considering the fact that they had rehearsed a plan to come out with explosives on them, blow themselves and agents up and others commit suicide, how could we best control it, under what circumstances.

And taking everything into consideration, I made the best judgment I could based on the information that we had available and with the understanding -- because I've gone back and double checked this. One of the things that I want to try to do is to make sure that if new information is developed, we pursue it to see how we can learn from what we have done to avoid a problem for the future.

We brought in the British experts to make sure that we had outside judgments to see, to look, to explore, and they confirmed that the amount of gas, as I understand it, coming into the compound during that six to seven hours, was more than within safe limits. We will continue, as I said in my

opening statement, to review all non-lethal capacity to end situations like this in the most peaceful manner possible.

REP. SCHIFF: I just want to say it's more than interesting to me that we asked the British, who use CS gas, their view of this plan by the FBI, and they've never done this plan in their history of using CS gas. My time is almost out. I'd like to ask, were you aware that the FBI had kind of contingency plan that if the -- if the initial insertion of gas didn't work, they would try to rush the situation at one time?

ATTY GEN. RENO: This raises the point that Chairman Hyde was making, because of what I -- the question of what I was aware of. I had asked, as we went through that week, for them to prepare a statement reflecting what I had been briefed on so we would have a record of what I knew. It's been referred to as a briefing book. I've used it and had it prepared as here's what we've done. I think it clearly reflects that if they were fired on, they were going to continue to try to insert the gas in a more overall way to make sure that we tried to resolve it.

And, again, from what I understand -- because the question has been raised, both from Dr. Salem and from the British experts -- we did everything we could to make sure that the amount of gas involved over that six- to seven-hour period that morning -- I can't remember the exact time -- was well, well, well within safe limits. That is what is so important in terms of trying to understand. You say the British have never been confronted with something like this before. Very few people, I suspect, ever have ever been confronted with something exactly like we were confronted with.

REP. SCHIFF: Thank you and --

REP. MCCOLLUM: The gentleman's time has expired. Mr. Watts, you're recognized for five minutes.

REP. J. C. WATTS (R-OK): Thank you, Mr. Chairman.

Madame Attorney General, I would like to use my time as I have throughout this hearing over a series of days in this hearing to try to emphasize the things that we as a nation and as a government learned from this experience not in an effort to second guess what has happened, but to inform us in a way that if we ever are confronted with this kind of situation again, we can handle it better, we

can be more compassionate, the public can -- can have more confidence that the government is operating efficiently and compassionately and with the best integrity it can.

And in that respect, I want to extend my sincere compliments to you for spending two entire -- almost two entire pages in your presentation dealing with things that you have implemented in response to the lessons learned at the Waco incident, and I want to get to asking you a couple of questions about those incidents, about those recommendations, but there are two things factually in the rest of your statement that I don't believe I was aware of that I'd like to ask you about and ask you to give me a little more information.

On page 1, in the second paragraph of your presentation, you talk about the fact that the FBI showed Koresh's April 14 letter to an expert at Syracuse University, who concluded it was another ploy, another delaying tactic, and I'm wondering, first of all, what process that person went through, who that person was, and how they could make that determination just from looking at his letter.

Second, on page 3 of your presentation, you -- this sentence appears: "The perimeter was becoming increasingly unstable, with frequent reports of outsiders, including at least one militia group on the way either to help Koresh or attack him," and I'm wondering if you could give us a little more information about that militia group that might have been inserting itself into this. What information do we have about that?

ATTY GEN. RENO: Thank you, sir. With respect to Dr. -- sadly, Dr. Murray Myron passed away just very recently, but my understanding is, and I was advised at the time, that he had been continuously employed as a contract consultant to the FBI on retainer for the past 18 years. He had extensive experience in negotiations and had assisted in negotiator training. He had assisted the FBI in the Atlanta homicides and the Resso (ph) kidnapping. He was apparently one of the country's experts in how do you try to resolve these issues, and the FBI had relied on him a great deal.

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He presented a report right at the time discussing in detail -- and we'll be happy to make sure that everybody has a copy of the report; I think that --

REP. WATTS: Yes, I'd like to take a look at that. Can you move on to the second issue, because I want to ask a question about what you're doing prospectively looking forward.

ATTY GEN. RENO: Okay. With respect to the second issue, there had been two intruders into the compound. We had received information concerning a militia that might be coming to assist Koresh, and there were general concerns about the perimeter, remembering that one of those weapons could fire a distance of from here to the White House, as it was -- I asked them what is the distance that a big weapon could fire? And from here to the White House, and so they were very concerned about the perimeter.

REP. WATTS: Was there specific information about a particular militia group that you are able to make available to us, or --

ATTY GEN. RENO: Yes, and the name of it -- I wanted to make sure I had the exact name -- it was the Unorganized Militia of the United States. The call had gone out nationwide from an attorney for armed people to come to Waco.

REP. WATT: Thank you, Mr. Chairman. I'll pursue the other line in the second round.

REP. MCCOLLUM: Thank you, Mr. Watt, your time has expired. Mr. Ehrlich, you're recognized for five minutes.

REP. EHRLICH: Madam Attorney General, we appreciate your being here today. I have a couple of very specific questions. You understand time is short; I'm going to ask them pretty quickly here. With respect to the element of child abuse, I'm firmly convinced that gross abuses of children occurred in that compound prior to the first raid. My question to you though is, specifically after the initial attack, during the siege, were you relying on any firm pieces of evidence regarding continuation of child abuse by Koresh against those kids? And if the answer's yes, did that play -- was that element in your ultimate decision to proceed with the raid, the second raid?

ATTY GEN. RENO: The factor of child abuse was -- because we had clear information that there had been allegations of child abuse that had occurred before the raid, and I heard and understood during the course of the briefing that he was beating the children at the time. I asked, is he beating the children? And going back over it with the FBI, what they had understood was that we had

evidence of those that had come out; that there had been beatings, and they expected that they were continuing. What prompted me, for example, Dr. Perry testifying before you said that two of the children who had come out after the raid had physical lesions on them from the beatings that they had received. And so it was this continuing feature, and the fact that he had sexually abused the children according to the best information we could gather; that there was evidence of this physical beating, that was clearly one of the factors I considered.

REP. EHRLICH: Alright that's the answer to my question. Also, did the element of sexual child abuse enter into it as well?

ATTY GEN. RENO: Yes.

REP. EHRLICH: Secondly, expanding upon your -- the new information actually for me, with respect to these unorganized militias and the call that went out, I guess I have two real short questions. One, it seems to me it should have been relatively easy to secure a perimeter around the compound given the amount of agents and personnel there. I'd like you to comment on that. Secondly, with respect to this particular plea that went out to the Unorganized Militias of the United States, did you have any evidence at the time that that plea had actually been acted upon?

ATTY GEN. RENO: I did not have any evidence that that plea per se had been acted upon. We had had people who had come into the compound, and I can provide whatever information that was available, and we will have that available for you. With respect to the security of the perimeter, this troubled me. I had the same reaction with a number of FBI agents on the scene, with the Texas Rangers, with local law enforcement, why can't we ensure the security of the perimeter? It was explained that the HRT team was highly trained; they were sharpshooters. They explained to me the weaponry that they expected that Koresh had, the distance it could shoot. And I said, but if we have to pull the one HRT team back, can't we put in a SWAT team? It was interesting to me that both the commanders from the military HRT team and the FBI said that they could not ensure a perimeter with the same security if they used the SWAT team. And that was, frankly, a surprise to me. As I have now had the opportunity to see in my visits to the critical incident response at Quantico, the SWAT teams -- their training has been enhanced so that they could link now with the HRT team. But I went through exactly the same process as you in trying to understand it.

REP. EHRLICH: Finally, I have a lot more questions, and this is a very tough way to proceed as you know, but my last question really is, God knows, you've been introduced to politics during your time in Washington. You've heard various accusations back and forth concerning the purpose of these oversight hearings, and my question to you would be, do you think, in your personal opinion, that these ten days of hearings have served an appropriate and responsible purpose on behalf of the American people?

ATTY GEN. RENO: I haven't been able to follow the hearings in great detail. But as I told Chairman McCollum when he and I talked early on, I would always welcome the opportunity to answer any question that I can about this. I have said from the beginning that I'm accountable, and I welcome this opportunity to exchange this information with you.

REP. EHRLICH: Thank you.

REP. MCCOLLUM: Thank you, Mr. Ehrlich. Mr. Wise, you're recognized for five minutes.

REP. WISE: Thank you, Mr. Chairman. Before I turn to Attorney General Reno, I just have a regret that Mr. Barr saw fit to object to Mr. Lantos introducing a letter from the White House. I regret that simply for the reason that there have been allegations made about the White House involvement or lack of involvement. There were statements made on a national television show by Chairman Zeliff this Sunday.

They were again raised, although in a milder form, in his opening statements, and I would think that the White House response to what has been put in the record by the other side would be something that everyone would think ought to be in there simply for fair play. But since apparently it's not going to be, we'll have to get that letter out in other ways. And I just think it also reflects badly because I think this committee has been fairly open on both sides about permitting things to be in the record, particularly documents coming from officials.

Now, Madam Attorney General, I would like to, if I could, hop around quickly to some points that were covered and maybe see if some I's could be dotted and T's crossed. The question was raised about the role of Assistant Secretary Altman who was a Treasury Department official and whether or not he had been involved in a briefing prior to the FBI's insertion of gas at Waco. And you had

testified that you did not believe that he was involved in a briefing that the Justice Department performed. My question is whether you know of whether or not Mr. Altman or Mr. Noble, another Treasury Department official, were involved in any way in the briefings that were taking place by which they were preparing you in the days leading up to April the 19th.

ATTY GEN. RENO: They were not involved in my briefings. Again, I was just referring to the document. It indicated that he had walked away from a briefing. But I think it is important to put into context just what was done there. When I first considered it, I had the same concerns and continued to have the same concerns. I stayed awake at night trying to figure out what was the right thing to do; what about the children. And I weighed all the factors that I'm sure Mr. Altman didn't have, and I think it's perfectly natural for him to have been concerned. I was concerned. I think we were all concerned about what Koresh might do.

REP. WISE: That gets to my second question, which gets to the knowledge that you acquired that perhaps he did not have. Do you have any knowledge of whether or not he was present for any briefings, for instance, by Dr. Salem, who was the military expert on CS gas who did advise you?

ATTY GEN. RENO: I have no knowledge that Mr. Altman was briefed by Dr. Salem, but I don't know that one way or the other.

REP. WISE: But at least Mr. Altman was not present at any briefing you were in by Dr. Salem?

ATTY GEN. RENO: That is correct.

REP. WISE: There's been a lot of concern, understandable, expressed about the role of CS gas, particularly with children and the elderly, and you've addressed that extensively. I'd like to point out that at the table where you are sitting now, when we had the panel on CS gas, and there were numbers of witnesses, there were only two at that time who were certified experts in CS gas, the two gentlemen from England. The others were there but had not that as a particular area of expertise. One was a chemist, one was a toxicologist with EPA -- not officially there, I might add -- but no one had had that experience. The only two certified experts, and then Dr. Salem himself the next day testified that they thought it was appropriate and that it was not injected in any kind of lethal amounts.

I'm just curious as to the follow up that you did afterwards and the review that you did afterwards.
Did you see anything that caused you to question that?

ATTY GEN. RENO: What we did afterwards, as you know, is asked for a number of experts, including Dr. Stone from Harvard, to look at what had been done. We asked Dr. Stone to be involved to look at our negotiations and how to resolve conflict, but he, being an MD, also commented on the gas, and this was our expert bringing it forward.

I asked that that be pursued to see, since he was not a toxicologist but he was an MD, whether -- how the FBI should consider the use of gas in the future.

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We have talked to all the experts that we can identify as really having solid, substantive knowledge about the effects of gas, and I am going to continue to do so, as I mentioned earlier. Our effort is to try to identify, through technology, every nonlethal, non-harmful means we can use to resolve conflicts like this in the future, and we'll continue to do that.

REP. MCCOLLUM: Your time --

REP. WISE: Thank you, Madame Attorney General.

REP. MCCOLLUM: -- has expired, Mr. Wise. Mr. Coble, you're recognized for five minutes.

REP. HOWARD COBLE (R-NC): Thank you, Mr. Chairman.

I think it's unfortunate, indeed, that this hearing has been compared with the McCarthy hearings. I think that comparison is not well founded at all.

Madame Attorney General, good to have you with us. Throughout history a common thread has revealed man's reluctance to admit mistakes. I detect the presence of this thread in the Waco scenario. The Treasury and Justice departments submitted their respective reports in the wake of Waco. Treasury almost dutifully accepted the blame on behalf of ATF. Justice, conversely, exonerated the FBI, so we have one federal agency admitting mistakes, a second federal agency riding off into the sunset with the hero's cloak about its shoulders.

When you first appeared before the House Judiciary Committee, Madame Attorney General, I said to you at that time that it appeared to me that everyone who touched the ball fumbled it, the Justice Department report notwithstanding. Offensive activities and conduct apparently were conducted

within the confines of Mount Carmel, while a flawed execution of the raid occurred beyond its confines. That's the way I see it. How do you see it, and what would you say to us, Madame Attorney General, in the way of suggestions to preclude a duplication of Waco?

And, Madame Attorney General, before you answer that, let me say this. It was a close call. We are applying 20/20 hindsight today, a luxury not available to you at the time, so let me hear from you.

ATTY GEN. RENO: Well, I sure didn't ride off with a cloak around me, because I sure have gotten beat up along the way.

REP. COBLE: Well, I don't suggest that you -- that the cloak was around your shoulders.

ATTY GEN. RENO: Well, I don't know who had it, but the FBI and I have held ourselves accountable. We have been available to answer questions, and we're going to continue to be, because, as I told you and other members of the committee back in April of 1993, I struggled over this decision. I don't know, and I respectfully suggest you don't know and I don't think any member of this committee will know what the right answer was. If we had waited 15 days, he might still have been working on the seal and he might have gotten fed up and executed the plan that he rehearsed March 2 by putting on explosives, come out, and blowing up FBI agents and committing suicide himself, and then you'd have me right here, sitting here asking me why I hadn't moved earlier.

What we tried to do -- I looked at the conduct of FBI agents. I found men who spent hours and hours and hours, men and women, trying to figure out how this matter could peacefully be resolved. I found people making their best judgment doing the right thing against a situation where you and I still don't know what the right answer is.

So the suggestion that they be disciplined for trying to do the best they could with the information they had about a man like David Koresh I think is -- is wrong.

REP. COBLE: Well, I'm not suggesting that.

ATTY GEN. RENO: Okay. But what we've tried to do -- and I don't know whether you were here for my opening statement -- was to look at what we could do for the future. One of the questions

raised by our experts was was there a sufficient cohesion between the negotiators and the people, the tactical people on the scene? We have now created a crisis instant response group, where negotiators are trained with the people in operations so that there is a partnership, a team.

One of the concerns, as I expressed to Chairman Hyde, was the fact that there was not another HRT team that I could put in place. If I'd had the second team or if I had the circumstances with the SWAT teams' training enhanced, I could have moved them in and I would have waited. That was one of the features.

The whole question that -- we have tried to do everything we could to try to gather experience based on Jonestown, based on other similar experiences so that we will have a data base. We are trying to do everything we know how to be as prepared as we can for the future.

REP. COBLE: I thank you for that. Mr. Chairman, I missed the attorney general's opening statement because I had to attend another hearing. And good to have you here, Madame Attorney General.

ATTY GEN. RENO: Thank you.

REP. COBLE: Thank you, Mr. Chairman.

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

REP. GENE TAYLOR (D-MS): Mr. Chairman, if you don't mind, I'd like to reserve my time.

REP. MCCOLLUM: Ms. Lofgren, would you like to be recognized?

REP. ZOE LOFGREN (D-CA): Thank you, Mr. Chairman.

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

REP. LOFGREN: Attorney General Reno, I am very glad that you're here today and I'd just like to say that although I'm new to the Congress, I've been watching you and I'm proud that you're our attorney general.

You are tough, smart and, most important, you have a lot of integrity and honesty, and serve our country well as a consequence.

One question I had earlier in the hearings, I wonder if you have the figure: What was the siege costing a day? Do you have a figure on that? Or, if not, can you get --

ATTY GEN. RENO: We can provide you with the figure. But, congresswoman, one of the things that I thought about --

REP. LOFGREN: I'm not suggesting --

ATTY GEN. RENO: Okay, people --

REP. LOFGREN: -- the fact, I just wanted to know.

ATTY GEN. RENO: And I almost purposely didn't look at it, because people would stop me on the street and say, "You're just spending money. "And I made a promise to myself that I wouldn't put the money issue up as a factor when I had the lives of the children and the innocent people --

REP. LOFGREN: Now, I understand that, but I am interested. And if you could get that figure, it would be appreciated.

ATTY GEN. RENO: Well, I don't have it. When we come back after lunch I will have that figure for you.

REP. LOFGREN: Thank you very much. You know, I've been thinking a lot. This is now our tenth day, and I've been thinking in some ways of an analogy where you have a man holding an infant standing on a bridge, and the police officer comes up and tries to talk the man into letting the child go, and after an hour lunges to grab the child, and the man jumps off into the bay, killing himself and the child. Is the police officer responsible for the death of the child? And in some ways I think of the Waco situation in that matter. Do you think that's an unfair analogy?

ATTY GEN. RENO: I think all people in law enforcement, because most of my experience was in local law enforcement -- police officers have to make some of the hardest decisions in the world. They've got one of the most difficult jobs there is. How do you enforce the law, protect human life, protect the people that you are trying to apprehend? It is so difficult. What is the right move, what is the wrong move? When do you shoot? When do you not shoot? There are some police officers who clearly exceed those bounds, and they should be held accountable, and I have had held them accountable. I have had to prosecute a police officer in a situation of a shooting.

But the most -- one of the great experiences for me has been to travel across this country and talk to

sheriffs, deputies, from small counties, from urban police officers, from FBI agents, ATF agents, who care so much about their country -- so much about doing what's right -- and sometimes they just don't know what the right answer is, because they're dealing with a person that neither you nor I can fully comprehend.

REP. LOFGREN: You know, earlier a couple of the more senior members mentioned Jonestown, and that reminded me -- many, many years ago I worked on the staff of Congressman Don Edwards, and I remember very well the time of Jonestown, and Congressman Edwards considered going down to Guyana. The State Department did not want any of the Congress members to go. Congressman Ryan felt that he should go, and then in the end, much to our relief, Congressman Edwards decided not to go. Of course Congressman Ryan lost his life. My contemporary, Jackie Spear, who was a lawyer on Leo's staff was terribly injured, and suffers to some extent to this day. Our constituent's son died in the mass suicide in Guyana.

And as I thought about that, and the MOVE situation in Philadelphia, and also the situation here in Waco, one theme that does sort of jump out at me is the presence of systematic abuse of children. And I'm thinking ahead if there is something that we can do that is very useful out of this hearing -- and you've done many things in your department to learn all the lessons that are possible -- how could we become alert as a nation to the creation or growth of violent cults, so as to have an early intervention system? And I realize that we must be very careful, because we believe in freedom of religion, even if a religious belief is out of the mainstream. People have a right to their beliefs -- I feel that very strongly. And yet violence and cults are different.

And it does seem to me that a trend, or at least one common theme is child abuse -- in this case, and in the case of Waco, both physical and sexual, and in the case of Jonestown probably both physical and sexual, and in the case of MOVE probably primarily physical. Have you given any thought to how we might organize nationally to become alert to those types of situations as they develop, so that early interventions could be made appropriately and the kind of situation where you found yourself, where really there was no answer that was readily apparent, this could be avoided?

ATTY GEN. RENO: I think it is very important to recognize one of the critical points that you

make, that we can't generalize. Before we take action we have got to make sure that there is a basis for action. And just because somebody has a different religion or a different group interest, that that's not a subject for the federal government or for law enforcement to be involved in.

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But I think the investigation of child abuse is one of the most difficult investigative efforts there is, and it is something that we need to continue to develop expertise in: How are children interviewed? How can we arrange settings where they do not feel threatened? It is a very difficult issue, but I think it is imperative that we pursue that. And our Office of Justice Programs is working with others around the country to make sure that we do everything we can from a federal perspective, recognizing that many of these issues are matters of local law enforcement, to support and assist those efforts.

REP. MCCOLLUM: Ms. Lofgren, your time has expired. Mr. Buyer, you are recognized for five minutes.

REP. BUYER: Thank you, Mr. Chairman. And welcome, Madam Attorney General. First of all, let me personally say to you a deep, profound I have for -- in a town where no one wants to claim responsibility that you stepped forward immediately, and I think that says a lot about your character. I can't -- I've been a military officer now for 15 years, I've been a prosecutor, I've been a defense lawyer: I cannot disconnect myself from those life experiences. Not long ago, when I was up at Carlisle, Pennsylvania -- went to the Army War College -- they gave me a staff ride out at Gettysburg. And I'll never forget the sense of standing there, where Lee sent Pickett out, and when Pickett came back, some reference about "Where are your forces?," and he says, "Sir, I have no division." Robert E. Lee immediately said it was my fault. And I've never been able to get out of my mind the vision of the President of the United States getting in a limousine where he says, you know, "What's your immediate response to Waco?" "Well, call Janet Reno -- it was her decision," as he gets in and drives off. It's very difficult for me to flush that out of my mind, but I've been remaining objective.

You see, I understand, Ms. Reno, whenever there is an assignment, the assignment to lead a mission consecrates every effort to the fulfillment driven by a profound conviction of duty. And

the dignity of the situation is controlled by an instinct -- an instinct of proportionality. And that instinct, though, is also his common sense.

And the proportionality question I'm going to ask you is because I know that your Justice Department had prosecuted -- actually sought the prosecution of civil rights for those involved with Rodney King.

And so, my question to you, did you give proper attention to the question of civil rights of those who were inside the compound? And I'm just curious, in your briefing book, was that covered? And I'd appreciate your response to that. And then I've got an immediate question about the HRT team. Thank you.

ATTY GEN. RENO: First of all, I often wonder what would have happened if Stonewall Jackson had still been alive at Gettysburg.

REP. BUYER: I think you're right on that one. But we can talk about that at another time.

ATTY GEN. RENO: One of the things that I've learned in Washington is don't ever make a comment to a television reporter as they stick a television camera and a microphone in your face and say, ra, ra, ra, ra, ra, ra, ra. (Laughter) Just tell them that there are times and places where it's more appropriate.

I just think the president of the United States has done a splendid job in assuming responsibility by recognizing what his attorney general has done, while at the same time making sure that there was not White House interference with a law enforcement decision.

With respect to proportionality, I spent hours trying to figure out how I could hold David Koresh and the people who killed those four ATF agents and injured 15 accountable, while at the same time protecting the interest, the lives, the civil rights of innocent children and those that may have been held against their will.

But based on what I had seen, what I needed to focus on most was the children -- because it appeared that all other who were, in any way, there against their will had come out.

REP. BUYER: The reason I asked that question, because it's very bothersome to me when I hear the president say that there's no moral equivalency. And that's bothersome to me, because the ends

does not justify the means in a lawful society. So, in your briefing book -- that was my specific question -- your briefing book, did you receive anything from your Civil Rights Division? Yes or no?

ATTY GEN. RENO: You keep referring to the briefing book, and, as I was going to tell Chairman Hyde, this was a book that I had prepared so that it could --

REP. BUYER: Okay.

ATTY GEN. RENO: -- reflect historically on what we did.

REP. BUYER: In any of the material, did they provide you any input?

ATTY GEN. RENO: What we do when we consider prosecutions -- whether it be the Criminal Division, the --

REP. BUYER: Ma'am, it's an easy one. Is it yes or no? Did they provide you information?

ATTY GEN. RENO: I was provided with information about people's civil rights --

REP. BUYER: Okay.

ATTY GEN. RENO: -- and what you do to properly apprehend them.

REP. BUYER: Thank you.

The other question I have --

ATTY GEN. RENO: With -- but I want to make sure that I'm accurate now. And I'll be happy to wait until you have the second question, and then go back -- in my time -- to make sure that you understand just what's involved, if that's okay.

REP. BUYER: That would be fine.

ATTY GEN. RENO: Okay. What's your next question.

REP. BUYER: Well, now that you used my time. I'll come back, Ma'am.

REP. MCCOLLUM: You can go ahead, Mr. Buyer, if you'd like.

REP. BUYER: All right. Thank you.

REP. MCCOLLUM: You were in the process of doing it.

REP. BUYER: I appreciate that. The other question I have was, yesterday, I didn't mean to -- Ambassador Holmes and I quibbled a bit. Ambassador Holmes was saying, "Well, it wasn't really

the military that was saying that the FBI should pull their HRT team off the line. " He saying, "Well, if it were the military's HRT team, we would pull it off line. "I want to note, though, that I went and I examined the memorandum for the record of the actual military who advised you, who said, quote, "My final comments to the attorney general were that," quote, "I believe that the HRT should consider pulling their people off the target, for a period, to retrain and polish their perishable skills.

Now, when the military is advising you to do that -- a moment ago, you said that the military said that SWAT teams could not secure the perimeter. Would you please explain to me why the military would advise you to pull them off the perimeter because of the perishable skills and assets, yet, at the same time, saying I guess, the SWAT team could not secure the perimeter?Are you feeling the pressures that you had to then make that decision?Would you clarify this for me please?

ATTY GEN. RENO: I'm a little bit confused, but I think I can clarify it. The HRT team -- the hostage rescue team -- is different -- was different at the time than SWAT teams. There was only one hostage rescue team that had the training, the skills, the sharp-shooting capacity. And this is what I was advised. There was no other hostage rescue team that could be put in place while the HRT team was pulled off and retrained and brought up to a state of readiness.

I specifically asked, "Well, why not use the SWAT team," which is separate, which is not as well trained as the HRT team. "And if you don't have SWAT teams, what about going to local law enforcement to find one of the best in the country?"I was advised by both the FBI and the HRT -- the military that the SWAT teams would not -- as they were currently then trained -- have the capacity to properly substitute for the HRT team. So, as far as I'm concerned, that was absolutely -- I mean, that really came together.

With respect to the civil rights issue, what we try to do when we make apprehensions -- here I had a situation. And the situation that I was faced with, "What do I do to effect the arrest of four -- of the people who are responsible for the killing of the ATF agents, and the wounding of those agents?"What I did was not only be concerned about their civil rights, but their lives, and try to do everything I could to bring them out peacefully. I didn't go in with a direct assault. I didn't go in

with guns a blazing. I went in in the best way I could, based on the information I had, that would provide opportunities for people to come out -- come out without being threatened, come out and be taken into custody in an appropriate way consistent -- not just with civil rights, but consistent with the criminal law of this nation, and consistent -- most of all -- with their opportunity to live.

REP. BUYER: Thank you.

REP. MCCOLLUM: Mr. Buyer, you're out of time. And now I recognize Mrs. Slaughter for five minutes.

REP. LOUISE SLAUGHTER (D-NY): Thank you, Mr. Chairman.

It's nice to see you. And you're absolutely right. You have certainly been beaten up. It's almost astonishing when you think that all of the United States, and probably a good part of the world watched what happened in Waco, and how proud everybody was that the attorney general stood up and said, "The buck stops here, and I take the responsibility. "

Now, we've gone from that to, suddenly, you couldn't possibly have been responsible for it for various and sundry nefarious reasons, I think. Probably my colleague, Ms. Collins, at least alluded to one. But there are numbers of things that have come out here that I think have been terribly important -- that I've learned. One is that, before the new administration came in to being, the ATF pretty much operated on its own -- at least the testimony we have is that no secretary of Treasury before had ever been involved in what the ATF was doing.

The second is that you've taken incredibly important steps to make sure that the things that happened in Waco didn't happen again. There were mistakes made there. The one that's most apparent to me is, I think that the people died the day of trying to serve the summons, because too many people in town knew about it. And they were tipped off by a mailman, who was tipped off by a man from television, who was told by a woman who worked in town. And I mean, that shows to me at least security procedures were very lax.

But beyond that, I think we need to look -- we've all talked about Koresh and the kind of man he is. But we have not done anything about looking at his followers. And I've gotten more fascinated with that as we've gone on, and since we've heard from at least one member of the Branch Davidians.

These were people that had given to this man everything of value -- their families, their worldly goods, but most important their ability to think for themselves. And it seems to me, as you get into that, that the likelihood that they would ever have come out of there -- having made that much of an investment in him, as the Messiah, the Lamb of God -- and I understand that many of them still think -- still believe very strongly, and think he's coming any day now to bring back those people with him. They would never have come out without his permission. And so, I really applaud what you were saying, that what you had to do was concentrate just on him, and whether or not he was going to come out. But just most -- I want to talk to you about this, before my time runs out here.

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There's been a lot of talk about jurisdiction and yours. And I -- how far it went. But there's one question on jurisdiction that I'd like to know as it pertains to these hearings. It has been more than distressing to me, as a member of Congress, to learn of the outside interference in these committee hearings. We had an instance where a group went down to Texas wanting to investigate the guns, paid for by an outside group -- which they didn't want to admit to. We had one witness -- a Ms. Sparks -- who has tape of a woman who claims that she was on the team helping to prepare witnesses. We had a Dr. Scott from Harvard, who said he was notified by a person who identified herself as a member of this committee. We had a story in the paper of a man who writes letters under the assumed name of Mr. Fiddleman (sp), who said he was part of a team getting ready for the Waco hearings.

It's -- apparently these people at least had witness lists -- which is more than we had. I had no idea, until we got, on a day to day basis almost, on who we were going to hear. I think this sets a terrible precedent. I'm not aware of any time in the past -- since I've been here -- that anything like that even came close to happening. And I don't know if this is in your jurisdiction. I'm not an attorney. I don't know anything about tampering with witnesses, or anything on the outside of that.

But if we allow -- and frankly, I don't want it, no matter what their philosophy is, or what ever their belief is, wherever they may be coming from -- it seems to me that the Constitution and the rules under this House are very clear on how we conduct hearings.

And frankly, I think one of the most serious breaches here is that we have really given the public questions as to really how accurate these things are. We have not, as you know, had an opportunity on our side to call a lot of witnesses we'd like to hear from. And if you have jurisdiction over this, I would like to know, how does one -- if you plan to look into it -- what kind of requests you need. And certainly I'd like to have your opinion on that, because I think in the history of this country and in this Congress that this is a very serious breach that I don't ever want to see happen again in any hearing at any time.

ATTY GEN. RENO: I have such a respect for Congress, whether it's under Republican control or Democratic control. And I know, with the chairman involved, that appropriate actions will be taken if they are appropriate under the rules of this great institution. I think when something like this happens, it may well be beyond Congress's knowledge. But I think it is so important because I've watched this process, and some people say, "Well, it's congressional hearings." They can perform such a wonderful function. And so I think it's important that we do everything we can to make sure that they are performed by the people who are elected. And in that connection, Mr. Chairman, I would say again to you what I have said. It has been a real pleasure to work with your staff and Chairman Zeliff's staff to try to be as responsive as we can and to try to do it the right way, and we appreciate that opportunity.

REP. MCCOLLUM: Well, thank you very much, Madam Attorney General.

REP. SLAUGHTER: Well, I didn't get (her to answer?) my question. Is that your jurisdiction or not?

ATTY GEN. RENO: I am deferring to the institution of the House. I really think that that's the best place for it to be addressed. But I'd like to go on and really point out something else that is important. The last people to come out came out -- the gas was inserted April the 19th. The last people to come out came out March 21st. And at that point, based on all the interviews of the people coming out, they were either people who were troublemakers for Koresh or were not his children or his adopted children. And I think it's clear that those people that remained there were not going to come out voluntarily under those circumstances.

REP. MCCOLLUM: Mrs. Slaughter, your time has expired. Mr. Mica, you're recognized for five minutes.

REP. MICA: Thank you, Mr. Chairman. Ms. Reno, earlier you testified that you do everything possible to separate the White House from law enforcement function. Is that correct?

ATTY GEN. RENO: One of the first points that was raised --

REP. MICA: Well, you did basically state that, is that correct, that you try to keep the White House separate from law enforcement decisions?

ATTY GEN. RENO: That is correct, sir.

REP. MICA: Thank you. Mr. Hyde pointed out this morning on page 271 that there was a meeting at the White House and likened it to Saddam -- this change in decision of how to approach this, likened it to Saddam Hussein's gassing of the Kurds. If you go through, again, in your document, the Department of Justice document, we see meetings. And Mr. Hubbell sat at that table, your deputy, and said he attended a meeting at the White House. And I think it was the 13th or the 14th, for the purpose of discussing Waco and advising the White House of the FBI's plan to change tactics through the use of tear gas. Participating in the meeting were Nussbaum, Hubbell, Lindsey and the late White House deputy counsel Vince Foster. Hubbell said he didn't talk to the president. Are you aware if Mr. Foster spoke to the president about this or if he kept a file on this matter?

ATTY GEN. RENO: First of all, I think it's very important, Congressman, when you refer to matters, not to mix things up. You made a reference to the effect --

REP. MICA: Well, were you aware that this meeting took place and Mr. Foster was there? And were you aware of a file that he had kept in Waco, Vince Foster?

ATTY GEN. RENO: I was not aware of who was at the meeting. I was aware that Webb Hubbell was advising the White --

REP. MICA: Thank you.

ATTY GEN. RENO: May I finish, please, sir? I think it's --

REP. MICA: Well, I just wondered --

ATTY GEN. RENO: Okay.

REP. MICA: -- if you were aware of the meeting, and your answer is sufficient.

ATTY GEN. RENO: Well, if I may, then, when you've concluded your question, if I could --

REP. MICA: Are you -- this is the copy, a Xerox copy of the briefing book you received.

ATTY GEN. RENO: I can't see it from here, sir.

REP. MICA: Well, again, it's a briefing book that we did not receive. Were you aware that we did not receive a copy of this briefing book until Friday --

ATTY GEN. RENO: I can't see which book it is.

REP. MICA: -- last Friday? Within that -- we received this on Friday --

ATTY GEN. RENO: Sir, if you could just show me the book so I could follow it, it would really be helpful.

REP. MICA: Within the briefing book, page 40, it said, "Experience with the effects of CS gas on children, including infants, has been extensively investigated. "And this is contrary to what Dr. Salem told us, and we believe he told you. This morning you testified, ma'am; you said you thought no one else was coming out voluntarily were your words. Yet you proceeded with a plan. Your plan was to continue pumping CS gas into Mount Carmel and you -- the question I have is, were you aware, again, with infants and children, almost two dozen of them, that one of the major errors in this is that they didn't have the ability to protect themselves from this gas? Were you aware that the gas masks that they had actually couldn't fit on women and children? This is a copy of the gas mask similar to what was used. Were you aware?

And Dr. Marcus testified, who sat also there, that one of the major flaws in your strategy was the fact that children and infants could not use gas. And also in the report of the events that took place, the DOJ report which you ordered, said, "Its impact on infants and children cannot be ignored because gas masks are not available for infants and younger children. "Do you believe that that's something -- a flaw that was made, a missed decision?

ATTY GEN. RENO: Yes. Let me begin first with your reference because it is so very important, as we consider something. Congressman, this has been, as I mentioned earlier -- and you may not have been here -- the single hardest decision of my life.

REP. MICA: Well, I've heard that before. But were you aware that gas masks couldn't be used by the children and infants?

ATTY GEN. RENO: Mr. Chairman --

REP. MICA: Were you aware --

ATTY GEN. RENO: If you would like to ask any other questions, I'll be happy to wait, but I need a little bit of time to answer, if I may.

REP. MICA: Well, I have one other question I'd like to conclude with and you could supply me the answer in writing. In reading -- I don't know if you read the autopsy reports, but my final question: In reading the autopsy reports of the women and children, I will always be haunted by what they contain. This past weekend I read a physician's report recounting how he found a closed and clenched woman's hand, and when he pried it open, he found the remains of an infant's hand. The doctor believed that many of the infants and children had their faces covered with wet towels because, in fact, they didn't have gas masks. But after hours of gassing undoubtedly tortured these infants before they were finally suffocated, according to the autopsy reports. Knowing this today, would you still proceed in the same manner?

REP. MCCOLLUM: Well, let me interrupt here. The attorney general will now be giving an answer. To whatever extent you can, there were a lot of questions asked to you. I know that that makes this very difficult. But take whatever time you want. And after you're done, we're going to have a lunch break and we'll come back and resume the questions.

ATTY GEN. RENO: Okay.

REP. MCCOLLUM: But whatever time you need, please respond to Mr. Mica.

ATTY GEN. RENO: Mr. Mica, I really appreciate this opportunity to respond, because as I was telling you earlier -- and I want you to understand because you, I don't think, can apprehend, if you talk to me about children, the fact that this instance will be etched on my mind for the rest of my life. Those children, no matter how they were found, the fact that they are dead is a tragedy that will be with me for the rest of my life. You do not have to talk in those terms.

What we have got to do is to work together to avoid such tragedies for the future. You began your comments by referring to an April the 16th meeting summary on page 271 of the book in which you likened it to Saddam Hussein, and that kind of got thrown in. I don't know quite what the reference is.

REP. MICA: I didn't liken it. That's the comments --

ATTY GEN. RENO: If I may --

REP. MICA: -- that Mr. Hyde had made earlier. And he read from the report of the Department of Justice.

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ATTY GEN. RENO: Mr. Chairman, if I may --

REP. MCCOLLUM: You may -- (inaudible). You may answer as fully as you desire right now.

ATTY GEN. RENO: Okay. That was not in the context of a White House meeting. I think that was just thrown in. I don't know what the direct comment was. But you have to understand, as we considered whether to use gas or not, the whole impact, no matter who used it. Our ultimate concern was not what it looked like. Our ultimate concern was the safety of the children. Could we do it? It was at that reason, when I got the briefing book to which you refer, on April the 12th and started reading it, that I had further questions about the children, about gas masks.

This is the gas mask that the congressman is showing, but it's not very helpful, in terms of trying to understand what happened there, to just show gas masks. We've got to show the people what went into the process. And what went into the process was a dangerous situation which was getting more dangerous. What went into the process was extensive inquiry of toxicologists who consulted with others to try to find out whether this would be permanently harmful to the children.

We considered absolutely everything that we could. You refer to a meeting at the White House. I don't know who was at that meeting, but I do know that I asked Web Hubbell to make sure, in light of the fact that the president had asked the acting attorney general to advise him of a change of plans, to let him know that that was being considered.

With respect to what we did to try to try to protect the children, our hope was that the children would come out, and that obviously, with the wind, with all the circumstances, the gas was not effective because there people who went back into the compound. One of the agents who testified before you talked about the fact that there was no gas there when he went in to save her. All of

these factors we tried to consider, but it is so important, Congressman, that as we look at, we do it in a orderly way, not mixing up Saddam Hussein with something else.

REP. MCCOLLUM: Mr. Mica, your time has expired. As I've indicated, we are going to take a recess for lunch at this point for 45 minutes. There are many critical questions that have not been asked. It's quite apparent, so that everybody is fully aware of it, that we will have to have a second round of questioning, and we will continue and resume these hearings with those questions and finishing the first round of course first in 45 minutes. This hearing is recessed for 45 minutes.

END OF MORNING SESSION