



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
111 SOUTH GEORGE MASON DRIVE
ARLINGTON, VA 22204-1382

January 7, 1997

Army Comptroller Directorate

General Counsel
Bureau of Alcohol, Tobacco and Firearms
650 Massachusetts Avenue
Room 6100
Washington, DC 20226

Dear Sir:

The Deputy General Counsel (Ethics & Fiscal) in his letter to you dated December 23, 1996 stated that he still found the expenditure of Army National Guard appropriations in furtherance of the activity at Waco violated 31 U.S.C. Section 1301(a) and, absent reimbursement from BATF, also violates the Antideficiency Act, 31 U.S.C. Section 1341.

Request the Bureau of Alcohol, Tobacco and Firearms reimburse the \$118,885.00 which was improperly spent. This reimbursement should be done by January 24, 1997. My point of contact for this action is [REDACTED] She can be reached at (703) 607-7704.

Sincerely,

[REDACTED]

Colonel, U.S. Army
Deputy Director, Army Comptroller

Edward F. Allard
7830 Greeley Blv.
Springfield, VA 22152
Tel. 703-569-9287
Fax 703-569-9287

Ramsey Clark
36 E. 12th St.
New York, NY 10003

DECLARATION OF EDWARD F. ALLARD

1. My name is Edward F. Allard. I have worked for many years in the field of radiation physics related to thermal imaging, thermal signatures, thermal suppression and especially in aspects of those subjects relating to Forward Looking Infrared (FLIR) military systems.
2. My experience is set forth in my curriculum vitae, which is attached to my earlier declaration filed in this matter. To summarize it briefly, I hold a doctorate in physics and have served in management and as a supervisor of the Department of Defense's Night Vision Laboratory, where I was involved in the development of a number of thermal imaging systems for the military. I hold Patent No. 4,413,668 on a device to suppress thermal signatures and Patent No. 5,013,092 on a micro discharge thermal imager.
3. I have reviewed events recorded on a video tape that displays the world of the Waco complex in the thermal infrared domain. The imagery on the tape is a faithful representation of the Waco complex. Thermal imagery has the advantage of detecting bursts of thermal energy that are clearly and easily recognized as compared to the unaided eye. The detection of gunfire in the thermal imagery domain is especially advantageous, if one is looking for gunfire. Gunfire appears as a bright flash on a thermal display. It is possible to approximately measure the time length of a flash on a thermal video tape by observing the flash on frame-to-frame video. A relatively long flash on a thermal video, viewed in normal time, can reveal multiple flashes when viewed frame-to-frame. Also, frame-to-frame viewing reveals a growth in the flash that grows in the direction of the fire. In most cases it is possible to infer the direction of the gunfire. In addition, it is almost impossible to hide gun flashes in the open from detection by thermal imaging devices. Furthermore, multiple



flashes in less than one second are characteristic of a rapid firing weapon. In a previous review of the Waco thermal video tape, I described events that were revealed in the thermal imagery domain that could not be revealed in the visible imagery domain. My review is discussed in other documents.

4. In the present review, I have concentrated on gun flashes that were directed toward the Waco complex from ground positions outside the complex and from open ground positions within the complex. The term "gun flash" is used with the understanding that a single gun flash can represent several bullets. When a weapon discharges, it produces a burst of thermal energy that can be detected by a thermal imaging device. If more than one flash occurs at the same time from different positions, it's logical to conclude that there is more than one gun position, or a team of men is involved. The thermal imager, mounted on the aircraft that circled the Waco complex during Waco's destruction, easily detected gun flashes or bursts of thermal energy. Both short and long bursts were observed. In two instances, the bursts were so intense that it was difficult to count the exact number of individual bursts on the video equipment used for this analysis. By observing the location of gun flashes and the bursts in time, it was possible to conclude that in some instances two or more gun positions were firing at the same time.

The number of gun flashes detected and reported here are only those flashes that were clearly detected in a recognizable background of the Waco complex.

5.. From 11:24 a.m. to 11:24:31 a.m. — 14 gun flashes

After a tank smashed into the back of the gym and was inside the building, three flash positions were observed in the open area behind and to the right of the tank, with a clear field of fire down the alley alongside the gym's wall. The gun flashes were long and short and so intense that at least 14 individual flashes were detected within two seconds. This is indicative of automatic gunfire by a team of men. The gun flashes were directed down the alley.

6. From 11:50:54 a.m. to 12:01:06 p.m. — 2 gun flashes

These bursts occurred in the open courtyard near the chapel and were directed toward the chapel area.

7.. 12:03:30 p.m. — 1 very long gun flash

This burst or explosion occurred after the gym was destroyed and while a tank was still on the scene. The location (flash position) was in the area behind the complex and at the lower

right-hand corner of the standing building on the video tape. The burst was of long time duration (more than one second) and had two maxima in flash brightness. One maximum of the flash grew in a rearward direction followed by another maximum that grew in a forward direction toward the destroyed open area of the gym. The flash covered a relatively large area on the ground. It is not possible to identify the source of the burst, but rocket launcher type weapons display a similar thermal characteristic.

8. 12:08:52 p.m. — six gun flashes

Shortly after the burst described in the above paragraph, a single gun position, located in an open area near the tank, open fired in the direction of the destroyed gym. Six short bursts were detected. The number of flashes in the time interval reveals a rapid firing weapon.

9. From 12:10:17 p.m. to 12:11:21 p.m. — 44 gun flashes

After the dining room building was on fire and blazing, several flash positions appeared in the open area near the burning building and in an alley leading to the open area behind the complex, indicating that a team of men was engaged in the gunfire. There were long and short flashes of gunfire. At one time, the flashes were so intense that individual flashes were hard to count, indicating that rapid fire weapons were being used. The gun flashes were directed toward the burning dining room area. Since the airborne operator of the thermal imager moved the view in and out of the area of interest, there are times when no flashes were detected. When the area of interest was in the field of view, multiple flashes at different positions were detected. Since the gunfire was spread over a relatively long time, the following times of gunfire bracket the action (several flashes occurred in some intervals):

12:10:17 p.m.

12:10:23 (burst from the open area behind complex at relatively long range)

12:10:24

12:10:25

12:10:51

12:10:52

12:10:51

12:10:53

12:10:55

12:10:56 (long range burst plus short range bursts from more than one position)

12:10:58

12:11:02 (4 short bursts plus one long burst)

12:11:03

12:11:04 (very long burst)
12:11:05 (6 bursts)
12:11:06 (long burst)
12:11:09
12:11:10
12:11:15
12:11:17
12:11:21 (bursts from two positions)

CONCLUSIONS

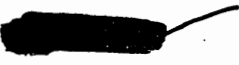
1. Sixty-six (66) gun flashes were clearly detected on the video tape of the thermal imager.
2. Forty-four (44) flashes were in the vicinity of the burning dinning room building and directed toward the burning building. A team of men was involved in the action and they were using rapid fire weapons.
3. All the gun flashes were in open ground areas and directed toward Waco buildings.
4. From the different flash positions and the number of gun flashes in short time intervals a team of men had to be involved in the action in some instances.
5. From the number of gun flashes revealed from frame-to-frame analysis of the video tape, rapid fire weapons were used.
6. There is evidence that a rocket launcher type weapon probably was fired at the Waco complex. This is based on a detected thermal signature on the video tape that is typical of the thermal signature of a rocket launcher type weapon.




I declare under penalty of perjury that the above is true and correct.


Edward F. Allard, PhD.

Dated this 5th day of October, 1996 4

24 Jan 97

 1

I have provided you with the enclosures to  Fact Sheet in both redacted (that we have released to the requesters) and unredacted form. Sorry I didn't send this with the package the first time.  apparently  3 derived his classification of paragraphs from the enclosures. I penciled in the classification authorities from the enclosures to the Fact Sheet. I also went through and marked (to the best of my ability) what I think should be released and denied (based on the enclosures). I checked (✓) those I think should be released and "x" those that should be withheld (in my opinion). Please go through and see if you agree. Please have someone redact that information from the 2-page Fact Sheet that you recommend to be withheld by thoroughly blacking it out. Any reason you think the CINC's notes shouldn't be released?

v/r,

 1

UNITED STATES SPECIAL OPERATIONS COMMAND



MEMO FOR:

DATE:

1-24

*TAB A is still not
releasable, for the same
reasons as before.*

*"Class by" is mismarked.
Probably should have been
"Mult. Sources" OADR, based
mainly on JSOC SCG 380-5,
dated 14 Nov 94.*

MEMO FOR: [REDACTED] SOJ6-SI

SUBJECT: Redaction of Waco Document

1. I agree with your assessment of what should and should not be released from the two-page Bruns Fact Sheet.

TA 2
2. In regard to the CINC's marginal comments, it is my opinion that the CINC probably regards them as personal, rather than official, property. The very fact that the CINC had to ask those questions may be construed improperly in a negative manner. Fact is, [REDACTED] was not the CINC when Waco occurred and, thus, was not in a position to know most of the items he questions. Whatever past precedent has been regarding marginalia, I recommend that [REDACTED] be contacted concerning their release. My position otherwise is that I oppose releasing his notes.

3 1-24-97
[REDACTED]
Chief, Special Actions Div, J3-S

Author: [REDACTED] at 3WestPost

Date: 1/30/97 10:44 AM

Priority: Normal

To: [REDACTED] at INTERNET-MAIL

Subject: Just a Note on WACO

----- Message Contents -----

I talked to [REDACTED] (BATF) this morning. I told her the report of investigation had been released to GAO, less [REDACTED] opinion and my memo requesting reimbursement. She said her boss is out until Monday but she would let him know. She said they were still considering but she also asked me what happens if they disagree. I told her if the money was not reimbursed, then we had an ADA violation and ASA(FM&C) would report the case up to OSD. She asked if there was an procedure for appeal. I told her I didn't know, but that ASA(FM&C) would probably have to include the BATF response in your report of the ADA to OSD and there would be a legal review at the OSD level of the report. Is there any procedures for appeal that you know of? I'm getting the feeling they are not going to pay up!

Z 0015776

**OFFICE OF THE ND JUDGE ADVOCATE GENERAL
NORTH DAKOTA NATIONAL GUARD
P.O. BOX 5511
BISMARCK, ND 58506-5511
(701) 224-5242**

AGND-JAG (27)

27 Feb 97

MEMORANDUM FOR ¹ [REDACTED] NGB-ARC, ARNG Readiness Center, 111 S. George
Mason, Arlington, VA 22204-1382

SUBJECT: Waco files

Find enclosed files that have been stored in the JAG Office of the North Dakota National Guard.
They are being forwarded to you at the request of ² [REDACTED]

Encls.

CF: ⁵ [REDACTED]

³ [REDACTED]
⁴ [REDACTED]
JAG Secretary

(4)
[REDACTED]
1221 N. PARKVIEW DRIVE
BISMARCK, ND 58501-1289

March 3, 1997

(1)
[REDACTED]
Office of the Chief Counsel
National Guard Bureau
Room 2E425 Pentagon
Washington, DC 20310-2500

Subject: Waco Investigation

(2) [REDACTED] General Accounting Office, contacted me today. He said that the Congress has directed the GAO to investigate a possible Purpose Act violation concerning ARNG support to the ATF/FBI at Waco, he has reviewed my reports, and he wants to ask me several questions.

Please advise, in writing, if I am authorized to answer his questions. You may fax a response to me at [REDACTED] (3)

Sincerely,

(4)
[REDACTED]
[REDACTED]

AGTX-CD

6 March 1997

2.

MEMORANDUM FOR [REDACTED]

SUBJECT: Waco Investigation

1. In response to your request, the following information is provided:

UC-26 flight hours - 14.8 @ \$105/hour = \$1554.00

RF-4C flight hours - 0.5 @ \$2475/hour = \$1237.50

~~add to prev~~
\$2791.50

2. The above flight hours reflect the amount devoted to sorties flown in support of BATF for the Branch Davidian operation. The RF-4 hours were derived from the total flight time which supported several different agencies across Texas. Reimbursement costs are FY-93 flying hour rates.

3. Please address any questions to the undersigned at DSN 954-5516.

[REDACTED]
Colonel, TXANG
Counterdrug Coordinator

Jan 6 C26

14 Alabamane RF-4C

Feb 3 C26

118,885
2,791.50
121,676.50

Z 0040935



OFFICE OF THE DOD COORDINATOR
FOR DRUG ENFORCEMENT POLICY AND SUPPORT

TO: [REDACTED] OFFICE: GAO

FAX PHONE #: _____ OFFICE PHONE #: 757-552-8164

DATE: 4 April 97

COMMENTS: as requested: ARMY STUFF TO FOLLOW.
SCF

CLASSIFICATION: UNCLASS

FROM: OCDEP&S
1510 DEFENSE PENTAGON
WASHINGTON DC 20301-1510

DSN 225-7996
COMM (703) 695-7996
FAX (703) 693-7588

THIS CONSISTS OF 3 PAGE(S) INCLUDING COVER SHEET

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU RECEIVE THIS MESSAGE IN ERROR PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

Congress of the United States

Washington, DC 20515

OFFICE OF THE
SECRETARY OF DEFENSE

1997 APR 29 AM 10:30

April 8, 1997

The Honorable William S. Cohen
Secretary of Defense
The Pentagon
Washington, D.C. 20515-6415

Dear Secretary Cohen:

This letter is in response to [redacted] letter dated December 2, 1996, concerning documents which the Subcommittee on National Security, International Affairs, and Criminal Justice and the Subcommittee on Crime intend to publicly release as part of the appendix to House Report No. 104-749 entitled, "Investigation into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians." In your letter, the Department objects to the dissemination of certain documents and requests redactions be made to others prior to public release. This letter responds to those objections and requested redactions.

The Department's first objection concerns the release of certain redacted information from document DD116A-1119 (#4 in your December 2, 1996 letter). In a subsequent telephone conversation, [redacted] of the Office of General Counsel, Department of Defense, asserted that the Subcommittees had previously agreed to withhold from public release information regarding the actions of a specific Army unit. This position is incorrect. While the Subcommittees did agree to withhold the name of this unit, the names of certain personnel from this unit, and to not specifically identify certain equipment provided to the Federal Bureau of Investigation, we did not agree to withhold information from the public concerning the fact that such a Special Operations unit was used by the government during the siege or the level at which approval for the use of that unit was obtained. The Subcommittees renew their request that the Department declassify all but the last word of the fifth paragraph of this document.

Your second objection is to the release of [redacted] ^{2 - Name #11} social security number. The Subcommittees agree to redact his social security number from document DD1147 (#7 in your December 2, 1996 letter). You have provided to the Subcommittees an otherwise unredacted version for release.

U07741 /97

PRINTED ON RECYCLED PAPER

Z 0002503

question. The failure of the Department of Defense to take an official policy position on the interstate use of National Guard personnel should not be used as a means of shielding the Department from the release of documents explaining the issue and the disagreement between the two components of the Department of Defense at the time of the Report. No other documents have been provided by the Department of Defense or the National Guard Bureau which indicate a change in the interpretation of the legal issue by either component. These documents which have been produced and which the Subcommittees intend to make public evince the very problem that the Subcommittees detailed in the Report, namely, that the Department of Defense needs to develop an official position on the issue. Additionally, we point out that these documents are in draft form and are clearly designated as drafts and are unlikely to be construed as the final policy position of the Department.

Thank you for the cooperation that your staff have provided to our staffs in connection with the publication of the appendix to the Report.

Sincerely,



BILL McCOLLUM
Chairman
Subcommittee on Crime



J. DENNIS HASTERT
Chairman
Subcommittee on National Security,
International Affairs, and Criminal Justice

AGTX-CD

6 March 1997

MEMORANDUM FOR [REDACTED]

SUBJECT: Waco Investigation

1. In response to your request, the following information is provided:

Jan 6, Feb 3 UC-26 flight hours - 14.8 @ \$105/hour = \$1554.00

Jan 14 RF-4C flight hours - 0.5 @ \$2475/hour = \$1237.50

add to prev. pp
\$2791.50

2. The above flight hours reflect the amount devoted to sorties flown in support of BATF for the Branch Davidian operation. The RF-4 hours were derived from the total flight time which supported several different agencies across Texas. Reimbursement costs are FY-93 flying hour rates.

3. Please address any questions to the undersigned at DSN 954-5516.

[REDACTED]
Colonel, TXANG
Counterdrug Coordinator

Jan 6 C26

14 Alabama NG RF-4C

Feb 3 C26

4/9/97

Look for my
related e-mail.

June
Hope you're feeling
better!

The original \$118,885 was requested from ATF.
The \$2791.50 was added on by Army General
Connell during their final legal analysis. No formal
correspondence was sent to ATF to request reimbursement
on the additional amount since they had already
told us they weren't paying for the \$118,885.

\$118,885
\$2791.50
\$121,676.50 amt in final
rept

AGTX-CD

6 March 1997

MEMORANDUM FOR 

SUBJECT: Waco Investigation

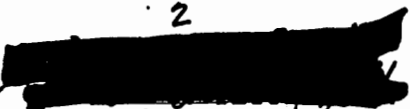
1. In response to your request, the following information is provided:

UC-26 flight hours - 14.8 @ \$105/hour = \$1554.00

RF-4C flight hours - 0.5 @ \$2475/hour = \$1237.50

2. The above flight hours reflect the amount devoted to sorties flown in support of BATF for the Branch Davidian operation. The RF-4 hours were derived from the total flight time which supported several different agencies across Texas. Reimbursement costs are FY-93 flying hour rates.

3. Please address any questions to the undersigned at DSN 954-5516.

2

TXANG
Counterdrug Coordinator

Jan 6 C26

14 Alabama NG RF-4C

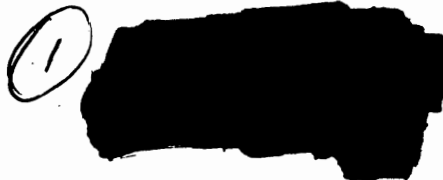
Feb 3 C26

19 March 1997

TO WHOM IT MAY CONCERN

REFERENCE: AR 15-6 investigation on the use of counterdrug fund
by the Texas National Guard in support of Operation Trojan Horse.

No comment.



OFFICE OF THE UNDER SECRETARY OF DEFENSE
(COMPTROLLER)

1- [REDACTED]
MEMO FOR [REDACTED]

3/20/97

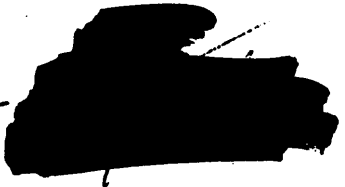
FAX (202) 622-0595

- 2- [REDACTED] Please look at these and give me a call tomorrow (703-697-0500). The issue involves the BATF, Army National Guard and the Siege of the Branch Davidian Compound at WACO, Texas. The Texas National Guard violated the Anti-deficiency Act by providing support to the BATF on a non-reimbursable basis. BATF refuses to pay so that we can correct the accounts. GAO is looking over our shoulder. It is clear that the Nat'l Guard and the BATF stretched the meaning of statute for drug interdiction & counterdrug activity to cover WACO. If we don't get it straight the Army & BATF

OFFICE OF THE UNDER SECRETARY OF DEFENSE
(COMPTROLLER)

MEMO FOR _____

could well find themselves
testifying on WACO, once again
before House Judiciary & House Reform
and oversight committees. I don't
think any body wants that!!

1- 

OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER)

March 25, 1997

1- MEMO FOR [REDACTED]

SUBJECT: Alleged Antideficiency Act Violations--Army Case 95-09

I had a call from the Army on the above subject. 2- [REDACTED] from the Treasury Department called the Army to get more information on this case. He commented that this may be brought up at tomorrow's CFO Council meeting.

The Army National Guard, at the request of the Bureau of Alcohol, Tobacco and Firearms (BATF) and the FBI, provided assistance to the BATF and the FBI during their attempt to serve a search warrant, and to rescue hostages from the Mt. Carmel Compound near Waco, Texas.

Based on information provided, to the Army National Guard, by the BATF and the FBI, the Army National Guard used counterdrug funds to assist in this effort. According to the Army, evidence later revealed that the BATF activities involving the compound did not have any "significant" drug interdiction or counterdrug objectives. Potential firearms violations was the primary focus of the BATF investigation at Waco.

Therefore, the Army requested that BATF reimburse them a total of \$121,676 so they would not have a violation of the Antideficiency Act. The Army Legal Counsel and the BATF's Legal Counsel disagree as to whether the use of counter drug funds was illegal. BATF believes that since some drug activity was suspected that it was legal to use counterdrug funds.

Subsequently, the BATF provided GAO auditors, who are doing an audit on the Department of Defense's role at Waco, a copy of the BATF legal opinion, the auditors gave it to the GAO Legal Counsel for a final opinion.

Attached is a copy of the report submitted to this office on March 11, 1997, for our review and assistance in this matter. It was provided to [REDACTED] for his opinion on March 17, 1997. [REDACTED] has been involved in this issue for some time. 3

4 If you need further information, please call me on 697-3192.

5 [REDACTED]

3/27/97

2

Title: TALKING POINTS ON USUHS INVOLVEMENT IN WACO

- Uniformed Services University of the Health Sciences (USUHS) is a medical school to train military physicians and other medical personnel. The President is a civilian who reports to ASD (HA).
- USUHS has conducted training for law enforcement officers as well as military personnel in emergency medical services, including FBI Hostage Rescue Team (HRT) medical personnel.
- USUHS has an MOU with the FBI HRT for medical services.
 - When HRT deploys, they notify USUHS. USUHS approves the medical support requested by the HRT and runs medical facility, exercises medical control over all medics. The chief of the deployed USUHS group reports to the HRT commander.
 - USUHS calls on its own personnel to deploy with the HRT and may invite other medical personnel trained at USUHS including military members or law enforcement agents.
 - FBI reimburses a flat rate plus all travel expenses for USUHS services; deployed personnel file travel vouchers directly with the FBI/DoJ.
 - USUHS is requested to deploy on average a dozen times a year to support the HRT.
 - USUHS maintains medical records on HRT members
- Upon request of the FBI, USUHS provided medical support to the HRT at Waco.
 - Established a medical facility near the FBI Tactical Operations Center where law enforcement personnel and individuals who left the Davidian compound were treated.
 - Did not assist FBI in any law enforcement operation. Provided only immediate, medically necessary care to Davidians; they were turned over to local medical facilities.
 - Medical facility was staffed with military personnel, civilian DoD employees and employees of other agencies who had been trained at USUHS. At any given time prior to April 19, 4 to 6 people were present on the staff. Individuals rotated in and out on temporary duty. On April 19, because the FBI requested additional people, there were approximately 30 individuals present. A list of all staff members has been provided to the committee.
 - Military personnel wore either civilian clothes or BDUs with no insignia, in general.
 - Helped draft Waco medical plan with HRT. The plan has been provided to the committees.
- USUHS was not involved in ATF operation. While USUHS supported HRT, ATF had a medical facility near the USUHS facility; USUHS personnel worked closely with ATF medics.

Purpose: To document the aid provided by the military to federal LEAs in Waco operations

Source: [redacted] Legal Counsel, Office of the Deputy General Counsel, DOD 703-693-6804

1

Memo to: ¹ [REDACTED] Director, CCRC
From: ² [REDACTED] CPT, MC, USA
Subject: After-Action Report from Waco, Texas

My involvement in the medical support for the law enforcement action at the Branch Davidian compound in Waco, Texas in 1993 was executed in two separate phases. From 31 March until 10 April I was present as a medical officer providing care for involved personnel as well as participating in medical preparations for any casualties that might result from confrontation. I was present from 18 April until 20 April for the tactical conclusion of the operation. ✓

31 March-10 April

Activity during this period consisted of refining the plans for treating casualties and providing for the health maintenance of the deployed personnel.

- * The medical plan was in place by my arrival but was continuously rehearsed and upgraded. Repetitive realistic rehearsals allowed the plan to become highly refined. By the time that the plan was used for casualties, most flaws were found and the actual casualty care worked similarly to rehearsals.
- * Local resources were invaluable in stocking our treatment tent. This was facilitated by local contacts such as military physicians and personnel from the Alamo Area Narcotics Task Force (AANTF). Utilizing local sources of medical equipment when possible helped keep supply lines short. ←
- * Coordination with local medical facilities and transport assets was crucial to the evacuation plan. Local civilian assets could not be used to evacuate casualties from an area of hostile fire, so this role was given to government vehicles and aircraft.
- * Utilizing civilian transportation assets enabled our flight medics and paramedics to remain on scene.
- * Sick call was an integral component of our operational mission. Over 500 patient visits were recorded. Most ailments were of a fairly minor nature, but many would have likely resulted in visits to civilian facilities and resultant missed time on duty in an environment where personnel requirements were extremely high. It is not possible to quantify the ✓

number of personnel that remained on the job because of the treatment and preventive medicine measures practiced on site. It is also difficult to quantify how much more efficiently jobs were performed because of the medical care given.

- * Medical support was a great morale booster to the deployed personnel. The medical TOC was a place to sit down, get some advice or treatment, and visit for a while. Preventive medicine measures such as tetanus shot updates were widely utilized and greatly appreciated.
- * Sick call hours were originally scheduled but later changed to a 24-hour walk-in basis. Many agents utilized our care in the middle of the night. Our commitment to get out of bed and treat anyone with a medical concern generated much good will among the deployed personnel.

18-20 April

I returned with several other personnel on 18 April to prepare for the execution of the tactical option scheduled for the following day. Changes in mission requirements dictated that the medical system be capable of handling a scenario of serious injuries to every person in the compound. This required a large number of physicians and other medical personnel. Because most participants had other obligations and could not remain staged indefinitely awaiting a need for their services, several medical providers arrived on the eve of the operation.

- * We attempted to maintain a low profile upon arriving back to the area. Rather than flying to Waco, most personnel flew to Dallas and drove to Waco. Upon arrival to the operation site, we waited in the medical tent. However, within minutes of our arrival, other personnel from the operational site entered the tent and recognized us. In this instance there was no breach of operational security because the medical staff already in place knew that an operation was planned. However, if that had not been the situation, a better location for staging should have been found.
- * My role during the operation was to serve as the medical officer at the Sierra 2 position. FBI Special Agent [REDACTED] and I staged at the T-intersection, then moved to the Sierra 2 position in Medical Bradley 2 before the initiation of the tactical plan. Medical Bradley 2 remained with us for our use during the operation. We were to provide advanced life support for any casualties taken at the Sierra 2 position and

utilize the Bradley to transport patients or to rescue casualties on our side of the compound, then transport either to the T-intersection or to the Sierra 2 position for further care depending upon the tactical situation.

- * Given the abundant medical assets present on site, this was a reasonable use of resources. Had a casualty been taken at the Sierra 2 position or on that side of the compound during a prolonged firefight, evacuation would have required either a medevac aircraft to land on a hot LZ or evacuation via Bradley to the T-intersection. The Bradley would have to pass between the Sierra 1 position and the compound to reach the T-intersection. This would present problems if a prolonged firefight were ongoing. With two M-5 bags and a Secret Service ALS FAT Kit, we could provide prolonged ALS care until evacuation was safer.
- * However, if medical assets had been less plentiful during this operation, it would have been more prudent to stage us at the T-intersection or further rearward so that we could provide care to casualties evacuated from multiple forward positions. Our position at Sierra 2 could have been filled by a medic from the Hostage Rescue Team. Our positioning at Sierra 2 allowed the medic from the Hostage Rescue Team to be staged at the much smaller Sierra 3 position, thereby allowing that position to have medical support as well.
- * During the operation, there were no casualties taken by the Sierra 2 position or on our side of the compound. As the compound burned, it became clear that the Sierra 2 position was unlikely to take casualties. The driver of Medical Bradley 1 called our driver to request our assistance with casualties on the other side of the compound. Our driver stated that we were going to render assistance. Although the action seemed reasonable, we held him until we could verify with the Medical Commander that he also wanted us to move from our assigned position.
- * After clearing the action through the Medical Commander, our Bradley moved to the other side of the compound to assist Medical Bradley 1 with patient evacuation from inside the concertina wire. After Medical Bradley 1 left with a patient we remained staged inside the compound as Hostage Rescue Team operators searched a bunker.
- * After the bunker was searched, we withdrew to the rally point where we found FBI agents with a male subject who denied any injury or desire for medical attention. He was left in the custody of the agents for transport. We then assisted Medical Bradley 1 personnel with two

noncritical casualties at the same location. They transported those patients to the T-intersection.

- * I observed FBI Special Agents/EMT's ¹ [REDACTED] and ² [REDACTED] provide care in the forward area. Although I briefly assessed each patient I witnessed them transport, I had nothing to add to their management strategies. Neither agent had ever performed as a care provider, yet each did an outstanding job.
- * While Medical Bradley 1 transported patients to the T-intersection, we remained staged at the rally point to await any additional casualties. After the building was totally destroyed, we were replaced by personnel driving the Hostage Rescue Team ambulance. We then withdrew to the Sierra 2 position, then the forward TOC area.
- * Safety considerations for medical personnel were adequately addressed. Adequate protective gear and measures were provided. Our position at Sierra 2 took small arms fire after the building began burning, but the position was well-bunkered. By the time the Medical Bradleys moved into the compound, the structure was consumed by flames. However, we continued to work behind the protective cover of our armored vehicles when possible to protect against snipers or explosion hazards. Subjects were searched by FBI agents and handcuffed as appropriate.
- * Having firefighters on scene would have been of no benefit because they would have been unable to approach the building safely, as demonstrated by the small arms fire directed at the Sierra 2 position after the building began burning.
- * The day following the incident, those who remained dismantled the medical system. Minor problems arose because multiple involved agencies had been sharing equipment during the operation. Fortunately, enough of the remaining personnel were able to recall where equipment belonged and returned it to its proper agency. For future prolonged operations involving multiple agencies, a logbook or hand receipt system could improve tracking of property.

-3-

7. I returned to Waco on 18 April but did not have an opportunity to reassess the Team prior to the initiation of action on the morning of 19 April.

1
[REDACTED]
2

[REDACTED], M.D.

AGTX-CD (NGB-ARC/14 Mar 97) (37-20a) 1st End [REDACTED] cb/DSN 954-5516
SUBJECT: Antideficiency Act Violation Concerning Use of Counterdrug Funds by the
Texas National Guard in Support of Operation Trojan Horse (ASA(FM&C) Case No.
95-09

Adjutant General's Department, State of Texas, Counterdrug Operations, P.O. Box
5218, Austin, Texas 78763-5218 28 March 1997

FOR Chief, National Guard Bureau ATTN: NGB-ARC-M [REDACTED]

1. I wish to submit the following matters IAW para 4 of the basic memorandum for consideration. For all the reasons which follow, request that no adverse action of any kind, to include collection action, be taken against me if the BATF refuses to reimburse the funds in question and the Antideficiency Act violation is uncorrected.

2. I heartily concur with [REDACTED] conclusion in his 11 March 1997 memorandum that no employee, including me, committed an Antideficiency Act violation knowingly and willfully. I wish to clarify certain points in [REDACTED] 11 March 1997 memorandum to ASA (FM&C). [REDACTED] asserts that the flights prior to 4 February and all actions after 25 February constitute the violation. Whatever my position, I never took any action which I believed to be illegal or improper in any manner.

3. At page 6 of his memorandum, [REDACTED] suggests that I was willing to approve support to the BATF on the basis of the initial letter (which does not mention drugs) and initialed "OK" on the letter. While this seems logical, my initials and "OK" did not constitute approval, but rather my acknowledgment of the request and forwarding it for further processing. As explained in my 20 November 1995 statement to [REDACTED], it was not unusual for law enforcement to neglect to include the specific drug nexus statement in correspondence. The notation by [REDACTED] in the absence of the drug nexus ensured that follow-up coordination and correspondence (18 December 1993) was obtained prior to any mission execution. This indicates that the Counterdrug operation reacted properly to the request, and should prove that the three flights were not approved prior to the assertion of a drug nexus. While this may not cure the Antideficiency violation, it should remove culpability or need for adverse action. In those flights as in all else, I relied upon the assertions of the BATF that a proper drug nexus existed.

4. At page 8 of the memorandum, [REDACTED] asserts that the lack of drug information in the affidavit supporting the search warrant is a principal reason why he concludes that the service of the warrant, and all activities thereafter, had no counterdrug purpose. I was not privy to the affidavit or the warrant at the time, and continued to believe that the counterdrug mission which was deemed proper from 4 through 25 February still existed. I note that at this time, my decisions were not made alone but as a member of a body both collegial and hierarchical. I had local legal and command advice as well

AGTX-CD

SUBJECT: Antideficiency Act Violation Concerning Use of Counterdrug Funds by the Texas National Guard in Support of Operation Trojan Horse (ASA(FM&C) Case No. 95-09

as the input and support of the National Guard Bureau, with its own experts and lawyers, throughout the process. We all continued to believe that a proper drug nexus existed, and took our actions based on basis for the imposition of adverse action.

(1)

COL, TXANG
Counterdrug Coordinator

**DIRECTORATE FOR ACCOUNTING POLICY
ROUTING SLIP**

☐ TIME SENSITIVE

☐ ROUTINE

Initials

Date

1- Director

2- Deputy Director

3- Operations and Assessment Division

Associate Director

4- Policy Division

Associate Director

5- Administrative Staff

Remarks:

FT2 & filing

**DIRECTORATE FOR ACCOUNTING POLICY
ROUTING SLIP**

☐ TIME SENSITIVE ☐ ROUTINE

Initials Date

Director
Vacant

[Redacted Signature]

Accounting and Financial Management Division
Associate Director

2-

[Redacted Signature]

Special Operations Division
Associate Director

3-

[Redacted Signature]

5/18

Financial Review, Analysis and Reporting Division
Associate Director

4-

[Redacted Signature]

Administrative Staff

5-

[Redacted Signature]

Remarks:

**DEPUTY CHIEF FINANCIAL OFFICER
ROUTING SLIP**

☐ TIME SENSITIVE

☐ ROUTINE

FROM:

[REDACTED] *Net 9/18*

TO:

Director, Accounting Policy

Associate Director, Accounting Policy

Associate Director, Accounting Policy

Associate Director, Accounting Policy

Director, Financial Commerce

Associate Director, Financial Commerce

Director, Management Improvement

Director, Travel Reengineering

Special Assistant

Special Assistant

Make a DCFO Assignment for the attached.

Assign to:

Assign a Due Date of:

Other Action:

Other:

Remarks:

*w/o being too pushy...
lets get a copy of the
memo and then I will
determine whether I
should/need to call.*

WACO REVISITED

In March 1997 the Chairmen of the House Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice tasked the GAO to review DoD assistance to ATF and the FBI at WACO.

Task to examine:

- Types of support
- The cost
- The extent of reimbursement
- The authority for support and whether reimbursement was made or waived

They are concluding there effort and provided the attached heads up.

DoD under charged or failed seek reimbursement for goods and services in the amount of \$98,266.

The National Guard over charged in the amount of \$539.00.

The GAO has provided information regarding \$87,473 in under charges to Fort Hood.

The \$10,793 is from USSOCOM. (See attached memo)



**DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
111 SOUTH GEORGE MASON DRIVE
ARLINGTON, VA 22204-1382**

NGB-ARC (37-20a)

24 APR 1997

MEMORANDUM FOR OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF THE
ARMY FOR FINANCIAL OPERATIONS, ATTN: SAFM-FCL,
109 ARMY PENTAGON, WASH DC 20310-0109

SUBJECT: Antideficiency Violation, Case No. 95-09

1. References:

- a. 1st End, AGTX-CD, 28 Mar 97, subject: Antideficiency Act Violation Concerning Use of Counterdrug Funds by the Texas National Guard in Support of Operation Trojan Horse (ASA(FM&C) Case No. 95-09 (Encl 1)).

- b. Letter from [REDACTED], 19 Mar 97 (Encl 2).

2. The Army National Guard (ARNG) submitted the final report on Case No. 95-09 to [REDACTED] and [REDACTED] for their review and comments. Since the Investigating Officer on this case has retired, the National Guard Bureau Judge Advocate reviewed their comments to determine if any changes should be made to the report.

3. Changes are not required to the final report of investigation for Case No. 95-09. The comments of the responsible individuals are enclosed.

4. The POC is [REDACTED], NGB-ARC-M, [REDACTED]

FOR THE CHIEF, NATIONAL GUARD BUREAU:

2 Encls
as

Acting Deputy Director,
Army Comptroller



OFFICE OF THE DOD COORDINATOR
FOR DRUG ENFORCEMENT POLICY AND SUPPORT

TO: [REDACTED] ⁽¹⁾ OFFICE: GAO

FAX PHONE #: [REDACTED] OFFICE PHONE #: [REDACTED] ⁽²⁾

DATE: 4 April 97

COMMENTS: as requested : ARMY STUFF TO FOLLOW.

SCF

CLASSIFICATION: UNCLASS

FROM: OCDEP&S
1510 DEFENSE PENTAGON
WASHINGTON DC 20301-1510

DSN [REDACTED] ⁽³⁾
COMM [REDACTED] ⁽³⁾
FAX [REDACTED] ⁽³⁾

THIS CONSISTS OF 3 PAGE(S) INCLUDING COVER SHEET

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU RECEIVE THIS MESSAGE IN ERROR PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
FINANCIAL MANAGEMENT AND COMPTROLLER
109 ARMY PENTAGON
WASHINGTON DC 20310-0109



07 APR 1993

MEMORANDUM FOR DEPUTY CHIEF FINANCIAL OFFICER, OFFICE OF THE
UNDER SECRETARY OF DEFENSE (COMPTROLLER)

SUBJECT: Report of Antideficiency Act Violation Case #95-09

Last month my office forwarded a report of Antideficiency Act violation occurring at the United States Property and Fiscal Office, Texas in January 1993, when the Texas National Guard used counterdrug funds in support of the Bureau of Alcohol, Tobacco, and Firearms (BATF) and Federal Bureau of Investigation (FBI) operation concerning the Branch Davidians near Waco, Texas.

The two National Guard individuals named as having the most knowledge of this operation were notified and provided an opportunity to comment on the final report. Their statements were evaluated and did not affect the conclusions of our report. These statements are provided at Enclosure 1 and 2.

My point of contact for this report is [REDACTED], who can be reached at (703) 697-0757, fax number (703) 695-2028.

(2) [REDACTED]
Deputy Assistant Secretary of the Army
(Financial Operations)

Enclosures

①

From: [REDACTED] ②
To: [REDACTED] ③
Cc: [REDACTED]
Subject: Waco ADA Case
Date: Wednesday, April 09, 1997 3:45PM

⑥ [REDACTED] ①
[REDACTED] called me today in preparation for [REDACTED] and [REDACTED] ①
meeting with the [REDACTED] of [REDACTED]
[REDACTED] would like the costs involved with the Waco operation broken down
into three categories:

- 1) Costs incurred once the facility was surrounded
- 2) Costs incurred to support ATF once they received the search warrant (because this was clearly for reasons other than counterdrug) ←
- 3) ARNG costs incurred to support the ATF that were clearly not drug related

I informed him that it's my understanding that all of the costs in the final report of violation (\$121,676.50) fall into category three. He then asked if there were total costs greater in category one and two. I told him that the ARNG had been previously reimbursed by ATF and FBI for repair parts and supplies (cash collection voucher at exhibit 54 of the report). He would like to know what amounts have already been reimbursed, and for what purpose.

I've already contacted Pat by phone and informed her of the request. I've also asked if she can give you a quick read Thursday on how long it will take to break out the costs and/or if they are readily available. Pat and I think that these categories coincide with the phases of the operation and that these costs should be available. Pat has a call in to the National Guard auditor on the investigation team who developed these costs.

Nelson said he has not yet scheduled the meeting with Treasury. He will do so once he learns how long it will take to obtain the breakout.

The amount in our final report was \$121,676.50, comprised of \$118,885 of FY 93 Army National Guard Pay appropriation (\$86,430 for pay and allowances, and \$32,455 for travel and per diem for personnel involved) and \$2,791.50 FY 93 Operation and Maintenance, Army National Guard for 3 aerial flights. I'm dropping off the backup for this number to you this afternoon.

I'm off Thursday and Friday, but, as always, you can call me at home if you need to at 690-2815. Pat's phone number at the Army National Guard is 607-7704. Thanks, and let me know if you need anything.

*Costs will
be ready
COB 17 April
Sent Nelson
an e-mail
note 4-10
to that effect
B*

MODE = MEMORY TRANSMISSION

START=APR-17 11:58

END=APR-17 12:02

FILE NO. = 237

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|---------|---------|--------------|
| 001 | OK | S | 6931619 | 009/009 | | |

-OSD-DGC

- *****

703 614 6745- *****



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600



TELECOPIER MEMORANDUM

DATE: 4/17/97

To: [REDACTED] ①

FAX: [REDACTED] ①

FROM: [REDACTED] ②

We are submitting 9 pages, including this Telecopier Memorandum. ④

If you do not receive all pages, please call [REDACTED] ④
at [REDACTED] ③

REMARKS: [REDACTED] ③

MAY-15-1997 12:23 PM
 US GENERAL HUNNING UH
 314044643/CS
 P.03

ARMY SUPPORT FOR WACO

TAB A

EQUIPMENT/RESOURCES

| Support Provided | Date Requested | Requestor | DoD Approval | Date |
|--|----------------|--------------------------------|--|--|
| 1. MOUT Site | 22 JAN 93 | BATF | CDR, JTF-6 | 4 FEB |
| 2. Training Assistance | 3 FEB 93 | Operation Alliance for BATF | CDR, JTF-6 | 17 FEB 95 |
| 3. Ranges and Training Areas | 3 FEB 93 | Operation Alliance for BATF | Normal Operations | 3 FEB 93 |
| 4. (10) BFVs, (2) Helicopters (UH-1) | 1 MAR 93 | FBI | Acting ASA(IL&E) (10 BFVs; 2 Helos) | 1 MAR 93 (original request on 28 FEB was for 10 BFVs) |
| 5. (2) M1 Tanks | 5 MAR 93 | FBI | OSD | 8 MAR 93 |
| 6. M1 Training | 6 MAR 93 | FBI | Acting ASA(IL&E) training only | 7 MAR 93 |
| 7. (3) Unmanned Ground Vehicles | 7 MAR 93 | FBI | OSD | 7 MAR 93 |
| 8. (2) Combat Engineer Vehicles (CEVs) | 7 MAR 93 | FBI | Acting ASA(IL&E) | 8 MAR 93 |
| 9. 40mm/M203 Range; 100 rounds practice ammo; 50 rounds illumination | 11 MAR 93 | FBI | Acting ASA(IL&E) | 11 MAR 93 |
| 10. (2) additional Combat Engineer Vehicles (CEV); (1) M88 Tank Retriever; | 15 MAR 93 | FBI | OSD | 16 MAR 93 |

Z 0019140

ARMY SUPPORT FOR WACO

EQUIPMENT/RESOURCES

| Support Provided | Date Requested | Requestor | DoD Approval | Date |
|--|----------------|-----------|-------------------|---------------------|
| 11. (2) PSS-11 Mine Detectors and training | 17 MAR 93 | FBI | Acting ASA(IL&E) | 18 MAR 93 |
| 12. UH-1 Support | 23 MAR 93 | FBI | Acting ASA(IL&E) | 23 MAR 93 |
| 13. (2) 2 1/2 Ton trucks; (12) M 1009 (Commercial Utility Cargo Vehicle) | 25 MAR 93 | BATF | Acting ASA (IL&E) | 25 MAR 93 |
| 14. Emergency Medical Support (On call) | 31 MAR 93 | FBI | Local Commander | 1 APR 93 |
| 15. (1) 15 Kilowatt Generator | 3 APR 95 | FBI | Local CDR | When requested(W/R) |
| 16. Coats, Gas Masks; (1) GP Medium Tent | 6 APR 93 | FBI | Local CDR | W/R |
| 17. (1) GP Small Tent | 13 APR 93 | FBI | Local CDR | 13 APR 93 |
| 18. Protective Masks (15) each M17 & M24 | 13 APR 93 | FBI | Local CDR | W/R |
| 19. Concertina Wire 80 rolls; 200 Pickets, 6 Picket Drivers | 9 APR 93 | FBI | Local CDR | 9 APR 93 |
| 20. (3) CH-47 Helicopters (On call) | 13 APR 95 | FBI | Local CDR | 13 Apr 93 |
| 21. (5) Physicians (On call) This request repeated the helicopters at #20. | 15 APR 93 | FBI | Acting ASA(IL&E) | 16 APR 93 |

ARMY SUPPORT FOR WACO

EQUIPMENT/RESOURCES

| Support Provided | Date Requested | Requestor | DoD Approval | Date |
|---|----------------|-----------|--------------|------|
| 22. Other Equipment Loaned under local commander's approval (items known only by quantities): | | | | |
| Cots | 50 | | | |
| 400 Gallon Water Trailer | 1 | | | |
| Sleeping Bags | 90 | | | |
| Herman Nelson Heaters | 5 | | | |
| Immersion Heaters | 4 | | | |
| MREs | 100 cases | | | |
| Field Phones | 12 | | | |
| Switchboard | 1 | | | |
| Light sets | unspecified | | | |
| Smoke Generators | to cover 2Km | | | |
| Loud speakers | unspecified | | | |
| Field Tables | 12 | | | |
| Floodlights | unspecified | | | |
| Drivers Goggles | 50 | | | |
| Night Vision Goggles | 21 | | | |
| Gas masks | 100 | | | |
| Sandbags | 500 | | | |

ARMY SUPPORT FOR WACO

TAB B

Z 0019143

REIMBURSABLE COSTS

| <u>Type of Support</u> | <u>Cost</u> | <u>Reimbursed</u> | <u>Why not?</u> |
|--|--------------|-------------------|---|
| 2*. JTF 6 Training | \$5610.00 | No | Reimbursement was waived under provisions of 10 USC 377 because of substantial training benefit received by the unit. |
| 4. (10) BFVs | | | Loaned by Texas National Guard |
| 4. (2) UH-1s | \$123,954.00 | Yes | |
| damage to UH-1 | \$230,676.00 | Yes | |
| 5. (2) M1 Tanks | -0- | No | Not used. |
| 7. (3) Unmanned Ground Vehicles | | | Data not available. |
| 9. 40mm/M203 ranges and ammunition | \$5065.00 | Yes | Figure represents total charge for ammunition. |
| 11. (2) PSS-11 Mine Detectors w/Training Package | | No | None captured. Cost would have been for batteries only. Commercial batteries will work. User may have supplied his own. |
| 7&10. (5) CEVs | | | Provided by TXARNG. |
| 10. (1) M88 | | | Provided by TXARNG. |
| 12. (1) UH-1 Medevac | \$7075.00 | Yes | |
| 14. Emergency Medical Support | -0- | | On call. No indications they were used. |
| 15. (1) 15 kw Generator | \$1866.00 | Yes | Charge is for fuel consumed. |
| 19. Concertina Wire, pickets, drivers, etc... | \$2975.80 | Yes | |

* Item numbers in first column correspond to original listing on previous charts.

ARMY SUPPORT FOR WACO

REIMBURSABLE COSTS CONTINUED

20. (3) CH-47 Helos \$12,900.00 Yes

14. Other Miscellaneous Costs:

a. Temporary Duty \$16,135.18 Yes
costs for support personnel
and cost of lease vehicles to
transport them

b. Recovery vehicles \$10,816.70 Yes
cellular phones, sand bags,
and NVGs

c. Support vehicles: \$14,873.30 Yes
(Heavy Equipment Transports,
wreckers, M998)

d. Ammunition: Yes
(Costs captured in Ranges at entry #9)

MAY-15-1997 12:24 FROM US GENERAL ACCOUNTING VA 10 714044645700 P.07

Z 0019144

ARMY SUPPORT FOR WACO

Tab C

| Support Requested | Date Requested | Requestor | DoD Approval | Date |
|---|----------------|-----------------------|--|-----------|
| 1. Experts to lay concertina | 2 APR 93 | FBI | Local CDR | W/R |
| 2. Experts to counsel the Attorney General | 14 APR 93 | Department of Justice | OSD Executive Secretariat | 14 APR 93 |
| 3. CS Gas Expert to advise the Attorney General | 13 APR 93 | FBI | Acting Director for Research & Technology, US Army Biological & Chemical Defense Command | 13 APR 93 |

4. Other personnel involved were in support of an approved equipment/resource request:

| | |
|------------------------|-----------|
| Liaison Officers (LNO) | 2 |
| Generator Mechanics | 2 |
| Crew Chiefs | 2 |
| Tank maintenance Crew | 12 |
| Special Ops | 2 |
| Medical LNO | 1 |
| BATF LNO | 1 |
| AMC LNO | 1 |
| British OSS Rep | 1 |
| TOTAL | 24 |

1
~~SECRET~~
2
ARMY ~~UNIT SUPPORT~~
FOR WACO 2

Tab D

TOTAL P.09

Z 0019146

Equipment/Resources

| Item Requested | Date of Formal Request | Requestor | DoD Approval | Duration of Support | Documentable Costs | Reimburse. |
|----------------------|------------------------|-----------|--------------|---------------------|--------------------|------------|
| 3 Package | 17 Mar 93 | FBI | 19 Mar 93 | 2 Mar - 21 Apr 93 | \$0.00 | N/A |

Personnel

| Item Requested | Date of Formal Request | Requestor | DoD Approval | Duration of Support | Documentable Costs | Reimburse. |
|---|------------------------|-----------|--------------|---------------------|--------------------|------------|
| 6 Two Operators to provide Package | 17 Mar 93 | FBI | 19 Mar 93 | 2 Mar - 21 Apr 93 | \$10,792.53 | \$0.00 |

8 This document refers to classified Army Equipment provided for FBI at
9 Waco. The unit providing the classified equipment and the specific
equipment provided have been deleted so that this document is not
classified. The classified deletions were made by
10 ~~_____~~

9A

III CORPS &

FORT HOOD

FACSIMILE TRANSMITTAL HEADER SHEET

For use of this form, see AR 25-11, the proponent agency is ODSCA

| COMMAND/ OFFICE | NAME/ OFFICE SYMBOL | OFFICE TELEPHONE NO. (AUTOVON/Comm.) | FAX NO. (AUTOVON/Comm.) |
|---|---------------------------|--|----------------------------|
| FROM: AC of S, RM III CORPS & FORT HOOD | AFZF-RM | DSN 737-5246 | DSN 737-6014 |
| TO: DCSRE FORSCOM | [REDACTED] | DSN 367-5580 | DSN 367-5755 |

| CLASSIFICATION | PRECEDENCE | NO. PAGES (including this Header) | DATE-TIME | MONTH | YEAR | RELEASEE'S SIGNATURE |
|----------------|------------|---|-----------|-------|------|----------------------|
| UNCLAS | P | 14 | 28/145 | MAY | 97 | 2 [REDACTED] |

MOBILE ARMORED CORPS

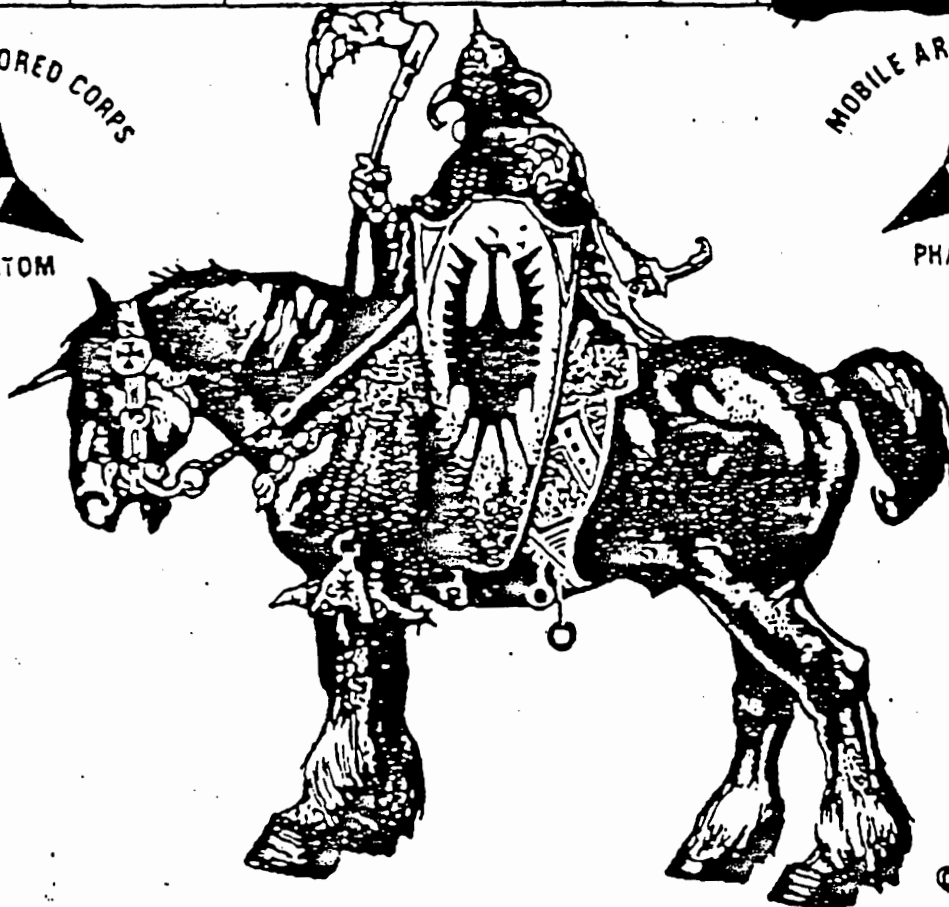


PHANTOM

MOBILE ARMORED CORPS



PHANTOM



© 1973 FRAZETTA

PHANTOM WARRIOR

Z 0041846

CASH COLLECTION VOUCHER

D. O. COLL YOU NO 001829
R. O. COLL YOU NO

RECEIVING ACTIVITY

RECEIVED AND FORWARDED BY

DATE

DISBURSING ACTIVITY
FIN AND ACCTG OFFICE
FORT HOOD TEXAS

BLDG 1001

DISBURSING OFFICER

DSSN
6341DATE RECEIVED
94/01/27

FINANCE AND ACCOUNTING OFFICER

| DATE RECD | NAME OF REMITTER DESCRIPTION OF REMITTANCE | AMOUNT | ACCOUNTING CLASSIFICATION |
|--------------|---|-------------|--|
| 94/01/27 | FEDERAL BUREAU OF INVESTIG 1UA- - CUS-ID-NO: 1UA053 | \$181627.17 | 2132020.0000 76-C- 0815 F200000 0000 041093 ABMR00 00ABMR |

2

CASH: \$0.00
CHECKS: \$181627.17

BILL NUMBER: SEP93

94027081709KBXA

TOTAL \$181627.17

DD 1131

Z 0041847

PREPARED BY OCT 97 VOUCHER FOR TRANSFER BETWEEN APPROPRIATIONS AND/OR FUNDS 114 37-271 DCN AVM-953 AS OF 30 SEP 93

| | | | | | | | | | |
|---|-----|----------------|-----|---|--|-------------------|--|---|--------------|
| ISSUANCE NO. | | IN VOUCHER NO. | | LOST AT | | PAID BY CHECK NO. | | COLLECTION VOUCH. NO. | |
| 100 | | 100 | | 100 | | 100 | | 100 | |
| BILLING OFFICE (MAIL TO): | | | | | BILLING OFFICE (SEND REMITTANCE TO): | | | | |
| FEDERAL BUREAU OF INVESTIGATION J. EDGAR HOOVER BLDG, ROOM 6874 ATTN: MS THREESA POWELL, PURCH. DIV 10TH AND PENNSYLVANIA AVE NW WASHINGTON, DC 20535 | | | | | DEENSE ACCOUNTING OFFICE 3676 1001, 2ND FLOOR ATTN: DEAS-IN/EN-FY 44737-7299 FORT MONROE, VA 23044-5056 | | | | |
| CHST | YLL | REF | REF | BILLING ACCOUNTING CLASSIFICATION | | | | COLLECTION | DISBURSEMENT |
| NR | NR | NR | NR | DATE | | | | AMOUNT | AMOUNT |
| 100055 SEP93 REINT 1A | | | | 09133 21 32023 1000 076 7 0215 200000 5041003 | | | | 1191,627.17 | |
| BILLED ACCOUNTING CLASSIFICATION SUB-TOTAL | | | | | | | | 15 10343 0010 000 1 0000 000000 5000000 | 1191,627.17 |

PAY THIS AMOUNT 1191,627.17

CERTIFICATE OF OFFICE BILLED

I CERTIFY THAT THE ABOVE ARTICLES WERE RECEIVED AND ACCEPTED OR THE SERVICES PERFORMED AS STATED AND SHOULD BE CHARGED TO THE APPROPRIATION(S) AND/OR FUND(S) AS INDICATED ABOVE OR THAT THE ADVANCE PAYMENT REQUESTED IS APPROVED AND SHOULD BE PAID AS INDICATED.

AUTHORIZED ADMINISTRATIVE OR CERTIFYING OFFICER

DATE

LA FORM 4445-4

TITLE

APPROVED BY TREASURY - OCT. 1995
FOR USE IN LATE OF 50 1330

PREPARED 01 OCT 93

DETAILS TO SUPPORT BILLING FOR CUSTOMER NUMBER IUA

PCN AVK-974 AS OF 30 SEP 93

| LINE | TR | SECT | BLK NO | POS | ACCOUNT NO | DOV/NAME | BILL NO | DATE | AMOUNT |
|--------------|----|------|--------|------|----------------|----------|---------|-------|--------------|
| 103 | 52 | 5 | J15 | 2217 | 1UA051XF810000 | 000606 | SEP93 | 93260 | 1,100.00 |
| | 52 | 5 | J15 | 2332 | 1UA053XF810000 | 000606 | SEP93 | 93260 | 552.91 |
| | 52 | 5 | J15 | 211J | 1UA053YF810000 | 000607 | SEP93 | 93260 | 12,200.66 |
| | 52 | 5 | J15 | 219J | 1UA053YF810000 | 000607 | SEP93 | 93260 | 2,874.52 |
| | 52 | 5 | J15 | 26FA | 1UA053YF810000 | 000607 | SEP93 | 93260 | 12,657.27 |
| | 52 | 5 | J15 | 26EB | 1UA053YF810000 | 000607 | SEP93 | 93260 | 1,103.86 |
| | 52 | 5 | J15 | 26FF | 1UA053YF810000 | 000607 | SEP93 | 93260 | 18,354.00 |
| | 52 | 5 | J15 | 26FS | 1UA053YF810000 | 000607 | SEP93 | 93260 | 131,824.00 |
| IUA753 TOTAL | | | | | | | | | \$181,627.17 |

BILL TOTAL \$181,627.17

OFFICE OF THE DEPARTMENT OF DEFENSE
COORDINATOR FOR DRUG ENFORCEMENT POLICY AND
SUPPORT

May 28, 1997

TO: [REDACTED] USSOCOM/SJA

TELECOPIER PHONE #: (813) 828-3629 (DSN: 968)

OFFICE PHONE #: (813) 828-3252/3787

FROM: [REDACTED] Legal Policy Coordinator
(703) 693-1920. Unclassified FAX: (703) 697-8176
Classified FAX: (703) 693-5304

COMMENTS: [REDACTED] Need your help with GAO on WACO. Could not get to John's Retirement.

[REDACTED] O, (757) 552- 8159 is finishing up his review of reimbursement to DoD for Waco support provided to FBI et al. He is trying to get a good handle on what equipment and personnel were provided how much it cost and whether we got reimbursed. He has seen documents that show two senior officer met with the US AG in Texas, some "sensitive equipment" was loaned and three personnel provided, and 2 more people went to the Hostage Rescue Team, TOC to observe. He saw papers that indicate reimbursement of documented costs of \$10K+ were waived by SOCOM corporate because it was small change.

My direct knowledge is nil. Paper work is sparse. [REDACTED] memory, though good, is aimed at a new job. We ought to be able to figure this out between us, and protect the department, the command, and comply with the law. Need you to check SOCOM corporate memory, and arm me with info or deal direct with [REDACTED] looks like one of your subordinate elements may have the answers. Please have one of your bright guys call and let me know if the issue is joined.

Other than that, how's goin? Thank [REDACTED]

One page.

1
[REDACTED] -IG

From: [REDACTED] - IG, LIAISON(SMTP: [REDACTED])
Sent: Thursday, May 29, 1997 8:14AM
To: [REDACTED] - AFLG; [REDACTED] - Gb
Cc: [REDACTED] - IG; [REDACTED] - IG XO; [REDACTED] - PAO; [REDACTED] - IG, MCP; [REDACTED] - Cmd Audit; [REDACTED]
Subject: GAO Audit of DOD Support to the Bureau of Alcohol, Tobacco, and Firearms (BATF) and the Federal Bureau of Investigation (FBI) in Connection with Their Law Enforcement Activities Toward the Branch Davidians

S: 5 June 1997

1. GAO has initiated subject audit at the request of the Chairmen of the House Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice.
2. Objectives are to determine (i) what types of assistance was provided to the BATF and FBI; (ii) the rationale for providing this assistance; (iii) the cost of providing the assistance; and (iv) whether DOD was reimbursed for the assistance provided.
3. Request you advise this office, NLT 5 June 1997, if you have any concerns about the subject audit or areas that the auditors may need to review. Telephonic or E-mail responses are acceptable and encouraged.

ig
[REDACTED] 3492

FAXDate: 2 June 1997Number of pages including cover sheet: 1

Classification: UNCLASSIFIED

TO:

USTRANSCOM

J-3, West Team (2)

J-8, (3)

Phone:

DSN: 576

Fax phone:

CC:

From:

Phone:

DSN: 227

Fax phone:

REMARKS:

☐ Urgent☐ For your review☐ Reply ASAP☐ Please comment

HI:

GAO needs the following information on DoD support to the FBI WACO operation:

- 1.) Flight time required from Andrews AFB to Waco, TX
- 2.) The FY93 per hour cost to operate a C-141 (this may be the flying hour cost.)
- 3.) Total cost computed from numbers 1 & 2, above.
- 4.) Two sets of #'s - (1) round trip & (2) one-way costs.

The message traffic requesting the flight was 1 March 93 - "Request for March SAAM 5117 Support for FBI to Waco, Texas from J4-LRC."

I will be sending this both to the DoD General Counsel and to the Asst Sec Def (SO-LIC) for Their review and comments - **IF YOU CAN'T GIVE ME EXACT \$ - OKI I WILL TAKE BEST GUESS' BUT NEED SOONEST.** Thanks



UNCLASSIFIED

Mobility Control Center 7C-93

To: [REDACTED] Voice #: 227-5656

Subject: WAO Fax #: 227-8176

Pages (including cover):

Remarks: [REDACTED] We only keep records for 2 years.
These estimates are based on computer flight times + FY93
rates (U.S. Govt, Non DoD). 3 Scenarios computed.

Surprised we are still fighting over < 50K 4 years
later.

From: [REDACTED]

Voice #: 576-8114

Fax #: 551-576-8429

Com: 615-256-8429



UNCLASSIFIED

JUN-03-1997 07:20

USTC-MCC-ODJ

16182568429 P.02/05
U.S. GOVT FORM-6001

6/03/97 07:03

SAAM COST ESTIMATOR

Depositing Empty

*****UNCLASSIFIED*****

Hourly Tariff Rates : BOD
Aircraft Type : C141 # Aircraft : 1
Incentive : N
Stand Down : N # Days (SD):
Month : MAR
FY : ~~97~~ 93

| Loc | Name | Ctry/ St | Appx. Flying Time | Edited |
|------|-------------------|-------------|----------------------|--------|
| KWRI | MCGUIRE AFB | N J | | |
| KADW | ANDREWS AFB | MLD | 0:50 | No |
| KACT | WACO MADISON COOP | TEX | 2:33 | No |
| KWRI | MCGUIRE AFB | N J | 2:50 | No |

Total of Appx. Flying Time: 6:12

Estimated Flying Time 6.2 * Rate ⁶¹⁹⁶~~4553~~ = 28229
+ Stand Down

* # Aircraft 1

- 10% Incentive

Total = ~~28229~~ 38,415

*****UNCLASSIFIED*****

6/03/97 07:03

FORM PRINT COMPLETED

JUN-03-1997 07:20

USTC-MCC-ODJ

16182568429 P.03/05

6/03/97 07:03

SAAM COST ESTIMATOR

US Govt Non-DOD Rate
Round trip

*****UNCLASSIFIED*****

Hourly Tariff Rates : ~~DOD~~

Aircraft Type : C141

Aircraft : 1

Incentive : N

Stand Down : N

Days (SD) :

Month : MAR

FY : ~~97~~ 03

| Loc | Name | Ctry/ St | Appx. Flying Time | Edited |
|------|-------------------|-------------|----------------------|--------|
| KWRI | MCGUIRE AFB | N J | | |
| KADW | ANDREWS AFB | MLD | 0:50 | No |
| KACT | WACO MADISON COOP | TEX | 2:33 | No |
| KADW | ANDREWS AFB | MLD | 2:33 | No |
| KWRI | MCGUIRE AFB | N J | 0:55 | No |

Total of Appx. Flying Time: 6:50

Estimated Flying Time 6.8 * Rate ⁶¹⁹⁶~~4553~~ = ~~30960~~
+ Stand Down

* # Aircraft

1

- 10% Incentive

Total = ~~30960~~ 42,133

*****UNCLASSIFIED*****

6/03/97 07:03

FORM PRINT COMPLETED

Z 0033840

6/03/97 07:04

SAAM COST ESTIMATOR

1 way change only

*****UNCLASSIFIED*****

Hourly Tariff Rates : ~~DOD~~
 Aircraft Type : C141 # Aircraft : 1
 Incentive : N # Days (SD) :
 Stand Down : N
 Month : MAR
 FY : ~~97~~ 03

| Loc | Name | Ctry/ St | Appx. Flying Time | Edited |
|------|-------------------|-------------|----------------------|--------|
| KWRI | MCGUIRE AFB | N J | | |
| KADW | ANDREWS AFB | MLD | 0:50 | No |
| KACT | WACO MADISON COOP | TEX | 2:33 | No |

Total of Appx. Flying Time: 3:22
 Estimated Flying Time 3.4 * Rate ⁶¹⁹⁶~~4553~~ = 15480
 + Stand Down

* # Aircraft 15480 1

- 10% Incentive 15480

Total - ~~15480~~ 21,066

*****UNCLASSIFIED*****

6/03/97 07:04

FORM PRINT COMPLETED

***** -COMM. JOURN - ***** DATE JUN-06-1997 : ** TIME 17:05 *** P.01

MODE = MEMORY TRANSMISSION

START=JUN-06 17:03

END=JUN-06 17:05

FILE NO. = 219

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
|-----|-----|-----------|--------------------------------|-------|---------|--------------|

| | | | | | | |
|-----|----|---|--------------|---------|--|--|
| 001 | OK | S | 992022253737 | 005/005 | | |
|-----|----|---|--------------|---------|--|--|

-OSD-DGC

***** -

- ***** -

703 614 6745- *****



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600



TELECOPIER MEMORANDUM

DATE: 6 June

To: [REDACTED] ①

FAX: _____

FROM: [REDACTED] ②

We are submitting 5 pages, including this Telecopier Memorandum.

If you do not receive all pages, please call _____
at (703) 695-6710 or (703) 697-2714.

REMARKS:

As discussed, this is
the approved version of document 1
in release



[REDACTED]
SO

[REDACTED] ①
USA SOA ; HQDA

PROJ

DIR

WACO

ADMIN REV

[REDACTED] ②

[REDACTED] ③

[REDACTED] ④

[REDACTED] ⑤

Received

18 1715 JUN 93

ENL

(lost)



OFFICE OF THE DEPARTMENT OF DEFENSE COORDINATOR
FOR DRUG ENFORCEMENT POLICY AND SUPPORT

1510 DEFENSE PENTAGON
WASHINGTON DC 20301-1510



17 8 JUN 1997

(1) [REDACTED]
Norfolk Regional Office
United States General Accounting Office
Suite 300, 5029 Corporate Woods Drive
Virginia Beach, VA 23462

Dear (1) [REDACTED]

I am writing in response to your Fax Transmittal Sheet resent to us on June 2, 1997 which requests information on DoD support to the ATF and FBI during the Branch Davidian Incident at Waco, Texas.

The enclosed table provides the numeric information you requested, concerning variables in costs for a flight during this period. Records are not maintained for more than 2 fiscal years so this information should be considered as estimates rather than actual. You also requested to know whether or not variables in cargo or loads would make a difference in the cost of the flight: the answer is no – the United States Government, non-DoD rate is a flat per hour fee.

(2) My point of contact on this matter is [REDACTED] at (703) 693-1920.

Sincerely,

(3) [REDACTED]
Principal Director for
Drug Enforcement Policy and Support

Enclosure:
As stated



Z 0033836

Cost Per Flight Hour, a C-141 in Fiscal Year, 1993 = \$6,196

| <u>Flight</u> | | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> |
|--------------------|-------------|---------------------|----------|----------|----------|----------|
| | | Flight Time (Hours) | | | | |
| <u>LOC</u> | <u>Name</u> | | | | | |
| KWRI | McGuire | | | | | |
| KADW | Andrews | | | .83 | .83 | .83 |
| KACT | Waco | 2.55 | 2.55 | 2.55 | 2.55 | 2.55 |
| KADW | Andrews | | 2.55 | | | 2.55 |
| KWRI | McGuire | | | | 2.83 | .83 |
| Total Time (Hours) | | 2.55 | 5.10 | 3.38 | 6.22 | 6.77 |
| Total Cost | | \$15,800 | \$31,600 | \$30,963 | \$38,518 | \$41,926 |

Flight

| | | |
|----|--------------|---|
| A. | One Way Trip | Andrews AFB to Waco, Texas |
| B. | Two Way Trip | Andrews AFB to Waco, Texas and return to Andrews AFB |
| C. | One Way Trip | McGuire AFB to Andrews AFB (pickup) to Waco, Texas |
| D. | Two Way Trip | McGuire AFB to Andrews AFB (pickup) to Waco, Texas and return (empty) to McGuire, AFB |
| E. | Two Way Trip | McGuire AFB to Andrews AFB (pickup) to Waco, Texas and return (loaded) to McGuire AFB |

Flights A & B would assume the home base of the aircraft flying the mission was Andrews AFB.
 Flights C, D & E assume the home base of the aircraft flying the mission was from McGuire AFB and the additional flight time (and cost) enroute to and from Andrews and Waco are additive.



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

03 JUL 1997

*Sent by LA Courier
7/10/97 Waco*

Honorable Bill McCollum
Chairman
Subcommittee on Crime
Committee on the Judiciary
Washington, DC 20515

Dear Mr. Chairman:

This letter responds to your letter to Secretary Cohen dated April 8, 1997, concerning the release of documents in connection with your subcommittees' report entitled "Investigation into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians." Your letter responds to our objections to the public release of four documents stated in a letter to you from former Deputy General Counsel (Legal Counsel), [REDACTED] dated December 2, 1996.

2 The first document presented issues of classified information. These issues have now been resolved by discussion between your staff and Acting Deputy General Counsel (Legal Counsel) [REDACTED]. We have reviewed the document and declassified the portions you identified as significant to your efforts while retaining the classification of a small amount of information.

The second document presented an issue of an individual's social security number. As you noted in your letter, this issue has also been resolved.

The third document presents an issue of attorney-client privilege. You suggest in your letter that the attorney-client privilege does not provide a basis for executive branch agencies to withhold privileged communications from congressional oversight committees. In fact, however, this document was not withheld from your subcommittees. On the contrary, we provided this document to you, without redactions, in response to your subcommittees' request dated June 8, 1995. At the same time, however, my letter dated July 10, 1995, which accompanied the documents being produced, expressly states (paragraph 7) that some of the documents being produced were subject to the attorney-client privilege and further states that our willingness to produce these documents for the use of the subcommittees and their staffs in connection with your investigation did not waive the privilege and did not authorize their release to the public by your subcommittees. Obviously, if production of privileged documents to Congress were deemed to be a waiver of the attorney-client privilege, the willingness of executive branch agencies to produce such documents in the future could be compromised. In any event, we have agreed to the public release of this document with the exception of only one sentence, which contains legal analysis and states the legal opinion of an Air Force attorney. Although you quoted from this document in your report, you did not mention the sentence we have redacted.



407741-97

The fourth document presents a similar issue of attorney-client privilege. You state in your letter that the privilege was waived when it was produced to you "with the express understanding that it was being used in preparation for a congressional report." In fact, however, this document was not produced by the Defense Department in response to your document request dated June 5, 1995. It was not produced to you by my office at all, and the Chief Counsel of the National Guard Bureau has told us that it was not released to you by his office either. Accordingly, we have no way of knowing how or from whom you obtained it. Footnote 167 of your report merely notes that this document was "received by the subcommittees on March 12, 1996." It is, of course, well settled, that the attorney-client privilege belongs to the client--in this case the Department of Defense--and can only be waived by the client. Thus, the unauthorized release of this document to your subcommittees by some unknown individual could not waive the Department's privilege. As we have previously explained, this fourth document is a draft legal memorandum, which plainly falls squarely within the attorney-client privilege.

As you know, we have worked closely with your staffs in connection with your investigation from the hearing and document production through the review of documents for release to the public. We appreciate your courtesy in advising us of your proposed release and offering the opportunity to comment. We respectfully request that you reconsider your position with respect to the only two documents that remain in dispute--the single sentence of the third document, and the fourth document--and that you not release this privileged information.

Sincerely, 1

[Redacted signature block] 2

cc: Honorable Charles E. Schumer
Ranking Democratic Member

MODE = MEMORY TRANSMISSION

START=JUL-17 14:34

END=JUL-17 14:38

FILE NO. = 142

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|---------|---------|--------------|
| 001 | OK | * | 992022254784 | 008/008 | | |

-OSD-DGC

***** -

- ***** -

703 614 6745- *****



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600



TELECOPIER MEMORANDUM

DATE: 17 Jul 97

To: [REDACTED]

(1)

FAX: 202

225-4784

FROM: [REDACTED]

(2)

We are submitting 8 pages, including this Telecopier Memorandum.

If you do not receive all pages, please call _____
at (703) 695-6710 or (703) 697-2714.

REMARKS:



1
[REDACTED]
From: 2 [REDACTED]
Sent: Friday, July 11, 1997 7:43AM 4
To: 3 [REDACTED] (P)--RM; [REDACTED] DOL; [REDACTED] G3
Cc: [REDACTED] 3C CofS; [REDACTED] IG
Subject: FW: GAO request for information

9
GAO is only requesting documents at this point. No on site visit scheduled. Mr. Wells is working with members of your staffs.

10
From: [REDACTED] IG
Sent: Wednesday, July 09, 1997 3:56PM
To: 11 [REDACTED]
Cc: 12 [REDACTED]
Subject: FW: GAO request for information

13
From: [REDACTED] IG
Sent: Wednesday, July 09, 1997 1:17PM
To: 14 [REDACTED]
Cc: 15 [REDACTED]
Subject: GAO request for information
Importance: High

EXECUTIVE SUMMARY

(U) GAO Audit of DOD Support to ATF and FBI in Waco siege. (IG Audit Liaison Branch) (U): On 25 Oct 96, GAO initiated this audit as requested by the Chairman of the House Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice. Objectives are to determine (i) what types of assistance was provided to the ATF and FBI; (ii) The rationale for providing this assistance; (iii) the cost of providing the assistance; and (iv) whether DOD was reimbursed for the assistance provided. GAO has telephonically requested copies of documents showing Fort Hood being reimbursed for the cost of this operation. GAO will not visit Fort Hood. RM, DOL and DAO are providing copies of documents.

16
PREPARED BY: [REDACTED] 287-3519

17
APPROVED BY: [REDACTED]

PREPARE MEMO: _____



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

07 AUG 1997

[REDACTED] -1
Associate General Counsel (NSIAD)
Office of the General Counsel
United States Government Accounting Office
441 G Street, NW
Washington, DC 20548

Dear [REDACTED] 2

This is in response to your correspondence of March 10, 1997, requesting our opinion as to whether funds were properly applied under 32 U.S.C. § 112 when the Texas National Guard provided support to the Bureau of Alcohol, Tobacco and Firearms (ATF), during the law enforcement operation involving the Branch Davidians near Waco, Texas.

32 U.S.C. § 112(a) authorizes funding for:

- (1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by state law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of drug interdiction and counter-drug activities;
- (2) the operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities; and
- (3) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

Under 32 U.S.C. § 112(f)(1) the definition of "drug interdiction and counter-drug activities" includes the use of National Guard personnel in any law enforcement activities related to counter-drug efforts authorized by State and local law and requested by the Governor of the State. The purpose of 32 U.S.C. § 112 was to operate the National Guard in a way that contributes to our nation's counter-drug efforts and to provide more significant assistance to law enforcement and other agencies of the United States that have counter-drug responsibilities. In our view, it is important to construe the provision to effectuate the intent of the statute and to assist interagency efforts, such as the instant case, in the overall war against drugs.



While the Drug Enforcement Agency may have primary responsibility for drug enforcement, many ATF investigations, like the Koresh investigation, involve mixed allegations of firearms and drug violations. While ATF's primary focus is on the firearms violations, drug offenses may also be a subject of ATF investigations. It is not unusual for the National Guard to support ATF and this working relationship is essential to the success of the counter-drug effort.

To invoke 32 U.S.C. § 112, a law enforcement operation must involve drug interdiction and counter-drug activity. The statute is silent on the degree of drug interdiction and counter-drug activity necessary to permit the National Guard to participate on a non-reimbursable basis. To require a member of the National Guard to make a judgment on the relative importance of drug concerns versus other investigative issues would be too onerous. It is our view that the official making a request under § 112 must have a reasonable basis to believe that drug interdiction or counter-drug activity is involved. The requirements of the law are satisfied when the law enforcement operation has a mixed purpose which includes drug interdiction and counter-drug activity.

National Guard participation in this investigation was requested by an interagency task force of counter-drug law enforcement agencies the purpose of which is to further counter-drug law enforcement efforts. It is our view that a reasonable basis existed to support the Texas National Guard's conclusion that this operation involved counter-drug activity. It was, therefore, permissible for the Texas National Guard to provide support on a non-reimbursable basis under 32 U.S.C. § 112. It is also our view that as long as the basis for the original decision remained valid, the Texas National Guard could continue to provide support on a non-reimbursable basis even though the focus of the operation had shifted. On the evidence presented to this office, that standard was met and the funds used for this operation were properly obligated and expended in accordance with 31 U.S.C. § 1301. Accordingly, no violation of the Anti-Deficiency Act occurred.

Sincerely,



28 AUGUST 1997 12:00
FBI is looking
for documents, will send
money to LARRY. LARRY will collect to night vision
3
4
From: [redacted]
Sent: Monday, August 11, 1997 8:42AM
To: [redacted]
Subject: FW: GAO DOD Support to ATF & FBI

DRM has full faith his people have done the best they could and no further action is necessary.

6
From: [redacted]
Sent: Friday, August 08, 1997 3:29PM
To: [redacted]
Subject: RE: GAO DOD Support to ATF & FBI

So what does DRM say?

8
From: [redacted]
Sent: Friday, August 08, 1997 10:33AM
To: [redacted]
Subject: RE: GAO DOD Support to ATF & FBI
Importance: High

Impact is GAO will report to congress that we had some cost that we did not collect. Since we know we provided the support we could still bill the FBI and we may collect or the FBI could say they paid it. The Night Vision Goggles were lost that is why we billed the FBI for them. The ammunition was issued to the FBI and if they did not use it they were allowed to keep it since we were supposed to bill them and they would have paid for it. The MRE's were consumed and therefore the FBI should have paid for them.

10
From: [redacted]
Sent: Friday, August 08, 1997 9:42AM
To: [redacted]
Subject: RE: GAO DOD Support to ATF & FBI

Before I send this to the Chief I need to know what is the impact? If we did not collect all of the money are we supposed to give them a bill now or what? Where are the items of equipment? Does the ATF/FBI still have them? Lots of questions to be answered before we send to the Chief.

12
From: [redacted]
Sent: Friday, August 08, 1997 9:14AM
To: [redacted]
Subject: GAO DOD Support to ATF & FBI
Importance: High

EXSUM

(u) GAO Audit of DOD support to ATF & FBI during the Waco Siege. (IG Audit Liaison Branch): III Corps has been able to support collection of \$421,000. Discussion with RM Budget, DAO, G3, and COSCOM have shown that we should also have collected (\$9,168.00) for night vision Goggles, (\$5,065.50) ammunition, and (\$163.53) Meals Ready to Eat. If these collections were made we are unable to provide proof of the collection.

14 15
PREPARED BY [redacted]

APPROVED BY:

PREPARE MEMO: _____



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY AVIATION AND TROOP COMMAND
4300 GOODFELLOW BOULEVARD, ST. LOUIS, MO 63120-1798



REPLY TO
ATTENTION OF

AMSAT-W-AU (755)

00 SEP 1993

MEMORANDUM FOR COMMANDER, III CORPS AND FT HOOD, ATTN: AFZF-GT
([REDACTED]), FT HOOD, TX 76544-5056

SUBJECT: Reimbursement for Crash Damaged Aircraft,
UH-1H S/N 74-22390

1. Reference telephone conversation between [REDACTED]^{1a}, your office, [REDACTED] and [REDACTED]³, this office, 31 Aug 93, SAB.
2. As discussed in referenced conversation, the FBI will forward funds in the amount of \$230,676 direct to Commander, ATCOM. Contact has been made with the FBI requesting reimbursement. This action is being taken under the provisions of The Economy Act, 31 USC 1535, DOD 7220.9-M, Chapter 26, 10 Apr 91.
3. Formal disposition instructions for the aircraft will be provided under separate correspondence.
4. POC [REDACTED]⁴, DSN 693-2004.

5 [REDACTED]
6 [REDACTED]

CF: [REDACTED]⁷
FCJ3-OV [REDACTED]
AMSAT-I-SBCU

1- [REDACTED] OUSDC
2- From: [REDACTED] OUSDC
Sent: Monday, September 15, 1997 10:59 AM
3- To: [REDACTED] OUSDC
Subject: RE: re WACO ADA violation

4- [REDACTED] I spoke with [REDACTED] re the WACO issue—he said his boss signed out a memo to the GAO requesting their opinion as to whether or not there should be any reimbursement. He has not seen a copy of the memo—but is pretty sure it was signed.

6- [REDACTED]
7- From: [REDACTED] OUSDC
Sent: Monday, September 15, 1997 10:28 AM
8- To: [REDACTED] OUSDC
Subject: RE: re WACO ADA violation

9- [REDACTED]
I have not heard from [REDACTED] lately. My recollection is that you are holding a final report from the Army that indicates that there was a violation. If so, I suggest that you contact [REDACTED] and advise him that you are not sure that you can hold it much longer. Ask him if there has been a resolution. And if not, when it might be resolved. Please advise of the outcome.

12- [REDACTED]
13- From: [REDACTED] OUSDC
Sent: Friday, September 12, 1997 11:05 AM
14- To: [REDACTED] OUSDC
Subject: re WACO ADA violation

15- [REDACTED] I am still holding the Army violation on WACO—have you receive any information from [REDACTED] on this one lately?

17- Thanks, [REDACTED] 16

1- [REDACTED] OUSDC
2- From: [REDACTED], OUSDC
Sent: Monday, September 15, 1997 10:28 AM
3- To: [REDACTED], OUSDC
Subject: RE: re WACO ADA violation

4- [REDACTED] 5-
I have not heard from [REDACTED] lately. My recollection is that you are holding a final report from the Army that indicates that there was a violation. If so, I suggest that you contact [REDACTED] and advise him that you are not sure that you can hold it much longer. Ask him if there has been a resolution. And if not, when it might be resolved. Please advise of the outcome. 6-

7- [REDACTED]

8- From: [REDACTED] OUSDC
Sent: Friday, September 12, 1997 11:05 AM
9- To: [REDACTED], OUSDC
Subject: re WACO ADA violation

10- [REDACTED], I am still holding the Army violation on WACO—have you receive any information from [REDACTED] on this one lately?

11- Thanks, [REDACTED] 11-

1 Oct 97

MEMORANDUM FOR [REDACTED], GAO Evaluator

SUBJECT: DOD Support to ATF and FBI

1. As requested by GAO, this office researched the budgeting and accounting records at Fort Hood to determine the cost of supporting the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Fire Arms during the Branch Dividian operation at Waco Texas.
2. We found that Fort Hood collected approximate \$181,000 in Fort Hood Cost and Approximately \$230,00 was collected by ATCOM for damage to a helicopter that belonged to ATCOM.
3. We also identified \$5,065.55 for ammunition, \$163.53 for Meals Ready to Eat, \$9,168.00 for night vision devices that apparently did not get collected because of administrative problems with collecting money into the correct appropriation.
4. Fort Hood Defense Accounting Office is currently in the process of attempting to collect the ammunition, meals ready to eat, and night vision devices cost into the proper accounts.

2
[REDACTED]
3 [REDACTED]
Director, Internal Audit

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages = 1

| | |
|-------------------|----------|
| To: 4 | From: 6 |
| Dept./Agency: GAO | Phone: 4 |
| Fax #: 5 | Fax #: 8 |

NSN 7540-01-317-7308 5099-101 GENERAL SERVICES ADMINISTRATION

1 - [REDACTED] 3
From: [REDACTED] on behalf of [REDACTED]
Sent: Monday, January 05, 1998 7:47 AM
To: [REDACTED]
Subject: FW: Waco--another look--FYI

FYI

-----Original Message-----
From: [REDACTED] 5
Sent: Monday, December 29, 1997 10:30 AM
To: [REDACTED] 6
Cc: [REDACTED] 7
Subject: Waco--another look--FYI

United Press International, December 8, 1997

December 8, 1997, Monday, BC cycle -09:07 Eastern Time

SECTION: Domestic News

LENGTH: 1399 words

HEADLINE: GAO to investigate Waco standoff

DATELINE: WACO, Texas, Dec. 8

BODY:

The General Accounting Office will investigate the use of military equipment during the Branch Davidian standoff near Waco in 1993. The Waco Tribune-Herald reports today that GAO investigators will be in Texas this week to review the use of Texas National Guard aircraft and armored vehicles during the 51-day siege. The investigation was requested by two House committees because an 1878 federal law prohibits the military from enforcing laws except in certain circumstances allowed by Congress, such as drug enforcement. Texas National Guard helicopters were used in the initial raid on the Branch Davidian compound on Feb. 28, 1993. Four agents of the Bureau of Alcohol, Tobacco and Firearms and six Davidians died in the initial raid. Armored vehicles were used during the 51-day siege, and when the FBI tried to force leader David Koresh to surrender on April 19, they used armored vehicles to inject tear gas into the buildings. A fire killed Koresh and more than 80 of his followers. The committees want to know if the equipment was properly used, and if it was, whether the Defense Department should be reimbursed. Some members of Congress say the ATF's explanation that they suspected a drug lab was in the Davidian compound was a ruse to use the military hardware.

Copyright 1997 by United Press International. All rights reserved.

LANGUAGE: ENGLISH

LOAD-DATE: December 8, 1997

703183

DRAFT

December 16, 1997

Table 4: Discrepancies in Billing for Military Assistance in the Branch Davidian Operation

| Discrepancy | Recipient | Amount |
|---|-----------|----------|
| Active Army used the wrong flying-hour rates when determining charges for: <ul style="list-style-type: none">• Flights by UH-1 helicopters for transport, deployment, medical evacuation support, and recovery.• Flight by CH-47 helicopter on medical standby. | FBI | \$73,073 |
| Active Army did not bill for the loss of 2 night-vision goggles. | FBI | 9,168 |
| Active Army did not bill for 40-mm grenade-launcher ammunition (200 target-practice rounds, 50 illumination rounds, and 250 high-explosive rounds). | FBI | 5,066 |
| Active Army did not bill for 8 cases of rations consumed by Army personnel while supporting the siege. | FBI | 166 |
| Active Army (Special Operations) did not bill for services provided during the siege: <ul style="list-style-type: none">• Observers and technical liaisons to the FBI's hostage rescue team.• Operation of classified/special equipment.• Training federal agents in use of classified equipment. | FBI | 10,783 |

**Variances from required reimbursable rates for helicopter support from Fort Hood
to the FBI during the Waco siege**

prepared by [REDACTED] June 25, 1997

| Type | No. of hours | Actual charges to FBI | | Mandated rate | | | Variance |
|---|--------------|-----------------------|---------------|---------------|---------------------------------|------------|----------|
| | | Rate used | Total charged | O&M only | Total (O&M and personnel costs) | Cost | |
| UH-1 | | | | | | | |
| 2 to transport, deploy, and observe. FBI piloted the craft. | 219.0 | \$568/hr | \$123,954 | 730 | \$2,563 | \$159,870* | \$35,916 |
| 1 for medevac while FBI craft in maintenance. FBI piloted the craft. | 12.6 | 566/hr | 7,076 | 730 | 2,563 | 9,125* | 2,050 |
| 1 for recovery. | 1.0 | 566/hr | 566 | 730 | 2,583 | 2,563† | 1,997 |
| Total | 232.6 | | \$131,595 | | | \$171,558 | \$39,963 |
| CH-47 | | | | | | | |
| 3 for medical standby, with crews. | 7.0 | \$1,844/hr | \$12,908 | \$2,188 | \$8,574 | \$46,018† | \$33,110 |
| Grand Total | | | \$144,503 | | | \$217,576 | \$73,073 |

- * Used the O&M-only mandated rate, because the FBI piloted the aircraft.
- † Used the total mandated rate, because there is no evidence that the FBI piloted the aircraft.

c:\wpwin\waco\charts\flyinhrr

December 16, 1997

1 Oct 97

MEMORANDUM FOR [REDACTED] GAO Evaluator

SUBJECT: DOD Support to ATF and FBI

1. As requested by GAO, this office researched the budgeting and accounting records at Fort Hood to determine the cost of supporting the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Fire Arms during the Branch Dividian operation at Waco Texas.

2. We found that Fort Hood collected approximate \$181,000 in Fort Hood Cost and Approximately \$230,00 was collected by ATCOM for damage to a helicopter that belonged to ATCOM.

3. We also identified \$5,065.55 for ammunition, \$163.53 for Meals Ready to Eat, \$9,168.00 for night vision devices that apparently did not get collected because of administrative problems with collecting money into the correct appropriation.

4. Fort Hood Defense Accounting Office is currently in the process of attempting to collect the ammunition, meals ready to eat, and night vision devices cost into the proper accounts.

[REDACTED]
Director, Internal Audit

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

| | |
|-------------------------|-----------------------|
| To [REDACTED] | From [REDACTED] |
| Dept./Agency GAO | Phone 254 287 3519 |
| Fax # 6-757 552 8197 | Fax # 254 288 3157 |

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

-Audit

From: [redacted] 3C CofS
Sent: Friday, January 09, 1998 8:04AM
To: 3 [redacted] Audit
Subject: RE: GAO Report on Waco Incident.

COME SEE ME ON THIS

*resent MSG 15 Jan-98
as req by C/S*

Original Message

From: 4 [redacted] Audit
Sent: Thursday, January 08, 1998 11:21 AM
To: 5 [redacted] 3C CofS 7 [redacted] 8 [redacted]
Cc: 6 [redacted] G3; [redacted] IG; [redacted] RM
Subject: GAO Report on Waco Incident.
Importance: High

GAO is drafting a report of their review of the DOD's support to the FBI & BATF during the Waco incident. The report will state that the Army did not bill the FBI for \$ 98,266.00.

Using wrong rate for Aircraft, \$ 73,073.00

loss of 2 Night Vision goggles. 9,168.00

ammunition 5,066.00

9 cases of rations 166.00

special operations support 10,793.00

total \$98,266.00

TRANSMISSION REPORT

:HQ USSOCOM SOJ6

(MAR 10 '98 02:19PM)

```
*****
*
* DATE      START    REMOTE TERMINAL      MODE      TIME      RESULTS  TOTAL  DEPT.  FILE
*   TIME    IDENTIFICATION                                PAGES  CODE  NO.
*
* MAR 10    02:13PM    COMPATIBLE    SYNC-GST    06'47"    OK       05
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*****
```

***** -COMM.JOURNAL- ***** DATE MAR-10-1998 ***** TIME 13:08 ***** P.1

MODE = TRANSMISSION

START=MAR-10 13:06

END=MAR-10 13:08

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
| 001 | OK | 2 | 945775786 | 005 | | |

***** -

- *****

***** -COMM.JOURNAL- ***** DATE MAR-10-1998 ***** TIME 11:12 ***** P.1

MODE = TRANSMISSION

START=MAR-10 11:10

END=MAR-10 11:12

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
|-----|-----|-----------|--------------------------------|-------|---------|--------------|

| | | | | | | |
|-----|----|---|-----------|-----|--|--|
| 001 | OK | 2 | 945792360 | 005 | | |
|-----|----|---|-----------|-----|--|--|

***** -

- *****

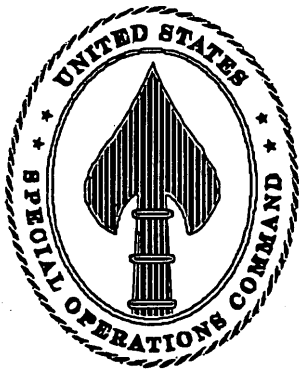
***** -COMM.JOURNAL- ***** DATE MAR-10-1998 ***** TIME 11:18 ***** P.1

MODE = TRANSMISSION

START=MAR-10 11:16

END=MAR-10 11:18

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
| 001 | OK | 2 | 942391002 | 005 | | |



UNITED STATES SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

UNCLASSIFIED

FACSIMILE TRANSMITTAL HEADER SHEET

| COMMAND | NAME OFFICE SYMBOL | TELEPHONE NUMBER | RELEASER SIGNATURE | | |
|--|-----------------------|------------------------------------|-----------------------|-----|----|
| FROM | 1 - [REDACTED] | 968-6112 (VOICE) 968-5482 (FAX) | [REDACTED] -Z | | |
| USSOCOM | | | | | |
| TO | 3- [REDACTED] | 577-5801 (VOICE) 577-5786 (FAX) | DATE/TIME | MO | YR |
| NAVSPECWARCOM | | | 10 | MAR | 98 |
| CLASSIFICATION | REMARKS | | | | |
| UNCLAS | | | | | |
| NUMBER OF PAGES <i>(Including header)</i> | | | | | |
| 5 | | | | | |
| PRECEDENCE | | | | | |
| PRIORITY | | | | | |

When transmitting a message to this headquarters,
please include the addressee's office phone number



UNITED STATES

SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

UNCLASSIFIED

FACSIMILE TRANSMITTAL HEADER SHEET

| COMMAND | NAME OFFICE SYMBOL | TELEPHONE NUMBER | RELEASER SIGNATURE | | |
|--|-----------------------|--|-----------------------|-----|----|
| FROM | 1 - [REDACTED] | 968-6112 (VOICE) 968-6790 (SECURE FAX) | [REDACTED] 2 | | |
| USSOCOM | | | | | |
| TO | 3 - [REDACTED] | 236-0435 (VOICE) 236-1384 (FAX) (0437) | DATE/TIME | MO | YR |
| JSOC | | | 10 | MAR | 98 |
| CLASSIFICATION | REMARKS | | | | |
| UNCLAS | | | | | |
| NUMBER OF PAGES <small>(Including header)</small> | | | | | |
| 5 | | | | | |
| PRECEDENCE | | | | | |
| PRIORITY | | | | | |

When transmitting a message to this headquarters,
please include the addressee's office phone number



UNITED STATES

SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

UNCLASSIFIED

FACSIMILE TRANSMITTAL HEADER SHEET

| COMMAND | NAME OFFICE SYMBOL | TELEPHONE NUMBER | RELEASER SIGNATURE | | |
|--|-----------------------|--|-----------------------|-----|----|
| FROM | 1- [REDACTED] | 968-6112 (VOICE) 968-5482 (FAX) | [REDACTED] Z | | |
| USSOCOM | | | | | |
| TO | 3- [REDACTED] | 239-9107 (VOICE) 239-3754 (FAX) (1002) | DATE/TIME | MO | YR |
| USASOC | | | 10 | MAR | 98 |
| CLASSIFICATION | REMARKS | | | | |
| UNCLAS | | | | | |
| NUMBER OF PAGES <i>(Including header)</i> | | | | | |
| 5 | | | | | |
| PRECEDENCE | | | | | |
| PRIORITY | | | | | |

When transmitting a message to this headquarters,
please include the addressee's office phone number

***** -COMM.JOURNAL- ***** DATE MAR-10-1998 ***** TIME 11:18 ***** P.1

MODE = TRANSMISSION

START=MAR-10 11:16

END=MAR-10 11:18

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
| 001 | OK | 2 | 942391002 | 005 | | |

***** -

- *****



UNITED STATES SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

UNCLASSIFIED

FACSIMILE TRANSMITTAL HEADER SHEET

| COMMAND | NAME OFFICE SYMBOL | TELEPHONE NUMBER | RELEASER SIGNATURE | | |
|--|---|------------------------------------|-----------------------|-----|----|
| FROM | 1 - [REDACTED] | 968-6112 (VOICE) 968-5482 (FAX) | [REDACTED] Z | | |
| USSOCOM | | | | | |
| TO | 3 - [REDACTED] | 579-2270 (VOICE) 579-2360 (FAX) | DATE/TIME | MO | YR |
| AFSOC | | | 10 | MAR | 98 |
| CLASSIFICATION | REMARKS Brenda: Tried calling to let you know this was coming, but you were in a meeting. K. | | | | |
| UNCLAS | | | | | |
| NUMBER OF PAGES <i>(Including header)</i> | | | | | |
| PRECEDENCE | | | | | |
| PRIORITY | | | | | |

When transmitting a message to this headquarters,
please include the addressee's office phone number

***** -COMM. JOURNAL- ***** DATE MAR-10-1998 ***** TIME 11:12 ***** P.1

MODE = TRANSMISSION

START=MAR-10 11:10

END=MAR-10 11:12

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
| 001 | OK | S | 945792360 | 005 | | |

***** -

- *****



UNITED STATES SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

UNCLASSIFIED

FACSIMILE TRANSMITTAL HEADER SHEET

| COMMAND | NAME OFFICE SYMBOL | TELEPHONE NUMBER | RELEASER SIGNATURE | | |
|--|-----------------------|--|-----------------------|-----|----|
| FROM | | 968-6112 (VOICE) 968-6790 (SECURE FAX) | | | |
| USSOCOM | | | | | |
| TO | | 236-0435 (VOICE) 236-1384 (FAX) (0437) | DATE/TIME | MO | YR |
| JSOC | | | 10 | MAR | 98 |
| CLASSIFICATION | REMARKS | | | | |
| UNCLAS | | | | | |
| NUMBER OF PAGES <small>(Including header)</small> | | | | | |
| 5 | | | | | |
| PRECEDENCE | | | | | |
| PRIORITY | | | | | |

When transmitting a message to this headquarters,
please include the addressee's office phone number

(MAR 10 '98 02:19PM)

| DATE | START TIME | REMOTE TERMINAL IDENTIFICATION | MODE | TIME | RESULTS | TOTAL PAGES | DEPT. CODE | FILE NO. |
|--------|------------|--------------------------------|----------|--------|---------|-------------|------------|----------|
| MAR 10 | 02:13PM | COMPATIBLE | SYNC-GST | 06'47" | OK | 05 | | |



UNITED STATES

SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BLVD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

UNCLASSIFIED

FACSIMILE TRANSMITTAL HEADER SHEET

| COMMAND | NAME OFFICE SYMBOL | TELEPHONE NUMBER | RELEASER SIGNATURE | | |
|--|-----------------------|------------------------------------|-----------------------|-----|----|
| FROM | 1- [REDACTED] | 968-6112 (VOICE) 968-5482 (FAX) | [REDACTED] → 2 | | |
| USSOCOM | | | | | |
| TO | 3- [REDACTED] | 577-5801 (VOICE) 577-5786 (FAX) | DATE/TIME | MO | YR |
| NAVSPECWARCOM | | | 10 | MAR | 98 |
| CLASSIFICATION | REMARKS | | | | |
| UNCLAS | | | | | |
| NUMBER OF PAGES <i>(Including header)</i> | | | | | |
| 5 | | | | | |
| PRECEDENCE | | | | | |
| PRIORITY | | | | | |

When transmitting a message to this headquarters,
please include the addressee's office phone number

***** -COMM.JOURNAL- ***** DATE MAR-10-1998 ***** TIME 13:08 ***** P.1

MODE = TRANSMISSION

START=MAR-10 13:06

END=MAR-10 13:08

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG.NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|-------|---------|--------------|
| 001 | OK | 8 | 945775786 | 005 | | |

***** -

- *****



FROM:
United States Air Force
Wright Laboratory

WL/AARI
8109 P Street
Wright-Patterson AFB, OH 45433-7700
voice and fax: 513/25+ or DSN/78+

**RECIPIENT:**

fax number:

voice number:

address:

NAIC.

SENDER:

fax number:

voice number:

address:

MESSAGE:

Some information on Raytheon's cameras is. Imagedate

DATE:

29 Apr 98

TIME:**PAGE COUNT:**

(this is page 1)

11

NAIC DOC #7:

Z 0038212



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-2884

OSD POINT OF CONTACT:

NAME: [REDACTED]
OFFICE: SOLIC
ROOM: 2E538
PHONE: 693-1920

ATTENDEES AT DoD/GAO MEETING

USE OF MEETING: EXIT

GAO CODE: 703183

DATE: 5-18-99

1. DoD Support to BATF & FBI in Connection with Law Enforcement Activities Involving Branch Defendants
TIME: 2 pm

PLACE: 2E544

| OFFICE SYMBOL | NAME | LOCATION | TELEPHONE NUMBER | FAX NUMBER | E-MAIL ADDRESS |
|---------------|------------|-------------------|------------------|----------------|------------------------|
| DOD-IG | [REDACTED] | 539A / 400 A.N.D. | 703-604-9620 | 703-604-9608 | jfreitag@dodig.osd.mil |
| NGB-CD | [REDACTED] | JPI | 703-607-5770 | 703-607-2133 | [REDACTED] |
| TEXAS | [REDACTED] | AUSTIN, Tx | 512-465-5516 | X5144 | [REDACTED] |
| WML GD | [REDACTED] | JPI | 703-607-0348 | 703-607-1522 | [REDACTED] |
| NGB-IR | [REDACTED] | Norfolk, VA | 757-5528164 | 757-552-8197 | [REDACTED] |
| GAO-NRO | [REDACTED] | 441 G St NW, DC | 202-512-8565 | 202-512-79 | [REDACTED] |
| GAO-NSA | [REDACTED] | SRA/400 A.N.D. | 703-604-9625 | 703-604-9608 | [REDACTED] |
| DOD-IG | [REDACTED] | JPI | 703-607-2700 | 703-607-3662 | [REDACTED] |
| NGB-VA | [REDACTED] | JPI | (703)607-2515 | (703)607-367 | [REDACTED] |
| NGB-IG | [REDACTED] | PENTAGON | (703)693-1920 | (703)693-7588 | [REDACTED] |
| DOD-DEPS | [REDACTED] | Pentagon | 703-693-6001 | 614-6745 (703) | [REDACTED] |
| DOD-OLC | [REDACTED] | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TOTAL 2.32

Z 0029742



FACT SHEET

Joint Task Force Six

FACT SHEET NUMBER: 01-98

DATE: 15 June, 1999

Joint Task Force Six established in 1989

Joint Task Force Six (JTF-6) was established in November 1989, at the direction of the Secretary of Defense. The command was directed to begin planning and coordinating training that would support federal, state, and local law enforcement agencies throughout the southwest border region to counter the flow of illegal drugs into the United States.

JTF-6's area of operation was designated as the four border states of California, Arizona, New Mexico and Texas -- a land area of more than 580,000 square miles. In February 1995, by directive of the commanding general U.S. Forces Command, JTF-6 assumed responsibility of the entire continental United States including Puerto Rico and the Virgin Islands. In June 1997, JTF-6 transferred to the U.S. Southern Command the counterdrug responsibility for Puerto Rico and the Virgin Islands.

Since its inception, JTF-6 has completed over 4300 missions in support of more than 300 federal, state, and local law enforcement agencies and counterdrug task forces.

The command's efforts have led to both a greater recognition of the potential for military assistance and a significant expansion of the partnership among active duty forces, reserve components, the national guard, and law enforcement agencies.



FACT SHEET

Joint Task Force Six

FACT SHEET NUMBER: 02-98

DATE: 15 June, 1999

Joint Task Force Six's Mission Overview

Joint Task Force Six (JTF-6), located at Biggs Army Airfield, Fort Bliss, Texas, is assigned to U.S. Atlantic Command, under the operational control of the U.S. Forces Command. JTF-6 is a multi-service command comprised of approximately 170 soldiers, sailors, Marines, airmen, and civilians employees. JTF-6's role in the counterdrug effort is articulated in its mission statement:

JTF-6 synchronizes and integrates DOD operational, technological, training and intelligence support to domestic law enforcement agencies' counterdrug efforts in the continental United States to reduce the availability of illegal drugs in the United States.

JTF-6 was established in 1989, and its mission originally focused exclusively along the Southwest border of the United States. A succession of National Defense Authorization Acts expanded the JTF-6 charter by adding specific mission tasks for the organization. In 1995, the JTF-6 area of responsibility expanded to include the entire continental United States.

CURRENT STATUS:

JTF-6 provides support to civilian law enforcement agencies in the following mission categories: *Operational* - these missions include engineer work and aerial unit reconnaissance; *Technological* - advanced military technology such as unmanned aerial vehicles and other types of emerging technology are applied to the counterdrug fight; *Training* - JTF-6 provides approximately 150 mobile training teams on an annual basis; *Intelligence* - Approximately 145 intelligence analysts are deployed on six month tours at any given time, providing direct support to domestic law enforcement agencies.

All requests for DOD Title 10, federal military support, come through civilian law enforcement representatives at Operation Alliance which is co-located with JTF-6 at Fort Bliss. Operation Alliance receives support requests from federal, state and local law enforcement agencies and prioritizes these requests, while ensuring all missions have a counterdrug nexus. Once requests are approved by Operation Alliance, they are forwarded to JTF-6 for sourcing by DOD volunteer units from all the services, including both active and reserve components.

JTF-6 is a busy, dynamic organization of DOD professionals in support of our Nation's domestic law enforcement agencies. Our dedication to this counterdrug support role is best summed up in our motto, "Service to the Nation."



DEPARTMENT OF THE ARMY
U.S. ARMY AUDIT AGENCY
ORGANIZATIONAL EFFECTIVENESS
3101 PARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22302-1596

S: 8 July 1999

SAAG-PMO-S (36-2a)

24 June 1999

MEMORANDUM FOR DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS,
ATTN: DAMO-ZQ

SUBJECT: GAO Draft Report, DEPARTMENT OF DEFENSE: Military
Assistance Provided AT Branch Davidian Incident (GAO Code 703183)
(OSD Case 1844)--PREPARATION OF ARMY RESPONSE

1. Enclosed is a copy of IG, DOD memorandum with subject GAO report for preparation of Army input to DOD proposed response. This is a draft report and is being made available for review and comment to those having management responsibility for the matters discussed. The report remains the property of the GAO and may be recalled at any time; impose safeguards to prevent premature release outside of DOD or unauthorized use.

2. AR 36-2, Audit Reports and Followup (para 1-12d), requires HQDA principal officials (Collateral Action Offices) to inform the Secretary of the Army and the Chief of Staff (CSA) of potentially adverse findings and recommendations (FARs) which might result in embarrassment to or criticism of DA, unfavorable publicity or congressional inquiry. If required, submit an information memorandum or executive summary by 2 July 1999 and provide SAAG-PMO-S, SALL-IL and SAPA-ZX with a courtesy copy.

3. CAO responsibilities are addressed in detail in Chapter 4 of AR 36-2. These responsibilities include the development of a coordinated Army position and monitoring of corrective actions taken by the command on deficiencies and monetary benefits identified in subject report. Army's response will reflect agreements/disagreements with the findings, conclusions, recommendations, and estimated monetary benefits and will indicate management actions which have or will be taken and the estimated dates of completion. In most instances, the response is written.

a. When written comments are solicited they should be sent to ~~SAAG-PMO-S~~, Office of the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), (703) 693-1920, by 8 July 1999, and furnish a copy of the reply to SAAG-PMO-S, 2C717, Pentagon. Field comments should be forwarded before the suspense date to MAJ Stewart, (703) 695-8483 for inclusion in the Army's position.

| | | |
|--|--|----------------------------|
| COVER SHEET | | CONTROL NUMBER 90605199 |
| SUBJECT GAO Draft Report, Department of Defense: Military Assistance Provided at Branch Davidian Incident | | OFFICE SYMBOL DAMO-OD |
| | | DATE 9 July 1999 |
| ACTION REQUIRED Concur with recommendation to make no comment | | |

MEMORANDUM FOR RECORD. (Describe briefly the requirement, background, and action taken or recommended. Must be sufficiently detailed to identify the action without recourse to other sources.)

ORIGIN OF ACTION

1. US Army Audit Agency forwarded for review and comment the draft report titled as above.

BACKGROUND

2. In 1993 the military provided support to the two federal law-enforcement agencies (Bureau of Alcohol, Tobacco, and Firearms (ATF) and Federal Bureau of Investigations (FBI) involved in the 51-day standoff at the Branch Davidian compound near Waco, Texas. United States General Accounting Office was subsequently charged with reviewing certain aspects of the military assistance provided law enforcement agencies related to this incident.

3. The Draft Report addresses and answers three objectives:

a. Determine whether the ATF's requests for support from military counterdrug programs met requirements for authorizing that support. GAO Draft Report finds that ATF's requests met requirements to authorize the support rendered by the military under the relevant statutes.

b. Identify the means ATF took to deal with any drug activity it might find during its warrant service, and determine whether those measures were appropriate for such operations where a methamphetamine laboratory might be encountered. GAO Draft Report identifies the measures ATF took and concludes those measures were appropriate.

c. Account for the types, costs, and reimbursements of all military support, including that from the counterdrug programs, provided to the ATF and the FBI. GAO Report finds that the military was appropriately reimbursed except for a relatively small amount mistakenly undercharged the two agencies (mostly by the Texas National Guard). The GAO Draft Report states without comment that the Army does not plan to now collect this undercharge, as it would realize no current benefit. This is an accurate factual statement.

4. The GAO Draft Report makes no comment adverse to the Army and makes no recommendations as to how the Army acts in any future manner. The Draft GAO Report statements pertinent to ATF are outside of Army purview. Report should be returned to GAO without comment.

RECOMMENDATION

5. DCSOPS approve Army response as "no comment". This will be provided telephonically to DAMO-ZQ.

(Continued on blank sheet)

| COORDINATIONS | | | APPROVALS | | |
|---|------------|------------|---|------------|----------|
| OFFICE | NAME | PHONE | | INITIALS | DATE |
| AGC | [REDACTED] | [REDACTED] | DIV | [REDACTED] | 9 JUL 99 |
| DAMO-ODL | [REDACTED] | [REDACTED] | DIR | [REDACTED] | 9/7/99 |
| DAMO-OPS | [REDACTED] | [REDACTED] | EX | | |
| | | | DCSOPS | | |
| 7 SHOW ADDITIONAL COORDINATION ON BLANK SHEET 8 | | | FILE <input type="checkbox"/> ALT HQ <input type="checkbox"/> DISPATCH <input type="checkbox"/> AWC | | |
| ACTION OFFICER (Name, Grade, Phone and Signature) | | | | | |

OPS FORM 28
16 FEB 95

REPLACES OPS FORM 28, 19 OCT 88
WHICH MAY BE USED

REGRADED
WHEN SEPARATED FROM CLASSIFIED DOCUMENT

Z 0022324

Control Sheet from DAMO-ZXS

Date Printed: 24JUN99

Type Document: General Correspondence

Classification Code: U

Subject: (GAO 703183) GAO DRAFT REPORT, DEPARTMENT OF DEFENSE: MILITARY ASSISTANCE PROVIDED AT BRANCH DAVIDIAN INCIDENT

Control ID: 90605199

Army Suspense: 06JUL99

Interim Date:

Original Doc Date: 24JUN99

Document Originator and Address:

Strategic Audit Planning, Organizational
Effectiveness Division, Policy and Operations
Directorate, Office of the Auditor General
US ARMY AUDIT AGENCY
3101 PARK CENTER DRIVE
ALEXANDRIA, VA 22302-1596

External ID:

External Suspense: 06JUL99

Received Date: 24JUN99

Forwarder or Congressional Office and Address:

called [redacted] 3
12 Jul 99
"Telep. no comment"

Signature Authority:

Addressee: DAMO-OD

Original Task Office: DAMO-ZXS

| Action Office | Role | Suspense Date | Action Officer and Phone Number | Completed Date |
|---------------|------|---------------|---------------------------------|----------------|
|---------------|------|---------------|---------------------------------|----------------|

| | | | | |
|---------|--------|---------|--|--|
| DAMO-OD | Action | 06JUL99 | | |
|---------|--------|---------|--|--|

| | | | | |
|---------|-----------|--------|--|--|
| DAMO-ZO | Info Only | 8 July | | |
|---------|-----------|--------|--|--|

FIXED

24JUN99

Instructions:

Prepare Reply//

EFT. 9 Jul per COL F. 7/7

Send Name and Phone # of Action Officer to SACO

Coordinate reply with:

Tasking Office: DAMO-ZXS

Entered By: MASONLA

Owner Code Special Item

Remarks: COMPLY WITH DIRECTION NEXT UNDER. ROUTE RESPONSE THRU SACO FOR DCSOPS APPROVAL.

Related Record ID Originator

Owner Code Keyword

DAMO-ZXS GAO 703183

Linethru Contact

Briefing Contact

Discuss Contact