AGENDA -- Waco Meeting 7/6/95, 2:00 PM

- Interviews
 - Terms of the / interviews

participation

- Preparation
- Requests for additional interviews
- III. CS gas issue
 - Finding CS gas expert(s) -- AG request for briefing -- Hill briefing?
 - Facts re DOD participation in advising Reno/FBI в. -- Meet with Dr
- House request for briefing on procedures for requesting IV. military assistance to law enforcement
- Status of document collection/production
- Other issues VI.

1 600 pages from USASOL 2 Autopgy reports: 40 reports

COVER SHEET FOR DOCUMENTS PRODUCED FOR REVIEW

AGENCY: HQ Department of Army (ODCSLOG) (DALO-SMM) DATE: 7 Jul 93
Part I: Search Information
PERSON(S) PERFORMING SEARCH (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER): Autor Lee Carter
HQDA, ODCSLOG (ATTN: DALO-SMM) 500 Army Pentagon, Washington D.C. (703) 614-7051 20310-0500 DATE OF SEARCH: 26 Jun 95
LOCATION WHERE FILE WAS FOUND: No Records Found
ORGANIZATION UNDER WHOSE AUTHORITY FILE WAS MAINTAINED:
PERSON UNDER WHOSE AUTHORITY FILE WAS MAINTAINED (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER):
NA (No Records Found)
Part II: Information about Documents with this Cover Sheet. NUMBER OF PAGES ATTACHED: NA (No Records Found)
IS ANY OF THE ATTACHED INFORMATION SUBJECT TO THE PRIVACY ACT? NA
CLASSIFICATION LEVEL OF ATTACHED INFORMATION: NA
PERSON COMPLETING THIS COVER SHEET (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER) Anna Lee Carter HODA ODCSLOG (DALO-SMM) 500 Army Pentagon, Washington D.C. 203010-0500 (703) c12-7051

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COVER SHEET FOR DOCUMENTS PRODUCED FOR REVIEW

AGENCY:	DALO-PL (HRDA	0005106)	DATE: _	7 JUL95
Part I: Sear	rch Information	•		•
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2	695-3283	WASHINGTON DC	2031v.2000	
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DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF
200 ARMY PENTAGON
STAFF



ATTENTION OF

DACS-DMP-SR

7 July 1995

MEMORANDUM THRU CHIEF, TECHNOLOGY MANNAGEMENT OFFICE, 200 ARMY PENTAGON, ROOM 1C462, WASHINGTON, DC 203100-0200

FOR DEPARTMENT OF THE ARMY, GENERAL COUNSEL, 104 ARMY PENTAGON, WASHINGTON, DC 20310-0104

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco, Texas

1. References:

- a. Letter, Congress of the United States, 8 June 1995, no subject.
- b. Memorandum, Department of Defense, 16 June 1995, subject as above.
- c. Memorandum, Under Secretary of Defense, 22 June 1995, subject as above.
- d. Message, HQDA, DACS-DMP-SR, 222100Z June 1995, subject as above.
- 2. Army elements were tasked to perform a document search to locate documents or any information regarding the matter of the Branch Davidians near Waco, Texas, and the matter of Randy Weaver at Ruby Ridge, Idaho.
- 3. Forwarded are responsive document and indexes received from Army elements in response to this tasking.
- a. U.S. Army Special Operations Command's index and responsive documents are enclosed (Encl 1); however, the material submitted (over 600 pages) was not provided in requested format. This office is currently putting material in proper format and will resubmit as soon as possible.
- b. Office of the Surgeon General, Armed Forces Institute of Pathology submitted index only and will forward documents upon request (Encl 2).
- c. U.S. Army Forces Command provided index and three responsive documents. They are currently retrieving the remaining documents and will send by Federal Express as soon as possible (Encl 3).

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SECKET SPECIAL ACCESS RECHIRED

DACS-DMP-SR

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco, Texas

- d. U.S. Army Materiel Command, Missile Command, provided index and responsive documents (Encl 4).
- 4. Deputy Chief of Staff for Operations and National Guard Bureau submitted all responsive documents directly to the Army Legislative Liaison.
- 5. Negative replies were received from the following Army agencies and commands:
 - a. Sensitive Records and Information Agency
 - b. Deputy Chief of Staff for Personnel
 - c. Deputy Chief of Staff for Logistics
 - d. Deputy Chief of Staff for Intelligence
 - e. Criminal Investigation Command
 - f. Military Traffic Management Command
 - g. Training and Doctrine Command
 - h. Intelligence and Security Command
 - i. Army Reserves
 - j. Chief of Engineers.

4 Encls

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Chief, Sensitive Records and Information
Agency

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OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON WASHINGTON DC 20301-3000



July 7, 1995

MEMORANDUM FOR DEPUTY DIRECTOR, CAIR

Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near SUBJECT:

Waco, Texas

We have conducted the subject search and do not have any inputs.

Military Assistant to DTSE&E OUSD (A&T)



DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL 300 ARMY PENTAGON WASHINGTON, DC 20310-0300



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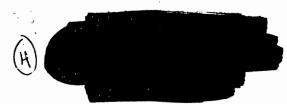
July 6, 1995

MEMORANDUM FOR

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco

- 1. Reference DA Washington DC/DACS-DMP-SR, DTG 222100Z JUN 95, Subject: Same as above, enclosed.
- 2. A search with in the office of the Deputy Chief of Staff for Personnel, identified documents with in the CACO office (7 pages), documents were previously provided to secretary of The Army, Congressional Liaison Office Enclosure 1.
- 3. DCSPER offices submitting a negative reply, and personnel within DCSPER, and DCSPER field Operating Agencies, who conducted the searches are listed at Enclosure 2.
- 4. The direct and indirect costs of resources expended in responding to this request is at Enclosure 3.
- 5. Point of contact for this action is the undersigned,

Encls



DEPARTMENT OF THE ARMY HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND FORT MCPHERSON, GEORGIA 30330-6000



REPLY TO ATTENTION OF AFCG-JA-ML

6 July 1995



SUBJECT: FORSCOM Response to Congressional Request for Information on Branch Davidian/Waco and Ruby Ridge, ID Incidents

1. Per coordination with the information you have requested. This includes all information available to this office at this time. FYI, this information has already been provided to Legal Counsel, Office of the Chairman, Joint Chiefs of Staff (POC: 703-697-1208).

2. POC for this action is or the undersigned at





UNCLASSIFIED

OFFICE OF THE CHAIRMAN
OF THE
JOINT CHIEFS OF STAFF

LEGAL COUNSEL
WASHINGTON, D.C. 20318-9999
OCJCS/LC PENTAGON ROOM 2E841

Unsecure Fax Number: (703) 693-1619 (DSN) 223-1619

VOICE VERIFICATION: (703) 697-1137 (DSN) 227-1137

FROM:

DATE: 5 JUL 95

SUBJECT: CONCRESSIONAL INVESTIGATION - WACO

To:

DESTINATION FAX NUMBER:

DESTINATION VOICE NUMBER:

NUMBER OF PAGES: COVER+1

COMMENTS: Copy of Director, Joint Staff, memo to combatant commands tasking production of documents requested by subcommittees.

FAX TRANSMITTAL SHEET
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Names, 55N's 726-794

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				CoD 249th SPT BN	Maintenance	Texas Army National Guard	2/28/93	3/2/93
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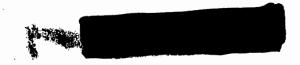
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SGT	AGTX-CD	Command Post	Texas Army National Guard 3	/16/93 3/16/93
LAN	AGTX-CD	Command Post	Texas Army National Guard 3	3/20/93 4/16/93
SPC	736th HEMCO	Maintenance	Texas Army National Guard 3	3/21/93 14/25/93
SGT	TRP A 1-124 CAV	Maintenance	Texas Army National Guard 3	3/21/93 13/28/93
SSG	736th HEMCO	Mantenance	Texas Army National Guard :	3/21/93 :3/28/93
SCT	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard	3/21/93 13/28/93
SFC	HHC 111th SPT GP	Public Affairs	Texas Army National Guard	3/26/93 :3/26/93
MAJ	AGTX-CD	Command Post	Texas Army Naponai Guard	3/27/93 13/28/93
	AGTX-CD	Command Post	Texas Army National Guard	3/27/93 . 14/23/93
SGT	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard	3/28/93 4/4/93
SGM	HQ(-) STARC	Maintenance	Texas Army National Guard	3/28/93 3/28/93
SCT	HQ(-) STARC	Maintenance	Texas Army National Guard	3/28/93 3/28/93
SGT	HQ(-) STARC	Maintenance	Texas Army National Guard	3/28/93 3/28/93
SFC	HQ(-) STARC	Maintenance	Texas Army National Guard	3/28/93 3/28/93
SPC	HQ(-) STARC	Mamtenance	Texas Army Nanonal Guard	3/28/93 '3/28/93
SPC	Det I CoB 249th SPT BN	Maintenance	Texas Army National Guard	3/28/93 4/18/93
SPC	TRP B 1-124 CAV	Maintenance	Texas Army National Guard	3/28/93 4/11/93
SGT	TRP B 1-124 CAV	Maintenance	Texas Army National Guard	3/28/93 :4/4/93
SFC	HQ(-) STARC	Maintenance	Texas Army National Guard	3/28/93 3/28/93
SFC	HQ(-) STARC	Maintenance	Texas Army National Guard	3/28/93 3/28/93
SSG	HHT (-DET 1) 1-124 CAV	Maintenance	Texas Army National Guard	3:29/93 4/4/93
SPC	736th HEMCO	Maintenance	Texas Army National Guard	4/11/93
SPC	736th HEMCO	Maintenance	Texas Army Nanonai Guard	1/4/93 :4/11/93
SCT	CoC(-) 249th SPT BN	Equipment Recovery	Texas Army National Guard	4/11/93
SGT	736th HEMCO	Mamtenance	Texas Army National Guard	4/6/93 4/6/93
SSG	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard	4/6/93 :4/6/93
SCT	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard	:4/6/93 '4/6/93
SGT	CoE 249th SPT BN (Main)	Equipment Recovery	Texas Army National Guard	4/6/93 4/6/93
SGT	736th HEMCO	Maintenance	Texas Army National Guard	4/6/93 4/6/93
1SG	Det I CoB 536th SPT BN	Maintenance	Texas Army National Guard	4/10/93 :4/18/93
SPC	149th MP Det	Equipment Recovery	Texas Army Nanonal Guard	:4/11/93 :4/23/93
SPC	CoB(-) 536th SPT BN	Mamtenance	Texas Army National Guard	4/11/93 4/23/93
SGT	SVC BTRY 3-132 FA	Maintenance	Texas Army National Guard	4/11/93 :4/18/93
SPC	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard	4/11/93 4/18/93
SSG	TRP B 1-124 CAV	Bus Driver	Texas Army National Guard	4/18/93 4/23/93
SGT	736th HEMCO	Maintenance	Texas Army National Guard	4/18/93 4/23/93
SPC	CoB(-) 536th SPT BN	Mamtenanoo	Texas Army National Guard	4/18/93 4/25/93
SPC	AGTX-CD	Command Post	Texas Army National Guard	4/20/93 4/30/93
SSG	MATES	Equipment Recovery	Texas Army National Guard	4/21/93 4/21/93
	HHC 49th ARMD DISCO		Texas Army Nanonal Guard	4/21/93 4/23/93
SGT		Equipment Recovery	Texas Army National Guard	4/21/93 :4/21/93
SSG		Equipment Recovery	Texas Army National Guard	4/21/93 :4/21/93
SCT		Equipment Recovery	Texas Army Nanonal Guard	4/21/93 :4/21/93
SGT		Equipment Recovery	Texas Army Nanonai Guard	4/21/93 4/21/93
LTC		Equipment Recovery	Texas Army Nanonai Guard	4/21/93 4/22/93
LTC		Equipment Recovery	Texas Army National Guard	4/21:93 4/22/93
ISCT		Maintenance	Toxas Army National Guard	4/29/93 :5/3/93
ILT		Command Post	Texas Army National Guard	5/3/93 5/4/93
CPT		C-26 Pilot	Texas Army National Guard	NOT ON SITE :
CPT		C-26 Pilot	Texas Army Nanonsi Guard	
CPT		C-26 Pilot	Texas Army Nanonal Guard	
CPT		C-26 Pilot C-26 Pilot	Texas Army National Guard Texas Army National Guard	
MA			Texas Army National Guard	
CW.		C-26 Pilot Mantenance	Texas Army National Guard	
SCT		Maintenance	Texas Army National Guard	
SGT		Mamtenance	Texas Army National Guard	
CPT		Command Post	Texas Army Nanonal Guard	
LTC			Texas Army National Guard	
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Last Name F	First Name : MI	SSN Rank:	Unit	Role	Brancn
A RAME OF LAND TOWNS THE PERSON		SPC T	RP B 1-124 CAV	Bus Driver	Texas Army National Guard
		SSG T	RP B 1-124 CAV	Bus Driver	Texas Army National Guard
			RP B 1-124 CAV	Bus Driver	Texas Army National Guard
		SPC T	RP B 1-124 CAV	Bus Driver	Texas Army National Guard
		CPT 1	47th FG	C-26 Pilot	Texas Army National Guard
		CPT 1	47th FG	C-26 Pilot	Texas Army National Guard
			47th FG	C-26 Pilot	Texas Army National Guard
			47ሴ FG	C-26 Pilot	Texas Army National Guard
		CPT	47th FG	C-26 Pilot	Texas Army National Guard
			47th FG	C-26 Pilot	Texas Army National Guard
			AGTX-CD	Camera Operator	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army Nanonal Guard
			HHT 1-124 CAV	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Air National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
		ILT	AGTX-CD	Command Post	Texas Army National Guard
		CPT	AGTX-CD	Command Post	Texas Army Nanonal Guard
		SPC	AGTX-CD	Command Post	Texas Army National Guard
		SSG	AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
		MAJ	AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Command Post	Texas Army National Guard
		ILT	AGTX-CD	Command Post	Texas Army National Guard
			AGTX-CD	Commander	Texas Air National Guard
			HHC 49th ARMD DISCON		Texas Army National Guard
		SGT	CoC(-) 249th SPT BN	Equipment Recovery	Texas Army National Guard
		SSG	MATES	Equipment Recovery	Texas Army National Guard
			HHC 49th ARMD DISCO		Texas Army National Guard
		CPT	HHD 111th SPT BN	Equipment Recovery	Texas Army National Guard
		SPC	149th MP Det	Equipment Recovery	Texas Army National Guard
		SGT	MATES	Equipment Recovery	Texas Army National Guard
		SGT	HHC 2-112 ARMOR	Equipment Recovery	Texas Army National Guard
		SGT	CoE 249th SPT BN (Main		Texas Army National Guard
		SSG	CoF 249th SPT BN	Equipment Recovery	Texas Army National Guard
		SSG	MATES	Equipment Recovery	Texas Army National Guard
		SGT	MATES	Equipment Recovery	Texas Army National Guard
		SGT	MATES	Equipment Recovery	Texas Army National Guard
		SGT	HHC 3-112 ARMOR	Equipment Recovery	Texas Army National Guard
		SGT	CoE 249th SPT BN (Main		Texas Army National Guard
		LTC	USPFO-TX	Equipment Recovery	Texas Army National Guard
			AGTX-L	Equipment Recovery	Texas Army National Guard
		LTC			Texas Army National Guard
			ET 1) 1-124 CAY	V Fueler	Jonal Cuard

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ROSTER BY OPERATIONAL ROLE

	HHT (-DET 1) 1-124 CAV	Fueier	Texas Army National Guard
	736ф HEMCO	Maintenance	Texas Army National Guard
	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
SGT	736th HEMCO	Maintenance	Texas Army National Guard
	HQ(-) STARC	Maintenance	Texas Army National Guard
GT	736th HEMCO	Maintenance	Texas Army National Guard
SSG_	736th HEMCO	Maintenance	Texas Army National Guard
SPC	CoB(-) 249th SPT BN	Maintenance	Texas Army National Guard
SSG_	736th HEMCO	Maintenance	Texas Army National Guard
SSG	736th HEMCO	Maintenance	Texas Army National Guard
SSG	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
SPC	736th HEMCO	Maintenance	Texas Army National Guard
CW+	HQ(-) STARC	Maintenance	Texas Army National Guard
SGT	HHT (-DET 1) 1-124 CAV	Maintenance	Texas Army National Guard
SFC	CoD 249th SPT BN	Maintenance	Texas Army National Guard
SGT	CoA 249th SPT BN	Maintenance	Texas Army National Guard
SSG	736th HEMCO	Maintenance	Texas Army National Guard
SSG	CoD 249th SPT BN	Maintenance	Texas Army National Guard
SGT	HQ(-) STARC	Maintenance	Texas Army National Guard
LTC	HHC 111th SPT GP	Maintenance	Texas Army National Guard
G T	736th HEMCO	Maintenance	Texas Army National Guard
SGT	HQ(-) STARC	Maintenance	Texas Army National Guard
SPC	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
SGT	736th HEMCO	Maintenance	Texas Army National Guard
SGT	HQ(-) STARC	Maintenance	Texas Army National Guard
SPC	736th HEMCO	Maintenance	Texas Army National Guard
SGT	736th HEMCO	Maintenance	Texas Army National Guard
SGT	CoA 249th SPT BN	Maintenance	Texas Army National Guard
SGT	SVC BTRY 3-132 FA	Maintenance	Texas Army National Guard
SPC	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
SGT	TRP A 1-124 CAV	Maintenance	Texas Army National Guard
SSG	Det 2 HHC 3-141 INF	Maintenance	Texas Army National Guard
SFC	HQ(-) STARC	Maintenance	Texas Army National Guard
SSG	736th HEMCO	Maintenance	Texas Army National Guard
SGT	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
SPC	HQ(-) STARC	Maintenance	Texas Army National Guard
SPC	Det 2 HHC 3-141 INF	Maintenance	Texas Army National Guard
PC		Maintenance	Texas Army National Guard
SG	Det 1 CoB 536th SPT BN	Maintenance	Texas Army National Guard
SG	HHT (-DET 1) 1-124 CAV	Maintenance	Texas Army National Guard
SG	HHC 1-112 ARMOR	Maintenance	Texas Army National Guard
FC	HHD 249th SPT BN	Maintenance	Texas Army National Guard
.W	2 CoD 249th SPT BN	Maintenance	Texas Army National Guard
G		Maintenance	Texas Army National Guard
PC		Maintenance	Texas Army National Guard
SC	736th HEMCO	Maintenance	Texas Army National Guard
w		Maintenance	Texas Army National Guard
G		Maintenance	Texas Army National Guard
PC		Maintenance	Texas Army National Guard
SC		Maintenance	Texas Army National Guard
G		Maintenance	Texas Army National Guard
PC		Maintenance	Texas Army National Guard
FC		Maintenance	Texas Army National Guard
G		Maintenance	Texas Army National Guard
PC	CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
SC		.Maintenance	Texas Army National Guard
	/2 HHC(-) 4-112	Maintenance	Texas Army National Guard
_	C CoBC 536th SPT B	- Vii	Texas Army National Guard
			

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7/6/95

Page 2

TEXAS NATIONAL GUARD PERSON

Names + 55N's 976-996

ROSTER BY OPERATIONAL ROLE

ISSG 736th HEMCO	Maintenance	Texas Army National Guard
SSG 736th HEMCO	Maintenance *	Texas Army National Guard
SGT : CoB(-) 536th SPT BN	Maintenance	Texas Army National Guard
CW3 : 736 HEMCO	Maintenance	Texas Army National Guard
\$FC HQ(-) STARC	Maintenance	Texas Army National Guard
\$GT :AGTX-CD	OH-58 Crew	Texas Army National Guard
SFC AGTX-CD	:OH-58 Crew	Texas Army National Guard
\$PC AGTX-CD	OH-58 Crew	Texas Army National Guard
LT AGTX-CD	:OH-58 Pilot	Texas Army National Guard
CW2 : AGTX-CD	OH-58 Pilot	:Texas Army National Guard
CW3 :AGTX-CD	OH-58 Pilot	Texas Army National Guard
CW3 AGTX-CD	OH-58 Pilot	Texas Army National Guard
\$GT	OH-58 Recovery Crew	Texas Army National Guard
\$SG :	OH-58 Recovery Crew	Texas Army National Guard
SSG AGTX-CD	Pathfinder	Texas Army National Guard
SPC AGTX-CD	Pathfinder	Texas Army National Guard
\$RA AGTX-CD	Photo Interpreter	Texas Air National Guard
SFC HHC 111th SPT GP	Public Affairs	Texas Army National Guard
GT AGTX-CD	UH-60 Crew Chief	Texas Army National Guard
W4 : AGTX-CD	:UH-60 Pilot	Texas Army National Guard
CW4 AGTX-CD	UH-60 Pilot	Texas Army National Guard

July 7, 1995

MEMORANDUM FOR:

Distribution

FROM:

SUBJECT:

Waco Hearing Format and Schedule

2

Based on my discussions with Chief Counsel, Republican Crime Subcommittee, the following is my understanding of the schedule and format of the hearings on Waco.

Schedule: June 19 through June 23 (Possible "spill-over" days:
July 31, August 1)

Format in general: The hearing will consist of 9 basic units: a general opening, 3 "focused inquiries" on events involving the Treasury Department, a summary appearance by Deputy Secretary Noble, 3 "focused inquiries" involving the Department of Justice, and a summary appearance by Attorney General Reno.

Each "focused inquiry" will consist of two panels, of no more than 5 witnesses each. The first panel (Panel A) will be people with "concerns and critiques" on the subject covered by that inquiry. These may not necessarily be persons who have expertise in the events at Waco per se, but may rather be experts in a general area (e.g., law of search and seizure) who will discuss the application of their expertise to the issues peculiar to Waco.

The second panel (Panel B) in each inquiry will be appropriate respondents to the concerns expressed.

We expect to get list of majority witnesses for first three focused inquiries later today.

DETAILED FORMAT

July 19-21

Opening Session

(Opening statements by members may be limited. This issue is not resolved.)

The majority says it wants an "impartial" person with no ax to grind to give a summary overview of the facts involved.

suggested Richard Reavis, author of The Ashes of Waco, as a candidate for that function.

was advised that we would strongly oppose that choice, as Reavis was considered by almost everyone on the "government side" to be biased and inaccurate. We would make a very big issue if Reavis is chosen.





fall back suggestion was one or two of the

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"reviewers" responsible for the DOJ and Treasury reports. He was encourage to follow that line, but he noted that his over-riding instruction is "not to make this thing boring," and he fears reviewers would be boring.

This issue remains open.

1. Focused inquiry: Investigation and warrants. All matters leading up to and including the arrest and search warrants. What prompted the investigation and what was the quality of the evidence gathered? Panel A might include attorneys such as legal expert on probable cause, a Branch Davidian, etc. Panel B could include investigating and supervising ATF agents, legal experts. etc.

2. Focused Inquiry: Preparation for Raid, including Department of Defense involvement. The decision to conduct a "dynamic entry," the training, military support, etc. This unit will cover all the posse comitatus issues, including the basic question of any military involvement in domestic law enforcement.

3. Focused inquiry: The Raid itself. The execution of the raid, who shot first, etc.

July 24

Deputy Secretary Noble. Treasury response, and especially what has Treasury done to implement reforms?

July 25-27

- 4. Focused inquiry: Negotiations with the Branch Davidians During the 51 days. Issues such as differences between negotiators and tactical operators, consultation with experts, etc.
- 5. Focused inquiry: The CS gas plan and preparation for it. Technical questions regarding CS gas. Focus on senior level meetings, advice given AG Reno, questions asked by AG Reno, etc.
- 6. Focused inquiry: Events of April 19. Implementation of the cas insertion plan, the fire, etc.

July 28

Attorney General Janet Reno. Justice Department perspectives, and what has been done to implement reforms.

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DEPARTMENT OF THE NAVY OFFICE OF THE CHIEF OF NAVAL OPERATIONS 2000 NAVY PENTAGON WASHINGTON. D.C. 20350-2000

IN REPLY REFER TO Ser N09BL/5U506880 0 3 JUL 1995

MEMORANDUM FOR GENERAL COUNSEL OF THE NAVY

Subj: SEARCH FOR DOCUMENTS RELATING TO THE MATTER OF THE BRANCH DAVIDIANS NEAR WACO, TEXAS

Ref: (a) OGC memo of 9 Jun 95

Encl: (1) CNO memo Ser N09BL/5U506853 of 20 Jun 95

(2) NAVSECGRU ltr 5510 Ser N1S/0663 of 22 Jun 95 (3) CNO memo 5800 Ser N2J/5U549249 of 21 Jun 95

(4) CNO N3/N5 Executive Summary of 22 Jun 95 w/attachment

(5) NAVSUPSYSCOM memo of 22 Jun 95

(6) CNO memo 4000 Memo# N4S/190-95 of 30 Jun 95

(7) COMNAVRESFOR memo of 23 Jun 95

- 1. In response to reference (a), enclosure (1) was forwarded to NAVSECGRU, ONI, NAVSUP, COMNAVRESFOR and cognizant OPNAV Principal Officials. Enclosures (2) through (7) forward their negative responses. Please note that enclosure (3) responds for ONI and CNO (N2).
- 2. We have not yet received a response from CNO (N097). Their response will be forwarded when received.



PREPARATION FOR WACO HEARINGS

- Two House subcommittees are scheduled to begin joint hearings on Wednesday, July 19. DoD witnesses are expected to be called on Thursday, July 20 (firm), and Wednesday, July 26 (tentative).
- The Majority has named 10 DoD witnesses:
 - -- 7 Army Special Forces personnel involved in training ATF agents in advance of the February 28 ATF operation, including a JAG officer who questioned the legality of the ATF's initial request for assistance and the then-Commander of JTF-6 who approved the provision of training;
 - -- an Army civilian CS gas expert who met with the Attorney General and others in advance of the April 19 FBI operation;
 - identified as knowledgable about Posse Comitatus and related issues;
 - military support to law enforcement generally and support for counterdrug matters specifically.
- In addition, we are aware of 3-4 other potential DoD witnesses:
 - -- An Army Special Forces officer also involved in training ATF agents, whom the Minority wants to testify; and
 - 2-3 Army officers who also met with the Attorney General and others in advance of the April 19 FBI operation.
- Most of the prospective fact witnesses have been interviewed at least once. By Wednesday, we expect to have interviewed/reinterviewed in person and prepared for testimony the 7-8 fact witnesses scheduled to appear at Thursday's hearing.
- has made an informal presentation to the Majority staff to explain Posse Comitatus and to demonstrate that there was no Posse Comitatus problem with DoD's provision of assistance.
- We will be working with Address on his testimony this week.
- We plan to provide the committees with a third installment of DoD documents this week.
- We have been, and will continue to be, in contact with our counterparts at Treasury, Justice and the White House.



OFFICE OF THE CHIEF OF STAFF WASHINGTON, DC 20310-0200

17 July 1995

MEMORANDUM THRU

DIRECTOR THE APMY STAFF AUS 0 3 '95

SUBJECT: INFORMATION MEMO (WACO)

1. Reference subject DART tasker #2a, DAMO will brief DAS, 1600 hrs, 17 Jul 95.

- 2. Attached is a chronology and supporting documentation identifying the request for support and approval authority for all Army support to the BATA & FBI operations directed at WACO.
- 3. Active Component support is at TAB A. ARNG support is at TAB B. Equipment used in operation is at TAB C. Executive Summary is at TAB D./

Assistant to the Director

Executive Communications and

Control (

July 13. 1995

- Investigation Day I.
 - A. Opening Panel
 - H. Geoffrey Moulton, Jr.: Project Director of the Treasury Waco Administrative Review; former law clerk to Chief Justice Rehnquist; Professor of Law at Widener University
 - Panel B: Investigation Day В.
 - Undersecretary Ron Noble
 - Lewis C. Merletti: Assistant Project Director of 2. the Treasury Waco Administrative Review; Deputy Special Agent in Charge of the Presidential Protective Division
 - H. Geoffrey Moulton, Jr. 3.
- Preparation of Raid Day: Panel B II.
 - Merletti
 - Wade Y. Ishimoto: Technical Manager, Sandia Name + [National Laboratories; expert on tactical planning; former member of Delta Force
 - Two DOD/Military people: one to discuss military support related to Waco; one to discuss military support for law enforcement generally 3.
- III. Raid Day: Panel B
 - 1. . Merletti

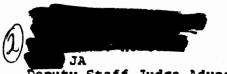
 - Texas Rangers: Captain David Brynes; Lt. Ray Cano John A. Kolman: Captain Los Angeles Sheriffs Department (retired); conducted extensive review of the raid
- IV. Monday the 24th
 - Undersecretary Noble
 - ATF Director Magaw

14 July 1995

AFZF-JA (27)

MEMORANDUM FOR Staff Judge Advocate, III Corps and Fort Hood SUBJECT: Congressional Demand for Information

- 1. The documents that were found and sent to concerning the incidents at Waco are listed below:
- a. An outline of information and viewgraphs from the 1st Cavalry Division used by the support to instruct soldiers on permissible support.
- b. A memorandum from the 2nd Armored Division, G3 detailing the cost of support to civilian law enforcement organizations.
- 2. The following files were searched with negative results with the exception of the above listed documents:
- a. TDY files were searched to determine whether any TDY orders were issued for soldiers who might have participated.
- b. G4 at Corps and both divisions searched their files to determine if any information existed on equipment provided to federal law enforcement agencies.
 - c. G2 at Corps and both divisions checked their files.
 - d. G3 at Corps and both divisions searched their files.
- e. G1 at Corps and both divisions searched their files for attachment orders or tasking rosters.
 - f. The Provost Marshal searched its files for information.
- g. D Co, 3-6 Cav provided limited support during the incident and was later transferred to 2d Armored Div. Files at the company were checked, along with files at the cld brigade headquarters.
- h. DOIM (the repository for Corps records) searched its files.



Deputy Staff Judge Advocate

BACKGROUND BOOK

. on

TEXAS NATIONAL GUARD SUPPORT

to the

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

and the

FEDERAL BUREAU OF INVESTIGATION

Branch Davidian Compound at Mt. Carmel near Waco, Texas

Prepared for Mational Guard Bureau NGB-ARO-OM/Mational Guard Bureau NGB-ARO-OM/Mational Guard Bureau

INDEX .

- Tab A NGB-ARO-OM Overview Vignette
- Tab B Chronological Summary of Texas National Guard Support
- Tab C Requests for National Guard Support
- Tab D Texas National Guard Emergency Operation Center Log
- Tab E NGB-ARO-OC Journal Entry of Significant Information
- Tab F Loans of Equipment to BATF and FBI
- Tab G Reimbursement for Expenses by BATF and FBI
- Tab H Texas National Guard After Action Report, Waco
- Tab I NGB Focal Group Report, Waco
- Tab J Chief, National Guard Bureau Response to DA DCSOPS
- Tab K Media Extract, Washington Times, 17 July 1995
- Tab L Time Magazine, 24 July 1995
- Tab M NGB-JA Point Paper on Pending Branch Davidian Litigation



DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF OF STAFF 200 ARMY PENTAGON WASHINGTON DC 20310-0200



DACS-DMP-SR

14 July 1995

MEMORANDUM THRU CHIEF, TECHNOLOGY MANAGEMENT OFFICE, 200 ARMY PENTAGON, ROOM 1C462, WASHINGTON, DC 20310-0200

FOR DEPARTMENT OF THE ARMY, CHIEF, LEGISLATIVE LIAISON, 1600 ARMY PENTAGON, WASHINGTON, DC 20310-1600

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco, Texas

References:

- a. Letter, Congress of the United States, 8 June 1995, no subject.
- b. Memorandum, Department of Defense, 16 June 1995, subject as above.
- c. Memorandum, Under Secretary of Defense, 22 June 1995, subject as above.
- d. Message, HQDA, DACS-DMP-SR, 222100Z June 1995, subject as above.
- e. Memorandum, HQDA, DACS-DMP-SR, 7 July 1995, subject as above.
- 2. Army elements were tasked to perform a document search to locate documents or any information regarding the matter of the Branch Davidians near Waco, Texas, and the matter of Randy Weaver at Ruby Ridge, Idaho. The first packet of responsive documents was forwarded to your office 7 July 1995.
- 3. Please find enclosed the final responsive documents received from the following agencies/commands:
 - a. Headquarters, U.S. Army Forces Command (Encl 1).
- b. Headquarters, Department of the Army, Deputy Chief of Staff for Personnel (Encl 2).

DACS-DMP-SR

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco, Texas

- c. Headquarters, Department of the Army, Deputy Chief of Staff for Operations (Encl 3).
- d. U.S. Army Materiel Command, Chemical, Biological Defense Command (Encl 4).
 - e. Chief, National Guard Bureau (Encl 5).
 - f. Texas, Army National Guard (Encl 6).

4. Points of contact for this action are (703) 681-3873/3876/3878/3879, DSN 7661.

6 Encls

Chief, Sensitive Records and Information Agency

Sheeran Ed CPT (P) - SJA From: To: Cc: RE: OCLL Request for Waco Chronology Subject: Friday, July 14, 1995 7:00AM Date: Thanks - keep on truckin' Frem: Subject: RE: OCLL Request for Waco Chronology Date: Thursday, July 13, 1995 6:44PM As of 1840, 46 pages faxed to OCLL (though no one there when I called to verify), 46 pages faxed to XVIII; verified receipt, and I went over it with him page by page to ensure it was in right order. SJA, XVIII to return tonight after change of command. Also, ATF counsel Paul Pendley returned call; he has no legal objection to release of the LEA sensitive documents and has given them back to Robert Pritchard, the ATF FOIA guy, saying so. I told Pendley I needed a one-paged faxed memo saying ATF had no objection to release. He said Pritchard should be glad to provide it now. I will secure this tomorrow, as Pritchard is gone now. Old Ed is on a roll now (as long as I don't go over a cliff!) From: CMD GP: MD GP: Subject: OCLL Request for vvaco Chronology Date: Wednesday, July 12, 1995 5:19PM Sir Received a telephonic request from OCLL of for FORSCOM to prepare a chronology of the request and approval of the DoD support to BATF for the Waco incident. The chronology will be provided by DA to LSD for use in the hearings on 19 Jul. Susupense to DA OCLL is by COB tomorrow. The detailed request is for a chronology of events starting with the original contact by BATF with OPALLIANCE and ending with the issuance of the mission approval message. They do not want the chronology to deal with the actual support provided, mission execution, etc. Purpose of the chronology is so they can crosswalk what

happened in the mission request/consideration/approval process with the procedural requirements laid out for the program during the hearings.

Got OCLL to promise that they would bounce our chronology off DAMO and get OSD to promise to bounce it off BATF prior to the hearing to ensure that all concerned agree with the dates. Also told Karl that we would attach any documents referred to in the chronology to the copy we send to him, but would not use "incl 1" etc on the chronology itself so it could be used in a "stand alone" mode.

in CD and passed on the above; he is already working it and will bounce the chronology off his counterparts at ACOM and JTF-6 to ensure they agree with our dates. He told me that he thought he could have it done by 1200 tomorrow, since we already have all the info, just a matter of laying it out.

I reminded all that a chronology has already been released to the media and that we needed to be very sensitive to the need for consistency or clear explanation of any inconsistencies between that chronology and the one we pre pare.

When the chronology is finished, plan is to fax directly to OCLL with a cover memo signed by

whoever is deemed appropriate. OCLL will coord with DOMS. No need for CofS or CG to sign cover memo.



· c-



DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL 300 ARMY PENTAGON WASHINGTON, DC 26216-0000



DAPE-2XI-1C

77

July 6, 1995

MEMORANDUM FOR DACS-DMP-SR, ATTN: WASHINGTON DC 20310-0200

ROOM 10642, PENTAGON

· . : .

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco

- 11. Reference DA Washington DC/DACS-DMP-SR, DTC 2221002 JUN 91, Subject: Same as above, enclosed.
- 2. A search with in the office of the Deputy Chief of Staff for Fragonnel, identified documents with in the CACC office LTC son (7 pages), documents were previously provided to Secretary of the Army, Congressional Liaison Office Enclosure 1.
- 3. DCSPER offices submitting a negative reply, and personnel within DCSPER, and DCSPER field Operating Agencies, who conducted the searches are listed at Enclosure 2.
- 4. The direct and indirect costs of resources expended in responding to this request is at Enclosure 3.
- Point of contact for this action is the undersigned, 703-695-3596.

Encis





DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF, ARMY RESERVE WASHINGTON, DC 20310-2400

18 JUL 1395



DAAR-ZXP-I

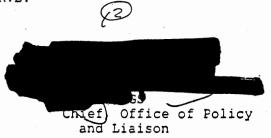
MEMORANDUM FOR Department of the Army, ATTN: DACS-DMP-SR, Washington, DC 20310

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas

1. A member of my staff, (703) 695-0877, conducted a physical search of this office and determined that we had no records or information pertaining to subject matter.

2. A DD Form 2086 is enclosed per your request.

FOR THE CHIEF, ARMY RESERVE:



Enclosure

17 dry received



6

····· Forwarded message follows ·····

(8)

I finally got back with

s will appear as a witness.

There is no need for a formal statement for the record.

ASD can make an intorductory statement.

will accompany

prepared to be available either in person or by telephone prior to the DoD hearing.

Will brenare a short memo that outlines the strategy.

and will prepare a short memo that outlines the strategy and will provide it to us after running it by OGC etc.

He indicated (as we already knew) that the focus would be on the assistance DoD provides to law enforcement agencies particularly, Counterdrug.

To the extent that the committee may "beat up" DoD it will be for not being vigilant enough in reviewing the drug nexus.

- Expect blunt questions.



DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS **400 ARMY PENTAGON** WASHINGTON DC 20310-0400



DAMO-ODS

14 July 1995

MEMORANDUM THRU DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS DIRECTOR OF THE ARMY STAFF ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS, LOGISTICS AND ENVIRONMENT)

FOR SECRETARY OF THE ARMY

SUBJECT: Audit Trail of Army Support to Law Enforcement Agencies in Waco, Texas--INFORMATION MEMORANDUM

- 1. This memorandum captures Army support to the Bureau of Alcohol, Tobacco, and Firearms (BATF) and Federal Bureau of Investigation (FBI) during their operations directed at the Branch Davidians near Waco, Texas. The Texas Army National Guard (TXARNG) initiated Army involvement on December 11, 1992, and support terminated on April 27, 1993. Data presented includes support provided by Active Army including Special Operations Forces supporting Joint Task Force-6 (JTF-6) and the Texas Army National Guard.
- An overview of Army assistance is detailed below. Access support is detailed in a separate classified enclosure.
 - Active component support under Title 10 (TAB A):
 - (1) two utility helicopters (UH-1);
 - (2) two main battle tanks (M1 Abrams);
- (3) two support vehicles for the main battle tanks (one High Mobility Multi-wheeled Vehicle (HMMWV) and one 2 1\2 ton truck);

DAMO-ODS

SUBJECT: Audit Trail of Army Support to Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

- 24 soldiers in liaison and maintenance roles (all were briefed on the legal restrictions when in support of civilian law enforcement agencies);
- (Chief Life Sciences Department, U.S. Army Edgewood Research, Development, and Engineering Center (ERDEC), Aberdeen Proving Ground, Maryland) provided expert advice on the employment of CS gas to Ms. Janet Reno, Attorney General of the United States;
- and, miscellaneous night vision goggles, tents, generators, light sets, cots, and sandbags (TAB C).
- The Texas Army National Guard provided Reserve Component support to the BATF and FBI in Title 32 status, prior to, during, and after the initial assault 28 Feb 1993 in the vicinity of Waco, Texas (TAB B). Of the sixteen approved missions in NGR 500-2, the Texas Army National Guard performed eight. Highlights of support:
- support missions performed were: Surface (1) Transportation, Aerial Reconnaissance, Aerial Surveillance, Aerial Transportation, Coordination, Liaison and Management, Photo Processing, Administrative and Logistical Support, and Aerial Interdiction.
 - (2) ten Bradleys (M2A2 Infantry Fighting Vehicles);
- (3) two Combat Engineer Vehicles (M728 Combat Engineer Vehicles);
- (4) the following equipment was operated and maintained by the Texas Army National Guard under auspices of an approved Department of Defense/National Guard Bureau counterdrug . plan:
 - UC-26 Aircraft 1 2
 - OH-58 Helicopters - UH-60 Helicopters
 - 1
 - CUCV (M-1009) 12

DAMO-ODS

SUBJECT: Audit Trail of Army Support to Law Enforcement Agencies in Waco, Texas--INFORMATION MEMORANDUM

- (5) Texas National Guard personnel support varied on a day-to-day basis, ranging from a minimum of five to a maximum of 35 for a total expenditure of 896 mandays;
- (6) additional state (Title 32) operational support consisting of one fuel truck, three buses, one van, three 1/4 ton trailers, two utility helicopters (UH-60s) on stand-by, and miscellaneous tents, body armor, and night vision goggles, etc at TAB B.
- 3. Combat vehicles were loaned without operable weapons systems, and all crews were BATF or FBI personnel trained by Army personnel prior to equipment being loaned. FBI crews for utility helicopters were trained and certified to Army standards.
- 4. The U.S. Army trained agents of the Bureau of Alcohol, Tobacco, and Firearms (BATF) prior to the assault on the Branch Davidian, outside Waco, Texas on 28 February 1993. Their limited training involvement was an authorized counterdrug training mission in support of a law enforcement agency. A ten member Active Component, Special Forces, Rapid Support Unit, in support of Joint Task Force Six, deployed to Fort Hood, Texas, 22 to 28 February 1993. The team's overall mission, number JT002E-93, was to establish a short term training site for BATF. Specific training authorized included tactical (company level) communications net training, PZ/LZ operations training, and tactical vehicle dismount training.



Director, Operations,
Readiness and Mobilization

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Government Reform and Oversight Committee

Subcommittee on National Security, International Affairs, and Criminal Justice

B-373 Rayburn House Office Building Washington, DC 20515 Voice: (202) 225-2577 Fax: (202) 225-2373



FACSIMILE TRANSMISSION

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If there are any questions or problems regarding this transmission, please call the sender at (202) 225-2577.

WILLIAM F. CLINGER, JA., PENHSYLVAMA

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RECORD BALLYS, COMPECTICAT
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WILLIAM A. ZELEFY, JR., REW MAMPONIRE
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ROBERT L. BARRYLAND
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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT 2157 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, DC 20515-6143

July 14, 1995

CARDISS COLLERS, ELINGS
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TOM LANTON, CALIFORDIA
ROBERT E WISE, JR. WEST VIRQUIMA
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OPER TAYLOR MEJORISH
OPER TAYLOR
OPER

BERNARD SANDERS, VERNONT MOSPENDENT

MAJORITY-(202) 225-8074 MINORITY-(202) 225-6061

Department of Defense

The Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

The Committee on Government Reform and Oversight is planning to call the attached list of individuals as witnesses during hearings on the Waco matter. These hearings begin on Wednesday, July 19, 1995. Please notify me by Monday, July 17, 1995 to indicate whether the Department of Defense has any concerns with the individuals named on this list. You can FAX a response to me at 202-225-3974. Our Subcommittee on National Security, International Affairs, and Criminal Justice will consider any concerns you have before the scheduled beginning of the hearings.

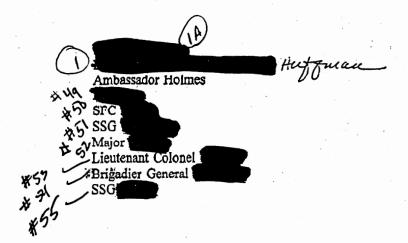
I thank you for your immediate attention to this request.

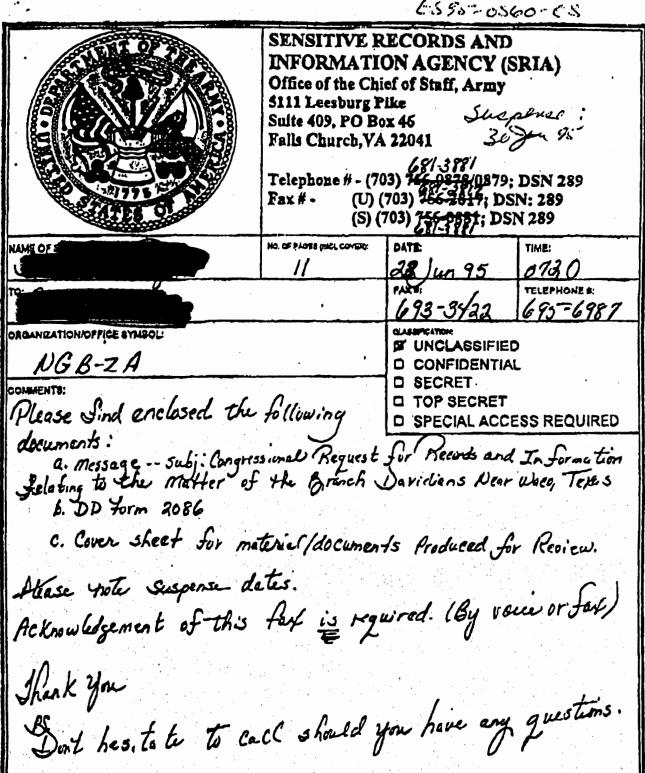
Sincerely,

William F. Clinger, J

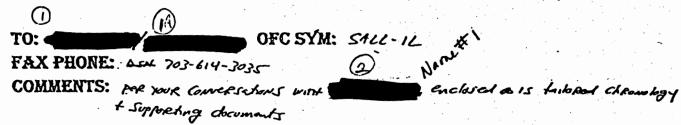
Attachment

Potential Witness List for Department of Defense









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IIQs Jorces Command, AJCG-JA
Staff Judge Advocate Office
Jort McPherson, GA 30330-5000

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sponse to Congressional Request for In Mission JT002E-93, Waco, TX	oformation on (CD. NAME	6		· ·
THRU: X 63 X Cors	DCG TO	1 1 S			•
ACTION REQUIRED: APPROVAL		SIGNATURE	X INFOR	MATION //	•
BACKGROUND/DISCUSSION: TAB A is the Tasking Message from the C	Office of Congr	essional Lia	ison, Department o	of the Army. /	
TAB B is the FORSCOM response to the C chronology of events which describes Dol mission JT002E-93 in Waco, Texas. This was derived from the enclosed JTF-6's or					focused TF) for process and
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RECOMMENDATION:					· · · · · · · · · · · · · · · · · · ·
FORSCOM Position: FORSCOM provided the law This is FYT only This OCL request. 3 No New Info here	2013 the	12 fo	perided 1-	respons	
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EXEC OFFICER

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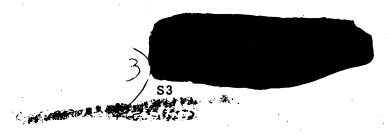
DEPARTMENT OF THE ARMY HEADQUARTERS 3D SPECIAL FORCES GROUP (AIRBORNE) FORT BRAGG, NORTH CAROLINA 28307-5230

MEMORANDUM FOR Commander, United States Army Special Forces
Command (Airborne), ATTN: SJA,
Ft Bragg, North Carolina 28307-5230

SUBJECT: WACO Files

1. As requested, we have searched our files and have found no records of the incident.

2. POC this HQs is at 432-9923.





UNITED STATES SPECIAL OPERATIONS COMMAND **LEGISLATIVE LIAISON** MACDILL AFB, FL 33608-6001

TO .

FAX HEADER

TO -

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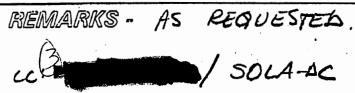
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UNCLASSIFIED Transmission Only Page 1 of <u>5</u> Pages





PAO

OFC SYM:

FAX PHONE: 669-5628

COMMENTS: JUST Received From BATF. FOR THE PACKET AND/OR YOUR RECORDS

FROM:

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HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Fort McPherson, GA 30330-5000



GADITCAP

OFC SYM:

FAX PHONE: 703-681-8366

COMMENTS: PER CONVERSation -

FROM:

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то:

OFC SYM: OCJCS-LC

FAX PHONE: SSN 221- 223-1619

COMMENTS: SIR-THESE ARE the "Unsigned, Internal working documents" that the Counterpression withdrew from its submission - No one knows for sure whose notes they the - But THEY guess they were made by Counterpression (current whereabouts unknown). 2 copies of each document enclosed -

FROM:

3

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HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Jort McPherson, GA 30330-5000



DA COUNTERBRUG DIV

OFC SYM: Atmo-000

FAX PHONE: BSN 225-7638

COMMENTS: JTF-6 + FERS (om SUBMISSION Reference Congressional +OSD 1980est Fee in fo

FROM:

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TOTAL PAGES (INCL COVER):

425-2

HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Fort McPherson, GA 30330-5000



TO: OSJA, III GRPS+FT-HOOD

OFC SYM:

FAX PHONE:

COMMENTS: Garcemen 4 asked me to for this to you - please guery the All Ropriate intiligence toperational personnel as to whether they have any information regarding the above. This information is acceded at JCS legal ASAP, if any - Thank you -Congressional Learings Begin 12 Jul -

FROM:

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HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Fort McPherson, GA 30330-5000



CCJCS Legal Course 1

OFC SYM: OCJC5-LC

FAX PHONE:

COMMENTS: SIR-THIS IS EXTENT OF JTF-6 + FERSCOM CONTRARVE DIVISION SUBMISSION Reference WARD-related tasker Separate Response included to DAMO-OAD.

FROM:

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HQs Forces Command, AFCG-JA Staff Judge Advocate Office Fort McPherson, GA 30330-5000



1) OSJA III CORPS

TO:

OFC SYM:

FAX PHONE:

COMMENTS: Hends-up! ANOTHER data-drag on WACO. No further refinement has Yet occurred, but if + When it does, expect short suspense. Please forward this to Corps 63 or Anyother Appropriate staff element. Not clear if IsT CAU DIV assisted in this area, but if they did, please ensure they receive this also.

FROM:

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HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Jort McPherson, GA 30330-5000



legal Advisor to



OSJA, HQ, USACOM

OFC SYM: JØ2L

FAX PHONE: 804-445-5959

COMMENTS: SIR-PER YOUR REGIEST - MITCHIALS FEDEX'd

FROM HERE AT 1300 TODAY

FROM:

FAX# DSN: 572-2497/COMM: 404-752-2497

VOICE: DSN: 572-2921/COM: 404-752-2921

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HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Fort McPherson, GA 30330-5000



OSJA, I CORPS, FT. COWIS, WA

TO:

OFC SYM: AFRH-JA

FAX PHONE: DSM 257 - 5138 8027

COMMENTS: per conversation - Thanks - pls Call tomorphon with into due to our Short suspense -

(2)

FROM:

FAX# DSN: 572-2497/COMM: 404-752-2497

VOICE: DSN: 572-2921/COM: 404-752-2921

TOTAL PAGES (INCL COVER):

4252

2453

HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Jort McPherson, GA 30330-5000





TO:

OFC SYM: IDARNG-554

FAX PHONE: 208-422-5976

COMMENTS: Complete Copy of all we have received - including DA Gen. Coursel input -



FROM.

FAX# DSN: 572-2497/COMM: 404-752-2497

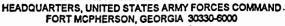
VOICE: DSN: 572-2921/COM: 404-752-2921

TOTAL PAGES (INCL COVER): //

4252/2453

HQs Jorces Command, AJCG-JA Staff Judge Advocate Office Jort McPherson, GA 30330-5000

DEPARTMENT OF THE ARMY





REPLY TO

AFOP-OD (360-5a)

13 July 1995

MEMORANDUM FOR Office Chief Legislative Liaison, ATTN: SALL-IL, 1600 Army Pentagon, Washington, DC 20310-1600

SUBJECT: Response to Office of Congressional Liaison (OCL) Request for Information

1. Enclosed is the OCL requested focused chronology of events which describes DoD support to BATF for mission JT002E-93 in Waco, Texas. This chronology reflects only the mission planning and approval process and was derived from the enclosed Joint Task Force Six's original detailed chronology.

, DSN 367-5014, can provide further information.

Encl

Chief, Counterdrug Division, G3

CF: HQDA, DAMO-ODD USACOM, J3D

Point Paper

Pending Branch Davidian Lawsuit

- 1. On 27 February 1995, a suit was filed by family members of the deceased and survivors of the Branch Davidian Waco incident in Federal District Court, Southern District of Texas. The named defendants include the Attorney General of the United States, William Sessions, FBI Director, Ann Richards, former Governor of Texas, numerous ATF and FBI officers, and Twelve unknown officers of the Texas National Guard. The Texas Guard was served with process on 20 June. The names of the Guardsmen will presumably be ascertained in the course of pre-trial discovery.
- 2. The claims of the Plaintiffs are tort, constitutional tort, and Racketeer Influenced and Corrupt Organizations (RICO) claims. (RICO is often cited to cover multiple actors in alleged conspiracies to deprive victims of their rights, property, or lives.)
- 3. The suit is based on the events at the Branch Davidian Compound in Waco between February 28 and April 19, 1993, which will also be a subject of the upcoming Congressional hearings. Although the two forums are distinct, testimony taken in the Congressional hearings could have an impact on the civil suit.

l 6] From: at anet6post 7/13/95 10:29AM (2583 bytes: 1 ln) To: Subject: WACO Reqts Forwarded	
From: at ANET21POST 7/13/95 9:46AM (2356 bytes: 1 ln) To: Subject:	
From: at ANET21POST 7/13/95 9:42AM (2123 bytes: 1 ln) To: at anet6post at anet6post, at anet6post, at anet6post,	•
at anet6post, Subject: Message Contents	
ARNG EXEC Tasker	
Sec Army testifies 19 Jul on Army involvement in WACO incident. Sec Army wants an audit trail estabilished for ALL Army involvement to include TXARNG and SOF. TXARNG POMSO yesterday released 6 volumes of WACO-related TXARNG after action reports and documents. DAMO-ODS requested NGB support in obtaining the 6 volumes from TXARNG. Intent is for ARO-OM to exclusively coordinate this with TXARNG. Sec Army needs Operational Summary by 1500 tomorrow to prepare testimony. Recommend (ARO-OM), who will also be acting LNO next week, be appointed the ARO project officer. POC in DAMO-ODS is	
Per directive to DOD from Congress NGB-JA has been giving direction to the TXARNG POMSO through the JXARNG JAG.	
(681-3512) NGB-AD-IS informed me at 0915 that 2 copies of the 6 binder report are now at the local Abn Express loading dock and will arrive in Pentagon mail room by 1200.	•
ARO and DARNG are on C,NGB Calendar for 1300 tomorrow.	

An operational summary must be prepared for Sec Army by ARO-OM and NGB-JA for use in tomorrow's meeting with CNGB. ARO-O provide a project officer to work this aciton with and this afternoon. Project officer report NLT 1100



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON WASHINGTON DC 20301-3000



12 July 1995

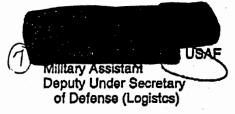
MEMORANDUM FOR CAIR

SUBJECT: Branch Dividians

A negative response is provided in reference to your 20 June 1995 memorandum requesting search of records for information on Branch Dividans.

The following personnel conducted the searches:

DUSD/TP	26 June 95
DUSD/MP	22 June 95
DUSDALBS	26 June 95
DUSD/MR (1)	20 June 95
CALS 5	23 June 95
DUSD/L	23 June 95







DEPARTMENTS OF THE ARMY AND THE AIR FORCE

NATIONAL GUARD BUREAU 2500 ARMY PENTAGON WASHINGTON, D.C. 20310-2500



NGB-ADI-P (25)

11 JUL 95

MEMORANDUM FOR SECRETARY OF THE ARMY LEGISLATIVE LIAISON, ATTN:

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians Near Waco, Texas

- 1. Enclosed are all the records pertaining to subject request from the Texas Army National Guard pertaining to loan of equipment to Alcohol, Tobacco and Firearms and the FBI, After Action Report pertaining to Waco, letters of individuals asking for subject records, log of actions pertaining to subject records, etc.
- 2. The POC is the undersigned at (703) 681-3512 or DSN 761-3512. FOR THE CHIEF, NATIONAL GUARD BUREAU:

Encl

Program Manager
Freedom of Information Act

and Privacy Act

COVER SHEET FOR DOCUMENTS PRODUCED FOR REVIEW

AGENCY:	TEXAS NATIONAL	<u>GUARD</u>			DATE:	11 July 95
Part I:	Search Inform	ation				
	C: Search Information (S) PERFORMING SEARCH (INCLUDE NAME, ADDRESS, AND TELEPHON F BEARCH: 21 June - 5 July 95 ON WHERE FILE WAS FOUND: Camp Mabry, Austin, Texas ZATION UNDER WHOSE AUTHORITY FILE WAS MAINTAINED: NATIONAL GUARD UNDER WHOSE AUTHORITY FILE WAS MAINTAINED (INCLUDE NAME, LEPHONE NUMBER): P.O. Box 5218 Austin, Texas 78763-5218	OKE NOWBER):				
DATE OF S	EARCH: 21 June	e - 5 July 95	5			-
LOCATION	where file wa	F FOUND: _	Camp Mabry	, Austin, Tex	as	
	E T: SEARCH Information SON(S) PERFORMING SEARCH (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER): E OF SEARCH: 21 June - 5 July 95 ATION WHERE FILE WAS FOUND: Camp Mabry, Austin, Texas ANIZATION UNDER WHOSE AUTHORITY FILE WAS MAINTAINED: AS NATIONAL GUARD SON UNDER WHOSE AUTHORITY FILE WAS MAINTAINED (INCLUDE NAME, ADDRESS, TELEPHONE NUMBER): Adjutant General P.O. Box 5218 Austin, Texas 78763-5218 II: Information about Documents with this Cover Sheet AER OF PAGES ATTACHED: 2,128 ANY OF THE ATTACHED INFORMATION SUBJECT TO THE PRIVACY ACT? Yes SIFICATION LEVEL OF ATTACHED INFORMATION: FOUO SON COMPLETING THIS COVER SHEET (INCLUDE NAME, ADDRESS, AND TELEPHONE SER AGTX-JA P.O. Box 5218					
		32 AUTHORIT	Y FILE WAS	MAINTAINED):	
			<u>(5</u>)		UDE NAME,	ADDRESS,
		P.O. Box .	5218			
Part II:	Information :	•			Sheot	
DERGANIZATION UNDER WHOSE AUTHORITY FILE WAS MAINTAINED: TEXAS NATIONAL GUARD PERSON UNDER WHOSE AUTHORITY FILE WAS MAINTAINED (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER): P.O. Box 5218 Austin, Texas 78763-5218 Part II: Information about Documents with this Cover Sheet NUMBER OF PAGES ATTACHED: 2,128 IS ANY OF THE ATTACHED INFORMATION SUBJECT TO THE PRIVACY ACT? Yes CLASSIFICATION LEVEL OF ATTACHED INFORMATION: PERSON COMPLETING THIS COVER SHEET (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER: AGIX-JA						
		•				
IS ANY OF	THE ATTACHED	INFORMATIO	N SUBJECT	TO THE PRIV	ACY ACT?	Yes
CLASSIFICA	ation livel of	ATTACHED	Informatio	N: FOUO		
PERSON CON	PLETING THIS	COVER SHEE	T (INCLUDE	NAMES PADDE	SS, AND	Telephone
	AGTX-JA		•	Š.		
A	Austin, Texas 78	763-5218				, i d - a



ADJUTANT GENERAL'S DEPARTMENT

Post Office Box 5218 Austin, Texas 78763-5218 512-465-5001

AGTX-JA (27)

11 July 1995

MEMORANDUM FOR CHIEF, NATIONAL GUARD BUREAU

ATTN: NGB-ADI-P , Washington, DC 20310-2500

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas

- 1. Reference is made to memorandum, same subject, dated 19 June 1995 from DOD General Counsel to your office.
- 2. Enclosed herewith, are two (2) duplicate, tabbed and indexed copies of the requested documents. Please note, each copy consists of five (5) Volumes, for a total of 2,128 pages per copy. Each page is "BATES" stamped on the reverse side.
- 3. POC is at (512) 465-5541 or DSN 954-5541.



PERMISSIBLE ACTIONS

YOU MAY --

- * Train civilian law enforcement officials
- * Maintain equipment
- * Drive equipment to Waco

YOU MAY NOT --

* Operate the equipment in support of civilian law enforcement operations



OFFICE OF THE STAFF JUDGE ADVOCATE HQ, III CORPS & FORT HOOD





FACSIMILE HEADER SHEET

0	FROM: AFZF-JA- AC	TO: 2 OFC SYMBOL:			
	DUTY PHONE: 737- FAX #: DSN 737-2925 COM (817)287-2925	DUTY PHONE: FAX PHONE: 223 - 1619			
	SUBJECT: WACO	PRECEDENCE: PAGES INCL HEADER:			
	REMARKS: Hand Copy to Follow via U.S. Postal.				
	OPTIONAL FORM 99 (7-90) FAX TRANSMITTA To	L # of pages > /			

THE INFORMATION CONTA INDIVIDUAL(S) TO WHOM

Phone 17-287- 989/

13 C Phone 17-287- 989/

14 CONS 34

Phone 2/7-287- 989/

15 723 /6/9 Fax 287-2925

EN 1540 01 317-766 5000-101

GENERAL SERVICES ADMINISTRATION

77- 789/ THE SOLE USE OF THE NAMED

FOR ADMINISTRATION THE EMPLOYEE OR AGENT

RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU SHOULD REFRAIN FROM EXAMINING THE MATERIALS AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION MAY CONSTITUTE A VIOLATION OF THE PRIVACY ACT, 5 U.S.C. 552a, AND/OR ARMY REGULATION 27-26. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT THE ABOVE STATED TELEPHONE NUMBER. THANK YOU FOR YOUR COOPERATION.



OFFICE OF THE STAFF JUDGE ADVOCATE HQ, III CORPS & FORT HOOD





FACSIMILE HEADER SHEET

FROM: AFZF-JA- AO	TO: OFC SYMBOL: (2)
DUTY PHONE: 737- FAX #: DSN 737-2925 COM (817)287-2925	DUTY PHONE: 223 - /6/9
SUBJECT: WACO	PRECEDENCE: PAGES INCL HEADER:
REMARKS: Hard Cory to	Follow via

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED FOR THE SOLE USE OF THE NAMED INDIVIDUAL(S) TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE ADDRESSEE, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU SHOULD REFRAIN FROM EXAMINING THE MATERIALS AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION MAY CONSTITUTE A VIOLATION OF THE PRIVACY ACT, 5 U.S.C. 552a, AND/OR ARMY REGULATION 27-26. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT THE ABOVE STATED TELEPHONE NUMBER. THANK YOU FOR YOUR COOPERATION.

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Maintenante spt) Do Crew-

11 JUL 95

DACS-DMP-SR

MEMORANDUM THRU CHIEF, TECHNOLOGY MANAGEMENT OFFICE, OFFICE CHIEF OF STAFF, ARMY, PENTAGON, ROOM 1C462, WASHINGTON, DC 20310

FOR DEPARTMENT OF THE ARMY, CHIEF, LEGISLATIVE LIAISON, ATTN: SALL, PENTAGON, WASHINGTON, DC 20310

SUBJECT: Congressional Request for Information Relating to the Matter of the Branch Davidians Near Waco, Texas.

1. References:

- a. Memorandum, General Counsel DoD, Subj: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas, dtd 16 June 1995, with attachment.
- b. Message, HQDA, DACS-DMP-SR, DTG 222100Z Jun 95, Subj: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas.
- c. Memorandum, AFCG-JA-ML, Subj: FORSCOM Response to Congressional Request for Information on Branch Davidian/Waco and Ruby Ridge, ID Incidents, dtd 6 Jul 95, with Index.
- 2. Forwarded are documents received from United States Army Forces Command in response to taskings. (Reference c. above, Encl 1).
- 3. Responsive FORSCOM documents are at Enclosure 2 as follows:

a. Tab A:

- 1) Memorandum, FCJ3-OD, Subj: Limited Delegation of Authority for Approving Counterdrug (CD) Operational support to Drug Law Enforcement Agencies (DLEA), dtd 9 Mar 92,
- 2) Message, CJCS, Washington, DC, DTG 190050Z Dec 91, subj: Delegation of Authority for Approving Operational Support to Drug Law Enforcement Agencies and counterdrug-Related Deployment of Dod Personnel.

b. Tab B:

Withdrawn by FORSCOM.

c. Tab C:

Withdrawn by FORSCOM.

DACS-DMP-SR

SUBJECT: Congressional Request for Information Relating to the Matter of the Branch Davidians Near Waco, Texas

- d. Tab D:
- 1) OF 271, Conversation Record, JTF-6, Subj: JT002E-92, No Date.
 - e. Tab E:
 - 1) Memorandum, Subj: JT002E-93, dtd 4 Feb 93.
 - f. Tab F:
- 1) Memorandum, Subj: Issue, Status, Progress, Concerns. No Date.
- 2) Message, CJTF SIX, Ft Bliss, TX, DTG 0321140Z Feb 93, Subj: Range and Training Area Request Counterdrug Training Support Mission JT005E-93.
- 3) Message, JTF6, Ft Bliss, TX, DTG 041603Z Feb 93, Subj: OPNOTE: Warning Order JT002E-93.
 - g. Tab G:
- 1) Draft Message, CJTF SIX, Ft Bliss, TX, DTG Unk, Subj: Operation Order Counterdrug Training Support Mission JT 002E-93.
 - h. Tab H:
- 1) Related Notes, etc. Subj: FORSCOM Approval, Counterdrug Training Mission, JT002E-93.
- 2) Memorandum, FCJT-J3/5, Subj: JT002E-93, Mobile Training Team Support to Bureau of Alcohol, Tobacco, and Firearms (U), dtd. 28 Feb 93, with enclosures.
- 3) Message, CJTF Six, DTG 121492Z May 93, Subj: Classification Downgrading of Correspondence
- 4) Memorandum, Operation Alliance, Subj: BATF Request for DOD Assistance (ST), with enclosures.
 - 5) Memorandum, JTF6, Subj: ATF Special SR, dtd 1 Feb 93.
- 6) Message, CJTF6, DTG 0321402 Feb 93. Subj: Range and Training Area Request Counterdrug Training Support Mission JT002E-93. With Enclosures

DACS-DMP-SR

SUBJECT: Congressional Request for Information Relating to the Matter of the Branch Davidians Near Waco, Texas

i. Tab I:

1) Memorandum for Record, FCJT-J3, Subj: Meeting between JTF6 and Representatives of the House Appropriations Committee Surveys and Investigations Staff Regarding JTF-6 Involvement with the ATF Raid at Waco, Texas., dtd 16 Jun 93.

j. Tab J:

· 1) Memorandum, FCJT-J3, Subj: Summary of Investigative Inquiries to Joint Task Force Six (JTF-6) Support to Bureau of Alcohol, Tobacco and Firearms, Mission 002E-93, dtd 18 August 93, with 1st Endorsement, FCj3-OD, dtd 25 Aug 93, and Encls.



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



July 11, 1995

Mr. Kent Markus
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
10th & Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Markus:

Enclosed herewith are copies of documents produced to date by the Department of Defense to the Senate Judiciary Committee and the House subcommittees investigating the incident at Waco.

Please note that some of the enclosed documents are classified "SECRET" under the provisions of EO 12356.

Sincerely,



Principal Deputy General Counsel





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



July 11, 1995

Mr. Neal Wolin
Deputy General Counsel
Department of Treasury
Room 3000
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Mr. Wolin:

Enclosed herewith are copies of documents produced to date by the Department of Defense to the Senate Judiciary Committee and the House subcommittees investigating the incident at Waco.

Please note that some of the enclosed documents are classified "SECRET" under the provisions of EO 12356.

Sincerely,

Principal Deputy General Counsel

DOCUMENT SEARCH

As of 11 July 1995

Chronology

o Letter from House Judiciary Committee: (Subcommittee on Crime) 8 June S: 22 June

o Letter from from DoD, OGC

16 June S: 21 June

o Tasking to TMO (from OCLL)

22 June

o Message from TMO to field

22 June

S: 30 June -

Status

FORSCOM (+) DCSPER (+)
TRADOC (-) DCSINT (-)
USASOC (+ /INT) DCSOPS (+)
AMC (+/INT) DCSLOG (-)
CID (-) OSG (-)
CAR (-)

NGB (+/INT) COE (-) MTMC (-) AFIP (+/INT)

INSCOM (-/INT)

Z 0022479

P.08 ₩011

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COVER SHEET FOR DOCUMENTS PRODUCED FOR REVIEW

	AGENCY: HQ. IST COUNTRY DIVISION DATE: 10 JUL 95
	Part I: Search Information
\bigcirc	PERSON(S) PERFORMING SEARCH (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER):
Sarve	S JA 1ST CAU D.V DSJ. 737 - 9410
#1513	FT HOOD, TX 76545
	DATE OF SEARCH: 1-10 Jul 95
	LOCATION WHERE FILE WAS FOUND: OSTA, IST CAV DIV
	ORGANIZATION UNDER WHOSE AUTHORITY FILE WAS MAINTAINED: Ha, 15T CAV DIV
(2)	PERSON UNDER WHOSE AUTHORITY FILE WAS MAINTAINED (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER): (Some as above) Mare #1574
•	Part II: Information about Documents with this Cover Sheet NUMBER OF PAGES ATTACHED: 4
i	IS ANY OF THE ATTACHED INFORMATION SUBJECT TO THE PRIVACY ACT?
	CLASSIFICATION LEVEL OF ATTACHED INFORMATION: UNCLAS
(3)	PERSON COMPLETING THIS COVER SHEET (INCLUDE NAME, ADDRESS, AND TELEPHONE NUMBER:
•	
	Naru#1515

MENRY J. MYLE, LLINGIE, CHAIRMAN
CANLOS J. MOCHMEAD, CALIFORNIA
F JAMES SINCÉMURININER, JR. WSCOMÉIR
RILL MECOLLUM, «LORIDA
GOOGE W. CEAV.) FERNÉTIVAMIA
HOWARD CORIÉ, NORTH CAROLINA
LAMAR S. SMITA, TELAS.
STEVER SCHIP, HEW MÉRICO
ELTON GALLEGLY, CALPORNIA
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CD BYANT, TENNESSEF
STEVE CHOOT, OHIO
MICHAEL PAYPICE FLANAGAN, RÉWING
BOB BARR, GEORGIA

ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatioes

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

MINURITY STAFF DIRECTOR JULIAN (PGTEIN MIT-CATTY WE WEERS

MONERT C. "HOURY" ECUTT, HEGHIL MELVIN L. WATT, NORTH CEACH MA XAVILR EECHMA CAJE'GRNIA JOSÉ E SEPRANO, NEW YORK

ZDE LOFGREN, CALIFORNIA SHCILA JACESON LEE, TEXAS

July 10, 1995

Secretary of Defense U.S. Department of Defense Washington, D.C. 20301

GENERAL COUNSEL

Dear Mr. Secretary:

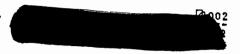
This is to authorize Glenn Schmitt, a Counsel with the Subcommittee on Crime, to travel on military aircraft to Fort Bragg, North Carolina, with designated staff from the Committee on Government Reform and Oversight. The purpose of their travel is to prepare for upcoming joint hearings on the Waco incident.

The expenditure of funds for the payment of actual and necessary expenses and such transportation as may be required is authorized by Title 31, United States Code, section 1108(g).

Sincerely,

Chairman

HJH:acf



Discourse 103 C/

From: COL 7/19/95 12:08PM (5560 bytes: 77 ln, 1 fl)

Subject: Request for Information - re: Waco, TX

Draft message

----- Message Contents --

Text item 1: MESSAGE1.TXT

Message Type: Delivered: Interpersonal Message Tue Jul 18 13:38:50 1995



----- [X.400 Text Follows] --

On Friday, 14 Jul 95, LTG Baca reviewed the Spence report which recapped the National Guard's involvement in the Branch Davidian episode in Waco, TX. The Spence report concluded the status of Texas Guardsmen who participated in the Operation should have changed from Counterdrug Support to Military Support to Civil Authorities. To the best of our knowledge, that did not occur.

For NGB-ARC:

1. If the funding for the Texas Guardsmen should have changed, would this, in your opinion, have constituted a violation of the Anti-dificiency Act?

If the funding for the Guardsmen should have been other than counter-drug funds then there may be a violation of the purpose statute 31 USC 1301(a) which says funds may only be used for the purpose for which appropriated. This is not an antideficiency violation, but could result in one if the required corrections cause an over-obligation or an over expenditure of the proper account.

In this case the mission was identified as a counter-drug operation and the Guard provided equipment and personnel in support. After the initial ATF raid additional equipment was provided by direction of the SECARMY. The equipment was provided as Military Support to Civilian Authorities (MSCA) SECARMY approval was necessary because the equipment was TOE tactical items. Additional manpower was also provided using counter-drug funding. There was no change to the mission being a counter-drug operation and there was no other status available for these personnel since the state Governor indicated this was a federal mission only. There was sufficient counter-drug appropriated funds for FY 93 and this mission.

Therefore unless higher competent authorities changed the mission from a counter-drug operation, the expenditures are proper for the purpose for which the funds were appropriated and there is not an antideficiency. In the absence of any clear indication of a change in the mission a flash report is not necessary. However, an investigation of the Guard's role can be initiated under AR 15-6 to determine if there was a change in mission or herewledge of that.

SENT BY: Xerex Talecopier 7020 : 7-18-85 :12:47PM :

AR 37-1, para 7-7 states, "the individual concerned will inform the Director of Resource Management (DRM) or equivalent. The DRM will immediately notify the commander responsible for the allowance/allotment involved in the alleged violation."

In this case either the TXARNG or NGB-CD should report since counter-drug NGPA funding was used for all personnel.

3. When should the suspected violation be reported?

Within 15 days of the date of discovery of the possible violation a "flash report" is sent to ASA(FM). An investigating officer is appointed within 30 days. (Reference AR 37-1)

For NGB-JA: 1. In your opinion, is there sufficient evidence to suspect that a violation may have occurred?

Please provide your response to these questions to me by noon Wednesday, 19 Jul.



FAX COVER SHEET

FROM:

Army Legislative L

Army Legislative Liaison 1600 Army Pentagon Pentagon, Room 2C634 Wash., D.C. 20310-1600 (703) 697-2106 DSN 227-2106 FAX: (703) 614-3035

SJA, XVIII Airborne Corps FAX: COM (910) 396-4363

Date: 14 Jul 95

Message: Sir,

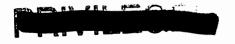
As requested, here is your personal

copy of the now famous

AIRBORNE!



Janed 0925, 14 JUL 95







DEPARTMENTS OF THE ARMY AND THE AIR FORCE

NATIONAL GUARD BUREAU 2500 ARMY PENTAGON WASHINGTON, D.C. 20310-2500



NGB-ZA

1 4 JUL 1995

MEMORANDUM FOR DEPUTY CHIEF OF STAFF FOR OPERATIONS, ATTN: DAMO-ODS

SUBJECT: National Guard Bureau Input, Branch Davidian Operation

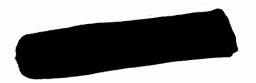
1. Reference your request for information regarding support rendered by the Texas National Guard to the Bureau of Alcohol, Tobacco and Firearms (BATF) and the Federal Bureau of Investigation (FBI) during subject operation in Waco, Texas.

2. Background:

- a. The National Guard has been providing support to local, state and federal law enforcement agencies since 1980, initially in the area of marijuana eradication. The program grew in scope over the years, with most of the support in the form of equipment loans, e.g., night vision goggles, to aviation support (aerial surveillance) incidental to scheduled training missions. Starting in 1987 Congress appropriated funds specifically for the National Guard to expand the program to other areas of support. Funding levels for the program continued to grow on an annual basis until recent years.
- b. In coordination with the Office of National Drug Control and Policy (ONDCP) and the Office of the Assistant Secretary of Defense (Reserve Affairs), 16 standard missions were developed in which the National Guard could support law enforcement agencies. These missions are promulgated in National Guard Regulation (AR) 500-2/(AF) 55-6, dated 2 Dec 91, and revised 1 Mar 93.
- c. The general concept is for the National Guard at state level to meet with law enforcement agencies to determine requirements and to verify that the requested support meets the criteria in NGR 500-2. Based on requirements, an annual state plan is prepared and submitted to the National Guard Bureau (NGB) for review and funding determinations. The plans are then submitted through the Army and Air Staffs to DOD for review and approval. On approval by DOD and return to NGB, funding for the approved missions flows from DOD through the Army and Air Staff Comptrollers to the Army and Air National Guard Comptrollers in NGB. NGB then distributes funds to the states in the appropriate personnel and operations and maintenance accounts.



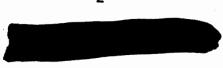




NGB-ZA

SUBJECT: National Guard Bureau Input, Branch Davidian Operation

- 3. Prior to the commencement of the Waco operation, several planning meetings were conducted to coordinate all aspects of the mission with JTF-6, Operation Alliance and the Bureau of Alcohol, Tobacco and Firearms (BATF). Of the 16 approved missions identified in NGR 500-2, the Texas National Guard performed 8 in support of the BATF and the FBI in Texas. Those missions were: Surface Transportation, Aerial Reconnaissance, Aerial Surveillance, Aerial Transportation. Coordination, Liaison and Management, Photo Processing, Administrative and Logistical Support, and Aerial Interdiction.
- Most ongoing National Guard counterdrug operations at the state level are not monitored at the National Guard Bureau with regards to loans of equipment or operations being conducted. Exceptions are those equipment loans which require HQDA or USAF approval; all others are covered by the approved plans. When Waco became a counterdrug operation, the National Guard Counterdrug Support to it followed established procedures as with other counterdrug operations. During the entire period that the Texas National Guard supported the Waco operation Dec 92 through 27 Apr 93), only three requests for National Guard equipment were made which required HQDA approval, viz., 2 ea. M-113 APCs (never used), 10 ea. Bradley Fighting Vehicles, 2 ea. Combat Engineer Vehicles (CEV), and 2 ea. 2 1/2 or 5-ton Trucks with tarps. These loans were approved by the Assistant Secretary of the Army (Installations, Logistics, and Environment). Prior to the execution of the loan agreements, the Texas Army National Guard provided driver training to the BATF agents on the Bradleys and the CEVs. The two OH-58s and the UH-60 were flown by the Texas Army National Guard as part of the ongoing operation, and the UC-26 aircraft was flown by the Texas Air National Guard. The Alabama Air National Guard also flew one RF-4C aerial photography mission at the request of the BATF. A matrix showing major equipment used by the Texas National Guard in this mission is at Encl 1.
 - 5. Upon termination of the mission, the NGB Counterdrug Task Force convened a Process Action Team to review the operation from a "lessons learned" perspective and to determine if any policy and/or procedural changes are required. The group concluded that all Texas National Guard actions associated with the operation were conducted in accordance with applicable statutory and regulatory guidance.
 - 6. All Texas National Guard personnel participating in the support mission were in Title 32 status, with funds provided under 32 U.S.C. 112 which provides; among other things, funding for "the pay, allowances, clothing, subsistence, gratuities,



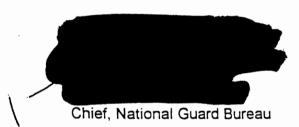


NGB-ZA

SUBJECT: National Guard Bureau Input, Branch Davidian Operation

travel, and related expenses of personnel of the National Guard of that State used for . . . the purpose of drug interdiction and counter-drug activities. ." It has been suggested that after shots had been fired, the nature of the mission changed from a solely counterdrug support mission to a combination of counterdrug support and military support to civil authorities (MSCA). Although the mission expanded, the National Guard participation continued to be managed and funded as a counterdrug support mission. All equipment was provided in accordance with the approved Texas National Guard Counterdrug Plan and applicable DOD and service regulations.

Enclosure





1. The following equipment was operated and maintained by the Texas National Guard in Support of the BATF and the FBI during the Waco Operation:

Equipment Q	uantity	Requestor	Approved By
UC-26 Aircraft	1	BATF	State Plan/TAG
OH-58 Helicopters	2	BATF	State Plan/TAG
UH-60 Helicopters	1	BATF	State Plan/TAG
CUCVs (M-1009)	12	FBI	State Plan/TAG
Buses	3	BATF	State Plan/TAG
Photographic Equipment	Variable	BATF	State Plan/TAG
Fuel Trucks	1	BATF/FBI	State Plan/TAG
2 1/2 Ton Trucks	2	BATF	State Plan/TAG
Water Trailers	2	BATF/FBI	State Plan/TAG
Armored Personnel Carrie	ers 2	BATF	State Plan/TAG
Transport Trailers	2	BATF	State Plan/TAG
Power Generators	1	BATF/FBI	State Plan/TAG

2. The following was requested to be loaned by the agencies indicated:

EQUIPMENT Q	WANTITY	REQUESTOR	APPROVED BY	REFERENCE
Bradley FV Combat Eng Veh Ammo Trailers Protective Masks Kevlar Helmets AUS Utility Vehicles Night Vision Equip Body Armor	10 2 3 50 31 Variable 6 100	BATF FBI BATF/FBI BATF/FBI BATF BATF FBI	ASA (IL&E) State Plan/TAG State Plan/TAG State Plan/TAG State Plan/TAG State Plan/TAG	Book 2, Tab Q Book 2, Tab Q Book 2, Tab Q

3. The following supplies and equipment were loaned to, provided to, or maintained for federal agencies at some period during OPERATION TROJAN HORSE and the subsequent Hostage Rescue Mission:

EQUIPMENT	REQUESTOR	APPROVED BY
Canteens Light Sets Weapon Slings Sandbags Wet Weather Gear Field Rations Tentage Litters Ammo Magazines Tables/Chairs	BATF/FBI BATF/FBI BATF/FBI BATF/FBI BATF/FBI BATF/FBI BATF/FBI BATF/FBI BATF/FBI	State Plan/TAG

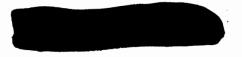




NOTES:

- 1. The FBI operated a Tracked Recovery Vehicle (M-88) to recover a disabled Texas National Guard CEV (M-728).
- 2. The FBI operated an AN/MSS-1 (search light mounted on 1/4 ton jeep) on an immediate need basis with approval of TAG Texas.
- 3. Texas National Guard personnel support varied on a day-to-day basis, ranging from a minimum of five to maximum of 35, for a total expenditure of 896 mandays.

Enclosure 1

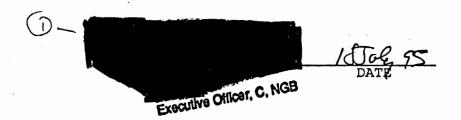


HAND RECEIPT

THE UNDERSIGNED AGREES TO TAKE RESPONSIBILITY FOR CUSTODY OF THE FOLLOWING DOCUMENTS AND FURTHER AGREES TO RETURN SUCH DOCUMENTS TO ARO-OM NLT 23JUL95.

THE UNDERSIGNED FURTHER AGREES TO MAKE SURE THE DOCUMENTS ARE ACCOUNTED FOR AT ALL TIMES.

SIX (6) VOLUMNES OF DATA THAT WAS FURNISHED BY THE TEXAS NATIONAL GUARD IN REFERENCE TO OPERATION TROJAN HORSE AND HOSTAGE RESCUE MISSION IN WACO, TX.



NGB-JAK (27-1a)



19 July 1995

MEMORANDUM FOR

Subject: Request for Information - WACO, TX

- 1. It is the opinion of this office that there is sufficient evidence to suspect that an Antideficiency Act violation may have occurred. This is based upon a reading of the after action report submitted by Texas, and the so called report.
- 2. For purposes of this discussion, the entire operation is split into three phases. The initial planning and coordination of a drug plan (11 December 1992 27 February 1993); this operation was named "Trojan Horse". The second phase, from 28 February 1993 to 19 April, 1993, was known as the "Hostage Rescue Mission". The third phase was the recovery plan implementation during the period 20-27 April 1993.
- 3. A review of both files indicates there is sufficient evidence to justify the expenditure of 32 U.S.C. 112 funds to support the drug related operation known as Trojan Horse. The Texas National Guard received an initial request to support the Bureau of Alcohol, Tobacco and Firearms (ATF). The request asked for aerial photography, aerial thermal imagery, and general operation support. The primary equipment used was aircraft. On the day of the assault, Texas National Guard helicopters were to be used as decoys to divert the attention of the individuals in the building. All of these actions appear to be within the purview of 32 U.S.C. 112 and the implementing DOD and NGB regulations.
- 4. On 28 February 1995, the situation changed. The ATF requested Bradley fighting vehicles, night vision equipment, fuel, field rations and personal protective equipment. The Texas National Guard provided training to the ATF on the use of said vehicles. It also provided fuel, and daily maintenance. This equipment was requested through appropriate ARNG channels, and the equipment was provided in accordance with the regulations. Usually, in this type of situation, the National Guard personnel used to support the equipment and train the ATF personnel would be placed in a State Active Duty Status, and the agency (ATF) would reimburse the State for the personnel cost. However, in this case, the personnel were placed in 32 U.S.C. 112 status. report and the after action report question the Both the use of counter drug funds to support the rescue mission. Neither report provides enough information for a legal determination. Thus, we need to conduct an investigation, and arrive at a definite closure on this subject. The appropriate vehicle would be the flash report and an AR 15-6 investigation.

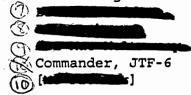
Law/Policy/Procedure

Second Day (July 20)

*"Militar	y Expert Comitatus Act"
. (2)	
(4) *	
(3)	

*"Military Expert on Military Assistance to LEAs"

*"Military Expert on Military Assistance to LEAs in counter-drug matters"



Sixth Day (July 26?)

"CS gas experts"

*"DoD Chemical Warfare Corps"???

NGB-ZA

19 JUL 1995

EXECUTIVE SUMMARY

BRANCH DAVIDIAN OPERATION

After a review of the written record and extensive conversations among the various staff elements of NGB, as well as the ARSTAF and OSD, the following key points are provided for your review.

The role of the NGB and state National Guard organizations in support of the Bureau of Alcohol, Tobacco and Firearms (BATF) and the Federal Bureau of Investigation (FBI) has been examined employing current regulations, laws, log books, and written statement of participates.

CHRONOLOGICAL SUMMARY:

DEC 11, 1992	Initial conversation with BATF.
DEC 14, 1992	Formal request from BATF for aerial photography.
DEC 18, 1992	Additional aerial photograph request from BATF.
JAN 6, 1993	Aerial photographs taken.
JAN 14, 1993	Oblique aerial photographs taken.
FEB 2, 1993	Additional BATF requests received by TAG TXNG through Operation Alliance.
FEB 3, 1993	Additional aerial photography and I.R. Video requested by BATF.
FEB 4, 1993	JTF-6 Liaison Officer and Mr. TXNG, meet with BATF to deconflict mission requirements.
FEB 6, 1993	I.R. Video mission flown.
FEB 17, 1993	BATF briefed Texas Governor's representative.
, FEB 24, 1993	Final BATF support request received by TAG TXNG.
FEB 24, 1993	Initial support package moved into position for BATF.
FEB 25, 1993	Additional aerial photographs taken.

FEB 26, 1993	Pathfinders report t	o Fort Hood, TX.	
FEB 27, 1993	Mission training rehearsal .		
FEB 27, 1993	Final elements of support pack age arrive.		
FEB 27, 1993	Final Mission Briefi	ng, 1900 HRS.	
FEB 28, 1993	Mission Execution.	(See TAB A)	
FEB 28, 1993 until	APR 19, 1993	The NG operated in support of the BATF and the FBI. (See Page 4-5 of TAB)	
APR 20, 1993 until 2	APR 27, 1993	The NG supported the BATF and FBI in the Recovery Plan Implementation. (See Page 6 of TAB)	

SUPPORTING DOCUMENTS:

TAB A	Detailed chronology of events on 28 FEB 93.
TAB B	Formal correspondence from the BATF and Operation Alliance requesting support.
TAB C	Listing of Military Support requested and given during the course of the Operation.
TAB D	The Adjutant General of Texas after action report.
TAB E	The cost figures for Operation Trojan Horse and the follow on hostage rescue mission.



NGB-ARO-OM MILITARY SUPPORT SECTION



111 SOUTH GEORGE MASON DRIVE ARLINGTON, VIRGINIA 22204-1382

COMM PHONE: (703) 607-XXXX

DSN PREFIX: 327

SECURE FAX PHONE: (703) 607-9350

FAX PHONE: (703) 607-7386

ELECTRONIC MESSAGE ADDRESS: ARO @

ARNGRC-EMH2. ARMY. MIL

TO: CA	16B /	EXEC () (3)		EXPEDITES	
PHONE: COMM:	FAX:	DATE,	TIME 1246R	MONTH/YEAR JUL 95	
FROM:		3 PRGM AI PRGM AI OPNS OFF:	NALYST: 1 : 9315	•	•

MOPNS OFF: 7327

(SROUTINE () PRIORITY () URGENT DOCUMENTS

THIS HEADER SHEET WILL BE FOLLOWED BY 2 PAGE(S).

() FOR YOUR INFORMATION & COMMENTS

() YOUR RESPONSE IS REQUESTED

REMARKS: COVIER + INDEX FOR C, NOB BOOK ACKNOWLEDGE:

PILOT STATEMENTS IN BICATING EVENTS OF 08 FEB95. NO ARMS WEATONS CARRIER TSY NG PENSONNEL.

> FORMOR RECORDS OF REQUEST FOR ASSISTANCE FO-114

EQUIPMENT REGUESOND.

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SUPPORT PORE TO

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AGENCIES

A EUC (262. Commons) Post LOGS

A RUN AS A COUNTER DRUG OPS - SKY TAB

BETEXAS PAR - SITES
COUNTER SEET BROWN
OPS - VIEW FROM
LEADERSIMP LEUEL.

PAGE 4 SITES FEDERAL MONITORING OF COUS INVOLVING TIXAG

PAGE 9

RAISES A

BEFENSE FOR HIS

ACTIONS—

COST OF OPERATION.

0014745

CHRONOLOGICAL SUMMBRY OF NATIONAL GUBRA. INVOLVEMENT IN THE BRANCH DIAVIDIAN OPENATION IN WACO, TEXAS.

TAB A

DECH PRE-OPERATIONS
ACTIVITIES

TAB B

EVENTS OF 28 FB



DEPARTMENT OF THE ARMY HEADQUARTERS, 1S1 CAVALRY DIVISION FORT HOOD, 1EXAS 76545-5101

50

REPLY TO

AFVA-JA

10 July 1995

MEMORANDUM FOR Commander, III Corps and Fort Hood, ATTN: Staff Judge Advocate, Fort Hood, Texas

SUBJECT: Request for Information Concerning Waco Incident

- 1. I enclose the only documents found within the 1st Cavalry Division concerning the Waco, Texas incident involving the Branch Davidian complex.
- 2. The documents are an outline of information and viewgraphs used by the Staff Judge Advocate and his assistant to instruct participating soldiers about the limitations of permissible support under the Posse Comitatus Act, 18 U.S.C. Sec. 1385. is now assigned to the Office of the Legal Counsel to the Chairman, Joint Chiefs of Staff, Washington, D.C. 20318-0001. It is still assigned to the Office of the Staff Judge Advocate, 1st Cavalry Division, Fort Hood, Texas 76545 [he deploys to CAS3 on 6 August 1995 for 10 weeks].
 - Division personnel searched the following files:
- a. The Comptroller searched TDY files to determine whether the Division published TDY orders for participating soldiers. He found no files.
- b. The ACofS, G4 searched their files to determine whether there were any after action reports, reports of equipment provided to federal law enforcement agencies, or reports of damaged equipment (reports of survey). They found no files.
- c. The ACofS, G2 found no files pertaining to this mission.
- d. The ACofS, G3 found no after action report files, planning or execution orders, or files reflecting official taskings from higher headquarters.
- e. The ACof S, G1 found no deployment or temporary attachment orders, or any tasking roster.

AFVA-JA SUBJECT: Request for Information Concerning Waco Incident

- f. The Provost Marshal found no files concerning this incident.
- g. Because the battalion that provided limited support (D Co, 3-67 CAV) has since transfered to the 2d Armored Division, we contacted their SJA and asked for help in attempting to discover any documents or other evidence in their files. None was found.
- h. When it was a part of the 1st Cavalry Division, D Company, 3-67 Cavalry Regiment was assigned to the 3d Brigade. We asked that Brigade Headquarters to search their files, but they found no files concerning this incident.
- 4. POC in this Headquarters is 9410.

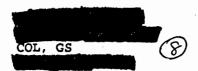
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SJA, 287-

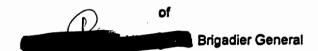
FOR THE COMMANDER:

2 Encls

as



RESUME OF SERVICE CAREER



DATE AND PLACE OF BIRTH 8 October 1944, Biloxi, Mississippi

YEARS OF ACTIVE COMMISSIONED SERVICE Over 28

PRESENT ASSIGNMENT Assistant Judge Advocate General for Civil Law and Litigation, Office of The Judge Advocate General, United States Army, 2200 Army Pentagon, Washington, DC 20310, since July 1995

MILITARY SCHOOLS ATTENDED

The Field Artillery Officer Basic Course The Judge Advocate General Officer Basic Course The Judge Advocate General Graduate Course Armed Forces Staff College National War College

EDUCATIONAL DEGREES
Texas Tech University - BS Degree - Physical Education Texas Tech University - M.Ed. Degree - Physical Education Texas Tech University - JD Degree - General Law

FOREIGN LANGUAGE(S) None Recorded

MAJOR DUTY ASSIGNMENTS

FROM	<u>TO</u>	ASSIGNMENT
Aug 68	May 69	Executive Officer, Battery A, 8th Howitzer Battalion, 17th Artillery, Fort Sill, Oklahoma
May 69	Mar 70	Commander, Battery A, 8th Howitzer Battalion, 17th Artillery, Fort Sill, Oklahoma
Mar 70	Jan 71	S-3 (Operations), 8th Howitzer Battalion, 17th Artillery, Fort Sill, Oklahoma
Jan 71	Jul 71	Commander, Battery C, 5th Battalion, 4th Artillery, 5th Infantry Division (Mechanized), United States Army, Vietnam
Jul 71	Jan 72	Assistant Secretary of the General Staff, XXIV Corps, United States Army, Vietnam
Jan 72	Jul 72	Assistant G-1 (Personnel), III Corps and Fort Hood, Fort Hood, Texas
Jul 72	Jul 74	Assistant G-1 (Corps Officer Assignments), Ill Corps and Fort Hood, Texas
Jul 74	Aug 77	Student, Judge Advocate General's Funded Legal Education Program
Aug 77	Oct 77	Student, Judge Advocate General's Officer Basic Course, Charlottesville, Virginia
Oct 77	Jun 79	Trial Counsel, later Chief Defense Counsel, Headquarters Battalion, Fort Ord, California



Brigadier General

Jun 79	May 80	Student, The Judge Advocate General's Officer Graduate Course,
	1 00	Charlottesville, Virginia
May 80	Jan 83	Instructor, Administrative and Civil Law Division, later Senior
		Instructor, Administrative and Civil Law Division, later Special
		Assistant to the Director, Academic Department, The Judge
		Advocate General's School, Charlottesville, Virginia
Jan 83	Jul 83	Student, Armed Forces Staff College, Norfolk, Virginia
Jul 83	Jun 85	Staff Judge Advocate, 2d Armored Division (Forward), United
/		States Army Europe, Germany
Jun 85	Jun 88	Assistant Chief, later Chief, Personnel, Plans and Training, Office
		of The Judge Advocate General, Washington, DC
Jun 88	Jun 89	Student, National War College, Fort McNair, Washington, DC
• • • • • • •	Mar 91	Staff Judge Advocate, VII Corps, United States Army Europe and
Jun 89	Mar 91	Seventh Army, Germany
Mar 91	Jul 93	Staff Judge Advocate, United States Central Command, MacDill Air
	52. 55	Force Base, Florida
Jul 93	Oct 93	Executive Officer to The Judge Advocate General, Office of The
		Judge Advocate General, Washington, DC
Oct 93	Jul 95	The Assistant Judge Advocate General for Military Law and
••••		Operations, Office of The Judge Advocate General, United States
		Army, Washington, DC
		MINIT THOMAS HISTORY

PROMOTIONS

DATES OF APPOINTMENT

Temporary	<u>Permanent</u>
24 Oct 65 24 Oct 68 24 Oct 69	24 Oct 65 24 May 71 24 May 75 9 May 78 1 Mar 83 1 Jan 88 1 Nov 93
	24 Oct 65 24 Oct 68

US DECORATIONS AND BADGES
Defense Superior Service Medal
Legion of Merit (with Oak Leaf Cluster)
Bronze Star Medal (with 2 Oak Leaf Clusters)
Meritorious Service Medal (with 2 Oak Leaf Clusters) **Army Commendation Medal** Army Staff Identification Badge

SOURCE OF COMMISSION OCS

SUMMARY OF JOINT ASSIGNMENTS Joint duty tour requirement waived due to general officer promotion selection as a Professional branch officer.

As of 10 July 1995

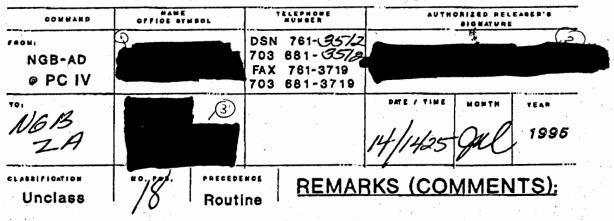
NATIONAL GUARD BUREAU



INDEX NO. 1

ADMINISTRATIVE SERVICES NGB-AD (PC IV)

FACSIMILE TRANSMITTAL HEADER SHEET



2 reguests - 17 pages

UNCLASSIFIED



PRIORITY P 131654Z JUL 95 FM DA WASH DC//DACS-ZD// CDRUSASOC FT BRAGG NC

CDRUSAELM HO PACOM HONOLULU HI INFO CORFORSCOM LNO DA WASHINGTON DC USCINCPAC LO WASHINGTON DC COMSOCPAC HONOLULU HI

USSOCOM LNO WASHINGTON DC

CDRUSARJ-IX CORPS CP ZAMA JA

ZYUW RUEADWD0582 1942022

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USCINCPAC HONOLULU HI CDRUSARPAC FT SHAFTER HI CDRFORSCOM FT MCPHERSON GA USCINCSOC MACDILL AFB FL CJCS WASH DC

OSD WASHDC //LA//
DA WASH DC//SASA/SAFM-BUL/DAPE/DALO/DAMI/DAIO/DCSOPS//

UNCLAS WITNESSES FOR WACO INCIDENT HEARINGS SUBJECT: 1. THE NATIONAL SECURITY SUBCOMMITTEE, HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE, AND THE CRIME SUBCOMMITTEE, HOUSE JUDICIARY COMMITTEE, WILL HOLD A SERIES OF HEARINGS ON THE WACO INCIDENT STARTING ON 19 JULY 1995. BASED ON SUBCOMMITTEE STAFF ADVICE, THI SUBCOMMITTEES PROBABLY WILL REQUEST THE DEPARTMENT OF THE ARMY TO

PROVIDE THE FOLLOWING WITNESSES WHO ARE FORMER OR CURRENT MEMBERS OF ARMY SPECIAL FORCES COMMAND:

8 THE FOLLOWING COMMANDS ARE RESPONSIBLE FOR PRODUCING THE ((9) W) WITNESSES AS FOLLOWS:

USARJ: U. S. ARMY ELEMENT PACOM:

U. S. ARMY ELEMENI PACUM:

3. THESE WITNESSES WILL REPORT TO THE OFFICE OF THE CHIEF,
LEGISLATIVE LIAISON, OFFICE OF THE SECRETARY OF THE ARMY, THE
PENTAGON, ROOM 2C634, WASHINGTON, DC. ON MONDAY, 17 JULY, TO PREPARE
FOR THEIR TESTIMONY. THEY SHOULD PLAN TO REMAIN IN WASHINGTON
THROUGH FRIDAY, 21 JULY. TRANSPORTATION, BILLETING AND PER DIEM IS THROUGH FRIDAY, 21 JULY. TRANSPORTATION, BILL THE RESPONSIBILITY OF THE RESPECTIVE COMMANDS. THE OCLL POINT OF CONTACT IS DEPUTY CHIEF

LEGISLATIVE COUNSEL, WHO CAN BE REACHED AT (703) 597-2106; DSN:

227-2106: FAX: (703) 614-3035:

MCN 95194/17278

USASOC:

(7

USCINCPACLO...INFO

SECDEF V2 ACTION

INFO

CHAIRS (1) SECDEF-C(1) NCCS SUPPORT (1) GC(1) USDP:DSAA(1) USDP:FSUNA(1) USDP:NAC(1) USDP:SCC(1) USDP: EP(1) USDP: SO-LIC(1) USDP: PP(1) USDP: ACO(1)

CJCS V6 ACTION

INFO USSOCOMWO (1)

CHAIRMAN DISTRIBUTION REQUIRED (1) SJS-C (1) NMCC: CWO (1) CMAS (1) J4: LRC-J(1) JSAMS (1)

MCN=95194/17278

TOR=95194/2154Z TAD=95194/2232Z

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Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested Circulate	For Correction For Your Information	Prepare Reply See Me
Circulate	T TO TOU MIORMATION	See Me
Comment	Investigate	Signature
Continuin	Investigate	Signature
Coordination MARKS	Justify	<u></u>
	Justify	Signature A quest

DEPARTMENT OF THE ARMY

U.S. ARMY EDGEWOOD RESEARCH. DEVELOPMENT AND ENGINEERING CENTER
ABERDEEN PROVING GROUND, MARYLAND 21010-3423



REPLY TO ATTENTION OF 13 July 1995

Research and Technology Directorate

Office of Technology Management Chief of Staff Pentagon, Room 1C462 Washington, DC 20301

Dear (

As requested in your telephone conversation with

, 13 July 1995, regarding CS information

provided by

Scientist for Life
Sciences, Research and Technology Directorate, of U.S. Army
Edgewood Research, Development and Engineering Center, to
the Justice Department is included in documents provided
as an enclosure.

Sincerely

Enclosure

/Chief Scientist for Chemical/Phys

Chief Scientist for Chemical/Physics Research and Technology Directorate





DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF OF STAFF 200 ARMY PENTAGON WASHINGTON DC 20310-0200



REPLY TO ATTENTION OF

DAEC-CA

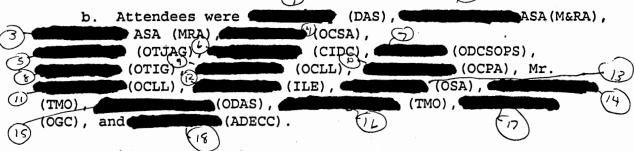
17 July 1995

MEMORANDUM FOR OFFICE OF CHIEF LEGISLATIVE LIAISON

SUBJECT: DART--Army Participation in the Waco Incident

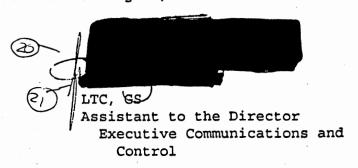
1. General:

a. Meeting was held on 12 July 1995 from 1330-1430 in room 3E635 (Pershing Room). Purpose of the meeting was to discuss subject.



- 2. DAS Guidance and Taskers:
- a. DAS directed OCLL to provide and a backbrief of his discussion with the Staffers.

 (Action: OCLL)
- b. DAS directed OCLL to make arrangements to ensure that requested witnesses are in town for the hearings. (Action: OCLL)
- c. DAS directed OCLL to provide daily updates concerning the hearings. (OCLL)
- 3. POC for this action is the undersigned, ext. X73623.





INFORMATION PAPER

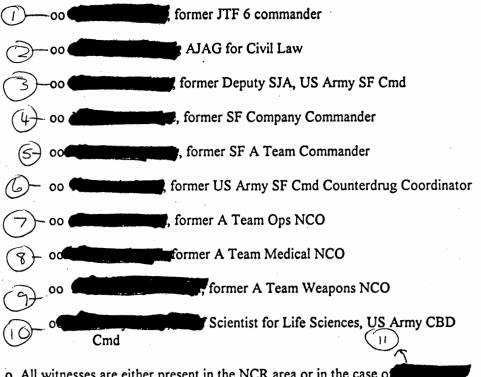
17 July 1995

SUBJECT: Waco Hearings

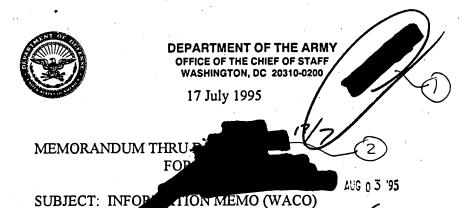
PURPOSE: To outline the current Army witness list and other issues affecting the Army

FACTS:

o Army witnesses informally identified to date:

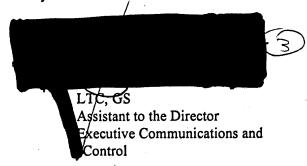


o All witnesses are either present in the NCR area or in the case of will be present by Weds am



1. Reference subject DART tasker #2a, DAMO will brief DAS, 1600 hrs, 17 Jul 95.

- 2. Attached is a chronology and supporting documentation identifying the request for support and approval authority for all Army support to the BATA & FBI operations directed at WACO.
- 3. Active Component support is at TAB A. ARNG support is at TAB B. Equipment used in operation is at TAB C. Executive Summary is at TAB D./



DRAFT



RESPONSE TO QUERY

SUBJECT: Military Support Provided to ATF at Waco, TX

Congress will be holding hearings 19-29 July 1995 into activities conducted by federal government agencies at the Branch Davidian compound in Waco, TX, during 1993. The following response to query is authorized for use at HQDA:

- -- All assistance provided by the Army was legal.
- -- Army Special Forces facilitated ATF training, but provided no operational planning, training or support. The SF element attached to JTF-6:
- set up and ran two firing ranges at Fort Hood for ATF use -- one of which was a MOUT (Military Operations in Urban Terrain) site, the other was a known distance range
- provided medical training (basic first aid and mass evacuation procedures)
- training in vehicle mount/dismount for use of the armor vehicles provided by the Army and Army National Guard
 - and provided assistance in developing a communications plan.
- -- Support requests were reviewed and approved by the chain of command (JTF-6 commander had approval authority; FORSCOM was kept informed)
- -- The USASFC legal advisor raised concerns over the scope of the initial ATF request, and the initial request was never approved by JFT-6 (it included a request for direct medical support). The revised ATF request was entirely legal and within the Army's charter to support. This demonstrates that the system used by the Army to consider such requests and then provide support works.
- -- The ATF request was submitted through civilian law enforcement channels (Operation Alliance) to JTF-6. Operation Alliance, collocated with JTF-6 in El Paso, TX, reviews all requests for military support to counterdrug operations along the Southwestern border of the U. S., coordinates the efforts of federal, state and local agencies, and determines the appropriate military agency to provide the support. The JTF-6 commander, as a matter of caution, dispatched his deputy operations officer to examine the ATF allegations of illegal drug production at the Waco compound, who then supported the ATF's assessment.

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SPECIAL OPERATIONS/LOW-INTENSITY CONFLICT)

DATE 18 July 95

MEMO FOR THE RECORD

I spoke with a Ms. Michelle Lang of the National Security Subcommittee, after learning that she called the office demanding certain documents. Following are the key points of this conversation.

Strange How to several

They want "all information regarding the Task Force convened to look at military support to law enforcement." (She reports OSD LA told them about this Task Force.)

What are the channels for law enforcement agencies to obtain military assistance?

They are trying to get rid of the rumor that because there isn't a drug nexus, the ATF could still receive military assistance.

She repeatedly stated that seemed will be put on the hot seat, under oath, as the DoD expert on providing military support to law enforcement."

They want to know where the ATF garthe Bradleys.

They want to know about the training ATF requested, including the Close Quarters Battle training.

She referred to DoD "reviewing, scrubbing, and rewriting the plan."

They want to know what the channels were for requesting support.

They want to know what the approval authorities were for all support provided by DoD.

They want to know how the requests for CEVs, Bradleys, and helos were processed? Did they go through proper channels?

0025889

They want to know if anyone was keeping count on the number of reserve and active duty personnel involved in providing support.

She repeatedly stated they "still don't have a full accounting of all the support provided by DoD."

They want to know if there were other channels through which they could have gotten the military support.

Does JTF-6 deal only with drug law enforcement agencies? If so, is ATF a DLEA?

They went all documents on the SecDef Task Force, to include: what was the scope of the review? what was its genesis?

ディンションボッナル

She ended with, "if you help us we can help you."

I didn't answer any of your questions, indicating I'd have to check with my superiors. After speaking to J called her back and referred her to

Colonel, U.S. Marine Corps Senior Military Assistant

CC: DASD DEPS for Ald's quilance

DEPARTMENT OF THE ARMY



HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND FORT MCPHERSON, GEORGIA 30330-6000



REPLY TO ATTENTION OF

AFOP-OD (360-5a)

13 July 1995

MEMORANDUM FOR Office Chief Legislative Liaison, ATTN: SALL-IL, 1600 Army Pentagon, Washington, DC 20310-1600

SUBJECT: Response to Office of Congressional Liaison (OCL) Request for Information

1. Enclosed is the OCL requested focused chronology of events which describes DoD support to BATF for mission JT002E-93 in Waco, Texas. This chronology reflects only the mission planning and approval process and was derived from the enclosed Joint Task Force Six's original detailed chronology.

DSN 367-5014, can provide further information.

Encl

FA Chief, Counterdrug Division, G3

CF: HQDA, DAMO-ODD USACOM, J3D



DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS 400 ARMY PENTAGON WASHINGTON DC 20310-0400



1 JUL 1995

DAMO-ODS

MEMORANDUM THRU DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS
DIRECTOR OF THE ARMY STAFF
ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS,
LOGISTICS AND ENVIRONMENT)

FOR SECRETARY OF THE ARMY

SUBJECT: Army Support to Federal Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

- 1. In the aftermath of the March 1, 1993, confrontation between Bureau of Alcohol, Tobacco, and Firearms (BATF) agents and cult members in Waco, Texas Federal law enforcement agencies requested Department of Defense equipment support. The support furnished by the Army was tasked by and/or coordinated with the Office of the Secretary of Defense Executive Secretariat.
- 2. Active and Reserve components provided assistance to the BATF and the Federal Bureau of Investigation (FBI).
 - a. Active component support includes:
 - (1) two utility helicopters (UH-1);
 - (2) two main battle tanks (M1 Abrams);
- (3) two support vehicles for the main battle tanks (one High Mobility Multi-wheeled Vehicle (HMMWV) and one 2 1/2 ton truck);
- (4) miscellaneous night vision goggles, tents, generators, light sets, cots, and sandbags;
- (5) and 23 soldiers in liaison/ maintenance roles (All active component personnel were briefed on the legal restrictions on direct law enforcement support).

DAMO-ODS

SUBJECT: Army Support to Federal Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

- b. Reserve Component support provided by the Texas Army National Guard includes:
- (1) ten Bradleys (M2A1 Infantry Fighting Vehicles);
- (2) two Combat Engineer Vehicles (M728 Combat Engineer Vehicles);
- (3) additional state (Title 32) operational support consisting of one fuel truck, two buses, one van, three 1 1/2 ton trailers, two utility helicopters (UH-60s) on stand-by, and miscellaneous tents, body armor, and night vision goggles;
- (4) and 15 Army National Guard personnel in liaison, maintenance, and other support roles.
- 3. Combat vehicles were loaned without operable weapons systems and with Army markings obscured. The vehicles operated by FBI and BATF personnel. The FBI and BATF crew for the main battle tanks, infantry fighting vehicles, and combat engineer vehicles were trained by Army personnel prior to the loan of the equipment. The FBI crews for the utility helicopters were already trained and certified to Army standards. Approval authority for loans of tanks and other armored vehicles was withheld by OSD.
- 4. All support furnished was reimbursable under the provisions of the Economy Act and in accordance with DODD 5525.5, DoD Cooperation with Civilian Law Enforcement Officials, Jan 15, 1986.
- 5. This is the extent of support provided under the Department of the Army's command responsibility. Other Army support may

DAMO-ODS

SUBJECT: Army Support to Federal Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

have been provided outside the scope of this responsibility (e.g. special operations).

GS
Deputy Director, Operations,

Readiness and Mobilization



DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS 400 ARMY PENTAGON WASHINGTON DC 20310-0400



REPLY TO ATTENTION OF

May 10. 1995

DAMO-ODS

MEMORANDUM THRU DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANT OF THE ARMY STAF

-ASSISTANT-SECRETARY OF THE ARMY (INSTALLATIONS
-LOGISTICS AND ENVIRONMENT)

FOR SECRETARY OF THE ARMY

SUBJECT: Army Support to Federal Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

- 1. In the aftermath of the March 1, 1993, confrontation between Bureau of Alcohol, Tobacco, and Firearms (BATF) agents and cult members in Waco, Texas Federal law enforcement agencies requested Department of Defense equipment support. The support furnished by the Army was tasked by and/or coordinated with the Office of the Secretary of Defense Executive Secretariat.
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- (4) miscellaneous night vision goggles, tents, generators, light sets, cots, and sandbags;

Printed on

(5) and 23 soldiers in liaison/ maintenance roles (All active component personnel were briefed on the legal restrictions on direct law enforcement support).

Re

Recycled Paper

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DAMO-ODS

SUBJECT: Army Support to Federal Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

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- (4) and 15 Army National Guard personnel in liaison, maintenance, and other support roles.
- 3. Combat vehicles were loaned without operable weapons systems and with Army markings obscured. The vehicles operated by FBI and BATF personnel. The FBI and BATF crew for the main battle tanks, infantry fighting vehicles, and combat engineer vehicles were trained by Army personnel prior to the loan of the equipment. The FBI crews for the utility helicopters were already trained and certified to Army standards. Approval authority for loans of tanks and other armored vehicles was withheld by OSD.
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DAMO-ODS

SUBJECT: Army Support to Federal Law Enforcement Agencies in Waco, Texas -- INFORMATION MEMORANDUM

have been provided outside the scope of this responsibility (e.g. special operations).

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Deputy Director, Operations, Readiness and Mobilization

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DEPS ATM

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Copy FYI.





Defense Nuclear Agency Washington, DC

Commanding General, Joint Task Force 6, United States Forces Command, Fort Bliss, Texas

. As of 14 July 1995

Oct 91-Sep 93

Brigadier General

Equipment Provided by U.S. Army to BATF/FBI (result of cross-check with OSD figures as of 14 Jul 95)

Support to ATF:

		4 1	
F		4!	
Equipment	provided by	/ active	components:

2.5 ton truck Cots Water Buffalo (400 gallon water trailer) Sleeping Bags Herman Nelson Heaters (tent warmers) Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs		OSD Qty ¹	HQDA Verified
Cots Water Buffalo (400 gallon water trailer) Sleeping Bags Herman Nelson Heaters (tent warmers) Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 50 50 50 1 1 1 1 1 1 1 1 1 1 1 1 1			
Water Buffalo (400 gallon water trailer) Sleeping Bags Herman Nelson Heaters (tent warmers) Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) CP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2.5 ton truck	1	1
Sleeping Bags Herman Nelson Heaters (tent warmers) Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 90 90 4 4 4 4 10 12 12 12 12 12 12 12 12 12 12 12 12 12	Cots	50	50
Herman Nelson Heaters (tent warmers) Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 5 4 4 4 100 cases 12 12 12 12 12 12 12 12 12 12 12 12 12	Water Buffalo (400 gallon water trailer)	1	1
Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 100 cases 12 12 Inspecified unspecified 5 25 Field tables w/chairs 12 12 Flood lights Generators (w/operators) Unspecified Unspecified 5 5 50 50	Sleeping Bags	90	90
Immersion heaters MREs (Meals Ready to-Eat) Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 100 cases 12 12 Inspecified unspecified 5 25 Field tables w/chairs 12 12 Flood lights Generators (w/operators) Unspecified Unspecified 5 5 50 50	Herman Nelson Heaters (tent warmers)	5	5
Field phones (w/6 miles of wire) Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 12 12 12 13 14 15 15 16 17 18 18 18 19 19 10 10 10 11 11 11 12 12 12 12		4	4
Switchboard (w/operator) Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		100 ca	ses 🔑 🖰
Light sets (for tents) Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles unspecified unspecified 12 12 12 12 13 15 15 15 15 15 15 15 15 15	Field phones (w/6 miles of wire)	12	12
Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles to cover 2 km² unspecified 5 25 12 unspecified unspecified 5 050	Switchboard (w/operator)	1	1
Smoke generators (w/operators) Loud speakers w/amps (w/operators) GP small and medium tents Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles to cover 2 km² unspecified 5 25 12 unspecified unspecified 5 050	Light sets (for tents)	unspec	cified
GP small and medium tents Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 5 25 12 12 unspecified unspecified 5 50 50		to cove	er 2 km²
Field tables w/chairs Flood lights Generators (w/operators) Drivers' goggles 12 unspecified unspecified 50 50	Loud speakers w/amps (w/operators)	unspec	cified
Flood lights unspecified Generators (w/operators) unspecified Drivers' goggles 50 50	GP small and medium tents	5	25
Generators (w/operators) unspecified Drivers' goggles 50 50	Field tables w/chairs	12	12
Generators (w/operators) unspecified Drivers' goggles 50 50	Flood lights	unspec	cified
Drivers' goggles 50 50			
• • •		•	
Night Vision Goggles (NVGs) 15 21	Night Vision Goggles (NVGs)	15	
Gas masks 100 100		100	
Sandbags 500 500			

Support to FBI

Equipment provided by active components:

UH-1 utility helicopters	3	3
M1 Abrams tanks (OSD approved) ²	2	2
M88 tank retrieval vehicle	1	1
High Mobility Multi-purpose Wheeled		
Vehicle (HMMWV)	1	1
2.5 ton truck	1	1
CH-47 Helicopters on medical stand-by		
(w/crews)	3	3
UH-1 Helicopters on medical stand-by		
(w/crews)	3	3
Concertina wire	unspecifie	ed
	80	olk

Equipment Provided by U.S. Army to BATF/FBI (result of cross-check with OSD figures as of 14 Jul 95)

Support to ATF:

Equipment provided by active con	iponents:	
• • •	Quantity ¹	Ve

	Quantity ¹	<u>Verified</u>
2.5 ton truck	1 .	1
Cots	50	50
Water Buffalo (400 gallon water trailer)	1	1
Sleeping Bags	90	90
Herman Nelson Heaters (tent warmers)	5	. 5
Immersion heaters	4	4
MREs (Meals Ready to-Eat)	100 cases	
Field phones (w/6 miles of wire)	12	12
Switchboard (w/operator)	1	1
Light sets (for tents)	unspecified	
Smoke generators (w/operators)	to cover 2 km	ı ²
Loud speakers w/amps (w/operators)	unspecified	
GP small and medium tents	5	25
Field tables w/chairs	12	12
Flood lights	unspecified	•••
Generators (w/operators)	unspecified	• •••
Drivers' goggles	50	50
Night Vision Goggles (NVGs)	15	21
Gas masks	100 .	100
Sandbags	500	500

Support to FBI

Equipment provided by active components:

UH-1 utility helicopters M1 Abrams tanks (OSD approved) ² M88 tank retrieval vehicle	3 2 1	3 2 1
High Mobility Multi-purpose Wheeled		
Vehicle (HMMWV)	1	1
2.5 ton truck	1	1
CH-47 Helicopters on medical stand-by		•
(w/crews)	3	3
UH-1 Helicopters on medical stand-by		
(w/crews)	3	3
Concertina wire	unspecified	

Night Vision Goggles (NVGs)	100	
PSS-11 Hand-held mine detectors	2	2
3KW Generators	2	•
15KW Generators	1	1
Portable Spotlights	2	•••
VSS Xenon Searchlights		- '
(w/vehicles & crews)	2	2
M17 Gas Masks	34	24
M25 Gas masks	22	15

Equipment provided by the Texas National Guard:

Bradley Fighting Vehicles	10	10
M728 Combat Engineer Vehicles (CEV)	5	2
HMMWVs	.12	
Utility cargo trucks	2	
UH-60 Helicopter	1	1
OH-58 Helicopters	2	2 ·
UH-60 Helicopters (on stand-by)	2	1
Fuel trucks	1 ·	1
Buses	2	3
Van	1	•••
1.5 Ton Trailers	3	3
GP Small Tents	unspecified	•••
NVGs	unspecified	6
Body Armor	unspecified	100

Notes:

- 1. List compiled by OSD-GC in response to Congressional request. Verification indicates applicable quantities found in available documentation available to DAMO-ODS.
- 2. Tanks, CEVs, and BFVs were provided without weapons and with military markings obscured.

ATF

	ANTITY	AGENCY
600mm·LENS "	04 /	ATF
AVIATOR KIT BAGS	02	ATF
DUFFY BAG	01	ATF
50mm LENS (ONTVS-5	01	ATF
PARKA, WET WE, (LG)	12	ATF
PARKA, WET WE, (MED)	09 .	ATF.
PARKA, WET WE, (XLG)	04 .	ATF
TROUSERS, W.W. (LG)	09	ATF
TROUSERS, W.W. (MED)	27	ATF
HEL, KEVLAR (MED)	25	ATF
HEL, KEVLAR (LG)	25	ATF
LITTER STAND	04	ATF
CANTEEN WATER PLS.	100	ATF

		FBI
		-
Qt Qt	JANTITY	AGENCY
6 30 RD CLIP	20	FBI
SHOVEL	06	FBI
CVC HELMETS	12	FBI
TENT GP (SM)	01	FBI
30rd 556mm (MAG)	30	FBI
SLING M-16A1	12	FBI
COVER HELMETS KEL.	. 90	FBI
COT FOLDING ALUM.	04	FBI.
SAND BAGS	2000	FBI

CST ENG VEH M729	520	•	*	1
IVF M2	954			1
LCC VEH MEB AI	154			
TRLE, AMMO M332	3 64			
TEK STON WITH	4 84	•		
TEK, UTITITY YATES	2 EA			
Tex, whity MIOOP	12 EA			

44 PASSAGER BUS IEA

21/2 TOU MISAZ 3 EA



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



July 18, 1995

The Honorable Chairman, Subcommittee on Crime Committee on the Judiciary U. S. House Representatives Washington, DC 20515-0908

The Honorable Chairman, Subcommittee on National Security, International Affairs and Criminal Justice Committee on Government Reform and Oversight U. S. House of Representatives
Washington, DC 20515-2901

Dear Mr. Chairman:

Attached to this letter are documents collected by several components of the Department of Defense in response to your letter of June 8, 1995, to Secretary These documents comprise a third response following the documents transmitted with my previous letters. We are continuing to collect documents, and they will be provided to you as they are collected and prepared for delivery. This response contains documents provided by the organizations listed at Attachment A. These documents are provided under the following terms:

- 1. We have redacted names of individuals from the documents, and have prepared lists of those names, which we can provide to the staff separately. This is in accordance with your request. We have also redacted Social Security numbers.
- We have organized the documents as they were provided to us by the components that compiled them. There are duplicates of some items in the various compilations because copies of the same document were collected by different offices. However, in contrast to the first two groups of documents, we have not included duplicates of many items previously provided.

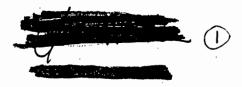


- 3. Documents created by other Executive Branch agencies are being referred to their respective agencies of origin for a response to your request. This is a standard practice in the Executive Branch, and is being followed by other agencies in this matter.
- 4. Each page has been bates-stamped with a number preceded by the letter D, at the request of the Senate Judiciary Committee. The numbers are not necessarily sequential within each component's package because some documents may have been removed for referral to another agency or because they are not responsive to this request. There is only one series of numbers throughout the response; each component's package is not separately numbered.
- 5. Each package of documents has an index listing the documents identified by the component in response to your request. In some cases, the index includes a reference to the paragraph of your request to which the document responds.
- 6. Some of the documents provided contain classified national security information. These documents are properly marked and identified by cover sheets. They are included with documents containing unclassified information in the compilations from two offices. Executive Order 12356, paragraph 4.1(c) prohibits the release of classified information outside the Executive Branch "except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." The classified documents are provided to you on the understanding that they will receive protection equivalent to that afforded within the Executive Branch.

We are producing one copy of these documents with the understanding that they will be made available to both the majority and minority members and staffs of the Subcommittees on equal terms. In addition, we are providing a copy of the same documents to the Senate Judiciary Committee in response to its letter of June 15.

Finally, you should be aware that these documents, like the first two groups, have not been cleared for release to the public. We request that you clear with us prior to any determination to release to the public or otherwise make public use of these documents or any information not already in the public domain contained therein.

Sincerely,



cc: The Honorable i

3

ATTACHMENT A

This response contains documents provided by the following organizations or individuals:

- 1. Army units at Fort Hood
- 2. U.S. Army Missile Command
- 3. U.S. Army Special Operations Command
- 4. Armed Forces Institute of Pathology

AFIP has provided an index of their records related to autopsies performed by AFIP personnel. The records themselves are not provided for reasons of privacy. They will be made available for review at AFIP on request.

- 5. National Security Agency
- 6. Additional documents from U.S. Forces Command
- 7. Additional documents from U.S. Special Operations Command
- 8. Documents referred to the Defense Department from the Treasury Department

The Treasury Department obtained these documents from two sources: and the Texas National Guard

9. Travel records provided by

12 July 1995

MEMORANDUM FOR RECORD

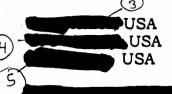
SUBJECT: WACO HEARINGS FROM:

22536

DASD-LA(H)

To be done:

Interview probable witnesses (includes returning them to D.C.)
All below appear in draft hearing schedules.



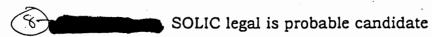
SA Yet to be named legal expert

Interview and prepare possible witnesses

SOLIC legal

Classified Program personnel (consider off-line interview with Chairmen and Ranking members if necessary)

Produce subject matter expert for committee staff interview re: Request for DOD Assistance -- Counterdrug Operations



Re-create Assistance Request Chronology/Record of Waco Operation

(Consider side-by-side format: left side as legal/policy requirement, right side as actual)

Probably 91



DLPARTMENT OF THE ARMY OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY 105 ARMY PENTAGON WASHINGTON DC 20310-0105

10 Jult 1995

SHINGTON DC 20310-01



Authority No. 07-RS 063

JDRSW

SUBJECT: Travel Orders (CONUS) (#95-250M)

Ms. Michelle Lang, Special Counsel, House Government Reform and Oversight Committee (HGRO), SSN 225-78-4270

Mr. Glenn R. Schmitt, Professional Staff Member, HGRO, SSN 315-76-5353 Mr. Donald F. Goldberg, Professional Staff Member, HGRO, SSN 278-42-7252 Mr. Gregory T. Diaz, Minority Staff Counsel, HGRO, SSN 266-56-8247 Mr. Jim Lariviere, Legislative Asst., National Security for Rep Buyer (R-IN)

- 1. The Secretary of the Army authorizes the above named individuals to depart Washington, DC on or about 11 July 1995 via military aircraft for travel to Ft Bragg, NC and upon completion of this official mission return to Washington, DC on or about 11 July 1995. Variation in itinerary is authorized.
- 2. Travel via commercial air or ground transportation is authorized for the duration of this official travel. Use of military billets, PX/BX, Commissary, and U.S. medical facilities (at own expense) is authorized. Payment of actual and necessary expenses authorized.
- 3. DOD security clearance is as follows:
 - a. Ms. Lang (N/A)
 - b. Mr. Schmitt (Secret)
 - c. Mr. Goldberg (Top Secret)
 - d. Mr. Diaz (Confidential)
 - e. Mr. Lariviere (Top Secret)

By Order of the Secretary of the Army:

Deputy Administrataive Assistant

2152020.0000 0 22-2010 435212.00CEA 211A - \$150.00 FASS 00

LAN4270ZJW3063/W3ACOO 023185

CIC: 2 05 2020 022 023185

DSSN: 6344

TDY: \$150.00 (T) TVL: \$75.00 (T) 214A - S 75.00

Travel Assistant, OSA

hel B. Hus

-1-4-4 --



Recycled Paper

DIRECTORATE FOR DEFENSE INFORMATION

DATE: July 17, 1995

TIME: 10:11 AM

PA REP:



QUESTION:

On David Brinkley on July 16, was incorrect when he indicated that DoD provided assistance to the February 28 ATF operation at Waco, but did not provide assistance during the April 19 FBI operation there. Can you provide more details?

ANSWER:

Yes. misspoke in a part of his answer since DoD did provide some assistance to both operations.

In advance of the February 28 ATF operation, DoD personnel from an Army Special Forces unit, became aware of the ATF plan while providing communications, medical and other training to ATF agents in anticipation of that operation. They advised on the communications and medical evacuation elements of the ATF plan. They were not otherwise involved in developing the plan, nor did they approve or reject the ATF plan.

In advance of the FBI's operation of April 19, DoD personnel, including a CS gas expert, met with the Attorney General and others to discuss the FBI's plan. At that point, the DoD personnel did not approve or reject the plan, but merely offered technical advice on CS gas and comments on the plan for the Attorney General and others to consider.

DoD personnel did not approve or reject either plan, nor did they directly participate in execution of either plan. National Guard personnel, acting in their State capacity, did participate in the February ATF operation.

DIRECTORATE FOR DEFENSE INFORMATION

DATE: July 17, 1995

TIME: 10:11 AM

PA REP: DDI

QUESTION:

On David Brinkley on July 16, was incorrect when he indicated that DoD provided assistance to the February 28 ATF operation at Waco, but did not provide assistance during the April 19 FBI operation there. Can you provide more details?

ANSWER:

Yes. misspoke in a part of his answer since DoD did provide some assistance to both operations.

In advance of the February 28 ATF operation, DoD personnel from an Army Special Forces unit, became aware of the ATF plan while providing communications, medical and other training to ATF agents in anticipation of that operation. They advised on the communications and medical evacuation elements of the ATF plan. They were not otherwise involved in developing the plan, nor did they approve or reject the ATF plan.

In advance of the FBI's operation of April 19, DoD personnel, including a CS gas expert, met with the Attorney General and others to discuss the FBI's plan. At that point, the DoD personnel did not approve or reject the plan, but merely offered technical advice on CS gas and comments on the plan for the Attorney General and others to consider.

DoD personnel did not approve or reject either plan, nor did they directly participate in execution of either plan. National Guard personnel, acting in their State capacity, did participate in the February ATF operation.

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NSN 7540-01-317-7368 5099-101	GENTR	L SERVICES ADMINISTRATION
		(4)

DOD INVOLVEMENT IN WACO INCIDENT

- DoD's involvement consisted principally of providing training, providing equipment and personnel to maintain it (and, in the case of certain specialized equipment, to operate it), and providing advice (to a limited extent, as noted below) -- all at the request of the law enforcement agencies. DoD personnel did not personally participate in any actual law enforcement operations. (National Guard personnel, acting in their State capacity, did participate in the February 28 ATF operation.)
- In advance of the ATF operation on February 28, 1993, DoD personnel (from an Army Special Forces unit) became aware of portions of the ATF's plan in the context of providing communications, medical and other training to ATF agents in anticipation of that operation. They advised on the communications and medical evacuation elements of the ATF's plan. They were not otherwise involved in developing the ATF's plan and at no time did they approve or reject that plan.
- In advance of the FBI's operation on April 19, 1993, DoD personnel (an Army civilian CS gas expert, two Army Special Forces officers and another Army officer) met with the Attorney General and others to discuss the FBI's plan. At that meeting, the DoD personnel did not approve or reject the plan, but merely offered technical advice on CS gas and comments on the plan for the AG and others to consider. As one of the Special Forces officers put it, because the FBI's plan was not a military one, "we can't grade your paper."
- In sum, DoD involvement in reviewing the plans for the ATF operation on February 28 and the FBI operation on April 19 was very limited. At no time did DoD personnel approve or reject either plan, nor did any DoD personnel directly participate in the execution of either plan. (Again, National Guard personnel, acting in their State capacity, did participate in the February 28 ATF operation.)

W 002/001

BOOK 1 - Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas.

TAB A Responses of the Adjutant General of Texas to the Congressional Request for Records and Information Relating to the Matter of the Branch Dividians near Waco, Texas

G /TAB B Chronological Summary of Texas National Guard Support

- 1. Events Prior to February 28, 1993
- 2. Events of February 28, 1993
- 3. Statement of events Helicopter Pilots

TAB C Texas National Guard Personnel Involved in the Matter of the Branch Dividians

- 1. Alphabetical Roster, with current addresses
- 2. Roster by Operational Role
- 3. Roster by Operational Start Date

TABD National Guard Support Requests

0

- 1. Bureau of Alcohol, Tobacco and Firearms
- 2. Operation Alliance

TAB E Mission Documents relating to Aerial Photograph support missions

- 1. C-26 Crew Notes/Photo Interpreter Notes
- 2. Maps of Photo Locations
- 3. Copies of nine pictures (All film and photos property of ATF)

TAB F Emergency Operations Center Log - Camp Mabry, Austin, Texas

TAB I AGTX-CD FY93 Drug Interdiction and Counterdrug Support Plan

TAB J After Action Report of Texas National Guard Counterdrug Support in Waco, Texas

TAB K Texas National Guard FY93 Drug Interdiction and Counterdrug Support Plan

TAB L Freedom of Information Act Requests

TAB M Bureau of Alcohol, Tobacco, and Firearms support by the Texas National Guard (TXNG)
Focal Group

TAB N Request for interviews of Texas National Guard personnel regarding the Secretary of the Treasury and the Attorney General investigation.

THIS BOOK CONTAINS INFORMATION WHICH IS SUBJECT TO THE PRIVACY ACT OF 1974

ALL DOCUMENTS ARE FOR OFFICIAL USE ONLY

BOOK 2 - Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas.

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	,	3. Helicopters - Aircraft Inspection Records
F	V TAB Q	Loan of Equipment to the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms
	TAB R	Memorandum of Instruction (MOI) for Mt Carmel Recovery Plan
	TAB S	Equipment Inspection and Maintenance Records
	TAB T	Fuel Usage Documents
G	VTAB U	Reimbursement of Expenses by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms
	TAB V	Report of Surveys

THIS BOOK CONTAINS INFORMATION WHICH IS SUBJECT TO THE PRIVACY ACT OF 1974 ALL DOCUMENTS ARE FOR OFFICIAL USE ONLY

BOOK 3 - Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas.

PERTINENT REGULATIONS

TAB 1	NATIONAL GUARD REGULATION (AR) 500-2/ (AF) 55-6 DATED 1 OCT 92
	NATIONAL GUARD COUNTERDRUG SUPPORT TO LAW ENFORCEMENT AGENCIES
TAB 2	NATIONAL GUARD REGULATION (AR) 500-2/ (AF) 55-6 DATED 1 MAR 93
	NATIONAL GUARD COUNTERDRUG SUPPORT TO LAW ENFORCEMENT AGENCIES
TAB 3	NATIONAL GUARD COUNTERDRUG COORDINATOR'S HANDBOOK DATED 1 OCT 92
TAB 4	ARMY REGULATION 500-50 DATED 21 APR 72
	EMERGENCY EMPLOYMENT OF ARMY AND OTHER RESOURCES EMPLOYMENT OF ARMY AND OTHER RESOURCES MILITARY SUPPORT TO CIVIL AUTHORITIES
TAB 6	TEXAS NATIONAL GUARD COUNTERDRUG PROGRAM HANDBOOK
TAB 7	TEXAS ARMY NATIONAL GUARD REGULATION 350-3 DATED 1 AUG 92
	TRAINING FOR CONTROL OF CIVIL DISTURBANCE
TAB 8	CHAPTER 3 MILITARY ASSISTANCE TO CIVIL AUTHORITIES
TAB 9	ADJUTANT GENERAL'S DEPARTMENT OPLAN DATED 13 JUL 92
	MILITARY SUPPORT TO CIVIL AUTHORITIES

BOOK 4 - Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas.

PERTINENT REGULATIONS

TAB 1 FIELD MANUAL 19-15

DATED NOV 85

CIVIL DISTURBANCES

TAB 2

FIELD MANUAL 100-19 / FLEET MARINE FORCE MANUAL 7-10

DATED 1 JUL 93

DOMESTIC SUPPORT OPERATIONS

Matter of the Branch Davidians near Waco, Texas.

PERSONNEL DOCUMENTS

THIS BOOK CONTAINS COPIES OF TOUR ORDERS, TRAVEL ORDERS, AND SUBMITTED TRAVEL DOCUMENTS OF ALL PERSONNEL OPERATING IN THE AREA OF THE BRANCH DAVIDIAN COMPOUND NEAR WACO, TEXAS FOR THE PERIOD OF 28 FEBRUARY 93 THROUGH 19 APRIL 93. A ROSTER OF PERSONNEL IS ENCLOSED IN BOOK 1, TAB C.

THIS BOOK CONTAINS INFORMATION WHICH IS SUBJECT TO THE PRIVACY ACT OF 1974

ALL DOCUMENTS ARE FOR OFFICIAL USE ONLY

Matter of the Branch Davidians near W≙co, Texas.

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THIS BOOK CONTAINS INFORMATION WHICH IS SUBJECT TO THE PRIVACY ACT OF 1974

ALL DOCUMENTS ARE FOR OFFICIAL USE ONLY

.NGBX4@ESO6@SERVERS[/S= To: RD/P=NGB/O=CCMAIL/OU1=ARNGRC] NGBX4@ESO6@SERVERS[/S=I Cc: =E/Q=COL/C=US/A=NATLGU IL/OU1=ARNGRC | Van Bcc: **Peccenge** From: Request for Information - re: Waco, TX Subject: Tuesday, July 18, 1995 11:08:15 EDT Date: ATTRIBS.BND Attach: Certify: Forwarded by:

On Friday, 14 Jul 95, reviewed the report which recapped the National Guard's involvement in the Branch Davidian episode in Waco, TX. The report concluded the status of Texas Guardsmen who participated in the Operation should have changed from Counterdrug Support to Military Support to Civil Authorities. To the best of our knowledge, that did not occur.

For NGB-ARC:

- 1. If the funding for the Texas Guardsmen should have changed, would this, in your opinion, have constituted a violation of the Anti-dificiency Act?
- 2. If we suspect that a violation may have occurred, who should report the violation?
- 3. When should the suspected violation be reported?

For NGB-JA:

1. In your opinion, is there sufficient evidence to suspect that a violation may have occurred?

Please provide your response to these questions to me by noon Wednesday, 19 Jul.

0 To: r@ja,ngbx4@eso6@servers[/s=**# ▶**/I=c/Q=col/c=us Cc: /O=CCMAIL/OU1=ARNGRC], NGBX4@ESO6@SERVERS[/S=1UARD/P=NGB/O=CCMAIL/OU1=ARNGRC] €@CD@AHS2 /I=P/Q=COL/C=US/A=NATLGUARD/P=NGB/O=CCMAIL/ Bcc: (13) **BECCENGER** From: Waco Summary - CNGB Tasker Subject: Tuesday, July 18, 1995 17:32:43 EDT Date: ATTRIBS.BND Attach: Certify: Forwarded by:

This is to confirm a tasker from the CNGB to the Chief's group.

The CNGB would like to have you prepare a <u>background book</u> for him on the National Guard involvement in the Branch Davidian operation in Waco, Tx. The background book should contain a chronological summary of National Guard participation at both state and federal National Guard involvement, copies of pertinent correspondence between other federal and state agencies and the National Guard Bureau, a copy of any after action reports including the report, and any other pertinent information including media reports. Limit to one notebook.

Please provide the background book to the Chief by COB Wednesday, 19 Jul. If unable by COB we will need to arrange to get the paper to the Chief before he goes TDY on Thursday.

Please contact NGB-CD, JA, and / or any other NGB offices directly if you need assistance.

Thanks





U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

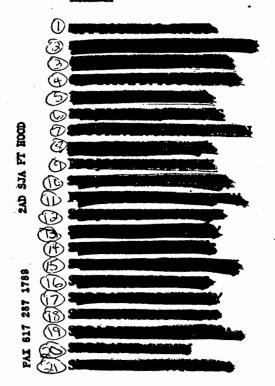
Washington, D.C. 20530

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3-67 ARMOR FOL / ATF TRAINING PARTICIPANTS

PARTICIPANTS - INCLUDING DRIVERS, MAINT., ETC.

NAME



LOCATION/STATUS

FT. KNOX, KY DLL MONTERBY, CA DLL MONTEREY, CA FT. BRAGG, NC HHC, 3-67 AR 1SG, CCO, 3-67AR DCO, 3-67 AR KIS ELS D CO, 3-67 AR **BIS** ETS ETS DCO, 3-67 AR PCS/MILITARY INTELLIGENCE FT. KNOX C CO, 3-67 AR ETS-TEMPLE, TX? **BIS-CALIFORNIA** PCS/FT. LEWIS ets

DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF OF STAFF WASHINGTON

DAEC-CA

19 July 1995

MEMORANDUM FOR COAD

SUBJECT: The Weekly Report

Attached copy of the Army's weekly report to the SECDEF. Also attached copies of the USAF and USN weekly report weekly report.

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to us.

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TO :

Classification:



Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict

FAX TRANSMITTAL SHEET

From: —		
	MR.	
To: _		
Subject:	MISC	
Number o	of Pages (including cover page):	9
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Telephone: (703) 693-2895/DSN 223-2895 FAX: (703) 693-6335 UNCLAS/693-6334 CLASSIFIED

Classification:

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SPECIAL OPERATIONS/LOW-INTENSITY CONFLICT)

DATE 18 July 95

MEMO FOR MR.

Sir,



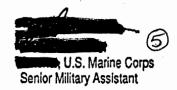
asked that I provide the attached to you.

The first is a Memorandum for the Record of a conversation I had with a Ms. From the National Security Subcommittee.

This MFR is provided for your Information.

The second is Mr. draft statement, with which is currently satisfied. He asks for your review and comments.

If there are any questions, please feel free to contact me at x54133.



Attachments: As stated.

DIRECTORATE FOR DEFENSE INFORMATION

DATE: July 17, 1995

TIME: 12:00 PM

PAREP: DDI

QUESTION:

On July 16, was incorrect when he indicated that DoD provided assistance to the February 28 ATF operation at Waco, but did not provide assistance during the April 19 FBI operation there. Can you provide more details?

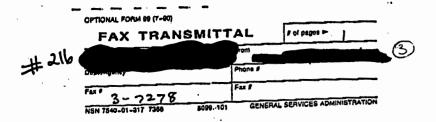
ANSWER:

Yes. misspoke in a part of his answer since DoD did provide some assistance to both operations.

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DoD personnel did not approve or reject either plan, nor did they directly participate in execution of either plan. National Guard personnel, acting in their State capacity, did participate in the February ATF operation.



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UNCLASSIFIED FAX TRANSMITTAL SHEET

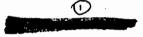
OFFICE OF THE CHAIRMAN
OF THE
JOINT CHIEFS OF STAFF

LEGAL COUNSEL WASHINGTON, D.C. 20318-9999 OCJCS/LC PENTAGON ROOM 2E841

UNSECURE FAX NUMBER: (703) 693-1619 (DSN) 223-1619

VOICE VERIFICATION: (703) 697-1137 (DSN) 227-1137

FROM:



DATE: 17 JUL 95

SUBJECT: WACO-TANK/BRADLEY CREWS INVOLVED IN FBI/ATF TRAINING

To: Mr.

DESTINATION FAX NUMBER:

DESTINATION VOICE NUMBER:

NUMBER OF PAGES: COVER + 1

COMMENTS: - Copy of list I received Friday evening from Armored Division.

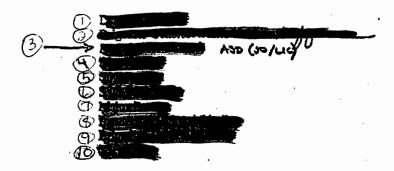
SJA, 2d

FAX TRANSMITTAL SHEET UNCLASSIFIED

07-14-95 05:36PM FRCM GDVT. MANAGEMENT S/C TO 917038978299

P003/003

Potential Witness List for Department of Defense



07-:4-95 05:36?W FRCM GOVT. MANAGEMENT S/C TO 917036978299

P002/003

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Congress of the United States

Bouse of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT 2157 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, DC 20515-6143

July 14, 1995

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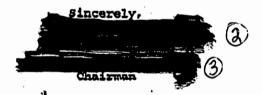
MAJORETY-800) 216-1076

The Honorable
Department of Defense
The Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

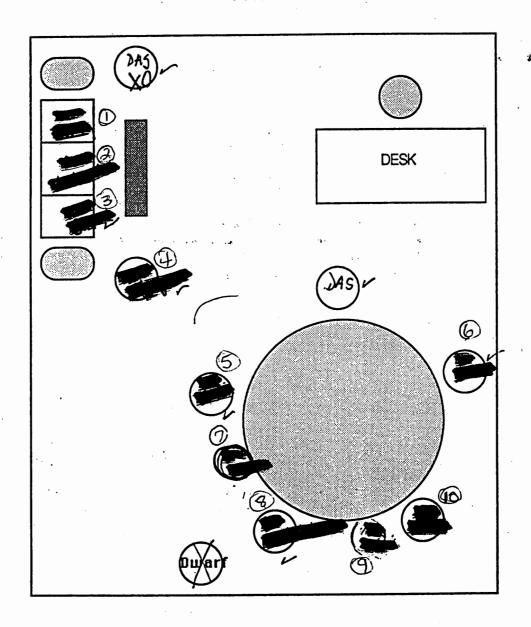
The Committee on Government Reform and Oversight is planning to call the attached list of individuals as witnesses during hearings on the Waco matter. These hearings begin on Wednesday, July 19, 1995. Please notify me by Monday, July 17, 1995 to indicate whether the Department of Defense has any concerns with the individuals named on this list. You can FAX a response to me at 202-225-3974. Our Subcommittee on National Security, International Affairs, and Criminal Justice will consider any concerns you have before the scheduled beginning of the hearings.

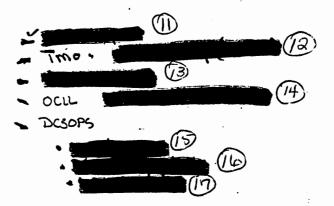
I thank you for your immediate attention to this request.



Attachment

DAS OFFICE





SUBJECT: WACO
DATE: 17 Jul 75
TIME: 1000.

17 July 1995

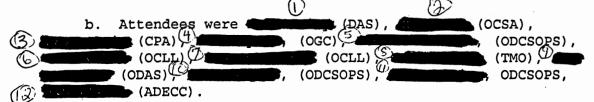
DAEC-CA

MEMORANDUM FOR RECORD

SUBJECT: DART--Army Participation in the Waco Incident (Follow-up meeting)

1. General:

a. Meeting was held on 17 July 1995 from 1600-1630 in the DAS' office, room 3E665. Purpose of the meeting was to discuss subject incident.



DAS Guidance and Taskers:

- a. DAS directed CPA to prepare Public Affairs responses to the major questions regarding the Army's involvement in the WACO operation. (Action: CPA)
- b. DAS directed CPA, OCLL, OGC, and DCSOPS to keep him informed on subject issues. (Action: ALL)

APPROVED BY:

Prepared by



DIRECTOR OF THE ARMY STAFF JUL 1 8 '95

DEPARTMENT OF THE ARMY OFFICE OF THE CHIEF OF STAFF WASHINGTON, DC 20310-0200

18 July 1995

MEMORANDUM FOR XO, DAS

SUBJECT: DART--Follow-up (Waco)

recommend we go with attached MFR. CPA is close to finishing tasker 2(a).

Assistant to the Director
Executive Communications and
Control



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON WASHINGTON DC 20301-3000



July 10, 1995

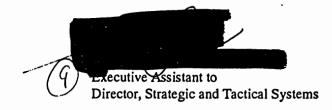
MEMORANDUM FOR THE DIRECTOR, API CAIR

SUBJECT: Congressional Request for Records and Information Relating to the Matter of the Branch Davidians near Waco, Texas

In your memorandum of June 20, 1995, you requested assistance in furnishing to General Counsel information relating to the Branch Dividians. The below listed persons of the Strategic and Tactical Systems Directorate performed a search of its records on July 5-6, 1995:

<u>SEARCHER</u>	<u>ORGANIZATION</u>	<u>LOCATION</u>
	Missile Warfare	3D136
(2)	Land Warfare	3B1060
(3)	Naval Warfare	3D1048
	Air Warfare	3E1081
6	Arms Control Implementation & Compliance	3E121
	Munitions	3B1060
Sign of the second seco	Electronic Warfare	2D252
	S&TS, Front Office	3E130

Information is provided at attachment.



Attachment



(Same as above)

NUMBER:

CLASSIFICATION: CONTROL NUMBER: ACTION ROUTING SLIP 95490530 LAW ENFORCEMENT A GENCIES IN SUBJECT: ARMY SUPPORT WACO TEXAS **ACTION AND RETURN** CALENDAR IMPACT: YES NO PRIORITY TRACK____(CIRCLE) ROUTINE **∵**OD≾ __ DCSOPS EDIT CNTL - ADCSOPS SACO A _ xo ZD DSACO . OXA AXO : next under, forwards for (decision) (signature) ((initial) , under marker at <u>o</u>e BRIEFING: FOR: DATE: LOCATION: ACTION: REMARKS: SACO TIME SIGNED: SUSPENSE: 101415 OCSA SUSP: CLASSIFICTION:

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DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS WASHINGTON, D.C. 20226

> **OFFICIAL BUSINESS** PENALTY FOR PRIVATE USE, \$300

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REMARKS

Sir,

This packet formulates our answer to the ASD(SO/LIC)'s request that we review his proposed matrix showing military support at Waco. From coordinating this action with my sensing is that ASD(SO/LIC) has requested our review simply as a way of assuring themselves that data was accurately transposed from our Audit Trail document.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post	Room No Bldg.
	BF 762
4 L	Phone No.
	74331

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

PETER T. KING Member of Congress Third District, New York

224 CANNON BUILDING WASHINGTON, DC 20515-3203 (202) 225-7896

1003 PARK BOULEVARD MASSAPEQUA PARK, NY 11762 (516) 541-4225

OFFICE OF THE

Congress of the United States

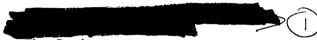
House of Representatives Washington, **DC** 20515-3203

COMMITTEE ON BANKING AND FINANCIAL SERVICES COMMITTEE ON INTERNATIONAL RELATIONS

VICE CHAIRMAN SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

CONGRESSIONAL HUMAN RIGHTS CAUCUS WHIP, NEW YORK STATE REPUBLICAN DELEGATION

July 31, 1995



The Pentagon 20301-1155 Washington, D.C.

Dear Mr. Secretary:

In this afternoon's Waco hearings Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict) H. Allen Holmes testified that the British SAS was involved in the Waco operation.

Considering the fact that the SAS is a foreign military unit and has a disgraceful human rights record, I would ask you to detail for me the extent to which the SAS was involved in Waco. Further, I would ask the extent to which the Defense Department works with the SAS in the United States.

I ask that you give this matter your highest priority both because of the domestic implication of the Waco incident and the impact this could have on the Irish peace process.

Very Aruly yours,

PETER T. KING

Member of Congress

PTK/cr

U38356 /95





95 JUL 31 PH 2: 55

TASKING CONTROL DOCUMENT

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OPS FORM 79A-R 31 Oct 83

EXPEDITE



DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS 400 ARMY PENTAGON WASHINGTON DC 20310-0400



REPLY TO

MEMORANDUM FOR

DAMO-ODS



31 July 1995

SUBJECT: Congressional Requests for Information About Military Support to Law Enforcement Agencies Involved in Activities Against Branch Davidians dated 7 AUG 95

- 1. The information you requested is not readily available from our records and must be retrieved from other sources.
- 2. The suspense date on this action must be adjusted to 30 AUG 95 to accommodate the necessary coordination.

3. POC for this action i at 697-4331.

GS

Division Chief

I collect on 14 Aug to tell Dong could have with 2474 up larger



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DEPARTMENT OF THE ARMY

OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS 400 ARMY PENTAGON WASHINGTON DC 20310-0400



REPLY TO ATTENTION OF

DAMO-ODS

31 July 1995



SUBJECT: Congressional Requests for Information About Military Support to Law Enforcement Agencies Involved in Activities Against Branch Davidians dated 7 AUG 95

- 1. The information you requested is not readily available from our records and must be retrieved from other sources.
- 2. The suspense date on this action must be adjusted to 30 AUG 95 to accommodate the necessary coordination.
- 3. POC for this action is \$100 to \$100



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

July 31, 1995

TO:

AMO-ODS

TELECOPIER PHONE #: x73147

OFFICE PHONE #: x74331

FROM. Legal Policy Coordinator

(703) 693-1920. Unclassified FAX: (703) 697-8176

Classified FAX: (703) 693-5304

COMMENTS:

As requested, here are documents related to the "STV" support provided by AMC (MICOM) to the FBI during "Waco II". The first document came from the Army compilation of documents; the others from documents I got from DoD General Counsel's office.

Let me know if you need anything else. Thanks for the fast turnaround.

This FAX consists of 5 pages, including this cover sheet.



NATIONAL GUARD BUREAU Counterdrug Task Force

Drug Demand Reduction Division NGB-CDD FAX TRANSMITTAL

Voice: (703) 681-0860

DSN: 761-0860

FAX: (703) 681-0869

DSN: 761-0869

The state of the s	Contract Con
	1
FROM:	

DATE: 21 July 95

TIME: 1510

PAGES: This Sheet + 96

PHONE: (Voice)

(FAX) _____

CLASSIFICATION: UNCLASSIFIED

REMARKS: Per your REDUTTY confirms 5 Conversations between himself, USCA people to continue personnel support to Op. Trojan Horse under ADSW, 32USC 112. 150 1/21/W/ @TON) 954-5075

			COVER	SHEET		CONTROL NUMBER	
SUBJECT	Matrix	Review	Request	from	ASD(SO/LIC)	OFFICE SYMBOL DAMO - ODS	
						DATE 31 JUL 95	

ACTION REQUIRED Provide comments, additions, or corrections to matrix prepared by ASD(SO/LIC) summarizing military support to law enforcement agencies during their actions against the Branch Davidians.

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.)

1. Memorandum from ASD(SO/LIC) to SECARMY. (E込むし え)

SUMMARY

- 2. The matrix presents a synopsis of DOD support. Army data it contains was extracted from Audit Trail submitted by this office on 14 JUL 95. There is one minor discrepancy. There is no need for additional comments.
- 3. TAB A is the memo from ASD(SO/LIC).

RECOMMENDATION

- 4. Director OD sign the action memo at Email Encl and forward thru the DCSOPS, DAS, and ASA(IL&E) to the ASD(SO/LIC).
- 5. DCSOPS line thru Action Memo at A Encl and forward through the DAS, ASA(IL&E), to the ASD(SO/LIC).

(Continue on reverse side) IMPLICATIONS YES 🔲 NO 🔯 YES NO 🔯 BUDGET YES NO 🔀 CINFO COORDINATIONS APPROVALS OFFICE NAME INITIALS (2 DIV ODS SAGC 78029 DIR OD DAMO-ODD 34358 ASA (ILE) 49046 EX DCSOPS DISPATCH FILE SHOW ADDITIONAL COORDINATION ON REVERSE SIDE ALT HO MAWC

ACTIONS (A) (A) me erode of and signature)

GS/74331

OPS FORM 2

REPLACES OPS FORM 28, 19 OCT 56 WHICH MAY BE USED REGRADED
WHEN SEPARATED FROM CLASSIFIED DOCUMENT



DEPARTMENTS OF THE ARMY AND THE AIR FORCE

NATIONAL GUARD BUREAU 2500 ARMY PENTAGON WASHINGTON, D.C. 20310-2500



NGB-ZA

3 1 JUL 1995

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (SPECIAL OPERATIONS/LOW INTENSITY CONFLICT)

SUBJECT: Response to Congressional Request for Information - Military
Support to Law Enforcement Agencies Relating to Activities Against
Branch Davidians--INFORMATION MEMORANDUM

- 1. Reference memorandum, ASD(Special Operations/Low Intensity Conflict), 27 July 1995, subject as above.
- 2. The National Guard Bureau has reviewed the matrix attached to cited reference and offers the following comments:
- a. The support and equipment shown on the "Waco #1" chart as being provided by the National Guard is essentially correct. The two Combat Engineer Vehicles (CEVs) initially loaned to the FBI developed maintenance problems, and an additional three CEVs were requested. Although a total of five CEVs from the Texas Army National Guard were involved, the FBI was only responsible for two CEVs at any one time.
- b. All loan requests for tactical vehicles were processed in accordance with AR 700-131, "Loan and Lease of Army Materiel", dated 4 September 1987, and under the authority of the Economy Act on a reimbursable basis. The driver training and maintenance support provided by the Texas National Guard on the Bradley Fighting Vehicles and the CEVs was accomplished using funds provided under 32 U.S.C. 112 as a continuation of an ongoing counterdrug support mission.
- c. On the "Waco #1" chart, in all cases where State Plan/TAG is shown as the approval authority, 32 U.S.C. 112 should be added as the statutory authority for the State plans.
- 3. The National Guard Bureau stands ready to provide any further assistance.





DEPARTMENT OF THE ARMY OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS 400 ARMY PENTAGON WASHINGTON DC 20310-0400



DAMO-ODS

31 July 1995

MEMORANDUM THRU DEPUTY

OF THE ADMY STAFF 10/1

ASSISTANT SECRETARY OF THE ARMY
(INSTALLATIONS, LOGISTICS, AND
ENVIRONMENT)

FOR ASSISTANT SECRETARY OF DEFENSE (SO/LIC)

SUBJECT: Matrix Review Request from ASD (SO/LIC) -- INFORMATION MEMORANDUM

- 1. This memorandum responds to a request from Mr. Holmes, ASD (SO/LIC), for "comments, corrections, and additions" to a matrix his office composed. The matrix shows DOD support to federal law enforcement agencies during their actions against the Branch Davidians. It will be submitted to Congress. The Army data it contains came from the Audit trail this office provided on 14 JUL 95.
- 2. There is one minor discrepancy in the matrix. The 7 MAR 93 entry for two CEVs indicates the ASA (IL&E) approved the request. While that is true, the SECDEF reserved authority for approval of heavy armor on the same day. On 16 MAR 93 OSD approved an increase of three CEVs and approved all five. Recommend the 15 MAR 93 entry reflect OSD approval which included the original 2 CEVs. Relevant documents are attached. (TABS A&B)

3. POC for this action is

Pat 697-4331.

- 2

Brigadier General, GS Director of Operations, Readiness and Mobilization

Attachments: As Stated

(2)

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- Other of the SIA
- originals -

New materials foriginal documents
Pelate to the GAO Investigation and
the Hearing July 20,95 (pg.5, 1st bold
faced document)

UHSUCUEPKS MP&S

Jul 28 '95

BACKGROUND PAPER

SUBJECT: "Specialized" Support to FBI during Waco Operations

Purpose: To provide information about specialized equipment to ASD(SO/LIC) for use during Waco Hearing Testimony.

Discussion: Prepared remarks refer to "special video equipment" and "prototype robotic surveillance equipment." The following provides details of the capabilities of the equipment, the number of units provided to the FBI, and other relevant information.

- 1. "Special Video Equipment"-- This refers to sensitive support provided at the approval of the Secretary of Defense. Details are contained in separate messages.
- 2. "Prototype Robotic Surveillance Equipment" (aka "STV"--Surrogate Teleoperated Vehicle):
 - Number: 3 units sent by U.S. Army Materiel Command (Unmanned Ground Vehicle Joint Project Office): one from Redstone Arsenal, AL; two from Robotic Systems Technology, Inc., Westminster, MD (the contractor)
 - Capabilities: Remotely controlled ground vehicle designed for battlefield reconnaissance/surveillance operations. Possesses day and night cameras, FLIR, imaging sensors, acoustic sensors, video recorder and two-way voice communications.
 - Personnel support: Two active duty military personnel (USMC major and Army captain) from the Joint Project Office deployed to Waco on March 8; redeployed March 23. DoD civilians arrived March 22; redeployed April 1.
 - Restrictions on DoD personnel: No contractors were allowed forward of staging area; DoD personnel allowed forward only with FBI escort. DoD personnel not to participate in maintenance in operation: DoD nersonnel were not allowed to even touch the equipment
 - Other considerations: FBI personnel trained in operation of the STVs and operated them. After-action reports by DoD personnel question the STVs' value to the FBI--there were numerous equipment failures and it is not clear what they were able to add, if anything, to the FBI effort.

6. Video systems -- capabilities:

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- Generally, systems were asked for and provided because they had:
 - day-night capability:
 - infrared capability:
 - remote operation capability.
- The could not see through walls or other obstructions.

7. Other equipment issues:

- FBI did not request, and DoD did not provide, incendiaries such as flame-throwers.
- FBI requested, and DoD provided, training in use of 40mm grenade launchers. Training, at Fort Hood, included:
 - Provision of 200 training/practice rounds and 50 rounds of illumination ammunition.
 - FBI was authorized to keep any unexpended ammunition.



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



July 20, 1995

The Honorable Chairman, Subcommittee on Crime Committee on the Judiciary
U. S. House Representatives
Washington, DC 20515-0908

Chairman, Subcommittee on National Security, International Affairs and Criminal Justice Committee on Government Reform and Oversight U. S. House of Representatives
Washington, DC 20515-2901

Dear Mr. Chairman:

Attached to this letter are documents provided by Army Materiel Command in response to your letter of June 8, 1995, to the second of the documents comprise a fourth response following the documents transmitted with my previous letters. We are continuing to collect documents, and they will be provided to you as they are collected and prepared for delivery. These documents relate to the following terms:

- 1. There are two batches of documents provided. One batch consists of materials created or compiled by two pages from the Justice Department report he used. The second batch consists of published reports, manuals and other materials concerning CS gas, all of which are in the public domain. They were contained in the files.
- 2. We have redacted names of individuals other than from the documents, and have prepared lists of those names, which we can provide to the staff separately. This is in accordance with your request. We have also redacted Social Security numbers. Names of authors of published materials have not been redacted.



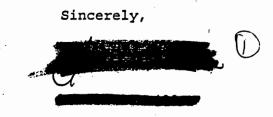
- 3. Each page of the first batch has been bates-stamped with a number preceded by the letter D, at the request of the Senate Judiciary Committee. The numbers are not necessarily sequential within each component's package because some documents may have been removed because they are not responsive to this request. The documents in the second batch have not been bates-stamped.
- 4. One of the documents provided contains classified national security information. This document is properly marked and identified by a cover sheet. It is included with documents containing unclassified information. Executive Order 12356, paragraph 4.1(c) prohibits the release of classified information outside the Executive Branch "except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." The classified document is provided to you on the understanding that it will receive protection equivalent to that afforded within the Executive Branch.

We are producing one copy of these documents with the understanding that they will be made available to both the majority and minority members and staffs of the Subcommittees on equal terms. In addition, we are providing a copy of the same documents to the Senate Judiciary Committee in response to its letter of June 15.

We have already provided a copy of one document, beginning at bates stamp number D1303, to the majority staff of your subcommittees at their interview of on July 12. Another copy is included herewith.

Finally, you should be aware that the documents in the first batch have not been cleared for release to the public. We request that you clear with us prior to any determination to release to the public or otherwise make public use of these documents or any information not already in the public domain contained therein. The documents in the second batch, those

that have no bates stamp, are in the public domain and may be released to the public, subject to any applicable copyright restrictions.



cc: The Honorable 3

Congress of the United States House of Representatives Washington, DC 20515

July 24, 1995

The Honorable Janet Reno Attorney General U.S. Department of Justice Washington, D.C. 20530

Dear General Reno:

It has come to our attention that Congressman Charles E. Schumer has written your Department asking that a large portion of the evidence seized in the raid on the Branch Davidian compound near Waco, Texas be transported to Washington. As the chairmen of the joint subcommittees currently investigating the Waco matter, we respectfully request that the Department reject Mr. Schumer's request.

In response to a similar request we made, Principal Deputy Assistant Attorney General Kent Markus advised the joint subcommittees of the difficulties associated with the transportation and further testing of this evidence. Mr. Markus stated, ". . . the Texas Rangers have agreed to transport the firearms by secure motor vehicle to Washington and we will produce the FBI expert. This will cost the taxpayers of the State of Texas and the United States many thousands of dollars." (Emphasis added)

Furthermore, When the joint subcommittees sought to review this evidence in Austin, Texas, your Department requested that we coordinate our visit with the Senate as a way of reducing the costs associated with making the evidence available for inspection.

Based on this, and out of concern for the taxpayers of the State of Texas, we made the decision not to request the evidence be transported to Washington at this time. Notwithstanding this, Mr. Schumer produced a number of these weapons as a prop at the subcommittees' ongoing hearings, forcing the delay of a murder trial in Austin while the Texas Ranger with custody of the firearms traveled to Washington. Unfortunately, your Department did not, as a matter of curtesy, inform us that a limited number of these weapons had been transported to Washington.

In light of the information provided to the joint subcommittees by Mr. Markus, we believe it would be a mistake to

Hon. Janet Reno Page Two

ask the taxpayers of Texas to finance the transportation of these weapons simply so they can be used as a prop at our hearings. If you chose to go forward with Mr. Schumer's request, we ask that you provide us with detailed information on what costs were associated with the production of this evidence in Washington.

We appreciate the general cooperation provided by the Department.

Sincerely,

Bill McCollum

Chairman

Subcommittee on Crime

William H. Zeliff, Jr.

Chairman

Subcommittee on National Security, International Affairs, and Criminal Justice

cc: Hon. Karen Thurman Hon. Charles Schumer

111 SOUTH GEORGE MASON DRIVE ARLINGTON, VA 22204-1382



NGB-ARC (37-20a)

28 July 1995

MEMORANDUM FOR Chief, National Guard Bureau

- 1. As required by AR 37-20a and AR 15-6, request an investigating officer be appointed to determine the facts of an alleged violation of AR 37-20.
- 2. Recommend the following officers be considered for this duty:

COL Director, Army Name 201
Information Systems (4)

COL Compared Compared

COL ,

Director, Army Personnel Name 205
ISN 206

- 3. The investigation should be initiated as soon as possible to have the report of investigation submitted to ASA(FMC) within 120 days of the discovery of the violation, 14 Jul 95.
- 4. Point of contact is Ms.

607-7534.

Name 207

Colonel, GS Director, Army Comptroller

NAME 208

z 0000094 (R)



NATIONAL GUARD EUREAU Executive Support Rm, 2E383, Pentagon - Phone (703) 697-5780

E895-0858-ES Document #:

Date Recv'd: 07/28/95 Suspense Date: 07/31/95 Date Due: 07/31/95

Cross-Reference:

Lead/Action Office:

Priority:

Originator

ASST SEC DEC/SPEC OPS

AUBURCT . RESPONSE TO CONGRESSIONAL REQUEST FOR INFORMATION -- MILITARY SUPPORT TO LAW ENFORCEMENT AGENCIES RELATING TO ACTIVITIES AGAINST BRANCH DAVIDIANS

ACTION

ACTION

AGSIGNED	DATE	ACTION		•	Suspense	RETURNED
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Comments/Recommendations

HAYES

- 07/28/95

ARZ - YOUR ACTION. PLEASE REVIEW AS REQUESTED AND PREPARE REPSONSE FOR CNGB SIGNATURE.

COORD RESPONSE WITH NGB-CD, ANG/CD, NGB-JA, AND

SUSPENSE TO CNGB: NOON MONDAY, 31 JULY. WE WILL NOT BE ABLE TO EXTEND THIS SUSPENSE.

This is connect as fan as ANG IS Concern, POL

For more information, please contact the Correspondence Manager:

MOD-ES CATABASE

CNGB-FAX

TO: JA

NGB-CD

ANGRC/CD

NGB/CF

Phone

Fax Phone

Number of pages including cover sheet

FROM:

Chief of Staff, National
Guard Bureau

(703) 695-6987

(703) 693-3422

cc:

REMARKS:

Urgent
 Ur

- For your review
- ☐ Reply ASAP

Phone

Fax Phone

Please Comment

HOTI EXPEDITE! HOTI EXPEDITE! HOTI EXPEDITE! HOT!

Attached has been tasked to NGB-ARZ for action.

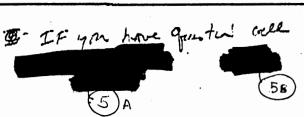
Suspense to ASD SOLIC is Monday, 31 Jul. Extension of suspense cannot be approved.

Please expedite coordination thru your organization.

This action has the personal interest of the Chief.

Thanks









ARMY NATIONAL GUARD

OFFICE OF THE DIRECTOR

FACSIMILE HEADER SHEET



TO: ARE	NUMBER OF PAGES:
FAX NUMBER:	
REMARKS: NGB-CFP Chop on	WACO . & T
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<u>VOICE</u> : DSN 225-3778/COMM (703) 695-3778	H - FAX: DSN 227-8067/COMM (703) 697-8067



ADVANCED COPY DUE 311200 JULY

NATIONAL GUARD BUREAU
Executive Support

Rm, 22383, Pentagon - Phone (703) 697-5780

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Document #: E895-0856-E8

Date Recv'd: 07/28/95 Suspense Date: 07/31/95

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Priority: Originator

ASST SEC DEC/SPEC OPS

RESPONSE TO CONGRESSIONAL REQUEST FOR INFORMATION MILITARY SUPPORT TO LAW ENFORCEMENT AGENCIES RELATING TO ACTIVITIES AGAINST BRANCH DAVIDIANS
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Comments/Recommendations.

HAYES

- 07/28/95

ARZ - YOUR ACTION. Lucrous Russan As Augusted AND PREPARE REPSONSE FOR CNGB SIGNATURE.

(2)

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SUBPENSE TO CNGB: NOON MONDAY, 31 JULY. WE WILL NOT BE ABLE TO EXTEND THIS SUSPENSE.

For more information, plane contact the Correspondence Manager:

NOS-22 DAZABAÇO



THE ASSISTANT SECRETARY OF DEFENSE WASHINGTON, D.C. 20301-2500

July 27, 1995

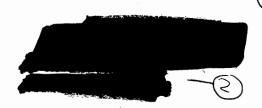
MEMORANDUM FOR SECRETARY OF THE ARMY DIRECTOR, NATIONAL GUARD BUREAU

SUBJECT: Response to Congressional Request for Information--Military Support to Law Enforcement Agencies Relating to Activities Against Branch Davidians

As you know, the Subcommittee on Crime, Committee on the Judiciary, and the Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight of the House of Representatives are holding joint hearings into the actions of law enforcement agencies relating to the Branch Davidian Compound near Waco, Texas, in late 1992 and early 1993. During testimony by DoD representatives on Thursday, July 20, the Chairman of the Joint Committee asked the Department to provide a list of support that DoD had provided to the Bureau of Alcohol, Tobacco, and Firearms and the Federal Bureau of Investigation during those operations. The Joint Committee is particularly interested in the approval authority for the support DoD provided.

The attached matrix is our preliminary draft to be used to respond to the Joint Committee. We prepared it on the basis of our review of documents collected by the DoD General Counsel and summaries prepared by both the Army and the National Guard. It addresses only "conventional support" to law enforcement agencies. I understand that, with the exception of some support provided during "Waco I." equipment and training was provided on a reimbursable basis under the authority of the Economy Act.

Please review the matrix and provide comments, additions, or corrections no later than Monday, July 31, 1995. If you have any questions, please contact at x31920.



Attachment: As stated





THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-2500

July 27, 1995

MEMORANDUM FOR SECRETARY OF THE ARMY \DIRECTOR, NATIONAL GUARD BUREAU

SUBJECT: Response to Congressional Request for Information-Military Support to Law Enforcement Agencies Relating to Activities Against Branch Davidians

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Please review the matrix and provide comments, additions, or corrections no later than Monday, July 31, 1995. If you have any questions, please contact (1995) at x31920.

Attachment: As stated



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



NGB-ARC (37-20a)

28 JUL 1995

MEMORANDUM FOR The Office of the Deputy Assistant Secretary of the Army for Financial Operations, ATTN: SFFM-FCL, Washington, DC 20310-2500

SUBJECT: Flash Report, Potential Violation of AR 37-1

- 1. Reference AR 37-1, 29-16.
 - a. Alleged Anti-deficiency Violation \\ FLASH REPORT \\ :
 - (1) Accounting classification of funds involved:

2132060 and 2132065

(2) Name and location of organizational unit where the alleged violation occurred:

DAO FT Sam Houston
Defense Accounting Office - IN
ATTN: DFAS-IN-EM-FM
Stanley Road
FT Sam Houston, TX 78234-5000

(3) Name and location of the activity issuing the fund authorization:

Army National Guard Readiness Center ATTN: Army Comptroller Directorate 111 South George Mason Drive Arlington, VA 22204-1382

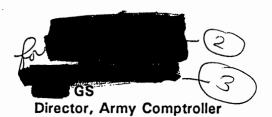
To:

U. S. Property and Fiscal Office for Texas ATTN: AGTX-PFO PO Box 5218 Austin, TX 78763-5218 NGB-ARC (37-20a)

SUBJECT: Alleged Anti-deficiency Violation, Flash Report

- (4) Amount of fund authorization or limitation that was allegedly exceeded or misapplied: To be determined.
- (5) The amount and nature of the alleged violation: An undetermined amount was disbursed by the paying office (DAO FT Sam Houston).
 - (6) Date alleged violation occurred: 1993
 Date of discovery: 14 July 95
 - (7) A brief description of the facts and circumstances of the case:
- (a) The alleged violation may have occurred when funds authorized for the National Guard Counter Narcotics Program (CNP) were used in support of a non-CNP mission.
 - (b) A final report, if required, will be issued NLT 1 October 95.
- 2. Information on the incident was derived during a briefing given to the Chief, National Guard Bureau, on 14 July 1995, at approximately 1530 hrs.
- 3. The point of contact for this action is the undersigned, DSN 327-7500.

FOR THE CHIEF, NATIONAL GUARD BUREAU:



25 JULY 1995

MEMORANDUM FOR RECORD
SUBJECT: WACO HEARINGS
prepared by

One of the main DOD issues in the Waco hearings is the support rendered during the second phase, or the FBI seige phase.

DOD support can be separated into four categories:

o Classified program/personnel

hul loster (

o Jamming —

o Ft.Hood/equipment/personnel support

(o USUHS:

Two officers and ASD Holmes will meet in executive session this afternoon with hearing Members and cleared staff. The two officers should be prepared to answer questions related to at least the following areas:

- o Why unit supported FBI? Who authorized? What support? What foreign personnel were there?
- o Who met with Gov. Richards? Outcome? Who went to Waco? When? Outcome? Who met with AG Reno? Outcome?

ASD Holmes should be prepared to speak to the three remaining issue areas listed above.

STATEMENT BY

BRIGADIER GENERAL WALTER B. HUFFMAN

ASSISTANT JUDGE ADVOCATE GENERAL FOR MILITARY LAW AND OPERATIONS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE COMMITTEE ON THE JUDICIARY

AND

SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL

AFFAIRS AND CRIMINAL JUSTICE

OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

SAPA-OSR
DATE: 119 JUL 1995

HOUSE OF REPRESENTATIVES

FIRST SESSION, 104TH CONGRESS

MATTER OF THE BRANCH DIVIDIANS NEAR WACO, TEXAS

20 JULY 1995

NOT FOR PUBLICATION UNTIL

RELEASED BY THE HOUSE

JUDICIARY COMMITTEE AND GOVERNMENT REFORM AND OVERSIGHT COMMITTEE

No SECURITY Objection

TO PUBLIC RELEASE

Thank you for the opportunity to appear at this joint hearing on behalf of the Department of Defense. My role, and my goal today, is to answer your questions on the Posse Comitatus Act. To assist in this regard, I would like to begin by providing a framework of the Act and its general application to the incident at issue.

The Posse Comitatus Act (18 U.S.C. § 1385) was enacted in 1878 to prevent the use of soldiers in civilian law enforcement roles in the South during the post-Civil War Reconstruction Period. In order to preserve the American tradition of military subordination to a strong civil authority, the Act created a general prohibition against use of military personnel to execute the civil laws.

The Act states that "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both." This Act prohibits the execution of all civil law -- federal, state, and local.

The Act only prohibits the use of military personnel. It prohibits use of the following personnel to execute civil law:

Active duty personnel in the Army and Air Force. The Act does not apply to off-duty military personnel acting in a private capacity.

Reservists on active duty, active duty for training, or inactive duty for training. The Act does not apply to Reservists if they are not in one of these statuses.

National Guard personnel in Federal Service (Title 10 status). The Act does not apply to National Guard in Title 32 or state active-duty status. At Waco, the Guard personnel involved were in a Title 32 status under state command and control.

In 1981, in 10 U.S.C. §§ 371-381, Congress specified the types of military support that may be provided to civilian law enforcement agencies (CLEA) without violating the Posse Comitatus Act. These statutory provisions include:

Allowing the Secretary of Defense to provide equipment and facilities to any Federal, state, or local civilian law enforcement official for law enforcement purposes (10 U.S.C. § 372);

Allowing military personnel to train civilian law

Z

enforcement personnel in the operation and maintenance of any equipment, including equipment made available for law enforcement purposes (10 U.S.C. § 373);

Allowing military personnel to provide expert advice to civilian law enforcement personnel (advice must be relevant to the purposes of the provisions of 10 U.S.C. §§ 371-380) (10 U.S.C. § 373);

Allowing military personnel to provide maintenance support to Federal, state, and local civilian law enforcement authorities for equipment, to include equipment provided under 10 U.S.C. § 372 (10 U.S.C. § 374(a));

Allowing military personnel to be made available to any Federal, state, or local law enforcement agency to operate equipment, but only to the extent that such support does not involve direct participation by such personnel in civilian law enforcement operations unless otherwise authorized by law (10 U.S.C. § 374(c)); and

Prohibiting use of members of the Army, Navy, Air Force, or Marine Corps to search, seize, arrest, or perform other similar activities (10 U.S.C. § 375). (None of the preceding sections limit support to CLEAs to support for counterdrug operations.)

Additionally, in interpreting the Posse Comitatus Act, courts have applied three separate tests over the years:

Did civilian law enforcement officials make direct active use of military personnel to execute the laws?

Did use of the armed forces pervade the activities of civilian law enforcement agencies?

Did military personnel subject citizens to the exercise of military power that was regulatory (controls or directs), proscriptive (prohibits or condemns), or compulsory (exerts some coercive force)?

Congress addressed the direct active use test in the enactment of the Military Support for Civilian Law Enforcement Agencies statutes by prohibiting search, seizure, arrest, or similar activities (e.g., stop and frisk) by military personnel. 10 U.S.C. § 375. The other two court-developed tests for Posse Comitatus Act violations focus on control. If the military is only providing indirect support to a CLEA-controlled

action, there is no control and no violation. <u>United States v. Yunis</u>, 681 F.Supp. 891 (D.D.C. 1988); <u>Hayes v. Hayes</u>, 921 F.2d 100 (7th Cir. 1990); <u>United States v. Kahn</u>, 35 F.3d 426 (9th Cir. 1994).

In light of current law, based on my review of the events in question, and the fact that the National Guard was operating in a Title 32 status under state command and control, I find no violation of the Posse Comitatus Act. Also, I would note that my view concerning the legality of the support provided does not depend on a drug nexus underlying those events.

Thank you for your attention. I would be happy to answer your questions.

STATEMENT BY

SPECIAL ASSISTANT FOR LAW OF WAR MATTERS OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE ARMY

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE COMMITTEE ON THE JUDICIARY

AND

SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL

AFFAIRS AND CRIMINAL JUSTICE

OF THE COMMITTEE ON GOVERNMENTAL REFORM AND OVERSIGHT

HOUSE OF REPRESENTATIVES
FIRST SESSION, 104TH CONGRESS

MATTER OF THE BRANCH DAVIDIANS NEAR WACO, TEXAS
26 JULY 1995

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JUDICIARY COMMITEE AND GOVERNMENT REFORM AND OVERSIGHT COMMITTEE

Mr. Chairman and Members of the Joint Committee:

Thank you for this opportunity to speak to you today. My purpose is to explain to the Committees and the American public the rationale for the legal distinction between domestic and battlefield use of riot control agents.

Chemical weapons first were prohibited in an 1899 treaty, but without success, as their use in World War I established. Subsequently, in 1925, the international community promulgated a new treaty that prohibits the use in war of biological weapons and "asphyxiating, poisonous or other" chemical weapons.

That treaty did not prohibit the possession of chemical weapons, but instead depended upon national possession as a deterrent against first use by another nation. In furtherance of that philosophy, some nations reserved the right to respond with chemical weapons to first use of chemical weapons by another nation. The deterrent philosophy proved effective in conflicts where both sides possessed chemical weapons.

Less-lethal chemical weapons were developed in the process of developing an effective chemical weapon deterrent. As they could be used either on the battlefield or domestically, and were used first for the latter, they were referred to as "riot control agents" to denote their primary use. Even prior to negotiation of the 1993 Chemical Weapons Convention, which as you know has not entered into force and has not been ratified by the U.S., the United States consistently regarded riot control agents as a less-lethal option that may be employed lawfully for defensive purposes to save lives in peace or war.

Let me make several critical points:

- -- The Chemical Weapons Convention is not yet in force;
- -- The United States is not a party to it;
- -- The United States does not consider riot control agents to be chemical weapons; and
- -- The Chemical Weapons Convention does not apply to law enforcement at all.

Use of riot control agents by U.S. forces during the Vietnam War brought some criticism of their use. It also established a concern that use of a riot control agent on the battlefield might be misperceived by an opponent as use of a lethal chemical weapon, resulting in an escalation in the chemical weapons environment. Hence U.S. restrictions were placed on when riot

control agents could be employed on the battlefield, and release authority.

At the time the United States ratified the 1925 Geneva Protocol (1975), President Gerald R. Ford promulgated Executive Order 11850², which renounces first use of riot control agents in war except in defensive military modes to save lives such as:

- (a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting enemy prisoners of war;
- (b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided;
- (c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping U.S. or allied prisoners of war; or
- (d) Use of riot control agents in rear echeloned areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

Executive Order 11850 remains in effect.

Subsequently the international community, including the United States, negotiated the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the official title for the 1993 Chemical Weapons Convention). Opened for signature and signed by the United States on January 13, 1993, this treaty abandons the deterrence philosophy of its predecessor to prohibit development, procurement, acquisition, stockpiling, retention or use of chemical weapons, or their transfer, directly or indirectly, to another party.

The treaty's prohibitions do not apply to riot control agents per se. However, Article I, paragraph 5 prohibits use of riot control agents as a method of warfare, while paragraph 9(d) of Article II makes clear that law enforcement use, including for domestic riot control purposes, is not otherwise affected by the treaty.

The Chemical Weapons Convention was forwarded by President Clinton to the United States Senate for its advice and consent as to ratification on November 23, 1993. On June 23, 1994, President Clinton advised the Senate of two interpretations of the treaty germane to these hearings:

(a) The Chemical Weapons Convention applies only to the use of riot control agents in international or internal armed conflict. Other peacetime uses of riot control agents, such as normal peacekeeping operations, law enforcement operations,

humanitarian and disaster relief operations, counterterrorist and hostage rescue operations, and noncombatant rescue operations conducted outside such conflicts are unaffected by the treaty.

(b) The treaty does not apply to all uses of riot control agents in time of armed conflict. Use of riot control agents solely against noncombatants for law enforcement, riot control, or other noncombat purposes would not be considered as a "method of warfare" and therefore would not be prohibited. Accordingly, the treaty does not prohibit the use of riot control agents in riot control situations in areas under direct U.S. military control, including to quell rioting enemy prisoners of war, and to protect convoys from civil disturbances, terrorists, and paramilitary organizations in rear areas outside the zone of immediate combat.

President Clinton has indicated that a new Executive Order outlining U.S. policy on the use of riot control agents under the treaty will be promulgated upon receiving the advice and consent of the Senate to ratification of the Chemical Weapons Convention.

In summary, riot control agents are a less-lethal alternative that may be used in war for certain defensive purposes to save lives and domestically for law enforcement purposes. Their prohibition as a "method of warfare" in the 1993 Chemical Weapons Convention is tied to the concern for their potentially escalatory effect on the battlefield rather than to international condemnation of riot control agents as such.

I am ready for your questions.

¹ Geneva Convention for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of June 17, 1925 (26 UST 571, TIAS 8061, 94 LNTS 65).

² 40 Fed. Reg. 16187 (1975)