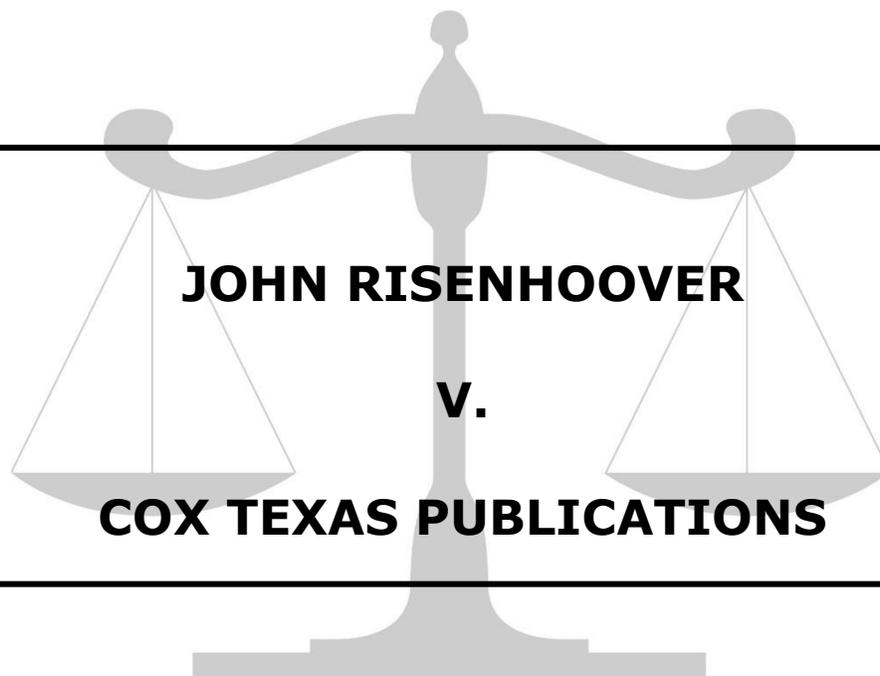




 **TEXAS YOUTH AND GOVERNMENT**

THE CASE OF
"THE MEDIA BLEW IT"
(a.k.a "The Trumpet Sounds")



2020-2021
TRIAL COURT CASE

Case Materials Written By:

Hon. C. Tyler Atkinson, Judge Denton Municipal Court

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JOHN RISENHOOVER	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
V.	§	74th JUDICIAL DISTRICT
	§	
COX PUBLICATION	§	
Defendant	§	MCLENNAN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, JOHN RISENHOOVER, hereinafter referred to as Plaintiff, complaining of COX PUBLICATION, hereinafter referred to as Defendant, and for Cause of action would respectfully show the court as follows:

...

V.

FACTS

5.01 In late 1992, the ATF began an investigation into a claim made the McLennan County Sheriff's Department that a religious group in their community called the Branch Davidians were amassing a large stockpile of legal and illegal firearms and ammunition. During the investigation, serious claims of child abuse and neglect were also uncovered. In February of 1993, the ATF secured a search warrant of the Compound where the weapons were being stored. The warrant was originally to be executed on March 1, 2020. However, over the ATF's objections, on Saturday, February 27th, 1993, the Defendant published the first of a series of articles about the Davidians. The ATF made the tactical decision to escalate the search to the following day, Sunday, February 28th.

5.02 Through "confidential sources," the defendants learned that the warrant would be issued Sunday morning. Before the raid took place, the defendants sent multiple vehicles filled with media members to the roads in front of the Davidian Compound. Their presence was visible from the Davidian Compound. Also, a Davidian pulled up beside a photographer lost on the backroads. The photographer asked the Davidian for directions

to the Compound and provided him information that the ATF was on their way to the Compound. Further, reports suggested that on Sunday morning, members of the Defendant's news team called into the Davidian Compound on asking questions.

5.03 Because of the Defendant's actions, the Davidians were "called to arms." They posted armed men in the windows and atop a grain silo, armed and ready to meet the unsuspecting ATF agents with deadly force. When the ATF agents arrived, the element of surprise had been lost and many agents were injured or lost their lives as a result. Plaintiff, John Risenhoover, was an ATF agent assigned to the search warrant execution. Within moments of arriving at the Compound, Plaintiff was shot multiple times, suffering immense pain and permanent physical injuries.

VI.
NEGLIGENCE

6.01 Defendant had a duty of care not to interfere with and or obstruct a law enforcement officer's operation in the performance of their official duties. The defendant breached these duties, and such breach was the proximate cause of Plaintiff's damages. Defendants actions included the negligent publication of the articles before the warrant execution, arriving at the target location in large numbers immediately before the warrant execution, placing phone calls into the Compound the morning of the warrant execution, and directly notifying a member of the Branch Davidians that the search warrant execution was imminent. These actions individually and together form the basis of this actionable suit.

...
XII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that on a final trial hereof that they recover judgment against Defendant for actual damages, costs of court and such other further relief, whether general or special, at law or in equity, to which the Plaintiff may show himself entitled.

JOHN RISENHOOVER	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
V.	§	74th JUDICIAL DISTRICT
	§	
COX PUBLICATION	§	
Defendant	§	MCLENNAN COUNTY, TEXAS

DEFENDANT'S ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, COX PUBLICATION, hereinafter referred to as Defendant.

Defendant enters a general denial.

Defendants' actions were not a proximate cause of any of the injuries suffered by the Plaintiff. Further, the ATF's decision to move forward with the raid after the element of surprise was compromised was an intervening, superseding cause of the Plaintiff's injuries.

Provision of Texas Law:

Negligence

The common-law doctrine of negligence consists of three essential elements: a legal duty owed by one person to another, a breach of that duty, and damages proximately resulting from the breach.

Proximate Cause

Proximate Cause means a cause that was a substantial factor in bringing about an injury, and without which cause such injury would not have occurred. In order to be a proximate cause, the act of omission complained of must be such that a person using ordinary care would have foreseen that injury, or some similar injury, might reasonably result therefrom. There may be more than one proximate Cause of an injury.

Intervening Force

An intervening act by a third party may destroy the causal connection between the Defendant and the plaintiff's injury, if the act of the independent agency was the immediate Cause of the plaintiff's injury and was not reasonably foreseeable. Foreseeability, in this instance, requires that the actor, as a person of ordinary intelligence, would have anticipated the danger that his negligent act created for others. Foreseeability does not, however, require that a person anticipate the precise manner in which injury will occur once a negligent situation that he has created exists.

The elements relevant in determining whether an intervening force is a superseding cause include:

1. whether the intervening force brings about harm that is "different in kind from that which would otherwise have resulted from the actor's negligence";
2. whether the chain of circumstances appears to be extraordinary;
3. whether the intervening force operates "independently" of the situation created by the actor;
4. whether the operation of the intervening force is the result of a third person's act;
5. whether the act of the third person is wrongful; and
6. the "degree of culpability" of the third person for the wrongful act that "sets the intervening force in motion."

CASE SPECIFIC NOTES, RULES AND STIPULATIONS

- (1) This case was written referencing several sources, including federal reports and first-hand accounts of the Branch Davidian raid. It is a fictional adaptation of an historical event. Although the author strove to tell the story well, some facts and characters were modified for this competition. As such, outside research may conflict with the facts presented in this case packet. Students may not use information gathered outside of the case packet in their presentations. The facts contained herein are not presented as historical facts.
- (2) The affidavits have numbered lines this year to assist with the virtual trial format. For example, on cross-examination, an attorney may reference the page and line number when pointing a witness to a portion of the witness's affidavit.
- (3) The exhibits are pre-numbered. When they are offered into evidence and used as evidence, the exhibits do not have to be associated with one particular litigant. For example, just say "The Plaintiff offers Exhibit 1" instead of "The Plaintiff offers Plaintiff's Exhibit 1." This will also help with the virtual bench trial format.

Affidavits

AFFIDAVIT OF JOHN RISENHOOVER

STATE OF TEXAS
COUNTY OF MCLENNAN

§
§

1 My name is John Risenhoover. I am over the age of 18 years and I am otherwise fully
2 competent to testify. I can read, write and understand the English language. I am not under
3 the influence of any drug or other substance which would prevent me from fully
4 understanding the nature of this affidavit. All of the information in this affidavit is within my
5 personal knowledge and is true and correct.

6 I served in the United States Marine Corp Reserved. I graduated from Baylor
7 University in Waco in 1988 with a degree in Business Administration and Financial Planning.

8 I started my career with the Bureau of Alcohol Tobacco and Firearms (ATF) in 1989.
9 I completed the four-month criminal investigator school and new agent training in Glynco,
10 Georgia, studying basic criminal investigation techniques. Afterward, I was assigned as a
11 Special Agent in the Houston Field office. I was primarily responsible for criminal
12 enforcement of firearms and federal related offenses in Bexar County, San Antonio. I also
13 handled gang-related investigations. I became qualified as an expert witness in the federal
14 court in the Western Judicial District of Texas.

15 I have been part of well over fifty warrant execution teams where a dynamic entry
16 approach was used. Dynamic entry is where you make a quick, decisive entry into a
17 residence or business to secure the location of any potential threats and start a search.
18 There is always a surprise element involved. If the warrant's subject is unaware of our
19 approach, they don't have time to remove or destroy evidence or prepare any type of
20 defense against the officers. There is always a danger of being shot at and injured with a
21 dynamic entry, but it makes it worse when the bad guys know you're coming.

22

1 I was assigned to the team executing the search warrant in Waco, Texas, to secure
2 the arrest of Vernon Howell (a.k.a. David Koresh) and search for weapons in the Branch
3 Davidian compound. I had a general knowledge of the investigation leading up to the
4 warrant's execution, but I was not assigned to that full investigation team. I was initially
5 supposed to be a part of the team in the undercover house operation. But, the number of
6 agents for that assignment was cut back, so I wasn't selected after all. I just knew we were
7 going to Waco to execute a search warrant for Title II weapons, which were machineguns
8 and explosive devices. Command stressed that this was a sensitive operation that shouldn't
9 be discussed outside of proper channels. I arrived in Fort Hood the Wednesday or Thursday
10 before the raid. We all stayed there through Sunday morning. They had a mock compound
11 set up, and we practiced riding in the cattle trailers, dismounting and then running through
12 the door. They set off flash bangs around us so we could get used to the noise. I saw the
13 team from New Orleans practicing climbing ladders and going through upstairs windows.
14 There were somewhere around 75 agents in total for the operation. It was the most massive
15 warrant service operation I had ever been a part of. For training and the day of, I was
16 focused on my assignment, so I don't have a lot of information about contingency plans or
17 what everyone else was doing. I didn't hear about other agencies being involved or the use
18 of aircraft or anything like that. We were told that we would have an ambulance and medical
19 evacuation flight on standby if needed. No one goes into a raid, thinking there will be any
20 injury by an agent, though.

21 On the morning of February 28, 1993, at around 5 or 6 we all drove from Fort Hood
22 to Waco. We gathered at the Bellmead Civic Center. I was wearing a bulletproof vest and a
23 jacket that had ATF written in yellow on the back. I was carrying my Sig-Sauer P228 nine-
24 millimeter pistol. I went into the Civic Center, where they had donuts and coffee. About half

1 of the team just waited outside. At around 9:20, SAC Sarabyn came brought us all into the
2 Civic Center and said, "we just got a phone call that we've been tipped off, we need to
3 hurry, let's go." We loaded up in several vehicles and headed toward the Branch Davidian
4 compound. It was about a twenty-minute drive. There were two trucks, each pulling a cattle
5 trailer with agents sitting on benches inside. The team in the first trailer were to breach the
6 front door, fan out and secure the Compound. I was a part of the team in the second trailer
7 – the handcuff team. We were supposed to follow behind the first group and get everyone
8 safely in handcuffs. We would then be in charge of keeping the folks out of the way while
9 the search was conducted. I personally had about ten flex cuffs on my person – plastic
10 handcuffs.

11 I couldn't see much on the way there. When we got on Double EE, I noticed a few
12 Tribute-Herald vehicles had joined the caravan and were following us into the compound
13 property. I guess the media was just waiting around in view of the Compound with their
14 cameras ready to watch us get shot. We dismounted from the back of our trailer. As soon
15 as I took a few steps, I could hear the gunfire exploding from the side of the Compound.
16 You could hear bullets whizzing around your head. They were just lying there in wait for us.
17 Machinegun fire was everywhere. They just started spraying in the middle of us. I was
18 quickly shot in the leg and in the buttocks. I was hit by shrapnel all over my body. I hid
19 behind the tire of the trailer I came out of. The agents who were better armed returned fire,
20 but I wasn't much use. The exchange went on for over an hour. Meanwhile, I'm bleeding
21 out. I could see several other agents lying on the ground in front of the Compound
22 motionless. I couldn't get to them.

23 A cease-fire was agreed to, and we retreated toward ambulances. I was taken to a
24 local hospital for immediate surgery. I was in the hospital for several weeks recovering.

1 They stitched me up, but everything still hurts. I cannot go about my day without a constant
2 reminder of what the media did to us that day. Waco was the most significant change ever
3 in my career. I was a witness to the death of federal agents. This is something that I'll never
4 get over. I'll never get over this thing. Four agents died, tons of children died. I place the
5 blame squarely on the media for causing all of that. I didn't know it that morning, but I do
6 know now that there were orders from the top that Chojnacki should have called off the
7 raid if the element of surprise was compromised. But sometimes in law enforcement, you
8 have to make tough calls. We dealt with these situations all the time. You have to take the
9 cards you've been dealt and do what you have to do. It's a tough job; it was made worse
10 by the media's intrusion from the outside. They had people committing violent felonies
11 inside. Who knows? If we had called off the raid, they could have turned their guns on the
12 town of Waco killed hundreds of people at any time. What were we supposed to do?

13 On a side note, I spoke with Church Sarabyn about the newspaper during my time at
14 Fort Hood, the week before the raid. He was under the impression that the Waco Tribune-
15 Herald had given the ATF their word that they would wait until after the raid to start
16 publishing their series of articles on the Davidians. He was frustrated that the media was
17 going to go ahead and publish it before, though. After the raid Sarabyn was fired from the
18 ATF for lying about some part of the raid. The ATF originally had the raid scheduled for
19 Monday, March 1. After the media gave us the last minute heads up that they were going
20 ahead with publication, Chojnacki moved the raid to Sunday. Around Fort Hood, we were
21 concerned that the article would heighten the awareness of the people inside the Compound
22 that they were being watched, investigated. I just wish the media would have waited a few
23 more days.

24

1 I was familiar with the investigation leading up to the search warrant execution. We
2 had set up surveillance at a house across from the Compound. I know the roads and the
3 layout of the buildings. There was a multi-story observation tower in the middle of the
4 Compound. Anyone who drove by that Compound could tell that the Davidians were
5 watching. They could see for a while down the road. That morning, all those vehicles
6 swarming all over the backroads – I have no doubt that the people in the there saw the
7 media frenzy. They had been tipped off, and then they see the media is forming out front.
8 I think it's a pretty good assumption that they would believe something worth filming is
9 about to happen.

10 I was told later that Koresh even took a call from Mark England looking for a quote
11 from David about the ATF's warrant and whether he would resist. It all was just too much.

AFFIDAVIT OF DAVID THIBODEAU

STATE OF TEXAS
COUNTY OF MCLENNAN

§
§

1 My name is David Thibodeau. I am over the age of 18 years and I am otherwise fully
2 competent to testify. I can read, write and understand the English language. I am not under
3 the influence of any drug or other substance which would prevent me from fully
4 understanding the nature of this affidavit. All of the information in this affidavit is within my
5 personal knowledge and is true and correct.

6 I am or at least was one of those horrible Branch Davidians you've heard so much
7 about in the media. Those 76 folks who died on our side, those were my family members.
8 As the tear gas was pouring in I did my best to help them, and then I was fortunate enough
9 to make it out alive.

10 David Koresh, where do I start. I was raised by my mother, Belinda, and my
11 grandmom. David was the first strong masculine figure in my life. After high school, I moved
12 from quiet Bangor, Maine to the rock-and-roll scene of Hollywood, California. I was chasing
13 my passion for drumming, hoping to make it big one day. Although I was otherwise lost
14 and drifting in a great big world, drumming was my anchor – the flow of the beats, flams,
15 riffs, paradiddles were my religion. A year into music school, I hadn't made much progress
16 and found myself working in the giftshop of Mann's Chinese Theater – the one with the
17 handprints out front.

18 I looked up to the ceiling and cried out, "God, what are you saving me for. Deliver
19 me from this. Show me the way." Within a week, I met David Koresh and his right-hand
20 man Steven Schnieder at a Guitar Center. I played for them on a test kit, and they
21 immediately invited me to join a band they were building. Their business card has some

1 weird scriptures on it, so at first, I told them, "no way." They said it wasn't going to be a
2 typical Christian band. After we had a few jam sessions, I was hooked. David was a great
3 guitar player and lead singer. He had a unique feel to his music. They seemed like a
4 professional outfit that was really going places. I thought maybe this was the answer to my
5 prayer.

6 I first visited Waco and Mount Carmel during September of 1990 for a religious
7 festival. People from all over the world descended upon what I affectionately called "the
8 anthill" to join those that lived there for an intense couple weeks of bible study and
9 celebration. Koresh's teaching centered around the end times and the opening of the seven
10 seals. He believed that Babylon's forces would rise up against God's chosen people in a fiery
11 battle in the end time. During this time, some big philosophical, metaphysical quandaries
12 that I had hung onto for so long were resolved. I knew this dry, makeshift camp in the
13 middle of Texas was my home. After the raid, folks call it a "compound" as if to make it
14 sound militarized. I just knew it as my home.

15 In 1992, we began hearing some rumblings that concerned me. To feed the 100 or
16 so folks who lived in Mount Carmel, David and some of the guys had gotten involved in
17 selling firearms at gun shows. Buy low, sell high. They kept some inventory stored at Mount
18 Carmel. In July 1992, an ATF agent stopped by our main firearms dealer in Waco, named
19 Henry McMahon. Henry called us then and there, and we invited the ATF agent out to Mount
20 Carmel to look around, but he wasn't interested in our offer. After that call, David
21 prophetically asked us all, "What are you going to do in 6 months when all of us are
22 surrounded by tanks?"

23 Somewhere around that time, we started getting calls from Mark England with the
24 Waco Tribune-Herald. We invited him out to the property, but he never came. The media
25 were working on a series of articles on David and our group. We all believe it would be a

1 smear piece to make us look weird or different. David didn't care. He just wanted his
2 message shared with the world.

3 In January 1993, we noticed increased air traffic. Helicopters were making lower level
4 passes, and planes that were clearly equipped with infrared technology to search for drug
5 manufacturing. Also, in January, four men randomly moved into an old farmhouse across
6 from our property. They moved in heavy black crates. It was clear to us that they were a
7 surveillance team. One of them, Robert Gonzalez (real name ATF Robert Rodriguez), came
8 over for bible studies claiming to be a college student in town interested in David's
9 teachings. We knew better and he knew we knew better. David still invited him in.

10 Early February 1993, David started taking some of the guys on long runs on our
11 property's back road streets. Looking back, I wonder why the ATF didn't just arrest David
12 when he was away from the Compound on a run. One time, three guys with Chuck Norris
13 mustaches driving a big truck passed right by us – it was clear they were government
14 officials. He exchanged waves as we passed each other.

15 February 13th, for my birthday, David and Steve and a few other guys drove me into
16 town for a celebratory dinner at Denny's. During that meal, I made an emotional outburst
17 stating that I would rather die with the community than continue on living without them.
18 David looked at me for what seemed like an eternity with a knowing expression. Looking
19 back, I think he knew this prayer would go unanswered.

20 Firearms had been distributed to most of the adults a few days before the raid. Mostly
21 9mm handguns. Some were semi-automatic weapons. I put mine under my pillow. Being a
22 non-Texan, I wasn't very comfortable around firearms.

23 On the morning of the raid, we were all gathered in the chapel. Robert, the ATF agent,
24 was with us. He brought us the second newspaper article. I kind of wondered what he was
25 still doing. Now I know he was just trying to see we were arming ourselves that morning.

1 David was preaching about the end times. It was as if he already knew the raid was coming.
2 David read Revelation 19:19 – "I saw the beast, and the kings of the earth, and their armies,
3 gathered together to make war against him that sat on the horse, and against his army."
4 He was interrupted by "a call from England." I assumed it was the person who had written
5 the articles.

6 David took the call. I was close enough to the door I could hear the conversation. David
7 Jones said, "It's going down now." Koresh responded, "Maybe Robert can get them to delay
8 it." Koresh came back in, stared at Robert, took his hand in a friendly handshake, and said,
9 "You've got to do what you've got to do, Robert." I immediately got chills. I thought about
10 Jesus and Judas in the upper room. Robert hurried out the door. Robert speed away from
11 the Compound with his lights flashing as if to signal to the other agents to stop their
12 approach.

13 It wasn't long before those trailers pulled up, and history was made. I really don't
14 think we fired shots first. The agents approaching the door shot our 80-pound Alaskan
15 Malamute that was wandering around outside. After that, both sides fired at each other.
16 You can hear the story somewhere else. That day started a 51-day siege. The government
17 wanted us to come out, but we didn't really trust them. After all, they just killed several of
18 us. On Day 51, the ATF and FBI brought in Abram tanks with long pipes attached to them.
19 They violently pushed holes into our house and pumped in a lethal amount of tear gas. They
20 expected us to come running out to our saviors. However, most folks got trapped in an
21 underground bunker or the food storage room after the tanks knocked down walls blocking
22 their way of escape.

23 During the siege, the ATF cut off our electricity so we had to use kerosene heaters to
24 keep warm. The structure itself didn't have insulation and let in all the cold. It was very
25 primitive. A fire started somewhere. My guess is that the government tanks knocked over

1 one of our heaters, and it reacted with the thick tear gas that was being pumped in. Either
2 way, I made it out and into handcuffs while most of my family didn't.

3 I still don't understand the allegations. We didn't want some showdown. In fact, an
4 hour or so before the ATF attacked us, Paul Fattahad had loaded up the guns in the gun
5 room headed to a gun show in Austin. If we were really inviting Armageddon to our front
6 door, we would have kept our stock with us.

7 During the 51 day siege, Koresh told me that David Jones had ran into a newspaper
8 camera man named Peeler who spilled the beans about the ATF. Apparently, Peeler didn't
9 know who Jones was.

AFFIDAVIT OF PHILLIP CHOJNACKI

STATE OF TEXAS
COUNTY OF MCLENNAN

§
§

1 My name is Phillip Chojnacki. I am over the age of 18 years, and I am otherwise fully
2 competent to testify. I can read, write, and understand the English language. I am not
3 under the influence of any drug or other substance which would prevent me from fully
4 understanding the nature of this affidavit. All of the information in this affidavit is within my
5 personal knowledge and is true and correct.

6 I received my Bachelor of Science in Psychology from Wayne State University in 1971.
7 I joined the Hamtramck, Michigan Police Department in 1964 and then became a Special
8 Agent with the Bureau of Alcohol, Tobacco, and Firearms (ATF) in 1971. In 1986, I became
9 the Special Agent in Charge of the Houston Field Division, which covers most of central to
10 south Texas. As SAC, I am directly responsible for all ATF operations within my territory. I
11 have extensive training within the ATF and at various graduate schools.

12 On February 28th, 1993, I was the SAC and in charge of all investigations taking place
13 within the Houston Field Division. The division was responsible for what has become known
14 as the Branch Davidian Compound Investigation near Waco, Texas. My role in the operation
15 was to carry out the search warrant as an incident commander.

16 It was November 1992; the ATF presented an initial case against the Branch
17 Davidians to Assistant U.S. Attorney Bill Johnston. I think it Special Agent Davy Aguilera,
18 who led this up. Prosecutor Johnston wanted more investigation of the case but did believe
19 that probable cause existed at that time for a search warrant. I placed Assistant Special
20 Agent in Charge (ASAC) Sarabyn over tactical planning for any enforcement operation.

21 On December 4, 1992, I held a meeting with the SAC of ATF's Houston Division,
22 Dallas Division, Austin Division, New Orleans Division to brief them on our investigation.

1 The meeting took place in Houston. Many of these guys were Marine Corp combat veterans,
2 so it was nice to have their expertise on an operation as big as Waco. Even in the ATF, these
3 SACs had led hundreds of high-risk raids to search for unlawful weapons. Aguilar described
4 the layout of the Compound – how it was laid out like a military fortress with a guard tower
5 and gun bunker. The key takeaway from this meeting was that we needed to serve the
6 warrant when Koresh wasn't there. We needed to lure him away from the Compound first.
7 The SAC of Austin advised that we should establish an undercover house to gather additional
8 information about the Compound and Koresh's daily routine.

9 By mid-January, I had eight agents posing as college students staying in the
10 undercover surveillance house (UC House). The view of the Compound was limited, and we
11 soon decided to send an agent into the Compound to pretend he was interested in Koresh's
12 bible teachings. Special Agent Robert Rodriguez was chosen because he had some
13 background in the Catholic faith, and we assumed he could navigate all that "Bible Babble."
14 In the end, he became a little too familiar with the cult and was probably compromised by
15 Koresh's mental manipulations.

16 As ATF agents, we expect to find firearms and/or explosives during the execution of
17 arrest and search warrants. It is not unusual for our defendants to be armed, violent
18 criminals, often professing to their peers or an undercover agent that they will never be
19 taken alive. But in this instance, we agreed that no action would be taken if it appeared that
20 Koresh had developed a mindset that caused him to arm himself and his people. During the
21 course of our investigation, we had learned that Koresh had become upset on at least one
22 occasion in the past when an Australian organization had published articles critical of him
23 and his group at Mt. Carmel. At that time, he armed himself, and several of his associates
24 posted armed sentries around the clock and prepared them to resist any intrusion by law
25 enforcement officers. If that situation developed, the raid would be called off. We would

1 leave the area entirely, allowing the undercover agents to continue their efforts, monitoring
2 Koresh Is activity until he cooled down. Then the probable cause could be updated, and a
3 new search and arrest warrant sought.

4 Because of the Australian incident, I decided it was essential to meet with the local
5 newspaper that were working on a story. On February 24th, I had a meeting with Randy
6 Preddy and Charles Rochner with the Waco Tribune-Herald. I thanked them for holding off
7 on the story. Preddy said he wasn't holding it for us. I asked, "So does that mean you are
8 willing to run this story even though we are asking you to keep quiet for a few more days
9 so that we can do what we have to do?" Preddy replied, "The important thing to us is that
10 the public's right to have information that they need to know, and that's our job. We're not
11 concerned about where I fall in terms of your law enforcement case." I was livid. How could
12 they be so brass and careless when we were directly requesting a delay in publication until
13 after the raid. Once they ran it on Saturday, I moved the operation up to Sunday. I knew
14 they had a multiday series they were running, so we needed to execute the warrant before
15 they got to worked up over the media's prying into their lives.

16 On Thursday, February 25th, I met with United States Magistrate Judge Dennis Green
17 to obtain and arrest warrant for Vernon Howell (AKA David Koresh) and a search warrant
18 for the Mount Carmel property, alleging federal firearms laws.

19 At this point, we instructed Special Agent Robert Rodriguez to visit with Koresh on
20 both Saturday, February 27, 1993, and Sunday, February 28, 1993 to determine Koresh' s
21 attitude and actions. Rodriguez' reports to ASAC Chuck Sarabyn would help us determine if
22 the warrants could be served safely.

23 On the morning of the scheduled execution of the search warrant at the Compound,
24 I was concerned that the news article appearing in the Waco Tribune-Herald the previous
25 day might have caused the Branch Davidians to increase their alert status. In order to

1 assess the situation, Special Agent Rodriguez was requested to enter the Compound in a
2 continuation of his previous undercover capacity and determine if the Davidians were
3 making any preparations to resist violently. After Rodriguez exited the Compound, I learned
4 that he had been speaking with David Koresh. Koresh had been preaching to Special Agent
5 Rodriguez from the Bible. During his preaching, Koresh received a telephone call. After this
6 phone call, he returned to his preaching. He was nervous and agitated. Koresh said that the
7 ATF and National Guard were coming. (We were aware that Koresh often preached that the
8 ATF would come for him at some time in the future).

9 Eventually, Special Agent Rodriguez excused himself, stating that he had to meet
10 someone for breakfast. Upon leaving the Compound, SA Rodriguez contacted ASAC Chuck
11 Sarabyn by telephone and reported his observations. Rodriguez realized that he did not
12 know what Koresh's actions meant. ASAC Chuck Sarabyn then asked a few additional
13 questions which had been prepared by the raid planners such as: "What is he wearing?" -
14 response -a levis jacket. "Mood?" -response -nervous, is shaking. "Gates?" -response -
15 open. "Guns?" - response no.

16 ASAC Sarabyn noted in writing, during this conversation: "He knows about ATF and
17 Guard ... Doesn't know about coming ... No orders to anyone ... no guns ..."

18 After that conversation, ASAC Sarabyn left the ATF command post and joined SAC
19 Ted Royster and I on the airport tarmac in front of the command post. ASAC Sarabyn
20 reported the conversation he had just had with SA Rodriguez covering Koresh's comment
21 about knowing that ATF and the Guard were coming for him, his preaching, the interruption
22 for a phone call, and SA Rodriguez's observations and comment that he did not know what
23 Koresh's actions and words meant. At that time, I asked ASAC Sarabyn and SAC Royster if
24 either of them saw any reasons for us not to go forward with the raid as planned. I looked
25 at each of them, and neither responded, so I said, "Then, let's go." I was confident that we

1 all felt that we could safely execute the warrants as planned.

2 ASAC Sarabyn departed to meet with the assembling raid team at another location.

3 As the raid team progressed to the Compound, no ATF agent, supervisor, or raid
4 team commander brought any issues regarding the safe execution of these warrants to my
5 attention. At this time, I was unaware of the degree to which the news media had exposed
6 our presence to the Branch Davidian Compound occupants that morning and was further
7 unaware of the information which was apparently provided to the Davidian David Jones by
8 the cameraman, James Peeler.

9 During the time we were loading the officers in the vehicles and making final
10 preparations for the execution of the warrants, special agents in the undercover house
11 located in front of the Branch Davidian Compound placed the Compound under constant
12 observation and were in direct communication with Mr. Sarabyn and me. Up until the time
13 shooting began by the Davidians, the agents in the undercover house never saw any
14 weapons displayed or carried. No observations of unusual conduct in the Compound were
15 reported up until the time the shooting began.

16 Based on the preceding circumstances, the morning's decisions to proceed with the
17 warrant's execution as planned were reasonable under the circumstances. The decision to
18 proceed with the warrants' execution was in compliance with what we understood to be our
19 orders from our superiors concerning the operation.

20 After Waco was over, I was fired from my position. During a Congressional hearing,
21 I misspoke and said that the secrecy of the raid had not been compromised. What I meant
22 was that SA Rodriguez hadn't provided us information suggesting that the Davidians were
23 arming themselves. Of course, we knew that Koresh had some knowledge we were coming.

AFFIDAVIT OF RANDY PREDDY

STATE OF TEXAS
COUNTY OF MCLENNAN

§
§

1 My name is Randy Preddy. I am over the age of 18 years and I am otherwise fully
2 competent to testify. I can read, write and understand the English language. I am not under
3 the influence of any drug or other substance which would prevent me from fully
4 understanding the nature of this affidavit. All of the information in this affidavit is within my
5 personal knowledge and is true and correct.

6 I am the Publishing Editor of the Waco Tribune-Herald. We are a small-town
7 newspaper located in downtown Waco, Texas. The paper started in 1892 as an independent
8 newspaper. In 1972, we were sold to our current parent company Cox Publishing based in
9 Atlanta, Georgia. Our building isn't the most glamorous. We run everything out of the one
10 shop – investigation, writing, photography, editing, printing, and distribution. We strongly
11 believe in a free press. It was built into our Constitution. We refer to ourselves as the fourth
12 branch of government – designed to provide the people with the information they need
13 about how their community and government are functioning. When something is wrong, we
14 are supposed to be the whistleblowers and let everyone know.

15 Mark England is a staff reporter for the Tribune. He covered the attempted murder
16 trial of Vernon Howell in 1988. In late 1992, Mark began working on a series on life inside
17 the Branch Davidian cult and some serious allegations of child abuse and an illegal weapons
18 stockpile within their Compound. Our reporters have the autonomy to some extent in how
19 to choose their content and gathering source materials. Mark kept me generally apprised of
20 the article's progress. Mark interviewed Koresh and some folks in the Compound. He also
21 talked to former cult members.

1 It was probably early February 1993. Mark sent the story up the chain within our
2 office. When the series made it to me, I realized the gravity of these people's
3 dangerousness. I set two reviews or checks in place before we would print the series. First,
4 I wanted to run the series through our attorneys for a libel check to make sure we wouldn't
5 face liability from the stories' content. The attorney gave his sign off in mid-February.
6 Second, I sent a request to our parent company Cox Publications to have Charles Rochner
7 review our physical location and tell us what we need to do to make sure that the Davidians
8 don't easily cause our staff harm after we publish. Rochner is a Vice President of Cox in
9 charge of security for all newspapers in the nation under the companies umbrella.

10 I sent Rochner some information on the cult, and we both agreed that it would be
11 best if he flew to Waco to survey our office's layout and provide more tailored advice. Part
12 of the information I sent to him was how the cult reacted after an Australian media outlet
13 released a piece critical of Koresh's group. Koresh issued an immediate "call to arms" –
14 posted armed guards around their property and increased their weapons stockpile. As the
15 press, we have a duty to tell the story even if it means we face danger. That's part for the
16 profession, and we can't back down to it. This lawsuit itself threatens the press's ability to
17 present facts to the people.

18 Rochner made it into town on Wednesday, February 24th. We walked him through our
19 offices, and he helped us begin developing a plan. He thought we could get the security
20 measures in place quickly so that we could publish over the weekend. We have very few
21 employees in house on the weekends, so if the Davidians did retaliate against our offices,
22 there wouldn't be very many folks there. We usually start a big series on Sunday, our largest
23 distribution date. We sell more Sunday papers than weekday papers. However, we knew
24 that a Saturday morning publication would allow us two weekend days to gauge the reaction
25 before staff came back to work on Monday. We weren't sure, but that was our train of

1 thought.

2 Rochner suggested several security updates. Luckily he brought the budget of our
3 parent company with him. Cox covered the cost. We had a AV company come out on Friday
4 to install a new video camera system outside the building. Our security company Pinkerton
5 already provides us with some guard services. They installed code pads on all exterior doors.
6 Before we published, we didn't really have any visitor control systems. Someone could
7 pretty much walk in the front door and meander around without being stopped and
8 questioned. The security firm also went on 24/7 guard service and increased the number of
9 security officers at the office. We had enhanced screening for our mail coming in. You know,
10 to check for mail bombs and that stuff.

11 We moved staff offices away from the front of the offices just in case someone came
12 into the main front entrance and started shooting. The idea is that most of our staff would
13 be out of harm's way. Also, we had a lot of vehicles with the newspaper's markings on the
14 outside – both delivery vehicles and investigation team. Rochner suggested that we remove
15 all of the markings so our team wouldn't be readily recognizable in town.

16 Mark England was put up in a hotel for the weekend the series was first published.
17 Darlene McCormick, the co-author, had a trip scheduled out of town already. The executive
18 team was provided guard service at their houses around the clock.

19 As I said, all of these were done right before we pulled the trigger on when to publish.
20 We didn't want to cause any concern or unnecessary alarm among our employees or
21 visitors. We also kept the content of the series from most of the staff. England interviewed
22 Koresh and some of his men for the article. So they knew the series was coming eventually.
23 However, I didn't want them to know ahead of time that we were going to expose some of
24 the illegal behavior that was going unchecked in that cult.

25 Later that day, Rochner and I had a meeting with the head ATF agent Phillip

1 Chojnacki. Our goal for the meeting was to gather information from the ATF that would help
2 further protect our staff. We specifically asked Chojnacki for any summary of the
3 dangerousness of the cult from the ATF's investigation. He declined to provide us with any
4 information they had received.

5 Chojnacki thanked us for delaying the publication, and I explained that we didn't hold
6 the series due to the ATF. We were waiting until Rochner was able to give assurance that
7 the risk to our staff would be minimized. Chojnacki even told us that he was unsure if there
8 would be some action – noting that he may be "sent home" if they couldn't get a warrant.
9 He said that the ATF didn't want a complicated siege. I asked if there was something in the
10 works within the next few weeks, and he wouldn't give us an answer. The article's whole
11 point was to inform the public about the lack of action on the part of the government to
12 investigate the allegations of rampant statutory rape and weapons stockpile within the
13 Compound. It was a little frustrating that now the ATF was even saying they might not help
14 those poor children. When government fails, the media must hold them accountable.

15 After that meeting, Rochner and I knew we were kind of on our own in this thing –
16 that the ATF wasn't going to help us keep our folks safe. We went forward with the security
17 measures we mapped out. Everything was in place quickly. It was Friday at around 3:30
18 that I had Rochner go ahead and call Chojnacki to inform him that the series would go to
19 print the following day. Chojnacki informed Rochner that they had a raid scheduled for
20 Monday, March 1st. No one from the ATF ever gave us an order or even a strong request to
21 further delay the publication.

22 The Saturday, February 27th, 1993 edition of the Waco Tribune-Herald came and went
23 without much controversy. We received great feedback from the Waco community. There
24 was no retaliation from the Davidians. We didn't receive any calls from the ATF.

25 One of our reporters got a call from another news outlet regarding a tip they had

1 received saying that the ATF had something big planned for early Sunday morning. This
2 conflicted with the information Chojnacki gave us, but we still mobilized our team to be
3 ready to cover the story if there was one. Again, no one from the federal government would
4 give us information about the Davidians. No one told us we weren't allowed out at the
5 Compound on those public roads.

6 Sunday morning at around 8:00AM, around eight employees met at the paper offices
7 to coordinate covering the ATF's activities. This included England, McCormick, and Peeler.
8 They decided who would go where to try to get a good vantage point in case something
9 happened. I didn't go out there with them. We didn't provide our guys with any specific
10 instructions regarding their own safety or maintaining the operation's secrecy. But, they are
11 all professionals and understand where the line is. The ATF hadn't given us any instructions
12 to not go out to the Compound or not drive on the roads.

13 Afterward, we concluded that the ATF wanted a big win, a media frenzy. They wanted
14 the press there to see the agents find a significant, stockpile of guns. Their agency's budget
15 was on the chopping block in Congress. None of those agents on the ground at the
16 Compound had a cell phone. However, in Waco, in town, the ATF had a full "press command
17 center" set up with tons of fax machines, dedicated phone lines, and even a computer setup.
18 That'll tell you something. No matter how dangerous, the ATF command staff would have
19 put those agents in the line of fire. Heck, my guys were taking fire as well that day.

AFFIDAVIT OF MARK ENGLAND

STATE OF TEXAS
COUNTY OF MCLENNAN

§
§

1 My name is Mark England. I am over the age of 18 years and I am otherwise fully
2 competent to testify. I can read, write and understand the English language. I am not under
3 the influence of any drug or other substance which would prevent me from fully
4 understanding the nature of this affidavit. All of the information in this affidavit is within my
5 personal knowledge and is true and correct.

6 I have been a reporter for the Waco Tribune-Herald for eight years. I have a Bachelors
7 Degree in History from the University of Texas. Afterward, I took several master level
8 classes in journalism but didn't finish my degree.

9 I first became familiar with Vernon Howell or David Koresh during his 1988 attempted
10 murder trial. The original leader of the cult group was an older lady named Lois Roden.
11 When she died, the group split between her son George Roden who stayed on the property
12 and David Koresh moved to East Texas. The two groups kept on fighting until Roden
13 challenged Koresh to a "raise the dead" challenge. Roden dug up someone who was buried
14 on the property. He said whoever brought the person back to life should be the one to lead
15 the combined group. One night, Koresh and some men tried to sneak onto the property to
16 gather evidence that would get Roden thrown in jail for tampering with a grave. A shootout
17 ensued, leading to Koresh being charged with Attempted Murder. He was acquitted after a
18 jury trial. Eventually, Roden was committed to a mental hospital. Koresh merged the groups
19 and took control as the leader. I was assigned to cover the trial, so I was stuck with the
20 group from then on.

21

1 In the Spring of 1992, the newspaper got a tip on our hotline from a source in
2 Australia asking if we knew anything about a planned mass suicide event at the Branch
3 Davidian compound. Darelene McCormick and I were given this tip to follow up on. There
4 wasn't anything to that idea. However, in November of 1992, I did reach out to the US
5 Attorney Bill Johnston and learned he was investigating the group on federal weapons
6 violations. Besides a few calls to the local Sheriff, that was the only contact I had with any
7 law enforcement agency before the raid. No one even reached out to offer protection for
8 me or my fellow reporters. I knew the ATF had met with the editors of our paper.

9 I interviewed Koresh for the series. He had memorized huge portions of the Bible,
10 including most of Revelation. I didn't always understand or follow how he was connecting
11 everything together. His teaching centered around the opening of the seven scrolls
12 mentioned in Revelation. He believed that he was a messenger or a messiah who was
13 referred to in Revelation as "the lamb" who could open seven seals. Koresh claimed that
14 instead of being sinless like Jesus, he was allowed to sin. This led to my title for the series
15 – "Sinful Messiah."

16 In addition to his teaching that "the end is near," Koresh and his men engaged in
17 survival training and stockpiling. They built a fort-style or compound style building on the
18 property where the women and men were separated into wings – even the married women.
19 In fact, Koresh claimed to be the husband of all female followers over the age of 12 whether
20 or not they were currently married to someone else in the group. Koresh stockpiled food
21 and water. The weapons stockpile is what ultimately drew the attention of the ATF. The
22 USPS delivered a shipment of empty hand-grenade shells a few months after a large
23 shipment of gun powder. The postman called the Sherrif about it, who then called the ATF.
24 The Trib was the most concerned about the issues of child abuse and statutory rape. We
25 wondered why the government didn't do anything sooner to stop it. If no one else acts, the

1 press has to step in.

2 Darlene and I had the first drafts of the series complete sometime in January of 1993.
3 We set them up for editorial review. The only changes made after that was to cut some
4 content to reduce the length of the articles. Everything was ready early February. I know
5 the editors decided to delay until Saturday, February 27th, for the safety of the staff.

6 Saturday afternoon I got a message on my phone at the paper from Steve Schnieder,
7 Koresh's number two guy. Steve said Koresh was upset about the first article and wanted
8 to "set the record straight." Rochner reached out to Chojnacki with the ATF about the
9 message. Chojnacki told Rochner that it wouldn't be a good idea for me to accept Koresh's
10 request for a follow-up interview and a tour of the Compound. Chojnacki wouldn't give us
11 any other instructions, though.

12 Late Saturday evening I was informed by one of the editors that the tip had come in
13 about the Sunday raid. A few of us were to meet at the Trib's offices in the morning and
14 then get our assignments. We didn't know at the time what was going to happen except
15 that it could possibly be "some sort of law enforcement action."

16 We met at the paper at about 8:00am on Sunday. I rode out to the Compound with
17 Douglas Doe. Aydelotte, Masferrer, and Witherspoon when in another vehicle. Blansett and
18 McCormick were in the third vehicle, and James Peeler was in the fourth. Some other folks
19 were sent to the hospitals to wait there just in case anything happened. We all took vehicles
20 owned by the Trib, but all the markings outside the vehicles were removed so no one would
21 know who we were.

22 I am familiar with the map produced for this trial. Doe and I drove out 2491 east
23 toward Mexia. We passed Blansett and McCormick, who were parked at "Location B" at
24 about 9:10AM. They started to follow us. We all stopped at "Location A," which doesn't have
25 a view of the Compound. Blansett told us to head to Texas State Technical College to see if

1 anything was happening there. We backtracked down 2491 back into Waco instead of
2 heading up Double EE to 84. TSTC has an airstrip. There were federal helicopters parked on
3 one of the tarmacs, but they weren't occupied or getting ready to move.

4 We headed back to the area around the Compound – again driving in the same way.
5 On 2491 we found ourselves following a DPS trooper vehicle. He pulled over a "Location F",
6 and so did we. Both "Location B" and "Location F" have a view of the Compound. I got out
7 to talk to the trooper to see if we needed to vacate the area. It was probably now 9:30am.
8 I thought the trooper might be setting up some sort of a roadblock. He said that he didn't
9 have any instructions to close the road down yet and that we could drive on through. The
10 trooper did say that the road would be closed later. That whole morning as much as possible,
11 I tried to keep Doe and I out of sight when we parked. I didn't really think driving down the
12 road was a problem, though.

13 We drove back to "Location B." We weren't there long before we heard the helicopters
14 in the sky. We saw three of them approaching the Compound. We then heard a really loud
15 rattling, metal noise heading our way on the roadway. Those things were loud. We could
16 hear them probably a couple of miles down the road. When they approached, we saw that
17 they were two cattle trailers with tons of ATF agents in the back. There were several vehicles
18 in the convoy – less than 20 but more than 5. No one in the line even motioned for us to
19 stay put or leave the area – let alone leaning out the car and shouting at us to leave. No
20 instructions. We followed in line with the last vehicle and pulled over at "Location C." This
21 was a house that was right at the main entrance to the Compound. Within a few minutes,
22 bullets started flying from both sides. It was something like half of the agents in each trailer
23 made it outside before we heard shots. I heard several bullets fly really close to my head.
24 All of the media folks took cover in a ditch right by the roadway. It kept us out of the line
25 of fire. We were stuck in the ditch for a couple of hours. At one point, we saw a few

1 ambulances arrive and carry off the wounded ATF agents. There was a cease-fire called,
2 and we were able to get out of there.

3 In covering a story like this, I had obligations to inform the public of what was going
4 on. If the government sends tanks against a group of folks at their house and church and a
5 fire kills 76 of them, the press should be there as a check against the government. If the
6 Feds did something wrong, the American people should know about it. Also, I had an
7 obligation to those kids in the Compound to ensure that the allegations of child abuse were
8 being investigated. I know the ATF agent is blaming us for them getting hurt, but the media
9 wasn't the ones who picked up the weapons on either side. The Davidians shouldn't fire at
10 the ATF, and the ATF should have called off the raid once they knew the element of surprise
11 had been compromised. My story and my presence that morning was nothing compared to
12 the ATF sending in an agent to basically walk up to Koresh and say, "hey my guys are on
13 the way." I know they want to blame someone other than their bosses who got fired for
14 lying about the whole thing. I feel bad for everyone who got injured. However, justice isn't
15 found by trying to put a muzzle on the press.

16 Oh, and I never made any phone calls into the Compound at any point on Sunday
17 morning. I hadn't talked with any Branch Davidian for many months

AFFIDAVIT OF JAMES PEELER

STATE OF TEXAS
COUNTY OF MCLENNAN

§
§

1 My name is James Peeler. I am over the age of 18 years and I am otherwise fully
2 competent to testify. I can read, write and understand the English language. I am not under
3 the influence of any drug or other substance which would prevent me from fully
4 understanding the nature of this affidavit. All of the information in this affidavit is within my
5 personal knowledge and is true and correct.

6 I am the Chief Photographer for the Waco Tribune-Herald. I've been in that position
7 for the last three years. I worked as a photographer for the paper for 11 years before that.
8 I had no prior knowledge of the Branch Davidians or David Koresh.

9 On Saturday, February 27th, 1993, I got a call from Brian Blansett informing me to
10 be at the paper Sunday morning for something they were working on. That morning I
11 gathered my equipment and arrived at the paper at like 7:30. I was told it would be a long-
12 distance shoot so I went inside to my office to get a few additional lenses for my camera.
13 By the time I got my stuff together, everyone else had left for the Compound. Like I said
14 before, I didn't know this group and didn't know where I was headed.

15 I got to "Location E" on the map made for this trial. I didn't know it at the time but
16 if I had just looked to the southeast, I would have seen the Compound. I didn't think I was
17 in the right place, so I drove further down Old Mexia road until I hit Highway 84 again. I
18 made a big loop and just ended back at the same spot. I pulled over again and got out my
19 map to see if I could figure out where I was supposed to be. It was chilly, so I put on my
20 Waco Tribune jacket and got out of the car to have more room to spread out the map. I
21 was expecting some law enforcement activity like a roadblock or something.

22

1 A few minutes went by, and I heard the sound of gravel – like a vehicle traveling on
2 the gravel road. There was a mail delivery truck headed south down Old Mexia toward me.
3 The postman pulled up right beside me and asked if I was lost and needed directions. I told
4 him that I was looking for a roadblock and a place called Rodenville – another name for the
5 Davidian Compound. He pulled his car in front of mine and got out to talk.

6 He said, "I read that paper yesterday about those crazies and how they were
7 stockpiling guns and hurting children." I shrugged it off because I didn't really know much
8 about the group. He said that he and his wife live off of Beaver Lake Road, and they hear
9 shooting all the time coming from the Compound.

10 As we were talking, we both started to hear helicopters approaching our location.
11 They sounded like they were headed more like toward the back the area of the Compound,
12 circling back toward it. The postman said, "what are helicopters doing out here? Something
13 is going to happen today. There's too much traffic down this road." I again shrugged him
14 off. He asked me outright whether I thought something would happen, and I said, "It
15 might."

16 He looked skittish and nervous now. He said, "You know that place you are looking
17 for? See that big yellow building right up there? That's it." He then mentioned that he used
18 to deliver mail to the Compound, and they usually seemed pretty nice. He didn't see why
19 the newspapers were attacking them.

20 He said he had to go back to tell his wife to turn on the TV just in case. He got back
21 in his car and started driving down Double EE Ranch road toward the Compound. I later
22 found out that this postman was David Jones, David Koresh's brother in law. Jones was a
23 member of the Davidian group. I had no idea at the time that he was anything other than
24 a post office man stopping to help me out.

25

1 I didn't know much about what was going to happen out there. I had a police scanner
2 in my car, and I had it on the TABC channel – the Texas Alcohol Beverage Commission. I
3 found out afterward that the TABC were not even involved in the raid. Also, I didn't know
4 how big the raid was supposed to be. I would be surprised if I caused anything to go amiss
5 that morning. I barely knew anything, so I had nothing to tell anyone about.

6 I have experience filming law enforcement activities. I've gone alone with police on
7 probably 30 different search warrant raids – nothing as big as what the Davidian raid turned
8 into. We are always given instructions about where to stand and when we can move. The
9 dangerous part typically only kicks in when we arrive at the subject location. I expected to
10 see police presence before anything troubling might occur. I would never have guessed I
11 would talk to someone who would later be involved in shooting back at the police.

Evidence

WACO TRIBUNE-HERALD

A Cox Newspaper

WEATHER



Mostly cloudy.
20% chance of rain
High: 40s, Low: 30s
Details, msp/2A

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The SINFUL MESSIAH

Part One
 By MARK ENGLAND and DARLENE MCCORMICK
 c. 1993 Waco Tribune-Herald

If you are a Branch Davidian, Christ lives on a threadbare piece of land 10 miles east of Waco called Mount Carmel. He has dimples, claims a ninth-grade education, married his legal wife when she was 14, enjoys a beer now and then, plays a mean guitar, reportedly packs a 9mm Glock and keeps an arsenal of military assault rifles, and willingly admits that he is a sinner without equal.

David Koresh is now his legal name. He changed it two years ago in California, supposedly to protect his cult members and to law enforcement authorities, he is still Branch Howell. Many of his followers are former Seventh-day Adventists. The Seventh-day Adventist Church strongly denies any connection with Howell's group. Howell's followers have come to 77 acres near the Elk community from Australia, New Zealand, Canada, England, Hawaii and throughout the continental United States. The end of the world is near, they believe. Howell, 33, is their savior. They pay dearly for those beliefs, say

THE LAW WATCHES, BUT HAS DONE LITTLE

By DARLENE MCCORMICK and MARK ENGLAND
 c. 1993 Waco Tribune-Herald

In 1990, the Australian break-away group of Branch Davidians succeeded in getting charges against cult leader Vernon Howell across an ocean. But they failed to get them More than two years have gone by, but authorities have done little. Howell still presides over a cult of about 75 followers at Mount Carmel, the cult's base 10 miles east of Waco near the Elk community. At that compound, he is the unquestioned leader.

■ Editorial 12A

His leadership was questioned last year in a legal setting, however, for the first time — inside a Michigan courtroom. Three former cult members flew from Australia last February to testify that Howell had sex with underage girls; abused children, whipping babies as young as 8 months old; turned Mount Carmel into an armed camp; and that Howell had ordered the only perfect mate for the women in the cult.

Cult members allowed Howell's actions because they consider him Christ, testified Marc Brouil, who is American; his wife, Elizabeth Barayyal, an Australian; and Jean Smith, also an Australian. The St. Joseph, Mich., case involved David Jewell's effort to get custody of his then 11-year-old daughter, Kiri. The girl, along with her mother, Sherri, lived in a cult home for several years. Mount Carmel is a joint custody agreement with the state.

Please see L...
EXHIBIT 1



c. 1993 Waco Tribune-Herald
 Vernon Howell, 33, is the leader of a Waco-based cult called the Branch Davidians. His followers consider him Christ.

Authorities have not acted on the complaints. For various reasons. Some officials said former cult members making the allegations have not appeared in person to swear out a complaint against Howell, though they have mailed sworn statements to local, state and federal authorities. Other officials said they needed evidence, not affidavits. Former cult members in Australia feared their money and loved a private detective, Geoffrey Hoosack, to lodge

Please see CULT, Page 10A

"And I saw when the Lamb opened
one of the seals, and I heard, as it
were, the noise of thunders, one of the
four beasts saying, Come and see.
(And I saw, and behold a white)
horse; and he that sat on him
had a bow; and a crown was given
unto him: and he went forth
conquering, and to conquer."
Revelation 6:1-2.

Psalm 45

Revelation 19

Please listen, show mercy
and learn of the marriage of the
Lamb.

Why will you be lost?

יהוה' יהוה

Yahweh Yehovah

EXHIBIT 2



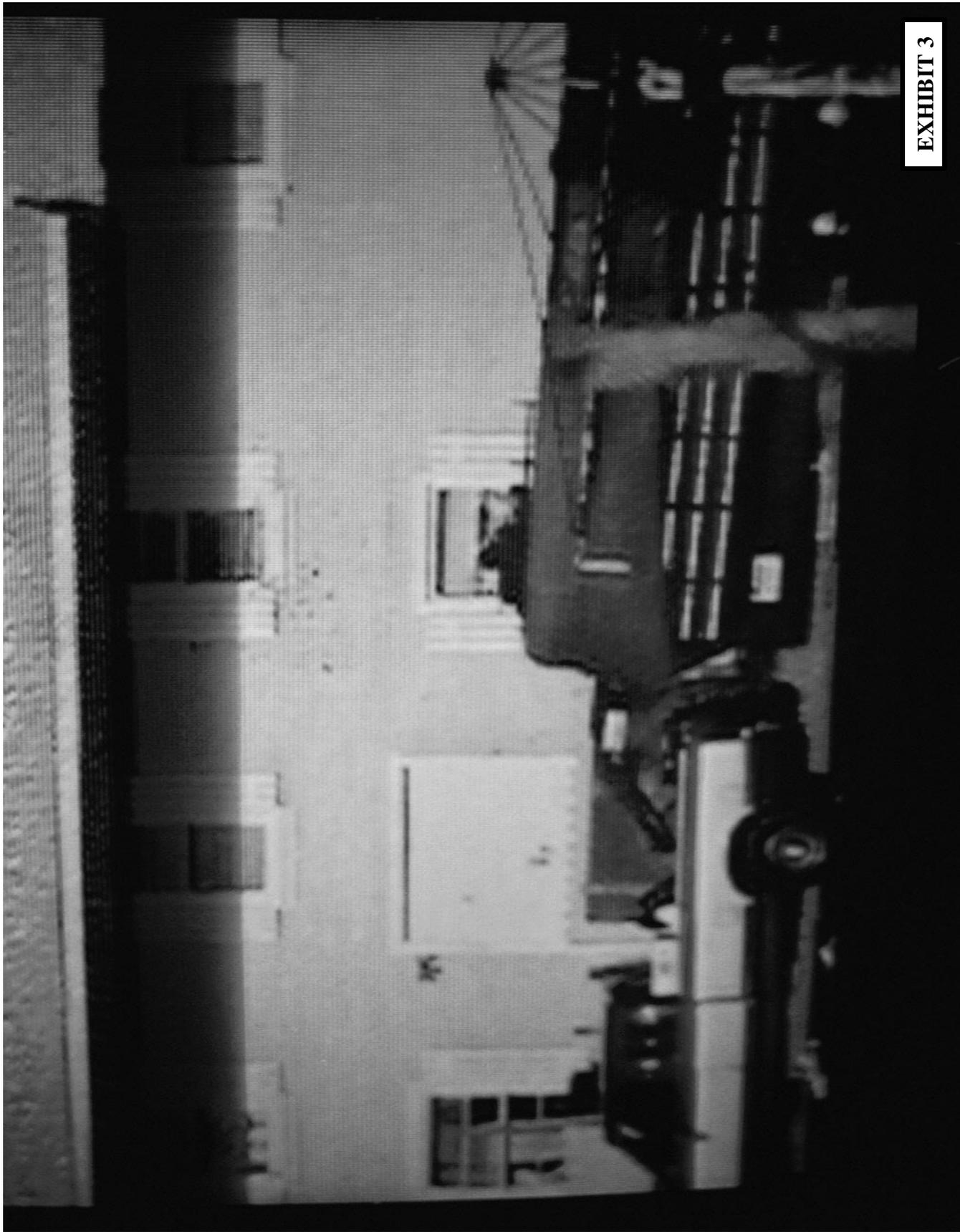


EXHIBIT 3

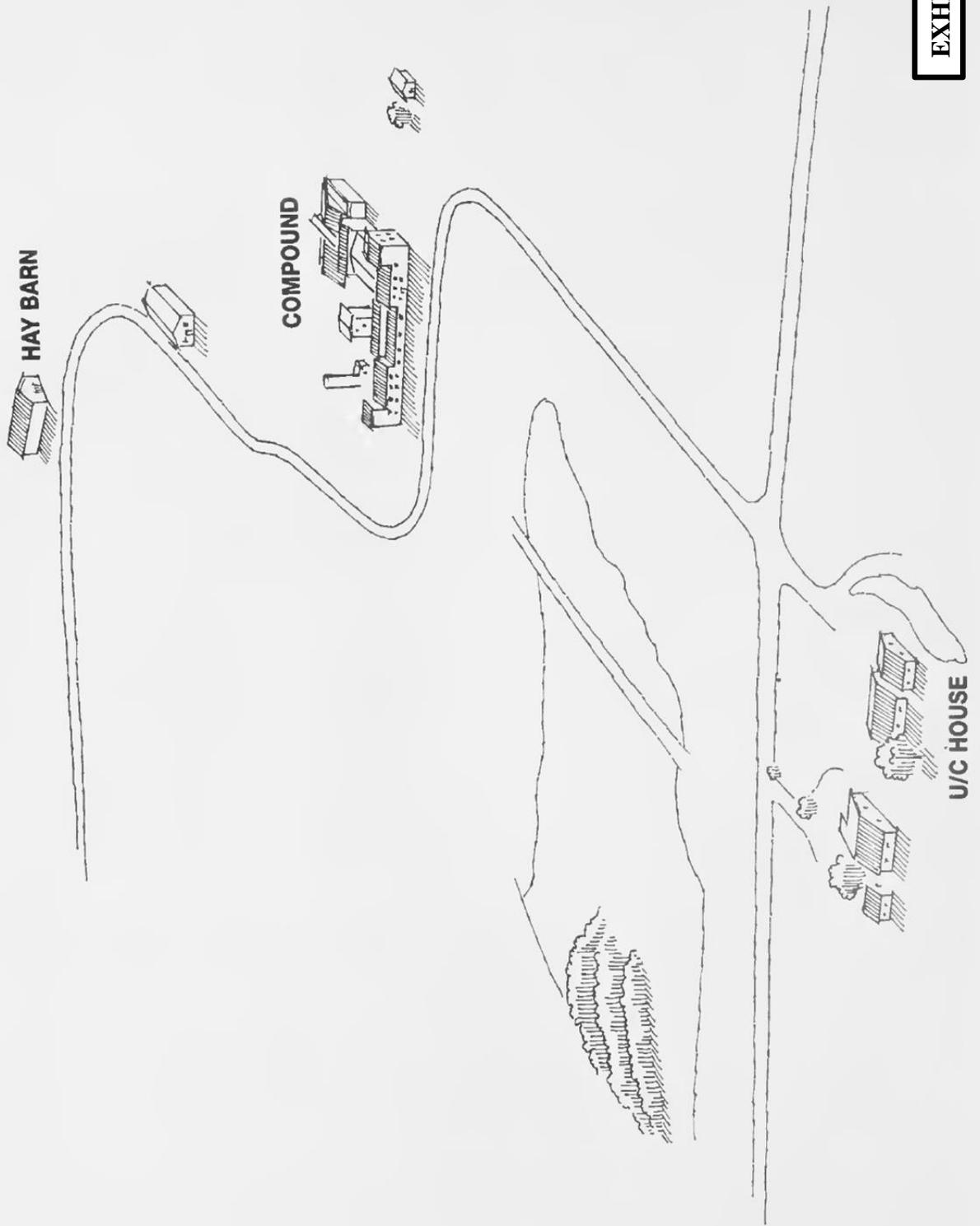


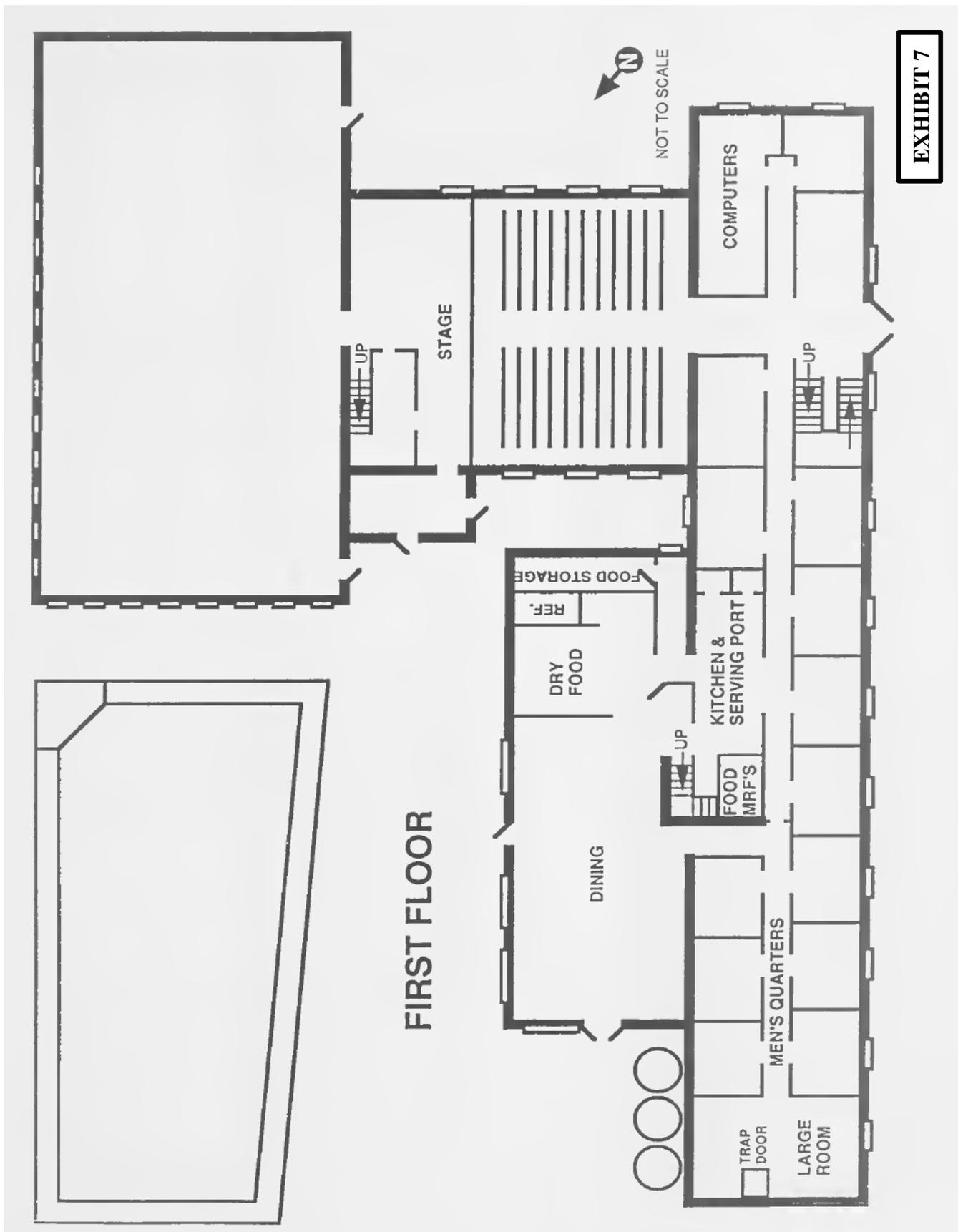
EXHIBIT 4

EXHIBIT 5



EXHIBIT 6





FIRST FLOOR

EXHIBIT 7

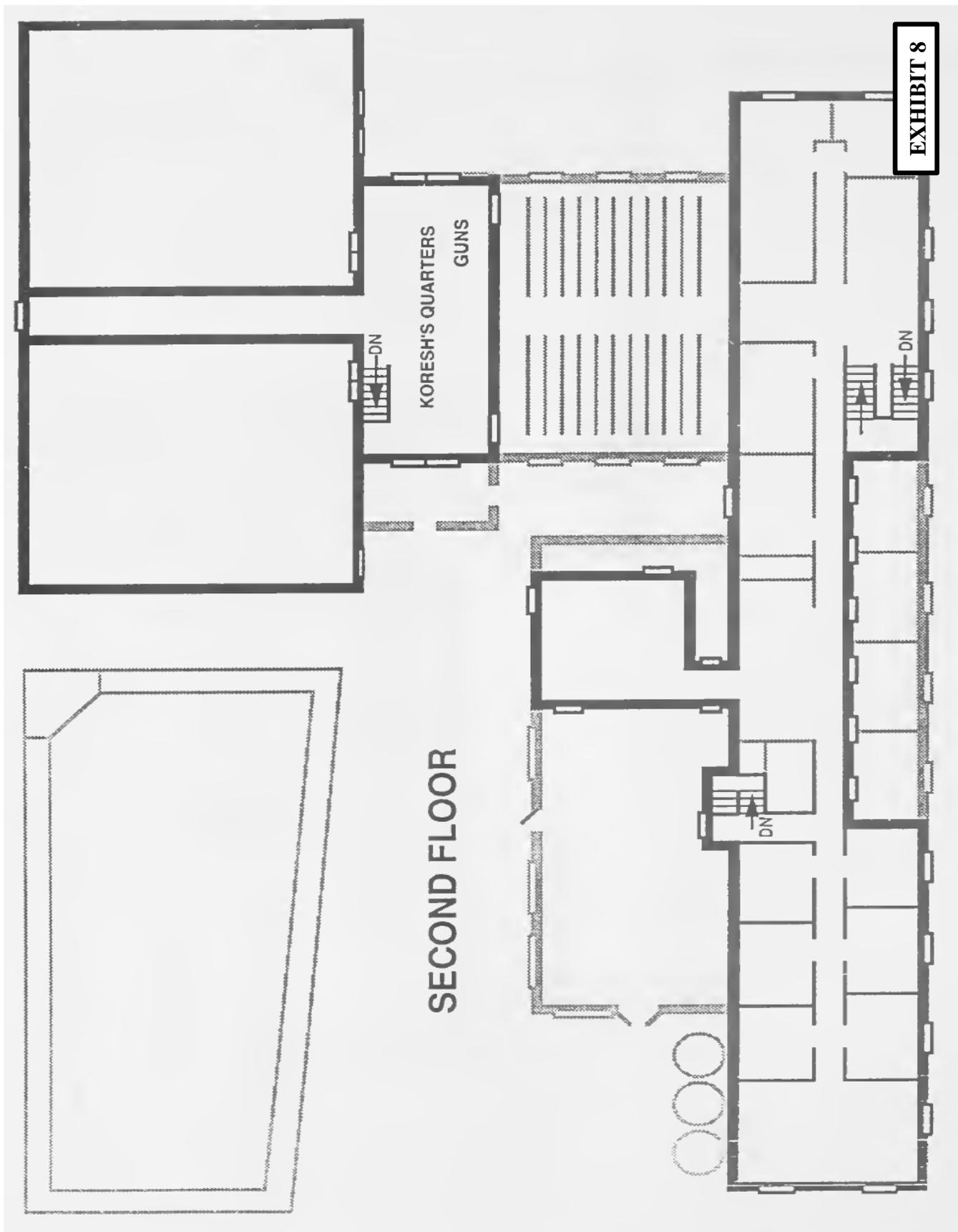


EXHIBIT 8

SECOND FLOOR

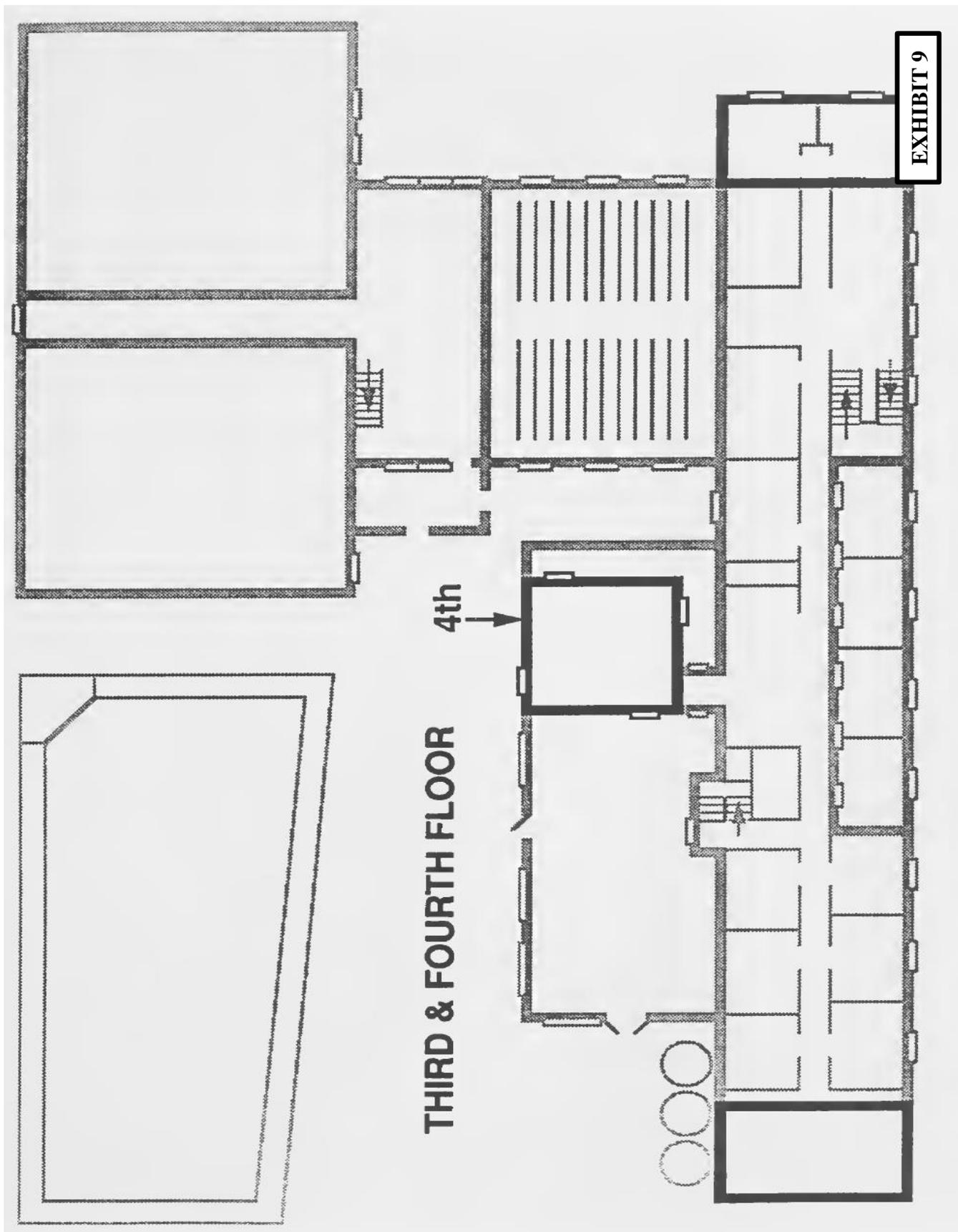


EXHIBIT 9

THIRD & FOURTH FLOOR

4th

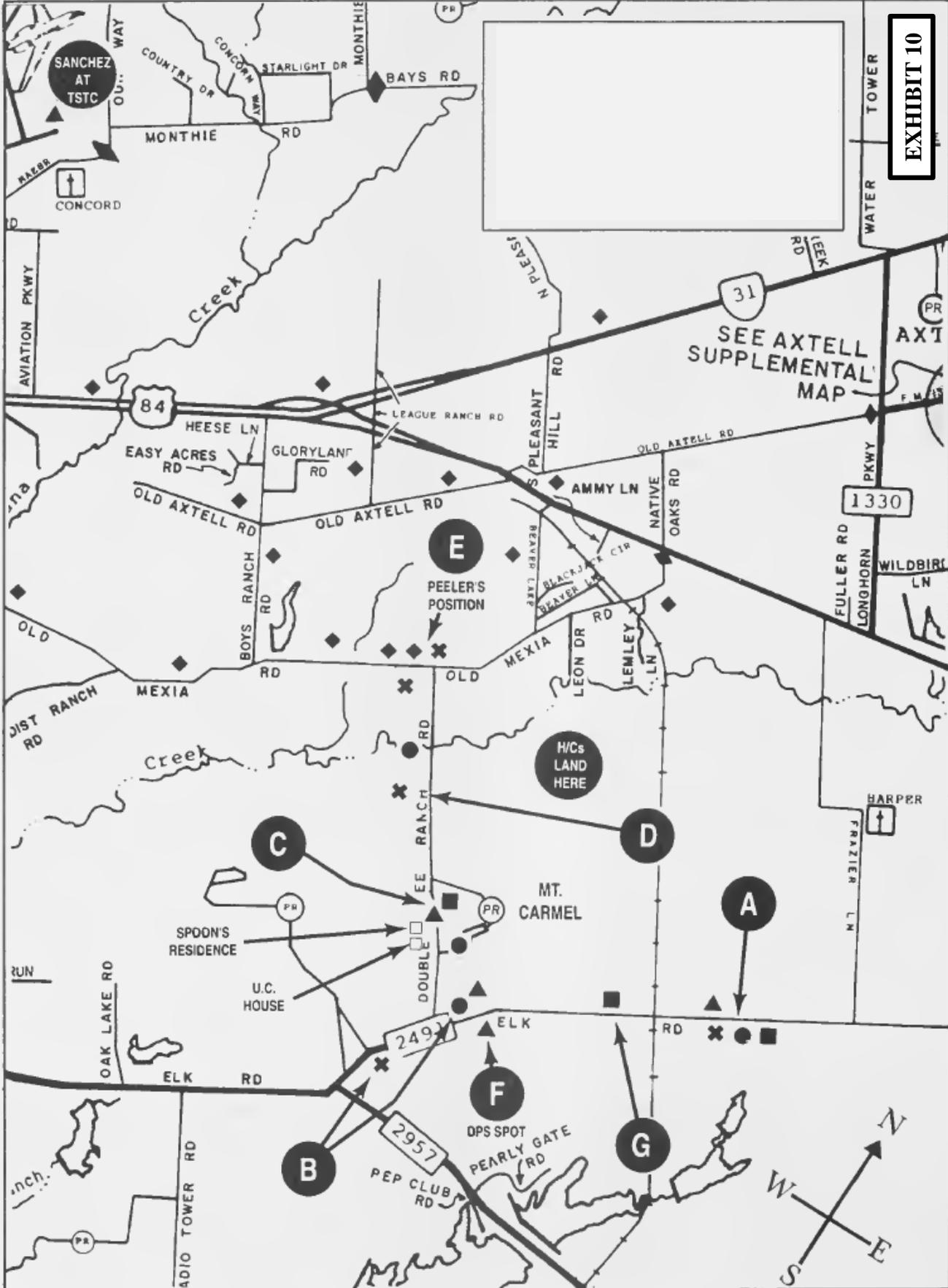




EXHIBIT 11

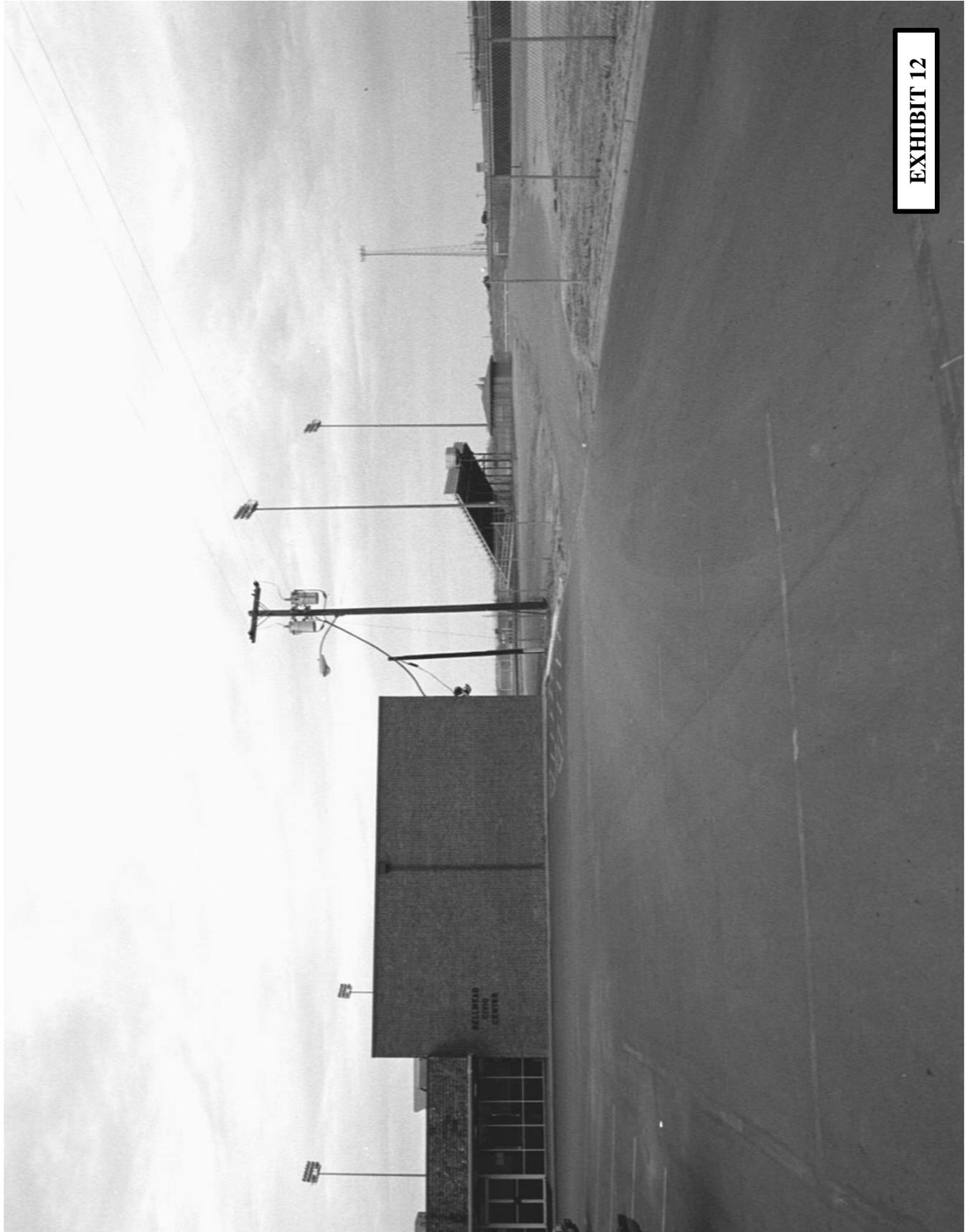


EXHIBIT 12

NATIONAL RESPONSE PLAN (NRP)

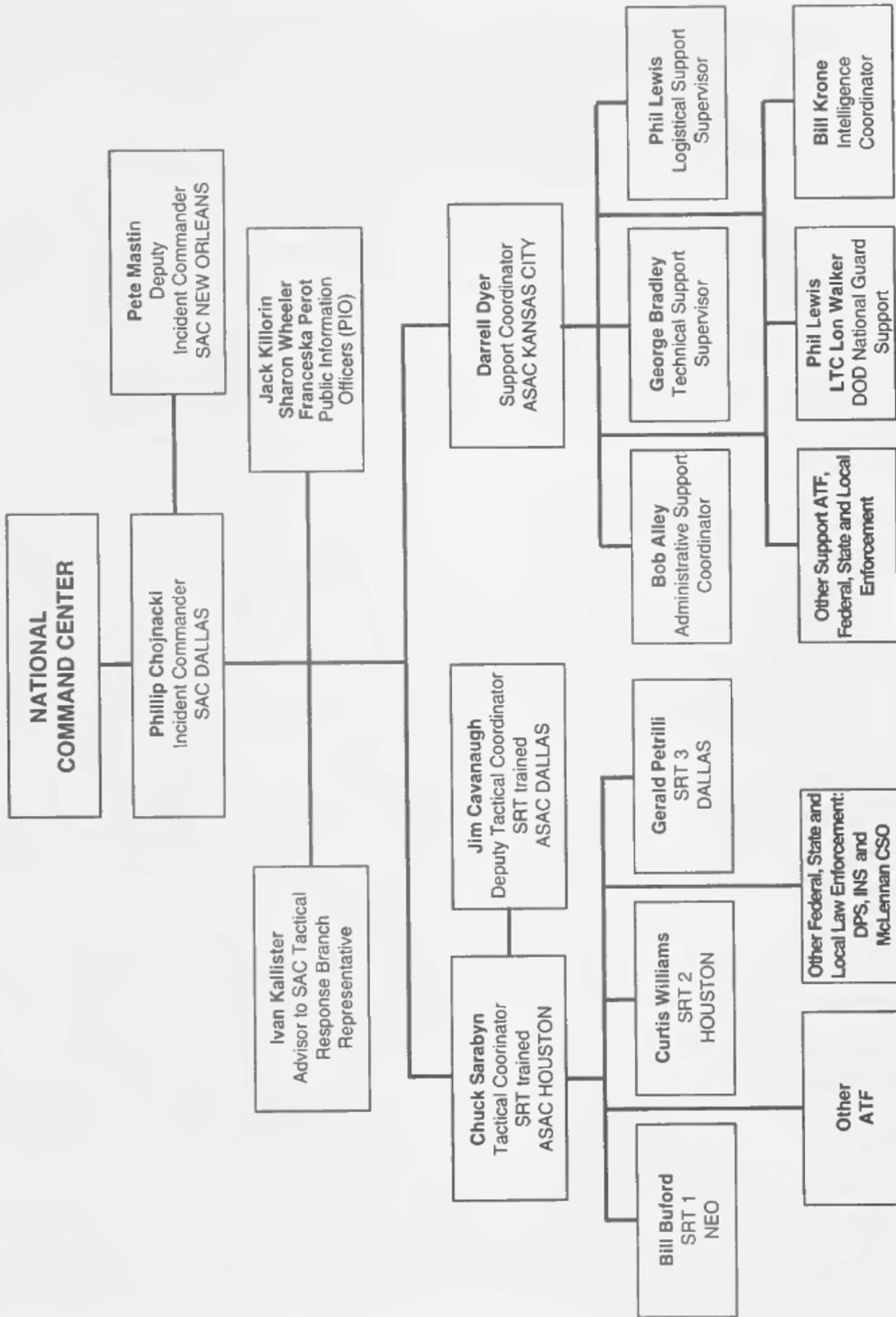


EXHIBIT 13