

NEWS RELEASE

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For Immediate Release

NOVEMBER 8, 2000 – ST. LOUIS, MISSOURI – Special Counsel John C. Danforth today delivered to Deputy Attorney General Eric Holder his Final Report Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas. This Report unequivocally reaffirms the conclusions contained in the Special Counsel's Interim Report of July 21, 2000.

Specifically:

- (1) Government agents did not start the fire at Waco;
- (2) Government agents did not shoot at the Branch Davidians on April 19, 1993;
- (3) Government agents did not improperly use the United States military;
- (4) Government agents did not engage in a massive conspiracy and cover-up. There is no evidence of any wrongdoing on the part of Attorney General Reno, the present and former Director of the FBI, other high officials of the United States, or the individual members of the FBI Hostage Rescue Team who fired three pyrotechnic tear gas rounds on April 19, 1993.
- (5) Responsibility for the tragedy at Waco rests with certain of the Branch Davidians and their leader, David Koresh, who shot and killed four ATF agents, wounded twenty others, shot at FBI agents trying to insert tear gas into the complex, burned down the complex, and shot at least twenty of their own people, including five children.

These conclusions are based on a review of some 2.3 million pages of documents, interviews of over 1000 witnesses, and examination of thousands of pounds of physical evidence. They are supported by the findings of numerous experts retained by the Office of Special Counsel to assist in its investigation. The expert reports are attached as appendices to the Special Counsel's Final Report.

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The Final Report contains new conclusions as to whether government employees covered up evidence of the Hostage Rescue Team's firing of three pyrotechnic tear gas rounds four hours before the outbreak of the fire. After completing its investigation, the Office of Special Counsel has again ruled out the existence of a widespread conspiracy to cover up the use of the pyrotechnic tear gas rounds. In many cases, government agents did not disclose this information because they legitimately did not know that any pyrotechnic tear gas rounds were used. In some cases, the failure to disclose the information was due to negligence rather than "bad acts."

Significantly, however, the Office of Special Counsel concluded that certain members of the Department of Justice's trial team that prosecuted the Branch Davidians knew about the pyrotechnic tear gas rounds in 1993 and wrongly chose not to disclose this information to defense attorneys for the Davidians, to Congress, and to others within the Department of Justice. Danforth's Final Report is sharply critical of several of these individuals for obstructing his investigation by misleading investigators and attempting to cast blame on others in order to conceal their own role in this matter. The Final Report is also critical of the two FBI agents who were in charge of the evidence collection at the Branch Davidian complex.

Closely related to these conclusions, a federal grand jury sitting in St. Louis today returned an indictment against former Assistant United States Attorney William Johnston, one member of the trial team that prosecuted the Davidians. The five-count indictment charges that Johnston obstructed Danforth's investigation and made false statements to Danforth's investigators.

The charges set forth in an indictment are merely accusations and each defendant is presumed innocent until and unless proven guilty.

Because of the pending indictment, the Office of Special Counsel has redacted some portions of its Report as required by (1) the Federal Rules of Criminal Procedure; (2) the Department of Justice's guidelines regarding the treatment of individuals under indictment; and (3) the need to protect law enforcement sensitive information. At such time as these redactions are no longer necessary, the Department of Justice will make available an unredacted version of the Report.

Special Counsel Danforth will be available to answer questions regarding the Report between 3:00 p.m. and 4:00 p.m. this afternoon (central time) at the Office of Special Counsel in St. Louis. A copy of the Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas can be viewed or downloaded from the Special Counsel's Internet site at

www.osc-waco.org