

Lawsuits mark two-year anniversary of Branch Davidian compound assault

Relatives seek over \$1.5 billion in punitive and compensatory damages from the federal government.

HOUSTON (AP) — Attorneys announced a pair of lawsuits — seeking more than \$1 billion in damages — against the federal government Monday, two years after agents gathered in Waco for the ill-fated raid on the Branch Davidians' sprawling home.

The federal cases in Houston came a day before the statute of limitations for such civil actions expires.

Together, they seek over \$1.5 billion in punitive and compensatory damages for relatives of Davidians killed in the two-month confrontation between the group and federal agents.

Joe Kroviski, a Justice Department spokesman in Washington, said officials hadn't seen the lawsuits and would have no comment Monday.

About 100 agents from the Bureau of Alcohol, Tobacco and Firearms arrived in cattle trailers at the home of David Koresh and his disciples on Feb. 28, 1993. They were attempting to arrest Koresh for alleged weapons violations.

Four agents and six cultists

were killed in an ensuing gun battle. Seventy-nine Davidians, including Koresh and 18 children, died 51 days later, when an inferno engulfed the complex. The government blames Davidians for the fire; group supporters say government agents were at fault. Nearly a dozen civil lawsuits have since been filed by both federal agents and Davidians. None have come to court yet.

One of the latest cases accuses the government of negligence that resulted in excessive force in the initial assault and the ensuing siege. It also says officials ignored alternative strategies that might have shortened the standoff and saved lives.

Houston attorney Michael Caddell, whose law firm handled the case, said he represents the estates of 28 deceased Branch Davidians, 74 relatives of those killed and 10 surviving group members. The case seeks more than \$1 billion in compensatory and punitive damages.

Caddell admits that the Davidians bear some blame for the tragedy, adding that, "What we're about is asking the government to accept its share of the responsibility for what happened."

"Our sorrow goes out to those families of the law enforcement officers who died ... just as they go out to the Davidians," he said. "All of those are victims of government abuse of power."

Caddell last year sued individual ATF and FBI leaders over their handling of the siege. The latest action amends that case to include the U.S. government under the Federal Tort Claims Act.

Another lawsuit filed Monday alleges that federal agents "willfully, wantonly and intentionally planned an illegal, violent, paramilitary operation

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— Michael Caddell
Attorney for Branch Davidians

which they knew or should have known would result in unnecessary violence, personal injury and loss of life."

Houston attorney James Brannon said he filed the case

on behalf of New York lawyer and former U.S. Attorney General Ramsey Clark, who represents 56 relatives of Davidians and a few surviving group members.

Brannon said Clark is seeking \$10 million in damages for each plaintiff and another \$7.5 million for the Branch Davidians at-large.

Clark did not immediately return telephone calls from The Associated Press Monday.

The difference between the two cases is that while Caddell's suit alleges government negligence, Clark's lawsuit alleges government intent to kill the Davidians.

Brannon, who represents the estates of three Koresh children in a separate case, said Clark believes he can prove that agents acted with intent.

"I'm fairly certain that a lawyer of his caliber wouldn't make such accusations lightly," Brannon said. "This is a fundamentally different approach than any of the other lawsuits."

Joe Phillips, an attorney working with Caddell, said he wanted to distance himself from the harsh claims.

"Those sorts of wild accusations ... just damage our credibility," Phillips said.

All the attorneys said it will be years before any of the cases make it to trial.

Crews work to scoop up balls of tar from tanker spill

The spill occurred more than three weeks ago, but the cleanup is just beginning along the Texas Gulf Coast.

(AP) Cleanup crews hit the beach Monday to scoop up globs of tar that have washed up along 40 miles of Padre Island from a Norwegian oil tanker spill more than three weeks ago.

"Some of the tar balls are dime-size and some of them are basketball-size," said Bob Mann, spokesman for the Texas General Land Office.

Officials said some areas within the 40-mile stretch from near Port Aransas to about 15 miles north of the Mansfield Cut had no visible impact. Other areas had heavy concentrations of tar globs.

More than 300 workers lined the Gulf of

Mexico side of Padre Island, using hand shovels and machinery to collect the batches of crude oil. Sixty workers initially were dispatched to Padre Island when tar balls first appeared during the weekend.

"It is larger, and it seems to be getting heavier that we thought it would be," Mann said. However, he said that nearly all of the 37,800 gallons of oil that spilled from the Berge Banker on Feb. 5 have already washed ashore.

The Berge Banker, owned by Bergesen dy As of Oslo, Norway, collided with a smaller Norwegian tanker about 55 miles offshore from Galveston Bay.

The spill dispersed into smaller concentrations, with some globs traveling more than 150 miles before reaching land three weeks later.

Officials said the company's contractors tried to skim the spill offshore near the accident site, but much of the heavy crude sank below the surface.

"We skimmed up as much as could be found. But when it acts, as I call it, like a submarine, you can't find it," said Frank Gonynor, a spokesman for Gard, the tanker company's Norwegian insurance company.

The blotches of oil first came ashore along Matagorda Island more than a week ago. Mann said the Matagorda cleanup is nearly completed, but efforts on Padre Island likely will last through the end of this week.

Gonynor estimated that the cleanup bill will total \$2 million. He said the company quickly assumed financial responsibility for the cleanup, which is being conducted by private contractors, the General Land Office and the U.S. Coast Guard.

"We've been here, and we haven't hesitated to get involved," he said.

At least eight birds were covered by oil, said John Lujan, a spokesman for Padre Island National Seashore, which covers most of the affected shoreline.

Smoking inmates fume over tobacco ban

Beginning Wednesday, possession of tobacco will become illegal in Texas prisons.

HUNTSVILLE (AP) — Texas prison inmates who smoke have just one more day to indulge in their habit: on Wednesday, possession of tobacco becomes illegal throughout the 100,000-inmate system.

"Like anybody withdrawing from a habit, there's some people who are on edge — irritated," said Larry Fitzgerald, spokesman for the Texas Department of Criminal Justice institutional division.

Fitzgerald said the supply of cigarettes has been dwindling since commissary stopped selling them about a month ago.

The impending ban applies not only to the system's inmates, but its employees on state property as well. "From what I have seen there have been less and less of them standing outside the building smoking. They're preparing themselves," Fitzgerald said. But not everyone is ready.

"This place is on the edge of blowing up. There's going to be a lot of people hurt when it does. I hear 'em talking about killing," said death row inmate Henry Lee Lucas.

Lucas told the Fort Worth Star-Telegram that the price of what used to be a \$5 can of roll-your-own tobacco jumped in recent weeks to \$20, then \$50 and finally \$75.

The ban on tobacco and related products was approved in November by the Texas Board of Criminal Justice. It designates cigarettes, snuff and matches as contraband.

One prison official said an inmate at the Walls Unit sold \$1 raffle tickets for his tin of Bugler tobacco and collected about \$400.

"They're making us come down like a rock. That's the only way they can punish us without causing the courts to go haywire," Lucas said.

Lucas said he ran out of cigarettes more than a week ago, having used up a stockpile that he had hope would last until his scheduled March 15 execution date.

Non-smoking inmates said they're thrilled by the new rule.

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