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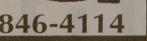
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Former official: FBI fired on Branch Davidia Far-

DALLAS (AP) — The FBI fired two pyrotechnic tear gas grenades on the day the Branch Davidian complex burned, killing David Koresh and more than 80 of his supporters, a former FBI official said.

Page 8 • Wednesday, August 25, 1999

This is a direct contradiction to what the government has been saying since the day of the fire at the compound outside Waco.

Danny Coulson, founding commander of the FBI's hostage rescue team and a deputy assistant FBI director at the time of the Waco incident, told The Dallas Morning News in a copyright story published Tuesday that two devices known as M651 CS tear gas grenades were fired from FBI grenade launchers hours before the

compound erupted in flames on April 19, 1993. They were used with permission from FBI supervisors, he said.

Coulson, however, said the pyrotechnic grenades played no role in starting the fire. The fire did not start there. That's a lot of nothing," he said, noting that the fire erupted

shortly after noon. Independent arson investigators concluded it began simultaneously in three separate places

inside the compound. The FBI, using listening devices, recorded conversations of Davidians discussing spreading fuel and planning a fire hours before the

Arson investigators also found evidence that five different accelerants, including gasoline, charcoal lighter fluid and camp stove fuel, had been poured inside the compound.

Accusations that the FBI started the fire have been consistently denied by the federal

"The stance has always been that they used no pyrotechnics out there that day."

> -Capt. David Byrne Retired FBI agent

The FBI used only nonburning devices to insert tear gas into the compound because of fears that pyrotechnic tear gas grenades might spark a fire in the flimsy wooden structure, government officials have always contended.

The statement by Coulson, suspended by the FBI for his actions during the 1992 siege at Ruby Ridge, marks the first time any government of ficial has publicly contradicted those claims.

A U.S. Justice Department spokesperson de-

nied again Monday that any pyroted

"We are aware of no evidence to su notion that any pyrotechnic devices w by the federal government on April 19, Department spokesperson Myron Mar the newspaper. "We've said that all alm

The issue of whether the FBI rotechnic devices that day is a major an ongoing inquiry by the Texas Rang a key allegation in a pending federal ful-death lawsuit filed against the gov by surviving Davidians and families who died.

A former Texas Ranger captain who the investigation of the 1993 tragedy son's statement is "mind-boggling" devices played no role in the fire.

"The stance has always been that no pyrotechnics out there that day," C Byrne, who retired from the agency 1996, said. "There are some serious of olations if they did. They have testiff have done it before Congress. They h it in court.

"They've caused other people to be there were no pyrotechnics used, hes that turns out not to be right, then so will have some serious problems on a level." Byrne said.

Bush's Supreme Court appointees "conservative," study sa

Gov. George W. Bush's appointees to the Texas Supreme Court, while conservative on the issues, have had a modthrough their posi-

erating influence tions on procedure and evidence,

said the author of a new study. "I think the Bush appointees are dragging it back towards the center," Walt Borges, director of Court Watch, said Tuesday. Court Watch is a project of Texas Watch, whose members include insurance consumers and funding sources include trial lawyers and other attorneys.

Borges said the appointees of Bush, now the Republican presidential front-runner, are "die-hard conservatives" on the merits of cases. But he said they are conservative on procedure.

They are going to make everybody play by the same rules," he said. "There are less cases each year in which the court seems to be going out of its way to bail out a defendant that has made some major procedural error.

Chief Justice Tom Phillips said he had not seen the Court Watch study, but he disputed the idea that rules have been bent to further a conser-

"The court has not bent the rules to favor a particular litigant or a particular interest. We apply the law to the facts of each case as they arise," Phillips said.

The "New Guard" on the all-Republican, nine-member court includes four justices appointed initially by Bush - Greg Abbott, James A. Baker, Al Gonzales and Deborah Hankinson — plus Justice Harriet O'Neill, elected last year, Borges said.

Abbott, Baker and Hankinson each have won elections to keep the seats to which they were appointed. Gonzales was named to the bench less than a year ago.

Borges said the current court ap pears less likely to use its power to intervene in cases before a trial court decision is reached, less like-

likely apply a stricter stan upholding summary judg favor of defendants.

But he added, "This mean that consumers an individuals have nothing would still advise them of the Texas Supreme Cour if it gets up there on a que law the interpretation is go conservative.

Court Watch, in its of court decisions, said inju sumers and others suing nomic damages or phy saw their wins inch up to 2 between August 1998 a 1999, from 24 percent the pro one-year period.

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