

REPORT TO THE DEPUTY ATTORNEY GENERAL ON THE EVENTS AT WACO, TEXAS: THE AFTERMATH OF THE APRIL 19 FIRE

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Report to the Deputy Attorney General on the Events at Waco, Texas

February 28 to April 19, 1993

XIII. The Aftermath of the April 19 Fire

A. Introduction

Immediately following the April 19 fire the Texas Rangers, working with the FBI, arranged to take command of the remains of the compound for purposes of conducting a thorough crime scene search. In addition, an arson team consisting of experts from throughout the United States was assembled to determine the cause of the fire. The search lasted approximately three weeks. The arson report was completed on July 13, 1993. Autopsies were conducted on the bodies recovered from the scene.

Processing the scene was important for three primary reasons: (1) to locate the bodies of all those killed on April 19, so that autopsies could be performed; (2) to determine the cause of the fire; and (3) to search for evidence that could be used in prosecuting the surviving Davidians who were responsible for the deaths of the ATF agents on February 28.

B. Processing the Crime Scene

The Texas Rangers assumed primary responsibility for combing through the crime scene and recovering evidence. The FBI provided substantial assistance to the Rangers in performing this task. By Monday, May 3, 1993 the Rangers had recovered the remains of 75 bodies at the scene. When added to the nine persons who survived the fire, the 35 who had departed the compound during the standoff (between February 28 and March 23), and the five buried bodies of Davidians killed on or about February 28, this meant that approximately 124 persons were inside the compound at the time of the initial shootout, leaving 84 remaining at the time of the fire on April 19. Details of the autopsies and causes of death of the Davidians who dies both in the initial ATF shootout and in the April 19 fire will be discussed below.

In addition, by May 3 the Texas Rangers had recovered 305 firearms from the compound, and approximately 1.9 million rounds of "cooked off" or spent ammunition. Among the firearms found were at least 20 fully automatic AK-47 assault rifles; at least 12 fully automatic AR-15 assault rifles; at least two .50 caliber semi-automatic rifles; and anti-tank armor-piercing ammunition.

The actual search of the remains of the compound was conducted systematically and methodically. The Rangers divided the physical area of the compound into sectors, rows and grids, then formed teams comprised of Rangers, FBI and other technicians, and other law enforcement agents. The teams combed through each sector, identifying each item they found and pinpointing its location by sector, row and grid number. Each item (or group of items found at a particular point) were assigned exhibit numbers and photographed. At the conclusion of each search a crime scene report was prepared listing all the items found in the search of that particular team's sector.

The search of the compound area turned up thousands of items, including hundreds of exploded shells, fired shells, and bullets; Kevlar helmets and vests; camouflage outfits; hand grenades; pistols; rifles; shotguns; rocket projectiles; gas masks; chemical warfare suits; military assault knives; and fuel cans. Perhaps the most

important area searched was the bunker, where a large concentration of bodies, weapons and ammunition were found. The Texas Ranger's report of the search of the Bunker is jarring in its recounting of what the search team found. Following are excerpts from that report:

- "1. . . . The interior of the concrete-bunker was used as storage for ammunition, weapons, explosive devices, and water.
2. The entire interior was approximately three feet deep in expended and non-expended rounds of various caliber ammunition. Due to the magnitude of the cook-off rounds, counting the individual rounds would be monumental and not feasible, therefore, the rounds were removed by grain scoops (shovels).
7. The live ammunition . . . is not included in this count. Several fully loaded thirty round clips were located.
8. The predominate caliber was .223, although several containers of .50 caliber shells were located.
9. In addition to the ammunition, a live grenade was located on the floor in the same area as the remains of several bodies.
10. Also located and submitted for analysis were several knives, bayonets and gas masks. . . .
11. As the ammunition was removed, the remains of human bodies which had been underneath the cooked off rounds was discovered. . . . A total of thirty-two bodies were removed from the bunker.
12. The remains were that of men, women and children. . . .
13. During the actual search, several firearms were located and submitted, which included rifles, shotguns, semi-automatic and revolver handguns.
14. The west wall . . . was the primary location of the firearms. A wooden gunrack which was destroyed by fire ran the entire length of the wall. . . . one hundred and eleven firearms were located against the west wall
15. . . . At the conclusion of processing the floor [of the bunker], an additional 22 firearms were located.
16. The east wall had a large refrigerant cooler against it which was also destroyed by the fire. After removing the outer metal walls of the cooler, it was determined the cooler had been used to house water containers which held up to five gallons. In addition to the water containers, several of which still held water, there were several cases of one gallon apple juice bottles. . . ."

The most recent estimate is that 390,960 rounds of ammunition were found inside the compound.

C. Identification of Bodies/Medical Examiner Reports

The Tarrant County Medical Examiner's office, assisted by a team of anthropologists from the Smithsonian Institution, assisted in recovering the remains of the persons killed during the fire, as well as the remains of those Davidians killed during the February 28 shootout whose bodies had been buried just outside the compound. The remains were taken to the Medical Examiner's office, where autopsies and identifications were conducted.

The Medical Examiner has concluded that 75 persons died inside the compound during the April 19 fire, including 50 adults and 25 children under the age of 15. Positive identifications have been made for 35 of those persons, including 32 adults and 3 children. 40 bodies remain unidentified. For many of the children it is possible to speculate as to their identity given the proximity of their bodies to specific adults (presumably their parent or parents), but positive identification may not be possible until further tests, including DNA tests, are conducted.

The Medical Examiner found no traces of narcotics or other controlled substances in any of the bodies recovered from the compound. Carbon Monoxide was found in 50 of the bodies, at saturation levels varying widely, from 10% to 79%. One body contained traces of benzene, a chemical found in gasoline, paint removers, and other commercial solvents. Benzene was also one of the chemicals comprising the CS tear gas.

It is impossible to know how many of the persons inside the compound inhaled the tear gas, because the last gas insertions ended nearly an hour before the fire ended. That lapse of time would have been sufficient for the CS gas to have dissipated from any of the bodies in which it might have been present earlier.

1. Branch Davidians Killed During February 28 Shootout

Regarding those Davidians who were killed in the February 28 ATF shootout, the results of the autopsies were as follows:

Peter Gent

Gent, an Australian citizen, died of a gunshot wound of the chest. Gent had been shooting at the ATF agents from the tower, when an ATF sniper shot him. His body was identified from dental records. He was 24 years old.

Winston Blake

Blake died of a high velocity, close range entry gunshot wound of the head. His body was identified from dental records. He was 28 years old.

Jaydean Wendel

Wendel died of a gunshot wound of the chest. Her body was identified from dental records. She was 34 years old.

Peter Hipsman

Hipsman died of multiple gunshot wounds of the head and abdomen. The two gunshot wounds to the head were close contact. His body was identified from dental records. He was 28 years old.

Perry Jones

Perry Jones died of a gunshot wound of the mouth. His body was identified from dental records. He was 64 years old.

2. Identified Branch Davidians From April 19 Fire

With regard to those Davidians who died on April 19, the results of the autopsies for those whose bodies could be positively identified were as follows:

David Koresh

Koresh died of gunshot wound to the forehead. His body was found in the communication room on the first floor of the building, nearby the door. A rifle barrel was found on the floor near his body. A piece of grenade shrapnel was also found in Koresh's body, but that wound probably occurred post-mortem, when ammunition was exploding during the fire. Koresh's body was identified from dental records. He was 33 years old.

Rachel Koresh

Rachel Koresh was buried alive inside the bunker. She died of suffocation. Her body was identified from dental records. She was 23 years old.

Steve Schneider

Schneider died of a gunshot wound to the mouth. His body was also found in the communication room. He was identified from dental records. He was 48 years old.

Judy Schneider

Judy Schneider was buried alive when the bunker collapsed. She died of suffocation. She was identified from fingerprints. She was 41 years old.

Ray Friesen

Friesen, a Canadian citizen, died of smoke and carbon monoxide inhalation. His body was found in the stage area of the chapel. He was identified from dental records. He was 76 years old.

Floyd Houtman

Houtman died of smoke and burns from the fire. His body was found in the auditorium area. He was identified from dental records. He was 61 years old.

Livingstone Malcolm

Malcolm, a British citizen, died of smoke and carbon monoxide inhalation. His body was found in the stage area near the chapel. He was identified from dental records. He was 26 years old.

Douglas Wayne Martin

Martin died of smoke inhalation and burns from the fire. His body was found in the auditorium area. He was identified from dental records. He was 32 years old.

Mark Wendel

Wendel died of burns from the fire. His body was found in the communications room, along with Koresh and Schneider. He was identified from X-rays. He was 37 years old.

Sonia Murray

Murray, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area. Her body was identified from dental records. She was 29 years old.

Jennifer Andrade

Andrade, a Canadian citizen, died of smoke and carbon monoxide inhalation. Her body was found in front of the bunker. Her body was identified from dental records. She was 19 years old.

James Riddle

Riddle died of a gunshot wound of the forehead. His body was found in the kitchen area. He was identified from a fingerprint comparison. He was 32 years old.

Stephen Henry

Stephen Henry, a British citizen, died of a near contact gunshot wound of the forehead. His body was found by the stairs near the kitchen/serving area. His body was identified from dental records. He was 26 years old.

Philip Henry

Philip Henry, a British citizen, died of gunshot wounds of the chest and head. His body was found in the kitchen/serving area. His body was identified from dental records. He was 22 years old.

Susan Benta

Benta, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the hallway west of the kitchen/serving area. Her body was identified from dental records. She was 31 years old.

Yvette Fagan

Yvette Fagan, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the hallway near the men's quarters. Her body was identified from dental records. She was 30 years old.

Doris Fagan

Doris Fagan, a British citizen, died of smoke and carbon monoxide inhalation. Her body was found in the hallway near the men's quarters. Her body was identified from dental records. She was 60 years old.

Katherine Andrade

Katherine Andrade, a Canadian citizen, died of smoke and carbon monoxide inhalation. Her body was found in the bunker. She was identified from dental records. She was 24 years old.

Alrick Bennett

Bennett, a British citizen, died of smoke and carbon monoxide inhalation. His body was found on top of the bunker. He was identified from dental records. He was 35 years old.

Rebecca Saipaia

Saipaia died of burns from the fire. Her body was found on top of the bunker. She was identified from dental records. She was 24 years old.

Novellette Hipsman

Hipsman, a British citizen, died of gunshot wounds of the chest and head. Her body was found on top of the bunker. Her body was identified from dental records. She was 36 years old.

Neal Vaega

Vaega died of a gunshot wound of the head. His body was found on top of the bunker. His body was identified from dental records. He was 36 years old.

Pablo Cohen

Cohen, an Israeli citizen, died of smoke and carbon monoxide inhalation. His body was found on top of the bunker. His body was identified from dental records. He was 28 years old.

Lisa Marie Farris

Farris died of a gunshot wound of the head. Her body was found in the kitchen/serving area. Her body was identified from dental records. She was 24 years old.

Mary Jean Borst

Borst died of a gunshot wound of the back. Her body was found in front of the bunker. She was identified from dental records. She was 39 years old.

Martin Wayne

Wayne died of smoke and carbon monoxide inhalation. His body was found in the bunker. He was identified from dental records. He was 20 years old.

Michelle Jones

Jones died of smoke and carbon monoxide inhalation. Her body was found in the bunker. She was identified from dental records. She was 28 years old.

Joseph Martinez

Joseph Martinez died of smoke and carbon monoxide inhalation. His body was found inside the bunker. His body was identified from dental records. He was 8 years old.

Juliette Martinez

Juliette Martinez died of smoke and carbon monoxide inhalation. Her body was found inside the bunker. She was identified from dental records and fingerprint comparisons. She was 30 years old.

Audrey Martinez

Audrey Martinez was buried alive inside the bunker. She died of suffocation. She was identified from dental records. She was 13 years old.

Abigail Martinez

Abigail Martinez died of a gunshot wound of the head. Her body was found inside the bunker. She was identified from dental records. She was 11 years old.

Rosemary Morrison

Morrison, a British citizen, was buried alive inside the bunker. She died of suffocation. She was identified from a fingerprint comparison. She was 29 years old.

3. Unidentified Branch Davidians From April 19 Fire

The following bodies remain unidentified as of the date of this report. The bodies are referred to by the numbers assigned them upon their discovery at the compound.

Doe 4

Doe 4, a 30-45 year old male, died of smoke inhalation and burns from the fire. His body was found in the auditorium area.

Doe 9

Doe 9, an approximately 50 year old male, died of smoke and carbon monoxide inhalation. His body was found in the kitchen/serving area.

Doe 11

Doe 11, a 25-35 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 13

Doe 13, a 30-50 year old female, died of multiple fractures of the cervical spine, caused by blunt force trauma probably associated with a fall. Her body was found in front of the bunker.

Doe 14

Doe 14, a 30-39 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 15

Doe 15, a 35-50 year old male, died of burns from the fire. His body was found in the kitchen/serving area.

Doe 16

Doe 16, a 22-28 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 17

Doe 17, a 22-40 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 18

Doe 18, a 17-35 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 19

Doe 19, a 35-50 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the kitchen/serving area.

Doe 24

Doe 24, a 20-50 year old female, died of smoke and carbon monoxide inhalation. Her body was found in a hallway.

Doe 26

Doe 26, a 15-19 year old female, died of burns from the fire. Her body was found in a hallway.

Doe 28

Doe 28, an approximately 50 year old female, died of smoke and carbon monoxide inhalation. Her body was found in a hallway.

Doe 29

Doe 29, a 25-35 year old female, died of burns from the fire. Her body was found in a hallway.

Doe 31A

Doe 31B, a 15-20 year old female, died of a gunshot wound of the left chest. Her body was found in the bunker.

Doe 31DE

Doe 31DE, an 11-14 year old (sex undetermined), died of gunshot wounds of the left head.

Doe 32

Doe 32, a 25-45 year old male, died of smoke and carbon monoxide inhalation. His body was found in the bunker.

Doe 33

Doe 33, a 2-3 year old boy, died of a stab wound to the left chest. His body was found in the bunker.

Doe 40

Doe 40, a 27-40 year old male, died of burns from the fire. His body was found on top of the bunker.

Doe 44

Doe 44, a 27-40 year old male, died of a gunshot wound of the left chest. His body was found in the kitchen/serving area.

Doe 47A

Doe 47A, a 22-28 year old male, died of a gunshot wound of the head. His body was found in the bunker.

Doe 51A

Doe 51A, a two year old girl, died of smoke inhalation. She was found in the bunker, adjacent to Judy Schneider's body.

Doe 53

Doe 53, a 5-6 year old girl, died of a gunshot wound of the left chest. Her body was found in the bunker.

Doe 57

Doe 57, a 6 year old girl, suffocated inside the bunker.

Doe 59

Doe 59, a 14-19 year old girl, died of blunt force craniocerebral trauma. Her body was found in the bunker.

Doe 62

Doe 62, a one year old child (sex undetermined), suffocated in the bunker.

Doe 63

Doe 63, a one year old girl, died of craniocerebral trauma due to a blunt force injury. Her body was found in the bunker.

Doe 64

Doe 64, a one year old girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 65

Doe 65, a baby girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 66

Doe 66, a 30-50 year old female, died of multiple gunshot wounds of the left back and thorax. Her body was found in the bunker.

Doe 67-1

Doe 67-1, a 5-6 year old girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 67-2

Doe 67-2, a 7-8 year old boy, was buried alive and suffocated in the bunker.

Doe 67-4

Doe 67-4, a 1-2 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 67-5

Doe 67-5, a one year old girl, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

Doe 67-6

Doe 67-6, a 14-18 year old girl, was buried alive and suffocated in the bunker.

Doe 67-7

Doe 67, a two year old child (sex undetermined), died of uncertain causes, probably trauma, asphyxia, or suffocation. The body was found in the bunker.

Doe 67-8

Doe 67-8, an infant (sex undetermined), died of a gunshot wound of the head. The body was found in the bunker.

Doe 69

Doe 69, a one year old baby (sex undetermined), died of smoke and carbon monoxide inhalation. The body was found in the bunker.

Doe 70

Doe 70, a 2-3 year old female, died of suffocation in the bunker.

Doe 74

Doe 74, a 7-8 year old child (sex undetermined), died of unknown causes. The body was found in the bunker.

Doe 75

Doe 75, a 25-35 year old female, died of smoke and carbon monoxide inhalation. Her body was found in the bunker.

D. The Arson Investigation**1. Introduction**

Immediately after the April 19 fire the Texas Rangers assembled a team of independent arson investigator to conduct an investigation to determine the cause of the fire. The team consisted of Paul Gray (Houston Fire Department); William Cass (Los Angeles Fire Department); John Ricketts (San Francisco Fire Department); and Thomas Hitching (Alleghany County, Pennsylvania Fire Department). The team also used a specially trained chemical accelerant detection dog (and two dog handlers) from the Alleghany County Fire Department. A Texas Ranger Sergeant assisted the team.

The team based its conclusions on their examination of the scene, the dog alerts to various items of evidence found at the scene and to various items of clothing worn by survivors of the fire, and videotapes of the fire provided by the FBI, including an infrared aerial video. The arson investigators released their report on July 13, 1993.

The arson team concluded that the fire was deliberately set by one or more persons inside the compound. The fire had three separate points of origin. The arson investigation established that those fires occurred in areas significantly distant from one another, but within such a short time frame that it was not possible for the fire to have been accidentally set or for it to have been caused by a single ignition.

2. The Arson Report

The arson report identifies three points of origin for the fire. The investigators were able to determine these points of origin based on the videotapes of the fire, including the infrared aerial tape, provided by the FBI. The items found at the scene, including the presence of fuel containers in certain locations and the presence of chemical accelerants, confirmed the finding of three separate points of origin.

The report identifies the three points of origin as follows:

-- Point of origin 1 was the second floor, front section of the building, southeast corner.

-- Point of origin 2 was the first floor, mid-section of the building in or near the area identified as the dining room.

-- Point of origin 3 was the first floor, right side (east side) of the building in the area identified as the chapel.

According to the report, the fire started at each point of origin, and intensified, at the following times (all times are Central Time):

12:07:41 -- Incipient fire first observed at point of origin number one.

12:08:49 -- Fire observed at point of origin number two. This fire was already beyond the incipient stage when it was first observed, indicating that it had started some moments earlier.

12:09:30 -- The fire at point of origin number one had increased in intensity, to the point of full room involvement.

12:09:42 -- Flames at point of origin number one were observed venting through windows on the second floor.

12:09:45 -- Fire was visible at point of origin number three. The fire was at the incipient stage when first seen, but it rapidly intensified to the point that the fire had a visible flame extending beyond the room in which it started.

12:10:22 -- Point of origin number three had spread rapidly, and now had fully involved the gymnasium.

12:11:00 -- The fire was spreading rapidly throughout the entire building.

Given this short lapse of time, and the distance between the three separate points of origin, the arson team concluded that the fire could not have been caused at a single point of origin or by accident.

The arson team then discussed those factors that enhanced the spread of the fire. First, the team noted that the compound building had been poorly construction, with apparently no attention to fire safety. The team noted that the building "appears to have been built with a total disregard to any reasonable concern for fire prevention, especially considering its intended use as living quarters for numerous people."

Second, the arson team attributed the rapid spread of the fire to the strong winds prevailing on April 19.

Third, the arson team found that the openings created in the building's structure by the FBI during the six hours of the tear gas operation also helped vent the fire. However, the team also noted that the FBI's actions would have allowed more fresh air to flow through the structure while it was burning, thereby reducing the concentration of carbon monoxide and permitting more "breathable" air to reach those trapped inside.

Fourth, the unusually large amount of combustible material stored inside the compound contributed to the rapid spread of the fire.

Finally, the absence of fire suppression was a minor factor. The arson team explained that given a fire of this intensity and magnitude, it would have been difficult for a fire fighting team to have halted the fire.

The arson team also discussed the efforts of the arson detection dog. The dog alerted to the presence of chemical accelerants at numerous points throughout the compound, including at the three points of origin. The dog was also exposed to various items of clothing taken from the survivors of the fire, and the dog alerted to the presence of chemical accelerants on several pieces of that clothing.

The team submitted 100 samples of fire debris and clothing to which the dog had alerted to a laboratory for chemical analysis. The laboratory items consisted of various items of clothing taken from the survivors, as well as debris recovered from the remains of the compound. The laboratory tests found kerosene on Misty Ferguson's shoes; camp stove fuel on Clive Doyle's shoes; camp stove fuel and kerosene on Derek Lovelock's clothing and shoes; kerosene and gasoline on Graeme Craddock's left shoe; and camp stove fuel on Jaime Castillo's shoes. From the other items of debris found in the fire the laboratory tests determined the presence of gasoline, charcoal lighter fluid, kerosene, and a heavy petroleum distillate.

Finally, the arson team addressed whether the fire could have been started by the FBI's deployment of tear gas into the compound. The team concluded that "the fire was not caused by nor was it intensified by any chemicals present in the tear-gassing operations." The team noted that the two methods used to deliver the gas were non-incendiary. The pressurized gas delivered through the combat engineering vehicles was sprayed through a nozzle using carbon dioxide as the propellant. The team noted that carbon dioxide would be incapable of igniting, and might even have acted as a fire inhibiting agent. The other method -- 40 mm Ferret cartridges delivered by an M79 hand-held launcher containing a nonburning, nonexplosive liquid agent containing methylene chloride as the carrier -- could not have had any incendiary effect either.

The arson team likewise concluded that, given the multiple simultaneous points of origin, the fire could not possibly have been started by a ferret round entering a window and knocking over a container of flammable liquid. Moreover, the arson team concluded (contrary to a theory that has been advanced by certain people) that the fire could not have been started by one of the combat engineering vehicles rupturing a propane container and igniting it. If that had happened, according to the report, "an immediate vapor air explosion or flash fire would have occurred involving the vehicle itself. It did not happen."

The arson team noted that the tear, gas delivery methods that had been selected evidenced the FBI's concern for eliminating potential fire hazards. The team concluded, however, that:

In choosing the products selected, a significant degree of effectiveness may have been sacrificed in favor of safety. In fact, when all factors are considered, including the strong winds, the large openings in the building as a result of the CEV operations, the relative weakness of the tear gas selected, and the use of gas masks by the occupants, the entire gassing operation may be viewed as a failure with the possible exception of a psychological effect. Nevertheless, we are of the opinion that these operations did not contribute to the ignition or spread of the fire.

Finally, the team noted that, based on its investigation, "a great many of the occupants could have escaped to the outside of the compound even as the building burned. . . . [C]onsidering the observable means of exit available, we must assume that many of the occupants were either denied escape from within or refused to leave until escape was not an option."

3. The Fire Development Analysis

In addition to the arson investigation, which focused on the cause and origin of the fire, two experts from the University of Maryland's Department of Fire Protection Engineering traveled to Waco to investigate how the fire had developed and spread. Those two experts prepared a written "Fire Development Analysis" dated September 8, 1993. They reached the following conclusions:

1. The fires in each of the three points of origin grew very quickly, each resulting in full room involvement within two minutes of initiation.
2. The rapid growth rates of the fires resulted from an ignition source, probably liquid fuel, deliberately placed in each of the three points of origin.
3. The rapid growth rates of the fires could not have been caused by a CEV accidentally tipping a lantern, nor by the chemical (methylene chloride) used as the dispersal agent for the CS tear gas.
4. The strong winds did not significantly affect the fire growth rates inside the compound. The wind affected the external spread of flames, but not the initial rapid growth of the three fires to full room involvement.
5. The tank-made openings on the first floor of the compound could have had some effect on the fire growth, but more likely provided fresh air to areas of refuge for some of the occupants.
6. The compound residents had sufficient time to escape the fire, if they had so desired.

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