

Interview With

CAPTAIN DAVID BYRNES
Texas Ranger, Retired

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Project:
Texas Rangers

Interview Conducted At Office Of
David Byrnes
Kaufman County Sheriff's Office
Kaufman, Texas
Saturday—January 7, 2006

Interviewed By:
Robert Nieman
Longview, Texas

Present At Interview: David Byrnes and Robert Nieman

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David Byrnes
Retired Texas Ranger

ROBERT NIEMAN:(tape begins in the middle of a sentence)....Texas. The purpose of this interview is to discuss Ranger Byrnes career as a Texas Ranger. Captain Byrnes, do I have your permission to record this interview?

DAVID BYRNES: Yes.

ROBERT NIEMAN: Captain Byrnes, you understand that this videotape will belong to you and to me?

DAVID BYRNES: Yes.

ROBERT NIEMAN: And finally Captain Byrnes, do I have your permission to present copies of this tape to various historical organizations such as museums, libraries and schools?

DAVID BYRNES: Yes.

ROBERT NIEMAN: All right, first of all, what is your full name and your current address?

DAVID BYRNES: My full name is David Allen Byrnes and I currently reside at 740 Martin Lane, Combine, Texas.

ROBERT NIEMAN: And when and where were you born?

DAVID BYRNES: Was born February 4, 1940 in Dallas, Texas.

ROBERT NIEMAN: And who were your parents?

DAVID BYRNES: My father was Leo Jeffers Byrnes and my mother was Martha Elizabeth Hurst Byrnes.

ROBERT NIEMAN: Are either one still living?

DAVID BYRNES: No, both are deceased.

ROBERT NIEMAN: And in chronological order, do you have any brothers and sisters?

DAVID BYRNES: Yes I have two brothers and four sisters. I have two brothers, Don and Mike, they're older than I . I have a sister Pat that's older than I am and I have three sisters younger, Sandra, Susan and Shara.

ROBERT NIEMAN: And what is your wife's name?

DAVID BYRNES: My wife's name is Janas.

ROBERT NIEMAN: And she spells that?

DAVID BYRNES: JANAS.

ROBERT NIEMAN: And for the transcriber, Captain spells his last name BYRNES. Okay, chronologically, do you have any children?

DAVID BYRNES: Yes I have a daughter Brandi Byrnes Sinclair, who has three grandsons...or three sons, they're my grandsons and I have a son Bobby Michael Byrnes that still lives at the home.

ROBERT NIEMAN: And Brandi spells her name BRAND....?

DAVID BYRNES: I.

ROBERT NIEMAN: I...ok. Okay Captain, where did you go to school?

DAVID BYRNES: I attended schools in Weatherford.

ROBERT NIEMAN: Is that where you were raised, Weatherford, Texas?

DAVID BYRNES: I was raised Weatherford, I...I... that's the only place I remember living, we moved there when I was an infant.

ROBERT NIEMAN: Ah...and you graduated from high school there?

DAVID BYRNES: No I did not graduate from high school, I joined the Navy when I was 17 and obtained a GED in the Navy and then went to college after I got out. I have an Associate Degree in Law Enforcement.

ROBERT NIEMAN: Where did you attend college?

DAVID BYRNES: I attended college at Weatherford Junior College, Tarrant County Junior College, Cook County Junior College, Arlington State which is now the University of Texas at Arlington.

ROBERT NIEMAN: Okay, let's go back to Navy, you joined the Navy when you were 17?

DAVID BYRNES: Yes.

ROBERT NIEMAN: And where did you ah....where did you attend basic?

DAVID BYRNES: In San Diego.

ROBERT NIEMAN: And what was your duties in the Navy?

DAVID BYRNES: In the Navy I was ...was a boson's mate, made E-4 and that was...which actually handles the deck duties, gunnery duties, just general duties of the Navy.

ROBERT NIEMAN: What years were you in the Navy?

DAVID BYRNES: I was in the Navy from August 6, 1957 to January 18, 1961.

ROBERT NIEMAN: Ah...during that period, anything special....I'm going to bring out...this is nothing, I guess, maybe extraordinary, but I remember you telling me one time about a bad storm that ah....of course what type of ship were you on?

DAVID BYRNES: Well the first ship I was on was a sea going tug, a fleet tug and ah...which was the smallest ship in the Navy at that time, about a 105 feet long, had about 65 men and officers on it. And I think what you're referring to, is one....the winter of 1958 and '59, the fall to the winter, they sent us up to the Allusion Islands, Adack, Alaska which is right where Alaska and Russia almost come together and it was a miserable time.

ROBERT NIEMAN: The Bering Strait.

DAVID BYRNES: The Bering Straits and ah...we ah...our main duty up there was to actually take the relief out....at that time we had the dew line was our early warning radar and low range stations up there and the Army manned those and we would take those relief's out every 30 days. And they also had a beer ration we'd take out there to them. We also would pick up the Allusion Indians at those remote islands where they couldn't get a seaplane in to take them to a sheltered harbor where a seaplane could land to fly them to the hospital. So we had ...it was always very heavy seas and I think one time, what I was telling you about, we took about a 47 degree roll and ah...had ...we were in seas where we had green water coming down upon the wheel house. And just unbelievable rough seas to be out in, but it was always rough up there.

ROBERT NIEMAN: You still in the tug then?

DAVID BYRNES: Yes.

ROBERT NIEMAN: Do you remember the name of the ships you were on?

DAVID BYRNES: USS Tawas was an ATF 92 and then I went to the USS St. Paul, heavy cruiser, CA-73 and then we took her overseas as a permanent flagship of the 7th Fleet.

ROBERT NIEMAN: On the tug can you....do you remember how to spell the name?

DAVID BYRNES: TAWASA.

ROBERT NIEMAN: Okay.

DAVID BYRNES: All those tugs, but they still have them, they have Indian tribe names.

ROBERT NIEMAN: Okay. And then... now on the....was the heavy cruiser you were on?

DAVID BYRNES: Yes.

ROBERT NIEMAN: And what were your duties there?

DAVID BYRNES: I was the deck Petty Officer there, E-4, and we were home ported ...permanently home ported in Japan and had the Commander of the 7th Fleet on board. And ah....

ROBERT NIEMAN: Who was that?

DAVID BYRNES: That was Admiral Caveat, was the first one, I forget who the second one was.

ROBERT NIEMAN: And where in Japan were you ported?

DAVID BYRNES: Yakuska and then we ...we pretty well made all the ports in the Far East, we crossed the equator, went down to Jakarta, Indonesia. And in 1959 and '60 we had four Presidents on that....on that ship. We had President Eisenhower, we had Shan Chi Shek from that time was Formosa, we had President Dem from South Viet Nam and we had President Sacarno from Jakarta, Indonesia there.

ROBERT NIEMAN: What was the occasion?

DAVID BYRNES: They...we had President Eisenhower on there when Shan Chi Shek came on board we were on a big amphibious operation down around the Philippines. And then the other two we actually went up to Saigon on a heavy cruiser, went up the Saigon River which was also quite an experience because that river is very winding. And Saigon is not a sea port town, it's way up the Saigon River. And we went up there and of course they had...as the Commander of the 7th Fleet, the Admiral was the ...if the Vice Admiral, three stars, well he was I guess the highest ranking person in that part of the world for the U.S. and they'd have receptions on board. And the same thing we went to Indonesia, they would have the President come on board and we'd have a reception for them.

ROBERT NIEMAN: Did ah...do you ever give any serious consideration about making the Navy a career?

DAVID BYRNES: I did, yes I thought about it and just decided to get out.

ROBERT NIEMAN: And you were an E-4 when you got out?

DAVID BYRNES: Yes.

ROBERT NIEMAN: Ah...when did you meet Janas?

DAVID BYRNES: I met Janas after I got out of the Navy, I came back to Weatherford and then I went back to California for awhile and then came back the second time and met her and we started dating and then got married.

ROBERT NIEMAN: When did ya'll get married?

DAVID BYRNES: Oh....a long time ago.

ROBERT NIEMAN: Might not ought to let Janas see this part of it.

DAVID BYRNES: Ah.... I was thinking '63.

ROBERT NIEMAN: Before we leave Weatherford, I have to ask, did you ever know Larry Hagman, J.R. Ewing?

DAVID BYRNES: Ah... I know the ah....his younger brother Gary Hagman, was actually ...I believe would be his half-brother. His dad, Ben Hagman was a very prominent attorney in Weatherford and a District Judge in my youth over there. And Gary Hagman was about my age and I think he went into the law and was probably a U.S. Attorney. But no I never knew Larry Hagman or Mary Martin.

ROBERT NIEMAN: Okay. Ah....you're out of the Navy, now what do you door you've gotten your GED while you are in the Navy.

DAVID BYRNES: Right.

ROBERT NIEMAN: Now then, what do you do after you get out of the Navy?

DAVID BYRNES: Well I worked at a ...various places, Stratoflex which was a outfit that was owned by Ken Davis Industries who...and the infamous Cullen Davis was President of that company, who you know, later on was in the news quite a bit for supposedly killing his estranged wife...or his step-daughter and shooting his estranged wife and a basketball player. Ah ...ultimately I went to machinist school.

ROBERT NIEMAN: Where at?

DAVID BYRNES: In Ft. Worth and went for 52 weeks, we'd go 30 hours a week at the machinist school and then I went to work atas a machinist at American Manufacturing, they had an oil tool division site out there, building pump jacks. Went to Bell Helicopter and then I went to work for a independent owner, a guy named Harry Logdon, he was also an airline pilot and started running a shop for him and I worked for him about 5 or 6 years. And then I decided I wanted to go into law enforcement, I'd always wanted to do that, and so I went to work for the Tarrant County Sheriff's department.

ROBERT NIEMAN: Did you have anybody in your family that had been in law enforcement or what spurred you to be a law man?

DAVID BYRNES: Well I had an uncle down in East Texas that had gottenthat was a city policeman in Rusk. But I had, you know, always wanted to be in law enforcement, had just had never done it. And then my older brother just I guess in about '64 he went to the Sheriff's department in Las Angeles County and so I had my older brother was in law enforcement.

ROBERT NIEMAN: Out in California?

DAVID BYRNES: Yes.

ROBERT NIEMAN: What did...when did you....and you went to work for the Ft. Worth Sheriff....or Tarrant County Sheriff's department.

DAVID BYRNES: Right.

ROBERT NIEMAN: What were your duties?

DAVID BYRNES: In 1969. I started out as a....

ROBERT NIEMAN: 196.....

DAVID BYRNES: '69.

ROBERT NIEMAN: Okay.

DAVID BYRNES: I started out as a dispatcher, I worked in dispatch probably for about three months, then went out as a patrol deputy. And then in March of 1970 I went to work ...or went to patrol school at DPS, the Highway Patrol recruit school.

ROBERT NIEMAN: Well when you decided to get into law enforcement was your objective then to get into the DPS or just....

DAVID BYRNES: I don't really I can't really say that I had that as a goal at the time. I had thought about, you know, going to DPS in years past and just had never made ...really I had never made the effort. But once I got in law enforcement, and of course wea Highway Patrolman would, you know, come ...come to the Sheriff's office, especially if I was dispatching. Of course one of the first ones that I met was Bobby Prince and then his partner Bob Daughtery who...of course Bob was later on killed in Denton as a Ranger. So that...that's really what got me, I think, convinced that I wanted to go to DPS.

ROBERT NIEMAN: Okay, so when did you enter DPS school?

DAVID BYRNES: March of 1970.

ROBERT NIEMAN: What was the school number, do you remember?

DAVID BYRNES: B...B school of 1970.

ROBERT NIEMAN: Ah...how long was school?

DAVID BYRNES: I believe it was 17 weeks at that time.

ROBERT NIEMAN: And that was at ?

DAVID BYRNES: Austin.

ROBERT NIEMAN: Okay, Camp Mabry is long closed by now isn't it?

DAVID BYRNES: Oh yes, yes.

ROBERT NIEMAN: Okay. It's MABRY I believe. Can you describe some of the events in school, what...what kind of training did you have?

DAVID BYRNES: Well it was like a heightened boot camp. I had a ...my partner in the Sheriff's department and I went the same time, it was a guy named Norman Wyatt. And of course the....Billy Melton was a Sergeant in Ft. Worth and ah....of course we had gotten to know all these people, and he was telling us how hard it was going to be and everything. And I remember the day that Norman and I were traveling to Austin, we were down about Temple, and we were talking about, you know, how rough it was going to be. Of course he had been through the Marine Corp. boot camp and actually was a bona fide hero, he had won the Silver Star at the Tet offensive in Viet Nam and was a stand up guy. And ah....so I remember his comment was, "Well you know, I made it through the Marine Corp. boot camp and I know I can make it through this". Well we go down there and of course they were just running us to death. And their favorite term at that time was, you know, I believe postage was six cents so, you know, "You can be replaced with a six cent stamp". They didn't try to keep you, they had about a 50% attrition rate at that time and that was constant. So at the beginning of the third week, I came down with pneumonia and ended up in the hospital down there and stayed five days in the hospital...well

actually....yeah, I went in on Monday afternoon and got out on Friday afternoon. And they first told me I had to drop out and then they decided that ...told the doctor that I could stay....they had a little sick bay at that time down there, a little infirmary up at the academy....that I could stay in bed a week and then they would start me back light duty, which is another story. But anyway, on the ...about mid-week of the...would have been the 4th week, Norman Wyatt and I were down there in my car and he comes into theafter breakfast into the infirmary there, of course I was in bed, this was about Wednesday, and said, “I need to borrow your car”. And I said....everybody was coughing and hacking, had a cold and it was still cold in the mornings and everybody was, you know, really respiratory problems from running in that cold wind and all that. He had ...his running shoes were a little small and it had jerked both of this big toenails loose, so his feet were real sore and he told me he was going to drop out. And in an effort to try to keep him there I said, “Well I thought you told me that if you’d made it through the Marine Corp. boot camp you could make that”. He said, “Hell I’d go through two Marine Corp. boot camps before I’d put up with this crap”. But it was tough.

ROBERT NIEMAN: Did he drop out?

DAVID BYRNES: Yes he did drop out, later on....he’s retired fromwent to Ft. Worth PD and made a career there and worked for the Tarrant County Sheriff’s Department... I mean the DA’s office now, the investigator. But ah...getting back to the light duty, when I came back the next week they released me on Monday afternoon, the doctor did, to go back and they were up to fifteen repetitions on all of the calisthenics and they'd been boxing. And they told me during the week, said, “Well if ...if you don’t get to box, then the last of the school we’ll put the ring back up and let you box”, you know I thought they will really make some people happy. But anyway, so ah... I fall in out there that afternoon, they took me....the counselor took me to the doctor

about noon and he released me, so we came back and so...for afternoon calisthenics. And so they told me to fall in and do it or go home, you know. So I did and ah...the ah...they put me in the boxing ring that afternoon and I had three fights. And the next morning we started running you know. So anyway, it was tough and it was...at that time we had...of course we had the first thirteen weeks was what they called Part I, that was basic. And we had a rather small school, we started with about 74 I think, two left the first night after orientation, we got up the next morning and I think we were down to 72. And we ended up graduating 35, but five of those went to driver's license, so they didn't do Part II, they actually went out in the field and worked in khaki's and the rest of us went through Part II Highway Patrol.

ROBERT NIEMAN: Which consisted of?

DAVID BYRNES: Four weeks and just....

ROBERT NIEMAN: And what....

DAVID BYRNES: ...strictly patrol training then, you know the ah....we'd gotten the basic stuff, but this was ...Part II was kind of a specialized Highway Patrol training.

ROBERT NIEMAN: What did that consist of?

DAVID BYRNES: Oh it was I think ah....you know I don't recall just exactly how it was broken up, but I think it was more firearms and moreprobably more driving and more accident investigation. A lot more violator contact, a lot more on the Uniform Act at that time, all of the traffic laws were under the 6701d, which is the Uniform Act. And so we did a lot more on the Uniform Act and you know, traffic laws.

ROBERT NIEMAN: Well speaking personally here, I ...I've always...I still do, admire and the older I get the more I admire, these Highway Patrolmen. And I tell friends, I said...and in a lot of ways, Rangers do not face a serious....as much possibility of a confrontation as a Highway

Patrolman. Cause when a Ranger goes into a situation they know to be prepared. When you're walking up on a car with a little old lady from Pasadena in there, you don't know but...the older I get the less I consider ever doing that. Do you think, you know, when you're young and you're bullet proof and you're invincible, do they play on that a lot on the school?

DAVID BYRNES: Well...

ROBERT NIEMAN: Not directly of course, but....

DAVID BYRNES: Well of course, you...you ah.... you have a lot of spree decor and you do things that you know, when you hit the road you're going to save the state you know, you're here to save Texas. But getting back to your statement, I think what you say is even more true today, because you know I was talking to Richard Sheen, Ranger Sheen, you know that he works this county. And of course Richard came into the Rangers when I was a Captain there and he's a good friend and he's, you know....

ROBERT NIEMAN: And a very close friend of mine to.

DAVID BYRNES: Yes, but he was talking about his son that had just gotten out of the military and is trying to go to work for Rowlett PD and ah....

ROBERT NIEMAN: And did, I think, didn't he.

DAVID BYRNES: Ah....well he was awaiting to find out, so he's taken all the tests and I'm sure they're going to hire him, if they don't they're missing a good bet. But ah...we were talking about, you know, how they have to work today. But you know, like we both said, you know, they don't have anything else to relate it to, so they don't know. But I can remember when I was on the Sheriff's office in Ft. Worth and even as a Highway Patrolman, we very seldom confronted armed people, I mean, you know, the burglars didn't carry weapons. Even in West Texas when I was out there and we were working dope, most of those dopers weren't armed, unless you were

right on the river. You got...if you got away from that river you know you....but now everybody's armed and every criminal out there is potentially a deadly threat. And these troopers are...I'm telling you, they have a very hazardous job.

ROBERT NIEMAN: I wouldn't have the nerve.

DAVID BYRNES: And ah....well you know again, I think if I was that age I wouldn't know any better.

ROBERT NIEMAN: Yeah, today.

DAVID BYRNES: That's why young men fight wars.

ROBERT NIEMAN: Yeah.

DAVID BYRNES: You know you and I ...if we're out there and that Sergeant tells, storm that machine gun nest, we're going to say, "Wait a minute Sergeant, somebody's probably going to get killed here, let's...let's figure out another way".

ROBERT NIEMAN: Let's talk about this.

DAVID BYRNES: 18 – 19 years old, you know, you'll get your gun and buckle your helmet on and go up the hill, you know and that's what you've got to have. And it's the same thing in the Highway Patrol, you have to have you know, the young lions out there so to speak that can ah...go out there and it's not that they have a disregard for their safety and that they're foolish, but they just...that's youth. And young people fight wars, and this is a war out here.

ROBERT NIEMAN: That ah...I know you don't have personal first hand knowledge, but you will have...good educated in your business now, but I heard other retirees talk about the difference in that Highway Patrol school today and as you went through, that you know, like you said, 50% attrition. And they didn't care, you know, you said the six cent stamp, Ed Gooding a former...passed away, a good friend of both of ours, said that his whole graduation speech which

was by W. J. Elliott, I don't know if you knew him or not. Said it consisted...he walked up there and had a big wad of tobacco and he kind of looked us over real slow and said, "I brought you here with a three cent stamp, I can replace you with a three cent stamp", and turned around and walked off. He said, that was our graduation speech. And ah....so ...but now then they cater morethey don't have that big attrition rate, that I've heard.

DAVID BYRNES: Well and that's true, and I think that it's ah...that's the point...one thing, that's the point we are at our history right now. But they have removed the stress out of the school. And that's... that's the...there's no stress there anymore, there's nothey'll do everything to keep someone and if I have a criticism of DPS, it's the fact thatthat we're keeping people and they're putting people on the street that should of never been hired. You know, and they've been doing that for some years. And if... I think if you would look at the history of their internal investigations and the type of infractions that are being committed now, you will see that we will mirror Dallas PD or Houston PD or any of these big agencies that, you know, for many years ah...a lot of people they hired we wouldn't even have given an application to. But now you know, we're in that same thing, a lot of it political correctness, I mean a lot of it is pressure to have, if you will, a representative DPS out here. And I'm not in any way saying that anybody of any gender or any race is inferior, but I just think that we could have been a little more selective. And I don't think we had to...and I think we did lower our standards. And I used to hear Colonel Spears say we haven't lowered our standards. And they used to ...(inaudible)...cause I knew we had. You don't go over night from a 50% graduation rate and 50% attrition rate to a 90% graduation rate, I mean it's....something had to change. And it was at....and that changed in 1973 is when the.... I think the ...the...the bell weather change was.

ROBERT NIEMAN: What was that?

DAVID BYRNES: Well I think that a lot of things come together, you know we were big in affirmative action. The State, and rightfully so, was very, very interested in not getting sued by the U.S. Justice Department over employment practices and I don't disagree with that. I think we went to far, I think we could have maintained our standard and said, we will hire every person regardless of race, gender or whatever, that meets these standards. And these are proven standards that we need for police service, for law enforcement service. And you know, it's easy for me to sit here and criticize, I wasn't able to sit down there and take the heat.

ROBERT NIEMAN: Was any of that triggered by the South Texas farmers strike?

DAVID BYRNES: Oh I don't think so, that was '67, you know, that's ...you know we're talking about ah...

ROBERT NIEMAN: Well the reason I was asking, ...(inaudible)...everything dragging through the federal courts and then of course ...(inaudible)...

DAVID BYRNES: Well you know, of course the first thing we did was we lost our height requirement, you know, you had to be minimum of 5'8" when I came to work. As a matter of fact, when I came to work the application still said, white male, 21 years of age. They didn't....they weren't practicing that, but that was...you know, so I came in the real change up, when I came in. But ah... the height requirement of course, once you don't have to have a certain size person, you know, then that obviously opens it up a lot. And ah....you know, which is not to say that you've got to be, you know, 6'4" and 220 pounds to be a Highway Patrolman.

ROBERT NIEMAN: Be a Bobby Prince.

DAVID BYRNES: Yeah, but ah....it's changed and I don't mean to be overly critical of the department because the department had to survive and so there I think that they had to change. In

my opinion we went a little to far. But my opinion is not one to count then and nor is it to count now.

ROBERT NIEMAN: But how much influence would a Colonel really of had in this....I mean a Garrison to a Pat Spears to Jim ...ah....ah.... I just went brain dead...ah...

DAVID BYRNES: Adams.

ROBERT NIEMAN: Adams and so forth right on up the line, how much influence do they have in making these changes or preventing them?

DAVID BYRNES: Well I ah.... I think when Garrison was there he had all the influence. But I don't think you'll ever see anyany police agency allow somebody like Homer Garrison to run it again. They will never be another J. Edgar Hoover, the politicians won't allow that. And you know, they fear those kind of people and some of them rightfully so.

ROBERT NIEMAN: But on the other hand you get some that's terribly weak in there too.

DAVID BYRNES: Yes, and ahand that'sthat's the other side of the coin. Of course the ...where you affect change in DPS is the Public Safety Commission, which are political appointees. And you know, you work through them, the Colonel works through them and you know, they're the policy making board for the department. And you know, we have to look back again at the political thing. We had Ann Richards for Governor, you know ah....one time and I mean, you know, I don't have anything against Ann Richards personally, our politics did not jive, you know she was very liberal. So you get a big push ah...you get the push in the legislature you know, we want to see more you know, certain race out there, we want to see more certain gender out there, whatever you know. So it...it...ah...it's easy for me to sit here and criticize, I wasn't down there having to take the heat, I wasn't having to deal with it every day. What happened is that the people in the field had to deal with the aftermath of it though. And I

think again, if you...if you would compare ah...of course numbers, we got a lot more numbers now, so you're going to have more, but percentage wise, I think certainly the serious infractions, the percentage wise, would be up greatly from what they were back in the '60's and '70's. Not that we didn't have some people that did some bad things, you know.

ROBERT NIEMAN: Well I mean, they're not everybody, you know, you're going to have that any era.

DAVID BYRNES: Yeah.

ROBERT NIEMAN: Ah...getting back then, okay you graduate when....19....

DAVID BYRNES: '70.

ROBERT NIEMAN: And your first duty station?

DAVID BYRNES: Pecos, Texas.

ROBERT NIEMAN: Are you already married?

DAVID BYRNES: Yes, have two kids.

ROBERT NIEMAN: Okay. Pecos, Texas...yeah, you got Pecos, Texas and you got Pecos, Texas. It's kind of out there in the middle of nowhere.

DAVID BYRNES: Loved every minute of it.

ROBERT NIEMAN: Any ah...experiences fromwho was your first partner?

DAVID BYRNES: My first partner was a guy named Warren Nutt. I didn't work with him long and then I got a partner named Joe Mitchell. And Joe and I worked quite a bit together and then I had another partner named Fred Parrott.

ROBERT NIEMAN: PA....

DAVID BYRNES: PARROTT...Parrott, just like the bird.

ROBERT NIEMAN: Let me go...before you get on that, anybody else in your school that would become Rangers?

DAVID BYRNES: Yes, Warren Yeager was a Ranger ah....that's the only one I can remember that went in the Rangers. A lot of them went into narcotics.

ROBERT NIEMAN: Okay, you're out in Pecos, any experiences or ...what....you're going to have ...it's going to be ...well I mean it's out...it's totally different than East Texas obviously.

DAVID BYRNES: Yes.

ROBERT NIEMAN: So ah...what is....

DAVID BYRNES: Well when I first went to Pecos...of course after dark the Highway Patrol handled everything. We made ...if there was a bar fight outside the city limits or even sometimes in the city limits, we made the call. If there was a prowler call out in the county, we would make the call. And we used to joking say, the only time we call a deputy if it looks like they're going to die you know. Because they just didn't have deputies out at night, unless they were on call. So it was a lot different in that fact that ...then what the Highway Patrol would do most places today. And we worked ...we were general law enforcement out there, we worked every thing.

ROBERT NIEMAN: Well you know when I interviewed Captain Caver on the Republic of Texas deal, he made the statement that reinforcing, Jeff Davis County is bigger than the state of Connecticut.

DAVID BYRNES: Yeah.

ROBERT NIEMAN: But the Sheriff's department out there, at the initiative of what, six, seven years ago...five, six years ago, consisted of the Sheriff and one deputy, that was the whole Sheriff's department.

DAVID BYRNES: You know I spent some time in Ft. Davis, it was myself and the Sheriff and then we had the old retired Sheriff was over in Valentine and they just kept him on because he couldn't live on the retirement, they paid so poorly out there. So I I know all about Jeff Davis County.

ROBERT NIEMAN: So I mean....but even then I suspect even today a lot of that may be true....

DAVID BYRNES: Yes.

ROBERT NIEMAN:when it gets dark the Highway Patrol is the law enforcement.

DAVID BYRNES: That's right. And out there ah....especially down in that area, the Highway Patrol is the law, you know, I mean that's who they....they see the Highway Patrol more probably than they do anybody.

ROBERT NIEMAN: When you were out there didwhat did the duties consist of as a Highway Patrolman?

DAVID BYRNES: Well we ah....of course mainly worked traffic law enforcement and we did DWI enforcement. And at that time of course, Interstate 20 was not completely finished out there, you hadit only went just west of Pecos out there, and then you went back to Hwy 80, and when you got out to where 10 and 20 come together, which was called Davis Mountain station, well then you got Interstate 10 there. But then 290Interstate 10 started there but it didn't go down, 290 went down through Balmorhea and Ft. Stockton that way. There was a lot of U.S. highways still out there, it was not all Interstate. I guess the mostand we worked border patrol, had a border patrol stationed there, a sector, had about six or seven border patrolmen and they too worked just like any other officer would. If we had a crime, the Sheriff's office had a crime with the city, they had a man hunt or anything, they got right there. One of the most

significant things that happened when I was there, we had a guy in jail, and this was back in the times when if you had an appeal, well if you were convicted and you appealed, you stayed in the county jail until your appeal ran. So the....and this also prior to jail standards. They had a jail there I think that was supposed to hold about 36 people and they kept 90 to 100 in it at all times. It was a real tough county jail. We also had a practice out there that everybody that got on the road hitchhiking we arrested them. And this was before we had the computers and all, put them in jail for hitchhiking on the roadway, take about 12 to 24 hours to get a return back on them, if they were clean you know, they got their jail time, which was \$5.00 a day then, that was their fine and they were put on their way. So we were very active out there. But we had a convicted murderer named Ignacio Quavez and the aborted breakout in Huntsville later in fact later on. And Quavez got out of jail out there and actually what happened was, we had two tanks, had a misdemeanor tank and a felony tank.

ROBERT NIEMAN: This is in the jail?

DAVID BYRNES: Had Quavez over in the misdemeanor tank because of some other people had the felony tank, there was so much bad blood they were afraid they were going to kill each other. Well they would bring in the illegal aliens ah....well I almost said the word we used to call them but I didn't. But anyway, they would put....the Border Patrol might have 50 or 60 up there at one time. And we....at that time we also arrested illegal aliens, we would arrest them and turn them over to the Border Patrol....so...or release to the Border Patrol. They were actually loading a bus and Quavez made one of the aliens....they were inof course in street clothes, the aliens were, they didn't put....didn't dress them out, because they didn't stay in jail that long. They just used that jail as a holding facility and they would take them right on down to Presidio and put them back across. And ah....but Quavez made this alien change clothes with him andbut the

old elevator wouldn't hold but about 6 people, so they'd bring several of them out in the run around there and they'd load whatever they could load and then process them and they'd go and get some more. And so he gets out in the run around and while they're gone and he goes down to the second story..... and gets in a tree and goes down and escapes. Long story short was that we ended up I say we, the Sheriff's office ended up finding him handcuffed to our side of the bridge one morning down there. However that happened. And there was a deputy who was later on Sheriff out there, Raul Flores and Raul is now deceased, and one of ourwhat we used to do for a job out there was we used to help the Sheriff's office transfer prisoners on our days off. And they paid us \$10.00 a day to do that, big money. And so he called me at home that evening about eight o'clock and said, "Can you go to Huntsville with me to take him on up". Well I said, "Yeah who are we taking". He said, "Well I can't tell you, we got to go". And I said, "Well I'll need to call the Sergeant and tell him I'll be off and I'll see you about nine in the morning". He said, "No I mean at nine tonight". Well I knew we had someone. So I go up there and we've got Quavez. But anyway we carry Quavez to Huntsville there, you know, non stop from Pecos, which is a pretty good little jaunt. Turned around and drove back to Pecos. That was probably the thing that stands out most in my, you know, Pecos memories.

ROBERT NIEMAN: Well I know you don't know....have direct knowledge, but you have any hearsay how he ended up chained to that bridge, handcuffed?

DAVID BYRNES: Yeah I think it was \$500.00 and two or three boxes of .45 shells.

ROBERT NIEMAN: Okay.

DAVID BYRNES: They ah....there's a little story that goes with that. Raul had gone down and talked...actually what happened was, thecustoms had shot some people out of pickup that was smuggling dope, marijuana across and impounded the pickup. And word got back that

Quavez had actually come over and claimed that pickup and gone back across....(inaudible)...there. So Raul went down there and he finds out that he's supposed to be farming down there, had a little farm down there. And this is according to him, this is all hearsay. But he said that ah....he tells them how he ...it's worth \$500.00 dead or alive you know, as long as we know he'she's not out. So they call him some time later and say we're going to arrest him tonight if you want to come down here. So he says he goes there and they're on a levee, they're in a jeep with a 30 or a 50...probably a 30 mounted on it, machine gun, and it's federal police. He said this guys comes up onto the levee out of the field with a hoe over his shoulder and it's just dusk and he said I ...he said, damn that's Quavez you know. And he said they don't say, you know, you're under arrest, they just cut down on him. And he said he rolls off that levee and he thinks, damn they killed him. They run down there and it's not Quavez, they had not hit him. So he told them, "Hey he's got to be alive, we've got to get him". He said, they'd of killed every, you know, 5'6" Hispanic down here...of 5'4" Hispanic down here.

ROBERT NIEMAN: And this is the Mexican police.

DAVID BYRNES: Yeah. And so anyway, that was ...that's how he ended upfoolishly handcuffed himself there onto the bridge.

ROBERT NIEMAN: Wasn't real smart.

DAVID BYRNES: But that used to happen down there. And I'm sure it still does.

ROBERT NIEMAN: Probably does. When do you leave Pecos?

DAVID BYRNES: I left Pecos in '72, went to Denton, my son needed special education and at that time that was the best place in the State.

ROBERT NIEMAN: And you're still in the Highway Patrol?

DAVID BYRNES: Yes.

ROBERT NIEMAN: And an opening comes up in Denton and you transfer there in '68?

DAVID BYRNES: Yes....no in '72.

ROBERT NIEMAN: I mean '72, I'm sorry. And any ah.....

DAVID BYRNES: Just ah...and really Denton was much like Pecos except bigger when I first went there. Ah...Sheriff's office shut down about nine or ten o'clock, you had to wake the jailer, the jailer lived in the jail, you had to wake the jailer up to put people in at night. They didn't generally have deputies out patrolling at night. And then of course in 1974 the airport came in and all that changed, everything....and it had changed....been changing up to that, they'd been ah...you know, going to more and more around the clock patrol because the population was picking up because of the anticipated airport. When DFW opened in '74 Denton pretty well caught on fire and it changed. Up there it was about 90% traffic law enforcement and mainly accidents and DWI, there was wall to wall drunks up there on the highways. At that time there was very little industry in Denton, so everybody worked in Dallas.

ROBERT NIEMAN: The bedroom commute to Dallas.

DAVID BYRNES: Yeah and they....of course the ...they'd work over here and then get tanked up and come back to Denton.

ROBERT NIEMAN: Were you up there when Bobby Daughtery was killed?

DAVID BYRNES: No I had left, I was in ah....Ft. Davis at that time.

ROBERT NIEMAN: Okay, in the Highway Patrol still?

DAVID BYRNES: Yes.

ROBERT NIEMAN: Okay, when did you transfer back to West Texas then?

DAVID BYRNES: '76.

ROBERT NIEMAN: What made you want to go back to West Texas?

DAVID BYRNES: Well one thing, my son could operate in a regular environment and they ...the evaluation was that he would do better in a smaller school district, with more socialization. And they had opened...about a year or so before they had opened a station in Ft. Davis. And the Sergeant in Pecos had called and asked if I wanted the slot and I told him I couldn't come right then. And that Highway Patrolman got his business in a wreck, as we say, and he decided to go do other things. So they had an opening out there and I decided that I wanted to leave Denton and I was ... it was a good place and a lot of good people up there, but I like West Texas.

ROBERT NIEMAN: Did ah....how many were in that duty station, how many Highway Patrolmen?

DAVID BYRNES: When I went there, ten and when I left twelve.

ROBERT NIEMAN: And how big an area?

DAVID BYRNES: We only worked Denton County.

ROBERT NIEMAN: No I'm sorry, I'm sorry, Ft. Davis?

DAVID BYRNES: Ft. Davis, I was the only one.

ROBERT NIEMAN: Okay, and how big a territory?

DAVID BYRNES: Ah....

ROBERT NIEMAN: The whole count....was that Jeff Davis County?

DAVID BYRNES: Yes. Went from Interstate 10 all the down to the river.

ROBERT NIEMAN: Like I said earlier, Jeff Davis County is bigger than the state of Connecticut.

DAVID BYRNES: Yeah and ah....the Sheriff and Ithey had a Game Warden there ah...but as far asand ah...Wilber Medley was the old Sheriff, been Sheriff there for years. Wilber had

emphysema, was pretty well crippled up with a bad accident he'd had back in the later '40's and ah...but he was over at Valentine, which is....there's only two towns in Ft. Davis, they'd been incorporated, Ft. Davis and Valentine. And ah....it's a wide open area.

ROBERT NIEMAN: Mountains?

DAVID BYRNES: Mountains and ah...and of course on the upper end there's about ah...I don't know, maybe five miles of interstate, right in the upper northern end of the county.

ROBERT NIEMAN: What madethen....were you in Ft. Davis when you decided to try to apply for the Rangers?

DAVID BYRNES: Yes, I was there when.....

ROBERT NIEMAN: What made you decide to be a Ranger?

DAVID BYRNES: Well I had ah....you know, of course I'd beenin Pecos, when I went to Pecos, Tol Dawson was a Ranger there. And I was always impressed with Tol ah....

ROBERT NIEMAN: That's TOL....Tol.

DAVID BYRNES: Tol was ah....and I don't know if you ever knew Tol or not.

ROBERT NIEMAN: I met Tol very briefly at the reunion one year and he looked healthy as a horse and the next thing I heard, he's dead.

DAVID BYRNES: Yeah. Tol later on had a lot oflot of physical problems. But he ah...Tol was a really a ...just an outstanding individual I believe, kind of one of my hero's. And I think the thing that impressed me with Tol, and therefore the Rangers, was that he always treated me just like I knew as much as he did. Well obviously I didn't you know, I'm a rookie Highway Patrolman, but he never, you know, put you in that position. And then of course Clayton McKinney was a Ranger in Alpine and I worked with him. We worked a lot of dope down there, back in the early days when there wasn't supposed to be any dope coming out of there you know,

according to the Federal Government. But we worked the river a lot. So I had, you know, been close to Tol and of course Tol had gone to Del Rio by then but I still saw him. And then of course Joe Coleman was a Ranger in Pecos, Joe's another outstanding guy you know.

ROBERT NIEMAN: Current Lieutenant here in Dallas, Jerry Burn, that's kind of his hero, Joe Coleman.

DAVID BYRNES: Yeah, yeah. And of course Jerry Burn, I worked with his dad on patrol, Jerry Burn, Sr. I've known Jerry since he was in grade school.

ROBERT NIEMAN: He's a Lieutenant with Company B in Dallas now.

DAVID BYRNES: Yeah. And ah....so you know I have a lot of history out there with that bunch. But those three people you know, werewere ah....and especially Tol was kind of one of my hero's and Iso I decided to test.

ROBERT NIEMAN: Did they encourage you to test?

DAVID BYRNES: Yes, yes. And ah....was lucky enough to make it. I I'll never forget, they took I think 31 of us to the board. There was three days of interviews and I I was I interviewed on the third day and I was the next to the last one. And I'd probably drank a gallon of water that day and had not been to the bathroom all day. And I went for that interview board and I thought when I got out of there, if they'll just let me be a Highway Patrolman, if they won't fire me over this, you know, if I can just be a Highway Patrolman in Ft. Davis, I won't ever bother those people again. And ah....so I ...this was, I guess it was the first part of December.

ROBERT NIEMAN: Of 70....?

DAVID BYRNES: Of '69, no of '79...of '79.....of '78 actually, because I made it January 1st of '79. This was the last of '78.

ROBERT NIEMAN: Who were some of the Rangers on the interview board?

DAVID BYRNES: Bob Mitchell was on there, Grady Sessom was on there, Charlie Neil ah....who else was on there, I think ah....and I don't remember who.... I know who the Rangers were.

ROBERT NIEMAN: No that's what I was....the Rangers that was on it.

DAVID BYRNES: Grady Sessom made quite an impression on me. Charlie Neil was the greeter, come out and got us and you know, started you off. And Grady Sessom is the next one down and he's

ROBERT NIEMAN: He is a Captain?

DAVID BYRNES: Huh?

ROBERT NIEMAN: Is he a Captain by now?

DAVID BYRNES: Yes, he's a Houston Captain. He was sitting there tapping a pencil on the table all the time I'm talking and I'm trying to watch him. And when Charlie passed me to him, Charlie Neil passed me, he reared back and boy he got on me, and he started on who I knew and all that. And of course I'm telling him about Tol Dawson and Joe and Clayton. And he said, "Well you think knowing them is going to make you a Ranger". Oh no. I did not feel good when I came out of the interview board. But I came out number one overall.

ROBERT NIEMAN: What kind of questions were you ...besides that type?

DAVID BYRNES: Well you know, they....it was what if questions and what would you do. The oneand I guess it was standard questions, it was a deal and they give you this scenario....we also had ... there was an observer in that interview board, who was a psychologist and they were there to ... I think they were going to revamp the promotional test. So this guy I guess was a....but he's sitting over in a corner over there. He's not...you know, he's some kind of consultant or something they've got hired, I don't know what he was really. But I think he was a

psychologist that formulated tests. But the question was, if you and your partner are working this case where it's a six year old girl that's been abducted and assaulted, and they give you a pretty gruesome story. And ah....ya'll get the guy arrested and he won't tell you anything and your partner slaps him one time and he says, don't hit me again I'll tell you. He tells you everything and about three months later the FBI shows up on your front door. Well my first answer was, well I can't help them because I'm deaf, dumb and blind, I didn't see or hear anything. No that won't get it. And so we go around and around on it and finally Bob Mitchell was asking this question, he said, "I'm going to give you one more piece of information and you're going to answer this question one way or the other". So he says, "They didn't invoke the rule and you heard the Sheriff and your partner testify that he didn't slap him". I said, "Hell he didn't slap him then". That would not be the correct answer today.

ROBERT NIEMAN: Well I had one Ranger tell me that ah.... I think it was G.W. Burke asked him, said, "Would you like under oath for your partner". And he said, "Hell you bet I would". He said, "That was the answer I was looking for".

DAVID BYRNES: Yeah, it's ah...it's a little different era now, but that was the two things that stand out. And I mean, when I got out of there, I was ready to go back and be a Highway Patrolman. I would not of given a nickel for my chances of making it, I thought I had bombed that board big time.

ROBERT NIEMAN: But three of you made it?

DAVID BYRNES: Yes, three of us made it, was me, Stan Guffie and Fred Cummin. I ah....

ROBERT NIEMAN: And Fred just retired and Stan Guffie wasof course ended up....

DAVID BYRNES: Fred came to Dallas....or Garland, I went to Midland and Stan went to Laredo. See there wasthere was a little bit ofright up to the end, a little bit of ah....unsure

ness of where the ...(inaudible)..was going to be. Pete Montemauer was on the task force in Laredo. He was actually out of El Paso. So he was undecided for some time whether or not he was going to stay in Laredo or go back to El Paso. And ah...so anyway, when I went down to talk to Bill Wilson, well he asked me, he said, "If you make it there's going to be three openings". And he said, "You know, I think the" or maybe he knew "it's going to Laredo, Midland and Dallas". And he said, "If you had your choice where would you go". I said, "I'd go to Midland". And he said, "Well anybody that's crazy enough to want to go to West Texas I'll damn sure make sure you get that station if you make it". He didn't like West Texas. So anyway, I did, as a matter of fact I came out number one overall. I didn't....they didn't actually ask me if that's where I wanted to go, but he already knew and Fred came to Garland and Stan went to Laredo.

ROBERT NIEMAN: As I said, Fred just recently retired, here a few years ago and of course Stan would be killed later on.

DAVID BYRNES: Stan was killed in '86.

ROBERT NIEMAN: Yeah. Ah...you go to Midland, who's your Captain and Sergeant?

DAVID BYRNES: The Captain was J. P. Lynch and Sergeant was Jesse Priest.

ROBERT NIEMAN: And do you remember your first case?

DAVID BYRNES: Yeah, the first case I worked was a hot check case in Odessa. I ah... I worked about a month with Charlie Hodges. Charlie Hodges and I were the two Rangers in Midland and I hadwe worked Ector and Midland County together, we had joint responsibility for them. And then I had three counties north and Charlie had three south.

ROBERT NIEMAN: What were your counties?

DAVID BYRNES: My counties were Dawson, Andrews and Gaines and Charlie had Martin, Howardno he didn't either, he had Martin, Crane and Upton. So anyway, I rode with him for about a month and got to learn the area and then I just was put out on my own. I used to worry everyday ...you know in the Highway Patrol, you go out and you write so many tickets you know, and you know what you did. If you can show them, hey Sergeant this is what I did today. I hadn't hit a lick and a snake yet, you know, man they're going to fire me. I am going to get fired, I hadn't made a case, I hadn't arrested anybody, I hadn't even talked to anybody, Charlie wouldn't even let me talk to anybody. But anyway, so I went over to Odessa PD and got with a guy that was working forgeries and hot checks and started working with him. And I got in with Odessa PD and you know, we went from there.

ROBERT NIEMAN: Do you remember your first felony?

DAVID BYRNES: First felony that I worked I believe was a forgery.

ROBERT NIEMAN: What about your first homicide?

DAVID BYRNES: First homicide ...hum... I don't know what the first one was.

ROBERT NIEMAN: Well that's not really important. Any particular cases that really stick to you out there?

DAVID BYRNES: We had a...we had a homicide once out on the interstate, right inside the Midland County line, that I was....Highway Patrol made the first call on. About seven thirty of a morning I happened to be in the office and when they got there they called and the guy's sitting inunder the steering wheel on the service road dead, he'd been stabbed. And I was the first investigator there and we ended up convicting his wife and two other guys on the murder, which was a pretty interesting case. It ah....the trial was very interesting. We had a Judge, a District Judge that was retiring, this was in December and we tried the wife first. And she was actually

was a Japanese national that had been adopted at two or three years old and brought to the U.S. by an Air Force couple. She actually was a ...turned out to be a prostitute over in Abilene over there at that Air Force and all. But a career Air Force guy named McPeters had married her and she was quite a bit younger than he was. And he had retired and was working for an oil service company there. And she had a boyfriend named Rex Bradley Shanks who had gone to school with her and he was a straight running outlaw and she was still apparently running with him. Anyway, they... she had a three year old kid with her that was McPeters son and they ...she called her husband on Sunday evening and said she was ...had broken down out there on the service road, just west of Odessa.....or east of Odessa, west of Midland. And this was an open space, actually Mesquite trees and they were laying in wait for him and when he got there well they got into and stabbed him. He actually got back into his car and died under the wheel. And the car had I believe it had run out of gas....or no, it was still running, still sitting there running when the Highway Patrol got to him. And ah....well anyway, we started working on that and we ended upwhen Shanks stabbed him with it.....stabbed him with the kitchen butcher knife, his hand slipped off and he lacerated his four fingers to the bone. And so we ...there was blood out there, we knew someone other than him had gotten hurt. And we found out that he had stopped in Sweet Water, at the emergency room like at two thirty, three o'clock in the morning and gotten that sutured up. So we couldn't find the guys wife and pretty soon you know, we realized what had happened. So we actually got both of them arrested on two misdemeanor hot checks, Abilene PD arrested them. And a deputy and I went over to talk to them and Patty and I never did hit it off, she just ...when I walked in she didn't like me. So I told the deputy, "Why don't you talk to her and I'm going to go down and talk to Shanks". And his fingers were swelled up, they had sutured them too tight, I mean it's hot summer time and his fingers were

swelled up three times as big and just every time his heart would beat, you know, you could see his old hand jump. And Warren Dodson was the Chief out there and Warren told me, said, "I'm going to be leaving but you can use my office". So I had him in the Chief's office talking to him and we got him.... I mean they're on like a three or four dollar hot check each that they had written, they had a little old misdemeanor warrants is all we got them on. So he....finally he says, "Man if you'll get me a couple of Tylenol and coke I'll tell you about this". So Warren always thought I did something to him, but I didn't.

ROBERT NIEMAN: Shook hands with him

DAVID BYRNES: Yeah. But anyway, I asked Warren's secretary, I said, "Have you got any Tylenol". She said, "Yeah". I said, "Can you get this guy a coke". She went and got him one and he gave it up. But that....during the trial, like I said, we had the old District Judge was retiring, Judge Perry Pickett, and they had an attorney that was retiring, Leonard Howell, both of them was probably close to 70 years old. Leonard Howell in his younger days had been a prosecutor and real sharp attorney, but he had gotten a little old and probably was a little was a little senile. And he kept....one thing he kept referring to his client as Patty Hurst. In that case I testified three times for the prosecution and twice for the defense.

ROBERT NIEMAN: How did you manage that?

DAVID BYRNES: I was called to the stand. But he had me on the stand one time and kept asking me the same question, different ways, over and over. And even though I'mand I'm his witness, I mean this is the defense time, and ah....you know part and ah....so about the third time the prosecutor gets up and objects. "Your honor, you know, he's badgering the witness, he's answered the question every time he's asked it, every way the same way". And so Judge Pickett said, "Mr. Howell, Ranger Byrnes has answered the question the same way every time, now

move on”. And he said, “Well Judge, I may be incompetent but I’m doing the best I can”. And I thought, you know, this is a retrial for sure, you know. But it wasn’t. Another little funny aspect of that was, that Bill Gerth was a Ranger in Wichita Falls and one of the defendants lived up there and we actually arrested him up there, Bill and I did. And they’d used the serratedtwo different knives, like a serrated kitchen knife. Turns out he had thrown this knife in a ...you know, in a place called Lucy Park up there, little old duck pond. We ended up draining that duck pond, but we got that knife back. And so when we started the trial well they brought all the witnesses in and swore us in and you know, put us under the rule. Well they released Bill Gerth

ROBERT NIEMAN: Let me ...explain the rule first.

DAVID BYRNES: Okay, the rule is that no witness can be in there while testimony is going on and they can’t talk to anybody but the attorneys in the case, you can’t talk about the evidence or testimony. But Bill had been released to go back to Wichita Falls with the proviso that we would call him like tonight and he’d be back in the morning. So we’re in the defense phase and got out of court about six o’clock one night and the prosecutor said, “Can you get Bill Gerth back down here in the morning at nine o’clock”. I said, “Sure I’ll call”. So I call and I got Bill’s wife, and she said, “Well he’s not here right now David, but he’ll be in”. And I said, “Well if you just tell him that he needs to be down here in Midland in court at nine o’clock in the morning and if he’s got a problem, please let me know”. She said, “Well I’ll tell him”. So I don’t hear from him. So about three minutes till nine....and Bill was pretty heavy, and

ROBERT NIEMAN: Bill’s a big old boy.

DAVID BYRNES: Yeah, he’she comes up in the elevator and he is going down the hall to that court, he just went by, didn’t even speak you know, he’s in such a hurry. He’s in there about

three minutes, he comes out and he is madder than aand I said, "Where are you going Bill". He said, "I'm going back to Wichita", and I said, "What's the matter". He said, "That old son of a bitch thinks I'm you". And I said, "What". "He thinks I'm you". I said, "Why", he said, "Hell he's asking me questions about the crime scene". And said, "I kept saying 'I don't know Mr. Howell, I don't know Mr. Howell". And he said, "Well Sergeant Byrnes, weren't you the one that processed the crime scene". He said, "Mr. Howell, I'm Bill Gerth, I'm the Ranger out of Wichita Falls, Ranger Byrnes is sitting out in the hall". "Oh, no further questions".

ROBERT NIEMAN: And there's no mistrial?

DAVID BYRNES: No, no, she got 50 years.

ROBERT NIEMAN: For the record, Gerth spells his name GERTH.

DAVID BYRNES: But anyway, Bill and ah....Bill was not happy to make that trip.

ROBERT NIEMAN: I bet he wasn't.

DAVID BYRNES: But that was a pretty interesting case.

ROBERT NIEMAN: Yeah. And....any other things there in Midland?

DAVID BYRNES: Oh we worked....you know at that time the oil boom was going on, we worked a lot of oil field....

ROBERT NIEMAN: Permian Basin.

DAVID BYRNES:theft, a lot of fraud you know, just a lot of routine stuff. Worked real hard on awe had a black pimp that got killed over in Odessa. We never did solve that one. A friend of mine, he's dead now, Jerry Smith, was a homicide investigator and we worked a lot...a lot....this guy was kind of assassinated, he was shot one night sitting in his car and just almost blew his head off. And ah...but ah....ah....Jerry Smith was the guy's name that I was working with and he died about two years ago with cancer. But they had an old Chief out there named

Jack Tomlin and Jack wanted us to work on some old cases. And we took one, there was a truck driver had been stabbed in a motel room out there. And we started working on that and Jerry put it in what we used to call the crime bulletin, I don't know what they call it now, the crime analysis service was a section in Austin used to put out a bulletin on current cases. And Jerry put that in there and described thisthe people at the motel.....there was a bar and restaurant, this truck driver hauled up there out of Houston all the time. And they described a guy with him. And kind of pretty distinct description and a female vice officer out of Houston called Jerry and said, "Hey that's a guy named Buster Loyce Shell", and said, "He's a bi-sexual", and said, "We haven't seen him around here in months". And so anyway, long story short, we end up, there was a ... going into the bathroom there was a bloody fingerprint that they'd photographed. And so Jerry went down....she got word that this guy was back around Houston. And so he goes down there and he finds a traffic ticket for expired MVI sticker at Pasadena. So we get him arrested and we get a set of prints on him. As a matter of fact I flew down with the prints....with that print, he did not have that print with him, I took that print down. And so the guy at Pasadena couldn't make him and it turned out it was the right little finger, was where the print came from and we took it a guy that was with Houston PD at that time named LaBlanc, who was I think, considered the best fingerprint man in the country. And LaBlanc said, "I can get about six points", but he said, "You need to go back and roll him from nail to nail" and he told us, said, "It's going to be kind of in the upper right corner is where these points are off of". So we go back over there and tell their ID guy, "Hey LaBlanc says this is him and we need a print rolled out all the way". So he goes and rolls him two or three times and really gets a good print. Well he ends up making eleven points on him. But ...

ROBERT NIEMAN: Explain the points on this.

DAVID BYRNES: Well points... the comparison of fingerprint isand of course we got unique fingerprints, there's no two alike. And what you do if you get an identifiable print, and then you get a comparison print, well you take those and put them....the unique characteristics you have to match. And generally ten is the least that you'll actually go to trial on, that's considered a positive match. And so anyway, they I think we ended up eventually with about twelve or thirteen points. But anyway, we had plenty to charge him. He's denied he's ever been to Odessa. We come back and we stop at a truck stop outside of San Antonio, the El Toro Truck Stop, and so Jerry is ...is going to go to the restroom and I said, "Well I just gas up while you're gone". So I had this I got him out and he was sitting on a planter there. So when Jerry comes out he goes up to thethere's a guy working on the islands out there on the gas pumps, and tells him who he is. And he said, "Did you know..." I forget what this....the driver's name was Jimmy something, I forget his last name. "Did you know him", and he said, "Yeah", said, "He stopped here all the time". And he pointed and he said, "It's that guy right there was with him the last time we was in here". Anyway, Buster got convicted and got 50 to do in Odessa. So that was a pretty interesting case.

ROBERT NIEMAN: And how long are you in Odessa?

DAVID BYRNES: I left the Rangers in '81, last of '81 and went into the oil field business.

ROBERT NIEMAN: Why? I mean, why did you leave the Rangers?

DAVID BYRNES: The money was so good. I had ...I'd been in the machine shop business before and I had a little machine shop that I set up in my garage. And you know, you just can make all the money, I mean that was.... I was making more money part time in that machine shop with one lay and a little old bitty mill and a drill press, than I was making as a Ranger. And I had a....a guy told me that he had a contract to build the what they call a cat end....the windless

head for drawers on these little table top drilling rigs. And he had like to build fivefive hundred of these rigs a year or something for three years or something. Like, you know, about 2500 rigs. And he told me that if I would set up, that I could machine these castings, they were steel castings. And so I did that, went into the machine shop business and did real good for 13 months. But me and the First National Bank went broke together out there. And it was almost over night, the bottom fell out. And I went to work for the DA's office and then was able to reinstate straight into the Rangers, which I think I'm the only person that's ever done that.

ROBERT NIEMAN: And when did you reinstate?

DAVID BYRNES: Reinstated in January of '84.

ROBERT NIEMAN: And were you rein....where was your duty station this time?

DAVID BYRNES: Actually I was assigned to Snyder, but I didn't go up there until May, I stayed in Midland. And then Dee Vickers had been in Snyder and he transferred to Dallas. And so Ihe actually left there the 15th of December I think, or that's when the opening was.

ROBERT NIEMAN: And this is the same Dee Vickers who will eventually succeed you as Captain of Company B.

DAVID BYRNES: Yes.

ROBERT NIEMAN: So do you workthat's what five to six months there, did you work out offour or five months out of Midland?

DAVID BYRNES: Midland and worked Snyder, actually I had five counties that I worked, Scurry County which is Snyder, worked Fisher County, Nolan County, Borden County... I guess I had four to start with. I ended up with Mitchell County also.

ROBERT NIEMAN: How far is Snyder from Midland?

DAVID BYRNES: About 90 miles. So in May I moved up there and actually moved into the ...into the old jail. They built a new jail and the bottom floor of that old jail had a three bedroom apartment where the Sheriff had lived. And so I lived in there for about five or six months and then bought a place out in the country.

ROBERT NIEMAN: And ah....who's your Captain now and Sergeant?

DAVID BYRNES: Ah...the Captain then waswas actually it was Maurice Cook and then he came ...he came to Austin as a Assistant Senior Captain and Gene Powell came out as Captain.

ROBERT NIEMAN: Is Gene your Sergeant?

DAVID BYRNES: No, the Sergeant was Bob Favor.

ROBERT NIEMAN: And then how long were you in Snyder?

DAVID BYRNES: I was in Snyder a little over two years, I left there in September 1st, '86 I promoted and came to Garland.

ROBERT NIEMAN: Any cases in Snyder we ...you'd like to talk about?

DAVID BYRNES: Had ah....you know, I had five counties that I worked there. Had one kind of interesting thing happen over in Borden County. Borden County is Gail and the only town in ...in the county. And they had the Sheriff over there named Norman Sneed, Slick Sneed. And ah...the ...that old town was platted in 1890 or something you know, so it'sall of it....nearly all of titles are clouded and there's voids in the surveys and all. So they have a lot of problems with property lines over there. Well over there the ...in that county the Sheriff is also the Tax Assessor-Collector, as in many a....if you're below a certain population in Texas the Sheriff is thealso the Tax Assessor-Collector, he is in that county. Well he had discovered, of course they're paying taxes to him ah....an area in the middle of 60 acres that someone had fenced, that somebody else was paying taxes on, the heirs were in California, like three lots. So anyway, he

buys these three lots and thenthe guy had put the fence up kind of on a ...on a quick claim deal, it was a flim flam you know, it's just kind of a deal they did out there. So he starts pressuring the county to open that....you know, he's land locked. So anyway, the county is out there and ah....doing this road and Slick's wife was named Bonnie, and Bonnie was a character to say the least. She goes out there one day and she thinks that the county is building a road for this guy that's got the land lease. Actually they are only fencing off the right-of-way, which is what they were required to do. And she allegedly threatens to shoot the Commissioner and the road crew. Well the District Attorney out of Snyder had that county also, that's a dual county judicial district. So he calls me to the office and said, "I...We've got a problem over in Gail, you need to go over and take care it". So I go over there, this is the next afternoon, and go in the courthouse, and that courthouse isany question in there, they're split on, they're going to go half of them one way and half the other, just to be on opposite sides. It's just that kind of a place. And so I go in the Sheriff's office and said, "Is Slick here". He said, "No he's at the sale over at Big Springs", there's a cattle sale that afternoon. I said, "Well I need to talk to him". So the secretary said, "Is this over that deal with Bonnie". And I said, "Yeah". I said, "Do you know what happened". She said, "Yeah", said, "She threatened to kill the Commissioner and the road crew", and said, "She had a county shotgun". I said, "Okay". So anyway I go, but the next day I go back and I talk to Slick. I got him in the car, we're driving out toward Lamesa and I said, "Slick, got a little problem". Told him what it was, he said, "Well I want to tell you what David", he said, "I was at the bank in Lemesa when that happened, I got the call", and he said, "I come over here and I went home". And he said, "I asked Bonnie if she done it, and she said she didn't". He said, "Hell I let it drop, I got to live there". So anyway, I talked to the Captain and he said, "Well we'll get Sid Merchant out of Abilene to go over there and do it, you don't need to be

doing the investigation”. So about, I don’t know, three or four or five days later one afternoon, I just... I get home, actually I was up working some calves I had and when I got home well I got a call, they had a Constable over there. Said, “David you better get over here, we’re fixing to have a shoot out”. The Sheriff...this guys got this land fenced off. So what had happened was, that the Sheriff had sent a grader down there to build a pad for a house that...he had a pre-fab house built for his daughter up in Lubbock and it was going to be in there in a few days and he...they were putting the pad and the foundation down. Well the old boy that owned this other...had this other land under fence told the guy, “If you touch the blade to the ground, I’m going to blow you off that maintainer”. Well he calls the Sheriff and the Sheriff comes down there and tells him, “If you shoot at him, I’m going to kill you”. So they’re in kind of a stand-off. So I called Danny Ray, who later on was a Ranger in Ozona and....

ROBERT NIEMAN: Sulphur Springs.

DAVID BYRNES: Sulphur Springs, now retired, was a license and weight trooper up there. Of course I’d known Danny for a long time and I called Danny and I said, “Hey, I may need a little help”. I called Captain Powell and he said, “Well go on over there and I’ll be up there in a little while”. Of course it’s....he’s a good ways from there. So I get Danny and we go over there and get the people....

ROBERT NIEMAN: Danny’s in the Highway Patrol still?

DAVID BYRNES: He’s in....yeah he’s in license and weight, but he’s still uniform, before we came....he went to Intelligence and into the Ranger, before he went to Intelligence. Well we get over there and we’re in the County Judges’ office and so I tell the guy that’s got the land under fence, and there was another guy involved too. They’re kind of egging each on. I told them, I said, “You can’t carry a gun. If I catch you with a firearm, I’m going to arrest you”. “I carry a

rifle and shotgun”, I said, “If I catch you with firearm, I’m going to put you in jail, I’m telling you”. And ah... “Well you can’t do that”. I said, “Yeah I can do it, I’m going to do it, you know. If you ...I’m telling you now, if I catch you off your property with a firearm, or you threaten anybody”, I said, “I’m going to come put you in jail”. He said, “Well what about the Sheriff”. I said, “The Sheriff is a constitutional officer, he has a right to carry a firearm. If you have a complaint, you go to the District Attorney and file it and he decide whether or not he wants me to investigate it”. So we’re in there and he leaves and we’re in there talking to the Sheriff there. Well Bonnie comes in...Captain Powell has gotten there and he’s sitting over in the corner letting me handle it, you know, he’s sitting over there, he’s there if I need him, Danny Ray and me, County Judge and the Sheriff. So Bonnie comes to the door and she says, “Let’s go Slick”. And she’s so mad you can see the sparks flying off of her. And they....Slick....so Slick just gets up and leaves. And she turned around and she said, “David I understand you’re going to be investigating me”. I said, “No Bonnie I’m not going to be investigating you”, I said, “Sid Merchant is”. She said, “Well I’ll tell you one thing”, she said, “I didn’t just...”, the Commissioner’s name was Cecil Rinehart and she said, “I didn’t threaten to kill Cecil Rinehart but I did call him son of a bitch”. And said, “I talked to old Judge Sterling who was an old retired District Judge and he told me if I could he was a son of a bitch, there wasn’t nothing wrong with it”, and said, “His wife and mother-in-law both testified that he is one”. I said, “Well Bonnie all I know is, I went and talked to him, he said you called him one, but he never denied to me that he was one”. And she just went to laughing. Anyway, she ended up pleading guilty to a misdemeanor deadly conduct and paid the fine. That was...but the bottom line of that was, that Slick had done interim financing on this house over at the bank in Odessa....in La Mesa, in Dawson County. Well the lawsuits filed then, civil suit, tied the land up. So the deal was he

would just give a check for the house and then, you know, the bank would finance it. Well of course when the civil suit hit the bank can't finance it. So he had written this \$35,000 check up there, he comes in my office about ten days later and said, "I got a problem". "What is it". He said, "Wrote a check up there and they want \$35,000 and the bank won't honor it". I said, "That is a problem". He said, "Yeah, they're threatening to file on me up there for theft by check". I said, "Slick, don't let that happen, cause you know what's going to happen when that happens". He said, "Yeah, they're going to send you the warrant". I said, "That's right, and you know what else is going to happen". "Yeah". I said, "Okay, you need to go take care of that and you need to do it real quick. Cause I'm not going to be having to arrest you". And of course the Sheriff, Keith Collard is the Sheriff there in Snyder and he handled...they didn't have a jail. I said, "And I don't think Keith's going to be happy having you in his jail". I said, "So don't put us in that position". So anyway, he wentthey resolved the civil suit and he got.....

ROBERT NIEMAN: On some of these sparsely settled counties, I know at one time, it may still be that way, that Panola and Shelby County, they're both smaller counties and they share D.A.'s. Did you have any of that out there, and if yes, did that present any kind of problems?

DAVID BYRNES: Yes. It....I never had a problem with it. I had two....actually two D.A.'s where we shared, actually the D.A. of Scurry County had Scurry and Borden County and then the one out of Nolan County had Nolan, Fisher and Mitchell. Which is Roby, Sweet Water and Colorado City. So you know, you justreally it's pretty easy, cause you just workyou're working three counties or two counties with one D.A.

ROBERT NIEMAN: Was Sweet Water part of your territory?

DAVID BYRNES: Uh hum.

ROBERT NIEMAN: I got....this has nothing to do with law enforcement, but I got to ask, that rattlesnake roundup.

DAVID BYRNES: Never went, did not want to go, used to get invited every year.

ROBERT NIEMAN: I was going to say.....

DAVID BYRNES: I stayed away from there, I do not like snakes.

ROBERT NIEMAN: I do not either. Can you ah....what year is it you decide to try to promote to Sergeant?

DAVID BYRNES: Ah.... I guess in '85 or '86. I took one test and died on the list ah...it was actually....that time it was me....well actually Bruce Casteel was number one, he promoted ah.....George Frazier was number two and I was number three. I guess George died on the list, I don't believe I made the list. But anyway, and then the next year I came backthe next promotional cycle I came back and I promoted. Joe Wiley and me promoted, and Joe went to Waco and I came to Garland.

ROBERT NIEMAN: Okay what ah....explain the list.

DAVID BYRNES: Well the list is ah...if...when you ...when you come out of the interview board they rank you numerically, you have the written score and then you have an oral score, and they add those together. And then you have what they call a multiple, which is time in service, military service, which can be a maximum of 43 additional points that go on the end. The only person I know that got 43 was C.J. Hobb and that's for getting....he had some disability from the military, he's the only one I know who could get that last 5 points. But anyway, they add that multiple on and however you come numerically is the way you're ranked. And that list is good for one year. If you don't promote off that list then you die and you start over.

ROBERT NIEMAN: Okay, you're going to Garland ah....what G.W. Burkes is retired.

DAVID BYRNES: Right.

ROBERT NIEMAN: James Wright is now the Captain.

DAVID BYRNES: Yes.

ROBERT NIEMAN: And was there any otherwell yeah, Waco and Joe Wiley.....

DAVID BYRNES: Joe ...Joe was in Waco and ah....so

ROBERT NIEMAN: He'd go to Gar....Dallas.

DAVID BYRNES: Yeah and actually we came out.... I was number one, he was number two, but there was never any question about where we were going, I mean, they decided it in Austin, you know, that obviously Joe didn't need to have to move. I had to move regardless, and there wasn't any reason for Joe toJoe to move.

ROBERT NIEMAN: Okay, you're coming to Dallas now, Garland, and ah....oh for the record, the transcriber, Wiley, WILEY. Ah...the ah.... I've always heard, you and I have talked about it, Glenn Elliott and I have talked about it, I've talked about this to a lot of people. Law enforcement, the people you deal with and the respect or disrespect or what not, and the type of crimes they're pretty....there's a lot of difference on the whole picture, east and west of 35...Interstate 35. I mean you have homicides and this and that, but the Rangers in eastern Texas work a whole lot more homicides and this sort of thing, I've been told, than those in West Texas, simply because of population.

DAVID BYRNES: I think that's a true statement.

ROBERT NIEMAN: And ah...okay so you're now a Sergeant in Dallas, so you're having to supervise a greater.... I guess a greater proportion of your homicides than you were to of.... I mean what did this ...how did you adjust to all this is what I'm trying to get to.

DAVID BYRNES: Well I ...as far as homicides, I had worked quite a number of the homicides and had been, you know, directly involved and indirectly involved in them and you know, some pretty in depth investigations. So I was very familiar with homicide investigations. Of course the biggest problem I had when I came out of the field into the office was, I wanted to be doing work. And I'm reading these reports and I'm thinking, man I'd like to be working this case. And I had to stop myself from calling a Ranger and saying, hey you need to do this or this you know. Because I realized real quick, for of all, that they're going to do everything I do, they may not do it exactly in that sequence, but they're going to get around to it, they're competent, I don't need to be telling them, and that's very hard. The other thing, of course I had, especially over in the eastern end, you know I had Glenn Elliott and I had Max Wommack, I had Lloyd Johnson, had Stewart Dowell had been around a long time and here I am a rookie Sergeant, a lot less time in the Rangers, a lot younger than they are, and I'm supposed to be supervising them. But you know, I will have to say, especially Glenn, you know, they were absolute professionals and you know, they just...there was never a problem. And you know, the ...actually the supervisory, I guess, philosophy in the Rangers is a little different than it is everywhere else. You know, first of all you don't hire anybody with less than eight years experience, you know, so they're mature people. They should have a very good work record already, you know, have a good work ethic, you don't have to be out there poking them with a stick to get them to go do what they're supposed to be doing. So you don't have the work related supervisory problems. And generally, well from the ten years I was a supervisor, I had one personnel complaint, you know, on Rangers, I mean one in ten years. So....so you just....it's a totally different thing. And really what the Rangers ...when I was there, what I perceived they used me for, other than to get flashlight batteries, it's what Leo Hickman said I was good for, ah...but they would call and just

bounce things off of you. Say hey, this is what we're doing and it's....they're not wanting you to tell them yes or no, they're wanting you to look at that overall picture and see I think ifand they're maybe not even consciously, if you see something they don't see, or some problem that they're not seeing, but they're too close to the investigation. But I think they really, or at least when I was there, they used that first line supervisor, the Sergeant or Lieutenant, whatever you were called, kind of as a sounding board, you know....you know....you know, what do you think isnot asking this but in affect asking you, you know, what do you think about this and do you see a problem now or down the line with it. So it was ah...

ROBERT NIEMAN: Well how would this affect supervising, as you know, I've done a lot of stuff with Glenn Elliott and at one time....they're down in the museum now, but I had 26 years of his reports. And I ...one of the things that really struck me is how the reporting changed from 1961 till his retirement in 1987. For instance the incident he and Bob Mitchell and Max Wommack and Red Arnold I talked with on Harry Hines, where it ended up in a fatality of Charles Robert Mathis, the whole report wasn't, you know, you could put it in one folder and have....not stuff it. Well today I know one time here several years ago, I don't remember if you were still Captain or not, but we had a shoot out over in Marshall, it was a fatality, it was really nasty, the guy tried to kill the EMS....emergency medical people there, and Ronnie Griffith who would succeed Glenn in Longview, worked that case. And I know Richard Sheen and a bunch of people, I think Dee may have been Captain by then, I'm not sure. But I know Ronnie one time made a statement to me that he'd just finished his report and it was 40 pages long and single spaced. I said, "Why, this thing is open and shut". And he said, "Well civil". You have tothere's a lot of....you know, it's a sign of the times. You know, if you go back and look at a 1960 or '61 report ah.... I mean, it was like Jack Webb, 'Just the facts mame, only the facts', you

know, but it was bare bones. But really the...you know the water shed event on report writing in the Rangers was James Adams, when he came. And he instituted that new reporting system and they have a great reporting system. That reporting system that the Rangers use is designed for prosecutors and it's a continuation. Where you don't, you know, like ...you don't have to do supplements, you can do a continuation sheet and it keeps right on going. All the paragraphs are numbered, the pages are numbered, you can tab that thing, you know, a prosecutor can go to it, it's just really a good report. But ah...that reporting system was not put in without a lot of wailing and gnashing of teeth. Now we were drug into modern days by James Adams on reports.

ROBERT NIEMAN: What are your thoughts on Adams?

DAVID BYRNES: Huh?

ROBERT NIEMAN: What is....

DAVID BYRNES: Oh I think he was the greatest thing that ever happened with the department.

ROBERT NIEMAN: Jack Dean described him as about 5'6" tall and with a brain about 6'8".

DAVID BYRNES: Yeah. He ah....he.... I think that he did more to modernize the thinking of the Rangers to legitimize us in modern days than anybody else.

ROBERT NIEMAN: You knowthis has nothing that much to do with your story, but I visited with Adams quite a bit last year at the Ranger reunion in Waco. And I was struck that he said he that he learned a great deal from the Rangers too, and it wasn't a one way street. He said I learned a lot from the Rangers.

DAVID BYRNES: Well I'm told that when he first came in he said, you know, what do the Rangers do, why do we need them. And then later on he said, you know, I soon found out, you know, what they did and why we needed them. So I think it was a mutual thing even though I

think as a whole the Rangers pretty well resisted it you know. But I think he was a great for the department.

ROBERT NIEMAN: Well IGlenn I think described.... I've heard ...sums up a lot the ways I've heard a lot of people describe Adams, he said when Adams made Colonel I didn't want no part of him, he was an outsider and from the FBI....

DAVID BYRNES: FBI...

ROBERT NIEMAN:FBI....

DAVID BYRNES: FBI....

ROBERT NIEMAN:to make it worse, I didn't want any part of him, I wasn't going to like him and that was the end of the story. And he said as far as I'm concerned, next to Homer Garrison he was the best Colonel we ever had.

DAVID BYRNES: Well I think, you know, give everybody their due, for that point in history, he was the best thing could happen to us.

ROBERT NIEMAN: Yeah. What other ah....well I wantone question, while you're Sergeant, that rank is changed to Lieutenant.

DAVID BYRNES: Yeah, the title.

ROBERT NIEMAN: And ...and the title and the Rangers go from field Rangers

DAVID BYRNES: From Privates they were.....

ROBERT NIEMAN:or as Jack Dean calls them, the real Rangers went from being Private to Sergeant. Can you explain why that happened?

DAVID BYRNES: Well thethe real thing is that in DPS you have a working title and you have a payroll title. The Rangers were always payroll title was Sergeant, they made the same thing as a uniformed Sergeant did. The CLE at that time before the Rangers were again a

division, criminal law enforcement, narcotics, Rangers ah....intelligence, motor vehicle theft, their Sergeants in the Rangers were paid as a Lieutenant. We didn't have a Lieutenant back then, you went from Sergeant to Captain. Where in the uniform service you've got a ...you know, you've got a Sergeant, a Lieutenant and a Captain, you go through the ah....and of course you've got the troopers that.... I think there's five steps in trooper now. So ah...but it was...it was done I think to kind of clarify that and maybe even done when we had to go under FSLA and start....

ROBERT NIEMAN: What is that?

DAVID BYRNES: The FederalFair Standard Labor Act where we got the ruling that you had to pay comp time and all that you know. The I think that may have beenand I'm not I've heard this, it was an effort on the departments part to try to make the Rangers and the investigators exempt, you know, to give them that title. But the only thing, the law is that you are rated exempt or not exempt by what 80% of your duties are. And of course they're not supervisors.

ROBERT NIEMAN: Okay ah....what were some of the challenges you found as a Sergeant, as compared to being a field Ranger?

DAVID BYRNES: Well as I said, first of all....

ROBERT NIEMAN: Other than reports, which we've already visited.

DAVID BYRNES:yeah, notnot interfering with their work, you know, keeping my nose out of their business you know. And you know, one of the biggest things that you have every year is annual inventory. I mean you know, we've got a....and a lot more now, but that....you know, we had a lot of equipment. And you had to get out and you have to look at every bit of that, that's a challenge every year, to make sure that you've got all of that stuff you know. And of course the Rangers are good about that, they're....again they're not hap-hazard type people,

any of them that I'm aware of. So they keep that up. But those kind of things and then just, you know, the ahoverall array of things that you're handling. You know at one time, you know, this was the largest Ranger company and when I was Captain we had 17 field Rangers and 35 counties, we picked up 5 you know, west of here. So when you've got that many investigators out there, they're doing a lot of different things and you're having to, you know, check those reports, make sure they're correct and make sure that everything, you know, all your updates are done and that everything is followed up. Because they...you can't just put a report in and forget it, I mean, that...that thing, once it's in the system it's got to be updated and you know, there's certain things have to happen. And as a first line supervisor you have to make sure that happens. So it's ait's a constant thing, you know you....of course checking all the reports, all the car books, all that stuff every month. It's a big challenge.

ROBERT NIEMAN: Well you mentioned working with Glenn and Max and what not, well how was James Wright, your Captain?

DAVID BYRNES: James Wright was the greatest Captain you could have. The thing that I always remember about James is that the first day I came to Garland ...and I didn't come until about two weeks before time to promote because there was a little bit of uncertainty where the Captain vacancy was going to be because Charlie Moore wanted to transfer from Lubbock back to Dallas. That request was denied by the Senior Captain.

ROBERT NIEMAN: Who was?

DAVID BYRNES: Lefty Block. And so he appealed that to Colonel, so they didn't know up until, you know, on up in August, you know, first of all they didn't know, I guess, that if Charlie came down here if James Wright would go to Lubbock as Captain. You know, well if he stayed here as Sergeant then, you know, they don't know where I'm going. Cause it was already cut and

dried Joe was going to stay in Waco, and that's the proper decision. But anyway, when I came up in mid August and he was then of course the Sergeant, cause G.W. is still working, he's you know, moving stuff out and everything, but he's still the Captain. So he's occupying the Sergeant's office and I set down there and he told me, he said, "David, the first day you get here I want you to start working on making Captain". That's pretty amazing, you know. But he's not even really Captain yet himself, but he's telling me, you know, I want you to start working on making Captain. And I can tell you that the time....the five years I worked for James Wright he never questioned a decision I made, I hadwhen he was not there I had total authority. And I know that I made decisions, because we're two totally different people, two totally different personalities, James is very laid back, very methodical and I'm, you know, I get upset sometimes and I make some of the best speeches I'll ever regret sometimes you know. But James doesn't do that and I know that I made some mistakes that he probably cringed over, I mean some decisions, and I wouldn't say they were mistakes, but he thought, you know, what is this idiot doing. But he never once backed up on me or questioned what I did, and I'll tell you what, I think the world and all of James Wright. I just...I don't think there's a better guy anywhere in the world.

ROBERT NIEMAN: And as good a Captain as you could of ever found.

DAVID BYRNES: Oh yeah, yeah. And like I say, I mean you know, that Captain's seat in a Ranger company is, you know, most of them are very territorial and you know the Sergeants authority stops at the Captains door.

ROBERT NIEMAN: Well I've heard a Ranger Captain described like a General on the battle field.

DAVID BYRNES: Yeah.

ROBERT NIEMAN: God.

DAVID BYRNES: That' right. And....and....but James Wright was not that way. And I mean....but for him... the opening statement he made to me, 'The day you get here, I want you to start working on making Captain'. And he let me do that, you know, and I'll always be grateful to him. Because I was able to learn a lot more and grow a lot more.

ROBERT NIEMAN: Well James had been a field Ranger down in Waco, which is ...had you ever worked with James?

DAVID BYRNES: I never had, I knew who he was, I'd met him, but I had never worked with him.

ROBERT NIEMAN: Anything in particular to talk about as a Sergeant you'd like to visit with here?

DAVID BYRNES: No we ah....you know we did the routine stuff. I don't know of anything that ah....

ROBERT NIEMAN: Well moving to Dallas from Snyder and Ft. Davis and Pecos, that had to be a shock to the system.

DAVID BYRNES: Yeah it was and you know, the first time I came up here the AFIS, Automated Fingerprint Identification System was coming in and Dallas SO was getting one. So they're going to have a meeting, so James asked me said, "Are you going to be here". And I said, "Yeah I'll just...yeah I can stay however long I need to". "Well I want you to go to that meeting with me". But before this meeting we went, there was a friend of his that was a former Highway Patrolman that was the ...in charge of security at the Thanksgiving Towers down there, which was the Hunt Oil, you know, thing where you got the big H.L. Hunt statute and everything.

ROBERT NIEMAN: Pegasusole Pegasus up on top, the old flying horse.

DAVID BYRNES: And ah...so we go down there to lunch and go down...you know this base... I mean underground city down there. And I'm kind of walking around big eyed and James said, "Have they got anything like this in Snyder". I said, "You could put Snyder in this and have plenty of room you know". But I mean it....yeah it was a country boy come to town, it really was.

ROBERT NIEMAN: And then you did what James wanted, you are gonna become Captain.

DAVID BYRNES: Yeah.

ROBERT NIEMAN: And that was in 19..?

DAVID BYRNES: December of '90.

ROBERT NIEMAN: December of '90.

DAVID BYRNES: Promoted the 1st of December of '90.

ROBERT NIEMAN: Was James...or was Company B the only opening?

DAVID BYRNES: Ah....yeah, yeah.

ROBERT NIEMAN: Who elsedid all the other Sergeantswell by that time they're Lieutenants I guess.

DAVID BYRNES: Dee Vickers ah... I don't know if Dee and I were the only two or not. But Dee... I know Dee competed for that spot.

ROBERT NIEMAN: Had....and then he would later become Captain of Company A, before....

DAVID BYRNES: Yes, he was a....he was a Lieutenant at Company A at that time. He had....he had made Sergeant when he made it, he made Sergeant and went to Company A.....

ROBERT NIEMAN: Okay.

DAVID BYRNES:when Jim Gant retired.

ROBERT NIEMAN: Okay. Okay, now you're Captain of Company B in Dallas, what....how doesyour responsibilities and your duties and what not, change from being a Sergeant?

DAVID BYRNES: Well of course they changed quite a bit because you have ...have to take a lot wider view. One thing, you have to start being much more involved in the budget, you know, and in ...in getting the budget appropriated and making the people aware of, you know, what you need down in Austin. Of course that's the big thing. Plus you have to start, you know, you're in mid management now, you know, so you're not actually a supervisor, you're in management. So you have to be participating a lot more in Austin on committees and meetings and things like this. Soand then of course you have a lot of outside duties as far as, if you will, politics you know. I mean you've got....that's your responsibility to go out here and if you have especially a place where we're not getting along as well as we should be with local officials, you have to go down there and you know, kind of smooth that over and see what we can do about that. And so it's a lot different. You know it.... I remember that before I made Captain, that you know....well you know, not even knowing, but if I made Captain I'm not going to have any problems, I've been doing all this anyway. I didn't have any idea what the Captain was really doing. You know, I was doing again, a lot of things, but there was a lot of things that he was doing that I didn't know about, so ah.....

ROBERT NIEMAN: Okay, who was the Senior?

DAVID BYRNES: Ah...Lefty.

ROBERT NIEMAN: Okay, does...and you're still under this Criminal Law Enforcement CLE?

DAVID BYRNES: Ah...no, I can't remember when we went in as a division. Ah.....right about that time we went back to a major division.

ROBERT NIEMAN: Well what did that....what was the advantage or disadvantage of being part of and then not being part of the CLE?

DAVID BYRNES: Well the advantage is that you've got a direct line to Colonel, I mean you got a division Chief instead of a, you know, service Commander. You know we went from being a service, the Ranger service to the Ranger division, which was provided for always in the law and said that it will not be abolished, but it had been for many years.

ROBERT NIEMAN: Could...as long as you were under the CLE could you have lateral movement?

DAVID BYRNES: Not in the Rangers. For a long time there was no lateral movement in other services. Ah...before I ...they do now laterally move, but no, you can't laterally move in the Rangers and you can't now, because the Ranger promotional process is in the Government Code, you know and that is one thing that I think that the Rangers need to thank Maurice Cook for, because he did that. You know, he went down and got that put in the law.

ROBERT NIEMAN: I've heard a lot of people agree with that. That the Rangers are so much better off out from under the CLE.

DAVID BYRNES: Well and

ROBERT NIEMAN: And I guess that would have been alright when you have a Jim Ray as Chief of it , but when you don't have a Jim Ray....

DAVID BYRNES: Right, and the thing to is, that we protect our promotional process. Because you know....you know I always said, there's a lot of jealousy in the department toward the Rangers, you know, whether that's good or bad. I don't think it's good, but anyway. Ah....but the Rangers are different and the problem you always have when you say that to somebody outside the Rangers is they think youthey equate that as saying the Rangers are better. It's not

what you mean at all. The Rangers fulfill a unique slot or need in law enforcement that because they are not specialized, they do general criminal law and they go out to these small communities, these small counties and actually they're an extra hand if you will, you know. It's just like when Richard Sheen comes over here, that's an extra deputy that I could absolutely could never hire anybody with those qualifications.

ROBERT NIEMAN: And those assets, the lab in Austin.

DAVID BYRNES: Exactly, and the fact is that ...that he can pick up the phone and call anywhere in the state and there's somebody, some Ranger responsible for that county that we can get a direct line to. And that's the big thing about the Rangers. And the fact thatwell Richard for instance is a great teacher. So he's good when I have new investigators. When he comes over he works a homicide. And by the way, weon any major crime, we call Richard and give him the opportunity to come to the crime scene.

ROBERT NIEMAN: And I've heard from Rangers say so many times, it's so important to get in on the front of an investigations instead of the back end.

DAVID BYRNES: It's....and we always afford Richard that opportunity. Sometimes he can't come, he's tied up, but generally he's going to come, especially on a homicide or something like that. And so the....you know the process begins, you know, he's got again all of the expertise, he's also got all the assets, but he is a great teacher. And I can take a young investigator and put him with him and he'sRichard is not arrogant, he's not impatient, he has patience for those people, much more than probably I would. And so he's a great teacher and ah....you know, he comes over here and works just like an extra person, which allows me, instead ofif I've got a homicide, instead of having to have two deputies tied up, I've got Richard and a deputy. I can take this other deputy and put him on something else.

ROBERT NIEMAN: Well Richard has told me, you know, saidI'm very close to Richard Sheen as you well know, that he had so many homicides and what not up in Kaufman County, he just tells them anymore to take a number. But I have to respectfully disagree with one thing you said, that the Rangers aren't better, they're just different. There's a lot of us that think the Rangers are better, they're the best of the best. I mean obviously you're the best of the best.

DAVID BYRNES: Well but...but again that's....when...what I'm saying is that when ...when you are saying that they are different, itin a supervisory or as management context, to other people in management down there, that's not what you're saying.

ROBERT NIEMAN: Yeah, oh yes you're right.

DAVID BYRNES: We have....you know you have special considerations or special things you have to consider.

ROBERT NIEMAN: Yeah.

DAVID BYRNES: You know, and this goes against their grain.

ROBERT NIEMAN: Before we get off onto other things here, there's ah... I visited one time I was in San Antonio and I visited with the Chief, at that time Chief, C.J. Haffer, and during our conversation I made the statement that the Rangers are different, that I hope that we don't have any Rangers with that little Texas Ranger badge, and it's not very big, but it's too heavy for some people. Because there's a responsibilities that goes with being a Texas Ranger. And C.J. told me, he said, "That's one the things my pat speech I give to new Rangers, is you are a Texas Ranger, you're not any more just another law man, you are a Texas Ranger with a history and traditions that goes with it". And I don't....and I was real happy to hear him say that, I hope that his predecessors have continued that.

DAVID BYRNES: Well I do to and of course you know I ... I don't think there's a more solid guy anywhere than C. J., I just...you know, he's ...he's there all the time and him and I worked together in West Texas and he's.....

ROBERT NIEMAN: Not splashy, but he's there.

DAVID BYRNES: Yeah, well you know, the fastest horse don't always win the race.

ROBERT NIEMAN: Yeah. But I hope that traditionand I have no reason to think it's not, because I think that was athat is so true, that the Rangers are very special. All right you're ah....you're now the Captain ah....anything in particular happens before we get to the big event?

DAVID BYRNES: Well of course one....the big thing that happened and started happening really before I I became Captain was, that some of the older Rangers started retiring, you know.

ROBERT NIEMAN: Glenn, Max and Stuart all went.

DAVID BYRNES: Yeah, Stuart Dowell, Glenn Elliott, Max Womack ah....and so you know, it was a big change. The ah....then of course Lloyd Johnson retired and

ROBERT NIEMAN: Don Anderson retired.

DAVID BYRNES: Don Anderson retired. That was just a year before I retired. So we hadDavid Dunaway retired, we had a lot of people....Weldon Lucas retired.

ROBERT NIEMAN: Is Frank Kemp still there when you were Sergeant?

DAVID BYRNES: No Frank was retired when Ibefore I came in. So we had a lot of stability if you will and a lot of tenure that went and sat on the sidelines so to speak. And we had to, you know, bring new people in. And you know, we got good people and that's one thing about it you know, you just don't hardly get bad people in the Rangers because of the selection process. And that's so important that we maintain that and that they maintain the high standards of selection,

the basic entry level selection is where the key to this whole thing is. So Iand I think they're doing that, I I look around at these Rangers today, I would hate to think I was having to compete with them for promotion.

ROBERT NIEMAN: I asked Jim Ray one time, who is a former Ranger Captain and Chief of the CLE, Criminal Law Enforcement, how would you compare Rangers today with Rangers of your day, which was the '50's and '60's. And his statement was, unfortunately there is some Rangers that they're not real good. He said it doesn't matter what era they're in, they're not going to be good. And then you got people like Glenn Elliott and you know, some of your really great Rangers, and he says it doesn't matter what era they're in, they're going to be great Rangers. But he says that's that vast middle ground is so much better today than they were in my era, it's just not even worth talking about.

DAVID BYRNES: Well I'll agree and even, you know I've only been gone it'll be ten years in September, but I see that. You know they're....and itit's mainly technology, you know, because there's so much technology now and that you have to be able to do. That you know.... I wasn't raised with that, these kids have been raised with it. You know I've got.... I've got kids that are older than some of these Rangers you know. So, you know, you startwhen you get my age you start understanding the generation gap and youyou know you start realizing, you know, these kids get younger every day and yeah I get older every day.

ROBERT NIEMAN: Yeah, and I don't know whether.... I would suspect this would be a true statement at least, from my part on the Rangers, that they wouldn't.....of course you're dealing with humans, I know myself there's a lot of this new stuff that coming on, I'm just not interested in learning.

DAVID BYRNES: I think that that'sthat is exactly what happens to all of us. I mean you think, you know, what is the use.

ROBERT NIEMAN: Yeah.

DAVID BYRNES: You know, I mean ah.... I admire these people that get out here and every new gadget, you know the retired people that do all e-mail and everything, I could no more do e-mail than I could fly a jet airplane, and have no interest in doing it.

ROBERT NIEMAN: Yeah.

DAVID BYRNES: But my wife does it. But it's just not something I'm interested in. And ah....but I admire people that do that. And there are some of these older people out here, that are older than I am, I mean theythey know that stuff and they do all that you know.

ROBERT NIEMAN: Well it's like your reporting system, we were talking about that Adams introduced ah.... I agree, you know....but I remember one time I was talking on this with Glenn and Mitchell and what not. And Mitchell made a statement, which is also true, but I'm not trying to defend the old system, but he said, "You know, we sent a lot of people to the pen on those old report systems".

DAVID BYRNES: Sure.

ROBERT NIEMAN: You know, so....

DAVID BYRNES: But, you had a totally different criminal justice system too.

ROBERT NIEMAN: Yeah, yeah.

DAVID BYRNES: You know.

ROBERT NIEMAN: You had the East Texas merry-go-round and milk run and stuff like that.

DAVID BYRNES: And I think today, you know, this is what I try to tell my young investigators, you know on these reports, you have to be thorough. Because of the climate we're

in today, you may not even be able to testify to it if it's not in the report. And even if you can testify to it, they're going to be able to attack you, say if it was that important why didn't you write it down. So you know, we're in a totally different era. You know, and ...you know, I long for those days. When Iyou know, theyou were talking about the difference in law enforcement in West Texas and East Texas when I came up here. Just the esteem that the Highway Patrol and the Rangers were held in, in West Texas, a vast amount of difference when you come up here. You're one among many, out there you are, you know....and you're a preferred citizen out there. So it'sand I think also without denigrating anybody else, the level of local law enforcement is much higher out there than it is, especially as you get farther in East Texas you know.

ROBERT NIEMAN: Well I've heard it said that the people, the population, in Western Texas as a whole have a greater respect for law enforcement.

DAVID BYRNES: I don't think there's any doubt about it. And I jokingly....about half jokingly say that's one of the places the good people still outnumber the bad out there you know. And ah....so I saw a big difference ininand plus you know, in Dallas ah....you know, people born and raised in Texas didn't know what a Texas Ranger was. You know you don't know anybody in West Texas that doesn't know about the Rangers.

ROBERT NIEMAN: Well I I'm still

DAVID BYRNES: Or you know....and they know who the Ranger is.

ROBERT NIEMAN: I run into this often and it still amazes me. "You mean there's still Texas Rangers, you mean there really are Texas Rangers". You know.

DAVID BYRNES: I think I told you a story one time, right after I came to Dallas, I got a call one day and this guy said he's Lou Gagliardi or something you know, some Italian name, but

he's obviously a Yankee. And he wants to talk to somebody. And I said, "We don't have anybody by that name here". "Yeah you do", he said, "He's a scout for you". And so I think immediately it's somebody jerking my chain you know. And I said, "Well we hadn't had any scouts in a long time". And so finally I snapped, this guy is not putting me on. I said, "Who do you think you're talking to". He said, "I'm talking to the Texas Ranger ball club". I said, "No, you're talking to Texas Rangers law enforcement". So you know, but I thought he's, you know, jerking my chain. Because you know, some people always used to call and especially around intelligence and you know, "Hey I need two tickets for the double hitter Saturday night". You know messing with you. But ah...no it's ah....you know, and I'm sure they still do it. When I was, you know, the Sergeant and the Captain in Dallas, we did a lot of presentations in schools, a lot of them, just to get out there and let them see who we were.

ROBERT NIEMAN: Well I've heard it described that a West Texas Ranger....or an East Texas Ranger will have it a whole lot easier adapting if he moves west than a West Texas Ranger moving east.

DAVID BYRNES: Exactly right. So it's ah...but there is difference, they are totally different.

ROBERT NIEMAN: A while ago you mentioned you know.... I know ah...you had Decatur and Weatherford and what not in Company B. Why did that come about, then why was it moved back away from Company B? What I guess that split C and E, or just C or.....

DAVID BYRNES: Cah....well the main reason it was moved was because if you looked, most of the business that they did, they were much more compatible with Dallas/Ft. Worth area than they were Lubbock. I mean I was raised in Weatherford, you know, it's....you know it's 20 miles from Ft. Worth....21 miles. A whole lot farther than that to Lubbock. Decatur, you know, I mean it's right up 287 and I think that Lane Akin would tell you, when he worked up there, a

whole lot of his business came back to Dallas. And I guarantee you, the first six months that Lane was in Decatur he spent more time in the Dallas office than he did up there, following leads and things you know. So it was just really more regionally compatible with this. And why was it put back, politics, internal politics, pure and simple.

ROBERT NIEMAN: Any thing else you want to get into before we get into the Branch Davidians?

DAVID BYRNES: No, but I would like to go down the hall.

ROBERT NIEMAN: I was getting ready to say the same thing.

ROBERT NIEMAN: ...(tape begins and is inaudible).....

DAVID BYRNES: ...I first heard of him on the new break that afternoon ...or that morning that they did the raid...on TV... I was watching TV. The way I got involved, I was assigned.

ROBERT NIEMAN: How long....when...that first was what, in February and then....

DAVID BYRNES: February 28th.

ROBERT NIEMAN: February 28th, and then when did you get assigned to go down there?

DAVID BYRNES: We went down on day 2 I believe, which would have been the 2nd of March. Actually about noon that day I got a call from the Senior Captain, it was Maurice Cook at that time. And he said, "I need five good investigators and they need to be prepared to stay two weeks".

ROBERT NIEMAN: And who did you send?

DAVID BYRNES: Ah.... let's see, I had Brantley...

ROBERT NIEMAN: Foster.

DAVID BYRNES: Brantley Foster, Ronnie Griffith, Eddie Almond, Ted Poland.... I ended up just sending four.

ROBERT NIEMAN: Okay.

DAVID BYRNES: Because....so I put them on standby and said, just wait until I call, said, “we’re going to go....we’re probably going to go do thattake over the Branch Dividian investigation, they’re still trying to hammer out some details stuff and I’ll let you know”.

ROBERT NIEMAN: Did other investigators from other companies also go?

DAVID BYRNES: Yes, every Captain got the same call. So about ah....oh I don’t know, later on in the afternoon maybe 4:30 I got a call back and he said, “I have good news and bad news”. I said, “What’s that”. He said, “The good news is you don’t have to send but four investigators”. “Okay what’s the bad news”. “You’ve got to come”. So he said, “Koresh is going to make a statement and then he’s supposed to surrender and ya’ll need to be here as soon as they can get here, be ready to go”. So we go to Waco and of course he didn’t surrender. So the next day well we....we began, I had about 36 Rangers down there and of course Bobby Prince was the Company F Captain and he was actually in charge at that time, early on.

ROBERT NIEMAN: Were any other Captains besides yourself sent down there?

DAVID BYRNES: ..(inaudible)...and I had ah...we had ah...three Lieutenants down there. Of course Earl ...

ROBERT NIEMAN: Pearson.

DAVID BYRNES: Earl Pearson was the Lieutenant in Waco and I had ah....Robert Madear came up out of Houston and Carl Weathers out of Lubbock, three Lieutenants and two Captains down there. And we began working and trying to....

ROBERT NIEMAN: Well was Bobby in command?

DAVID BYRNES: Yes, Bobby was....well it was his area, I was just down there assisting him. And ah....we ah....we start interviewing ATF....the ATF people, got with the U.S. Attorney’s

office and got all the briefing and everything. And then we had a ...of course had a body out there, Michael Schroeder that had gotten killed in what we call secondary fire fight, where they ...ATF trying to evacuate and they met three coming in and two got....we arrested one, one got away and they killed one.

ROBERT NIEMAN: Dividian.

DAVID BYRNES: Yes, the Branch Dividian fella. We are trying to go and work that crime scene ah....not having much luck with the FBI there, being pretty well in transit.....

ROBERT NIEMAN: Well I mean....how did the Rangers get involved in this, cause that's....

DAVID BYRNES: Well what happened was, that I think anybody that sees itwhen ATF went in on the morning of the 28th they literally got their butt kicked. You know, they were out gunned, the ah....they didn't have but I think three AR's between them and two of those were pinned down out of the fight, didn't have but one AR in the fight. All the rest of them had 9 mm hand guns. The only thing that saved them was across the street in the undercover house, they had there what they call the four observers, the snipers, set up and they were shooting 308's. And they were actually laying down some pressing fire into that building. So they pretty well got their butt kicked, you know, they got the people killed, you got them wounded and if you recall them coming out that afternoon, I mean they were totally dejected. And somehow, somebody in Washington decided that they would have the FBI come down and take over the stand-off. So theBill Johnson, who was Assistant U.S. Attorney there in Waco and had done a lot of work with the Rangers, I guess perceived early on that there were going to be a lot of problems. So he started, I think, probably Monday morning or maybe that evening, you know, lobbying to have the Rangers take over the investigation.

ROBERT NIEMAN: Well was this standard for a State agency to investigate?

DAVID BYRNES: No, it's never been done before and I doubt that it will ever be done again. It did not turn out the way they wanted it to. But ah....anyway, that was finally accomplished on day 2 and I don't know what the agreement was, but the Colonel and I guess the Director of the FBI and the Director of ATF came to an agreement how it was going to be done. And ah....the ah....Rangers was sent in and we began doing the investigation. Our main purpose, to start out our charge, was to investigate the murder of the four federal agents and that's what we began doing. Of course we were able to go in one day and work that crime scene, recover the body and we covered the crime scene, oh I don't know maybe, on Thursday of that week, I can't recall exactly.

ROBERT NIEMAN: Well were you operating a State....did they make you federal officers of any kind?

DAVID BYRNES: Yeah, well we....yeah, we were ah.... I guess about two days after we got down there we were sworn in as Deputy U.S. Marshall's, because we did not know whether we were going to go State or Federal on the charges, and in order for us to get federal grand jury testimony we had to be a commissioned federal officer. And we actually started out with what we call double tracking it, we were working the case from the State under the federal level, even though the case was being directed by the U.S. Attorney's office. But we were going....because we had ...under State law of course had Capital Murder. And ah....the ah....so we wanted to be able to prosecute that in State court if need be.

ROBERT NIEMAN: And ya'll were made what, Deputy Marshall's?

DAVID BYRNES: Deputy U.S. Marshall's, yeah. And Judge Smith swore us in and ah...then we began working....we went in and partially worked that crime scene. We had to go in, in a

Bradley fighting vehicle because there actually was....if you remember the pictures, they had the tower?

ROBERT NIEMAN: Uh hum.

DAVID BYRNES: That was line of sight from that tower and we didn't know what they had up in there. Of course we knew they had 50 caliber and they were well in range of a 50 caliber.

ROBERT NIEMAN: How did you know?

DAVID BYRNES: Because they had shot those vehicles up with them and the ATF knew what they were being shot at with. It turns out they had two barrettes in there which was a box magazine semi-automatic weapon on a bi-pod, it's a large weapon...(inaudible)...of course that was fired. But ah....we had to....of course run out of time that day and then we never could get them to free up a vehicle for us again. And of course they also....they were doing outside parameter security for us, the FBI was. Of course it started raining and so we lost a lot of evidence on the crime scene. But we were trying to, you know, do a regular investigation and we started getting a few people out of there and they wouldn't let us talk to them until, you know, much later than when they came out.

ROBERT NIEMAN: Who wouldn't let you talk to them?

DAVID BYRNES: FBI. FBI was in charge of the standoff and ah....so had a lot of problems with that, we finally got that ironed out where we could....they needed to interview them for tactical purposes, which I fully agreed with. And anytime we had an issue and they had a tactical concern, we always resolved that issue in favor of tactical, because they were on the ground, they were the people that were in jeopardy, not us. And ah....so you know, we were not being unreasonable, so we finally got it worked out to where we would have a Ranger sitting in there, because they were inter....of course interviewing these people, debriefing without benefit of

Miranda warning and giving them warning rights. So we wanted a Ranger in there just to sit and then after they left we can Mirandize them and then go back, if they made some exculpatory statement or a statement against penal interest, then we could go back and explore that, you know. But what about this, you know you said this and after they had been advised of their rights so that we could use that.

ROBERT NIEMAN: Well why wasn't the FBI mirandizing them?

DAVID BYRNES: Because they didn't....they didn't want them mirandized and rightly so, they didn't want them to clam up, they didn't want to dry them up and make them think they were going to arrest them. They want the tactical information, they want to know how many people in there, where are the guns, how many guns, what kind of guns. This is what they were interested in. Which was absolutely proper, I mean I didn't have no problem with that. But we got through that and ah....but it wasit was an ongoing problem with the FBI you know, we would go in the command post andto try and talk to them about something and you might have to wait 45 minutes you know, before they'd see you, if they ever saw you and ah....boy it was a....an ongoing thing. And we had daily briefings there at Ft. Fisher, U.S. Attorney and the Rangers, the ATF ah....McLennan County, the Fire Department, the FBI wouldn't show up for the daily briefings. Ah....and they just you know, totally divorced themselves from everybody.

ROBERT NIEMAN: What would they act....well you feel they were just beinghad a superior feeling or were they trying to actually in anyway subvert the investigation?

DAVID BYRNES: Well they were out doing the investigation also, even though they denied that and that was not their charge. But....and the reason we knew that, because we would go talk to people and find out information, they'd said, "Well I told the FBI that three or four days ago, a week ago".

ROBERT NIEMAN: And what would they say when you confronted them?

DAVID BYRNES: Well we just, you know, we're just out getting information, we're not doing an investigation, you know. Well they are, they were, you know. And then the fact they wanted to take over the whole thing, which they would deny too, but they did, you know.

ROBERT NIEMAN: Well from what I've had other Rangers say, it's standard operating procedure, the FBIwe tell youyou tell us everything you know and we'll tell you what we think you need to know.

DAVID BYRNES: That was the standard operation procedure back... I think it has changed quite a bit. I think Waco and Ruby Ridge was a cultural alteringtwo cultural altering events for them. And ah...so it wasbut it wasit was not a pleasant situation, but there....actually there was, you know, two different things that the FBI....once we got the crime scene and were using their lab people and that, you know, we had....everything was great, we never had any problem after that.

ROBERT NIEMAN: This is after the fire though.

DAVID BYRNES: Yeah, well and even really up prior to the fire we started communicating, for the simple reason that we kind of out politicked them. What happened was, they had alet me digress a little bit. The political situation was that we did not have a U.S. Attorney General at that time,. And if you remember theyClinton had ah....nominated a couple of them, one of them was Kimble Wood I think had been a playboy bunny, which I think would have been great to have a playboy bunny as U.S. Attorney....ah...Attorney General. And then they had another one ah.... and both of them had some problems because of social security taxes on maids and this kind of stuff. So thethen U.S. Attorney in San Antonio, Ron Etter was just letting the FBI do what they wanted to do. And they were making a lot of promises to these people that were

coming out, telling them things that, you know, the Assistant U.S. Attorney thought that was going to be very detrimental to us trying to prosecute people. So when Janet Reno was confirmed, Bill Johnston wrote her a letter detailing all of our problems. And by this time we had moved over across the street from Ft. Fisher and taken the ah.... I think the 7th floor of that building, which now is part of Baylor. And maybe we had....we were on the 8th floor and they were on the 7th floor, it was unfinished and we went up there and set up an evidence vault and all kinds of stuff. But Bill Johnstonand also in the meantime they hadthe Colonel has constituted that as a Task Force.

ROBERT NIEMAN: Who's the Colonel at that time?

DAVID BYRNES: Colonel James Wilson, had decided that was going to be a Task Force and had put me in charge of it, had assigned me to do that. Well actually Bobby went back to the Company F and Iand we had almost all of Company F tied up on that, so they weren't doing anything else, so we had to, you know, reduce some of their strength up there where they could go on and do the Ranger....we still had Ranger business going on everywhere. Sobut anyway, Bill Johnston calls me down and wants me to read this letter. And it....chapter and verse, everything that's going on and ah.... I told him, I said, "Bill I don't believe you ought to send that letter, that looks like a suicide note to me". And ah... he said, "Well I feel very responsible for getting ya'll ... if it were not for me you'd not be here doing this, so I have an obligation to you all and we'll never be able to complete this investigation and prosecute anybody if ...at the rate we're going. We've got to have some changes". And he said, "Can you get a copy of this letter to Ann Richardson", who was the Governor at the time. And I said, "Yeah, I'll get a copy of it to her, but I would still urge you not to send this letter". He said, "Well I feel.... I think I'm duty bound to send it". I said, "Okay". So he did and I did what I said.

So then they wanted a big meeting and they sent a couple of people from the FBI headquarters, and this was also within the time when, you know, Judge Sessions was the Director and they were, in fact I think had assassinated him up there, the FBI had you know, they were after him, so he was totally ineffective at that time. But they sent a guy down from Main Justice and two people from the FBI. And I believe one of them I think was Potts, was one of the guys name I believe, it may not have been. But anyway, we have a meeting and I had not talked to the FBI in weeks you know, they just.....they just were not communicative, or days anyway. And so they start talking to me about that maybe we're in over our head and everything. And I told them, no, that as a matter of fact you know, this is kind of our long suit, you know, we talk to people and we work a lot of murders that you know, are old murders and we're very successful with that, so no we're not in over our head. And ah....they ah... insinuated that they, you know....again and they'll deny this, that they wanted to take over the investigation. And ah... I finally ah....told the FBI, I said, "Well if I had to, you know, summarize the FBI in two words, I would say uncooperative and unprofessional". And shocked them pretty bad. And so they began telling me that, oh I don't understand and all this. I said, "That's right", I said, "I'm just a lowly State peace officer and I cannot imagine the great things the Bureau is going to do for me". Well that didn't set to well with them, so the meeting ended very abruptly. And ah....so then they decided that we're going to have this big meeting and they're going to have Jamar, who was a SAC up there in charge, Jeff Jamar out of San Antonio.

ROBERT NIEMAN: Special Agent in Charge.

DAVID BYRNES: Yeah. And ah.... I don't know who all there, so I called the Colonel, I said, "Look, you need to come up to this meeting". Because the FBI doesn't deal with anybody below their rank you know. I mean, if you don't ...if you're not level or above, they're not going to

talk to you. And they certainly considered me way below their pay grade you know. I told the Colonel, I said, "You better come up here".... or I asked him to, asked him what to do, so he said he'd be there. So he comes, we're all in a big room and a guy comes up to me and his name is McNamara and he said, "I'm so and so McNamara and I'm General Counsel for ..."the AFT I believe it was. He said, "Here's my business card" and he said, "I understand you've been having trouble down here". And he's talking rather loud and I think purposely, so people can hear him. He said, "There's a number on the back this card that's a 24 hour number to the White House and if you have any problem, you call that number and if the....you know, there's someone not there.....if this persons not there...." and there was a name there.... "they will get a hold of him and he'll take care of it". The name was Vince Foster. So the whole atmosphere changed then. And that's what I said awhile ago, we out politicked them. And so they started communicating. And one of the big problems we had was that they wanted to move those cars out from in front of that compound. And tear the fence down and do all kinds of things. And we went ah.....the number two guy in the AFT and myself went over and talked to them and "look you know, you're going to destroy the crime scene". And what our thought was, we were going to get an intact building and how ever them....we didn't know how many people were in there, nobody did, we estimated 100...a 100 live bodies out of there and what we wanted to do was try to prosecute individual people, make a case on individual people for murdering these agents you know. And their response to me was, well we can use photo-typography or some long word, I didn't know what it meant, and we can replace those vehicles back within one inch. And I said, "Well first of all that's not evidence now, you've destroyed the crime scene". Secondly, you know, if you're shooting down at an angle out of that third story tower, and you move that vehicle one inch on the left rear fender, the bullet may miss completely, I mean, you're doing a

double compound angle down there at, you know, 80 – 90 feet, whatever the distance was. And ah....so they told us, said, “Well...”, said... “if we decide we have to do for tactical purposes, we will call you and you can again urge your concerns and we’ll discuss it”. Okay, so probably a week latera few days later anyway, on Sunday afternoon I’m up in the command post and I’m looking at CNN. CNN had the best shots of what was going on out there, they had gone out and rented a space in a field out there and put up a platform and they had a tower camera. And I mean they had a heck of a shot. And they’re out there, and this is also the weekend we got I think, three or four people out of there, the last people we ever got out of there. They’re up there with those tanks running over that fence and moving those vehicles, I mean just astounded me. So I called Conroy, who was the number two guy in the ATF, in his hotel room. And I said, “You got the TV on”. He said, “No”. I said, “Well you need to turn it on”, I said, “They’re moving those vehicles and they tore the fence”. He said, “Oh no”, he said, “They promised they wouldn’t do that without calling us”. I said, “You call the TV....turn the TV on”. Well anyway, that....that happened. It turned out it didn’t matter, you know.

ROBERT NIEMAN: But you didn’t know that then?

DAVID BYRNES: But we didn’t know it then. That was just....you know and that was probably typical of the things we had to deal with.

ROBERT NIEMAN: Well what was the ATF doing during this period?

DAVID BYRNES: Not much. The ATF was pretty well hunkered down ah....as a matter of fact I talked awhile ago about thewhat we call the secondary fire fight where one of the guys....one of the Dividians had got in the way. This was a guy named Woodrow Kendrick. They arrested a guy there I think lives in Fegan and of course they killed Schroeder. Well we knew where Kendrick was, he was in a mobile home over a couple....that’s where they’d come

from, a couple of miles straight across over there. And we had a warrant for him. But we're waiting for the FBI, Brantley Foster had the warrant. So everyday the U.S. Attorney's asking me, when are ya'll going to go arrest Woodrow Kendrick. ...(inaudible)...we're trying to, you know, get along with the ATF and you know, we're trying to get them to go with us. Well the ATF was so paranoid, finally they sent the number....well actually Conroy is the number three guy, the number two guy was a guy named Hartnet, he comes down. So I finally go to him and I say, "Look, you know, we need to get Kendrick out of there. You know, what if we get in another fire fight", and all that kind of stuff. So Brantley Foster, and if you know Brantley he's somewhat brash, and he says....

ROBERT NIEMAN: A bull in a china shop.

DAVID BYRNES:he says ah.... "Hell I'd talk him out of there". Conroy says, "No you can't talk him out". He said, "Yeah", he said, "I'd call him on the phone and talk him out of there". He said, "I'll bet you the biggest steak in Waco you can't do it". And I think Brantley said something to the effect, he and Howard were working together, said....

ROBERT NIEMAN: Howard Dunham.

DAVID BYRNES:said, "You make it two and a beer, for me and my partner, and you got a deal". "Okay, done". He goes out there, goes to the trailer house next door, calls it up, the guy picks up the phone, "Hello". He said, "Is this Woodrow Kendrick". "Yes". "This is Brantley Foster with the Rangers, I've got a warrant for you, we're outside, you need to come out". His response was, "Can I put my shoes on first". So you know, but that was....and I'm not really saying that to degrade the ATF, they were....you know, they were in disarray. And they did not want another incident. The same thing when we were looking for Paul ..(inaudible), you know the....we chased him all over you know, Brantley and Howard went to Cordalene, Idaho, right

behind him, you know, a day and really couldn't get any help up there. Went to the Sheriff's office and the Sheriff's office said, "Yeah we'll go with you", but said, "We won't go with the ATF, first of all we won't let the ATF in". But he said, "You know, we'll go with you cause they just won't talk to the ATF". But the ATF was pretty well hunkered down. And again I don't mean that in a derogatory way, they just....

ROBERT NIEMAN: Shell shocked?

DAVID BYRNES: Yeah, I mean....and that was orders from....as a matter of fact ah...Hartnet said to me that day, "Well I've got to get clearance from Washington before I can do that and I'm sure you have to clear it with Austin". And I said, "No I don't have to clear it with Austin". The only restriction I have on me, the Colonel told me, you cannot join in a raid on the compound. Other than that, I had a blank check, pure and simple you know. I said, "I don't have to call anybody, I am in charge up here". Well he was astounded at that, so that's when we got into the deal on theBrantley said he could him out and all that, which he did you know.

ROBERT NIEMAN: Well what ah....what about all we've heard about and read about and you know, the loud speakers and the music and all that going ?

DAVID BYRNES: Well they did all that, that was.... Iyou know I I think that the FBI, they had a situation that was unique. You had an area that they were in and they pretty well had a unlimited budget to do what they wanted to. They had a perimeter around that, they were holding another perimeter outside of that, the outside perimeter ah....and they were just..... I think whatever came to their mind they did it. I think it was just kind of an experimental deal and you know, maybe some of them was just having fun, I don't know.

ROBERT NIEMAN: Well in your later investigation, did it....did that, you know, playing the loud music and all that, did that have any effect on the people inside the compound?

DAVID BYRNES: I don't think so. Of course most of the died, so ah...but I think it had an effect on the public you know.

ROBERT NIEMAN: Yeah, cause that's a picture a lot still see, in their mind.

DAVID BYRNES: And you know, this is the thing that you know, we talked earlier about some criticism I got from some people over my attitude toward making news releases down there, when I finally took over everything.

ROBERT NIEMAN: We'll get to that in a little bit there.

DAVID BYRNES: Yeah. Ah.... I was convinced and I'm still convinced that we lost the PR battle, we meaning law enforcement and ATF and the FBI, early on. And those daily news conferences they had did nothing but just to ...to ah.... I think

ROBERT NIEMAN: Well speaking of the dailyin one of Mike Cox, who was the public information officer for the DPS at that time, in a book that he wrote on it, he trashes you pretty hard, that you weren't cooperative and what not, in giving news conferences and this and that. Would you care to address that?

DAVID BYRNES: That's the absolute truth. I was not, but should not have been a surprise to him, cause I told him that. He decided once the fire was ah....started and everything on the 19th, then the FBI left. First they told me they were going to stay until the next morning, cause we had people, you know, that we had to gather, we had to gather crime scene people and(interruption in the conversation). I forget where I was.

ROBERT NIEMAN: About thethe ah...we've talked about thetalking about Mike Cox and the press meetings.

DAVID BYRNES: Oh...ah...he ah...when I ...we took over, then he came over and said we was going to have a daily news conference and that I needed to appear at that. And I told him, no

I wouldn't, because....for two reasons, one was....well three reasons, I didn't have time and number two reason was, that I could not get up there without probably saying things that would be detrimental to the investigation, or look like an idiot and maybe both. And he persisted and I told him, I said, "Well Mike, it will take a direct order from the Colonel for me to do that, and I will try to discuss it with him when he orders me to do, cause I don't think that's what we need to do". Well later on you know, the ah....some of the news people commented supposedly, not to me, if they'd quit having these news conferences then we could go home you know. So you know, the ah....the thing that I guess he didn't like was that I would not appear every day. But I didn't have time to appear every day, you know, we had ah...at one time we had 125 people actively working that crime scene. And you know, I had two Lieutenants down on the crime scene and then me and that was it. And we had all these teams and the thing that you have to understand is, that every decision had to be made right now, you couldn't say, I'll get back to you on that because that question controlled what we did over here with three or four other places, and you've got people standing around. So it was very hectic and you know, you couldn't take three steps without somebody stopping you and saying, what about this Captain, what are we going to do this. So ...and the Lieutenants you know, were just absolutely stressed to the end trying to make sure that all that evidence was picked up right and we got it in and ah.... I mean it was ...there was a lot going on. And I did not have time for news conferences.

ROBERT NIEMAN: Barry Caver made the almost an exact word for word statement of what you just made, that one of the things that almost ah....caught him by surprise I guess.... I don't know, that may not be the right word, but everybody...what about this, what about that, you know, every step, he couldn't even go to the bathroom without you know, what about this, what about that.

DAVID BYRNES: You can't defer those decisions, because you have people literally standing around waiting to do something. And when you've got that kind of operation you can't stand traffic ...(inaudible)...you have to keep going.

ROBERT NIEMAN: Did youdid you talkand this may be the wrong place to ask this question, it may be kind of later on when your doing the investigation, but the guy that was talking to Koresh when the word came down, the ATF is coming, the agent.

DAVID BYRNES: Robert Roderick.

ROBERT NIEMAN: Yes.

DAVID BYRNES: Yes I talked to Robert Roderick.

ROBERT NIEMAN: Is this the right place to ask about his...did he ever talk to you about that or should this be somewhere down later on?

DAVID BYRNES: Not at that time, I talked to Robert actually during the trial, in San Antonio when we tried the eleven Dividians.

ROBERT NIEMAN: I just can't imagine, he must have thought the whole time he was walking out of there, he... you know, bullets were coming after him.

DAVID BYRNES: Well he did, he thought he was dead. And then of course he...when he goes out he looks across and they have raised the shades and he can see the sandbags and they're set up to ...forward observers, the snipers, are set up over there, because all the Dividians had to do was look over and see the same thing.

ROBERT NIEMAN: Wonder what...well we can speculate all day, why did Koresh say he can walk out of there, but you know, we'll never know that.

DAVID BYRNES: No.

ROBERT NIEMAN: Ah....okay the....ah....do you ah....advance warning that they arethe FBI is going to insert?

DAVID BYRNES: Yes. They call me on Sunday afternoon, they....actually they had called me ah....well not call.... I ran into Jeff Jamar coming out of Luby's Cafeteria one day at lunch. This is sometime....he said, "We're going to put razor wire around the perimeter of that, because we're afraid that they're going to try to make a mass escape out the back or something you know". And then they were running track vehicles outside that razor wire. So we were starting to communicate after the meeting where I got the number of the White House, which I never called. But ah....anyway the ah....the evening before they did that on Sunday, he called me and wanted to meet and I went and met and he said, "We're going to insert gas tomorrow", and told me what they were going to do. And he said, "But you can't tell anybody". I said, "Yeah, I cannot, not tell somebody, I have to tell the Senior Captain and the Colonel". And he said, "You know I have to tell", now Major Smith but... "Captain Smith with the Highway Patrol Captain cause I work with him everyday". I said, "You know, he's got people out here, I have to tell those people". He said, "Well will you not tell the Governor until six o'clock in the morning when we start the operation". I said, "Well I will not call the Governor, but I'll talk to the Colonel". So I called Maurice Cook and he and the Colonel came up and I told them what was going on and I briefed Danny Smith. And I said, "Now Colonel there one thing they have asked and I didn't make any promises, but they don't want the Governor called until six o'clock when they start the operation". He said, "I'll take care of that".

ROBERT NIEMAN: Why did they not want Ann Richards to know?

DAVID BYRNES: I don't know. She had....you know, she had gotten very vocal over them possibly giving misleading information, the ATF, to use the National Guard assets, the

helicopters, that they had alleged some dope connection or something in there that ah...you know, meth lab and that ah... thought that they had misrepresented the facts in order to get those assets.

ROBERT NIEMAN: Well during this time, before the fire of course, Koresh kept saying, I'm coming out, I'm coming out, I'm coming out, I'm coming out, of course he never did.

DAVID BYRNES: Right

ROBERT NIEMAN: What were...did you havewere you....have any thoughts or did you ever think he was going to come out?

DAVID BYRNES: I didn't think he was ever going to come out. The ah... you know they had two lawyers that went in there, Dick DeGerin and Jack Zimmerman, I believe Jack's his first name, anyway, Zimmerman, lawyers....(inaudible). DeGerin was Koresh's attorney and Zimmerman was Snider's attorney. One night Dick DeGerin called and Maurice Cook was up there and wanted usthey were at the Hilton, wanted us to come over there and meet, and we went over there. And he told us, he said, "Koresh will surrender to the Rangers, he will surrender to the Rangers, he will not surrender to the Federal Government, he will surrender to the Rangers". And we told him, said, "Look, we can't do that. The only way we can do that is you clear it with the FBI". Well of course that never happened. So now whether he would have surrendered to us or not, I don't know. But I never....you know, I don't see any reasonable reason why he would surrender. I mean he knows what's going to happen to him.

ROBERT NIEMAN: Well as a student of history, and I hadn't started hanging around with you guys or anything at the time, but I mean history shows that these were religious zealots and they don't surrender, they want to be martyrs. You can go all the way to the earliest history, the Jews at Massada during the Roman times and they jumped off those cliffs....

DAVID BYRNES: Yes.

ROBERT NIEMAN:they meant to die.

DAVID BYRNES: Exactly. And really his world had come to an end, you know, I mean when you look at it and ah....

ROBERT NIEMAN: Well why should he surrender.

DAVID BYRNES:his prophesy had been fulfilled.

ROBERT NIEMAN: Yeah.

DAVID BYRNES: You know, when ATF unwittingly did it, but when they pulled in there on that Sunday morning, I don't believe they could have made a U-turn without coming under fire. Because he had been prophesizing, this is our last Passover.

ROBERT NIEMAN: Revelations.

DAVID BYRNES: Well, for three or four years he had started losing followers because that hadn't come true. I'll guarantee you, I believe he was the happiest man in Texas when they pulled in there on that Sunday morning.

ROBERT NIEMAN: And then why would he surrender, like you said, all he had waiting for him was his gas chambers.

DAVID BYRNES: Yeah. Well or at the very best, life in prison.

ROBERT NIEMAN: Yeah.

DAVID BYRNES: And ah....no I I never thought you know, when DeGerin said that, I thought well maybe you know, but ah.... and I ...but whether or not DeGerin went and talked to the FBI about that, I couldn't say for sure, I think he did. But they weren't about to let that happen, there was no way they were going to let that happen.

ROBERT NIEMAN: But David, you was there from day two on I mean?

DAVID BYRNES: Yes.

ROBERT NIEMAN: Was Army Delta there? And if they were there, did they insert inside that compound?

DAVID BYRNES: I don't know. I know that they had what they refer to as over ears listening devices in that building that worked up until they were destroyed by the fire. I have seen a picture of four or five people standing in green jumpsuits, O.D. green jumpsuits, not camouflaged, more like a flight suit, that have been pointed out to me as Delta force people. But there's no markings on them. To my knowledge I didn't recognize any of them, but I saw a lot of people down there. So whether or not they're were Delta force people there or not, I don't know.

ROBERT NIEMAN: From a legal stand point, would it have been any problem if they had of been there?

DAVID BYRNES: I think there would have been under the Posse Comatadas Act.

ROBERT NIEMAN: Which is?

DAVID BYRNES: The prohibition in our federal law that prohibits federal troops from enforcing civil law. It was a new law for civil law enforcement.

ROBERT NIEMAN: Well in your investigations, and I know you're later on going to go to Washington to hearings and what not, how did they determine those listening devices got in there?

DAVID BYRNES: I don't know that they were everwell one....one explanation was they sent it in, in some milk, they sent milk in for the kids and that's where they got one in. But I think there were several in there. And in my thought process, I'm going to have to say somebody had to make entry in there, you know. But I don't know that had to be Delta force, I'm sure that there's some HRT people could of done that.

ROBERT NIEMAN: Ah...during....was you out there when they made the insertion?

DAVID BYRNES: Yes.

ROBERT NIEMAN: And the fire ?

DAVID BYRNES: Yes, I was ah....we had sent up....we meaning DPS, a communications van to the command post out there, our main command post was downtown. The FBI's main command post was out at the ah....technical college there, TSTI then, but it's Texas State Technical College now, but it was in one of those hangers.... I guess that's old Connelly Air Force Base. But then they were out there and then they had a forward command post in a motor home. And in that...that command post they had a lot of ground cameras set up around that and there were a lot of black and white monitors in there. They were monitoring the front of that building. So that was down there, but about the middle of the morning when they started doing the gas insertion, they started calling for gas. We went and picked up all the gas that Company F had, we called TDC and got them to bring gas and the gas had to be brought to that command post. And they had a gas expert that went through there and made sure it was all cold, in other words none of it was ...would be disbursed by power techniques, by explosion. And they sorted the hot gas from the cold gas. And so that's ...that's where they were getting a lot of the ferret rounds, because they ...what they did, they had rigged a nozzle, those things had the gun tubes still on them, but there were no guns in those vehicles, but still had the tubes, the barrel. But they had a nozzle ... run a nozzle at that and they had a pressurized container, that held quite a bit of CS gas. But they had not control and once they opened the value it emptied, so they couldn't, you know, modulate it or anything.

ROBERT NIEMAN: All or nothing.

DAVID BYRNES: And what they'd do, they would run up there and run that into the building....that

ROBERT NIEMAN: Barrel.

DAVID BYRNES:gun tube, and of course that nozzle is under it, I'm sure set back a little bit where it won't get damaged, and they would dump and then they would come back out to the staging area there and recharge. And that's...but the... of course the fallacy of it was, that once they opened that building up, then we had about a 35 mile an hour wind that was actually running kind of southeast to northwest, which was along the access of that building. And it was just ventilating it you know, it was going ...(inaudible)... But I had gone back up there and was watching the monitors and they were going in and out and ah.... I think I was watching when they went in the gym area and it collapsed actually on the tank you know, a lot of it did. Well I went back up to theit was probably 100 yards, maybe not that far, up to the DPS command vehicle, it's lunch time. And there was one dispatcher in there and I waswe had a TV monitor there in one of those ah....it's like a motor home, it's called a Marth vehicle, license and weight vehicle, and ah... I'm watching it and I see the little smoke come out of that window where the ATF had made entry.

ROBERT NIEMAN: Well first of all, had anybody tried to come out of the compound?

DAVID BYRNES: Not at that time.

ROBERT NIEMAN: Okay.

DAVID BYRNES: And ah...but I see a little smoke come out and in a minute I see a guy come out on the roof and drop down. And then you could see some smoke on the lower part. Well at that time I told the dispatcher, I said, "Call the fire department, we got a fire out there". Well they were still taking fire, they were shooting at thosethe Dividians were shooting at those

vehicles that morning you know. So I walked back down to the command post and start watching... I tell Jamar, "Hey I've called the fire department, they're on the way". He said, "We can't let them go in cause we're still taking fire". I said, "Well they're on their way". Well they got to the....they held them at the gate, which was probably proper. So I'm sitting there and I keep watching these monitors, I mean this fire is roaring and I'm thinking, you know, you got to start coming out of there. And I'm hoping they're coming out the back side that I can't see. But pretty soon I realize, hey, you know if they're not out now, they're not getting out. And then ah....one female came out and tried to go back in and they guy actually....the FBI agent actually got out and went in the fire and brought her back out you know. But it...it got real bad there, because you....you know, you know these folks are done, unless they're coming out the back side. And ah...when Jamar told me that, we will hold the scene until in the morning until you get some people here. Well fine, so Maurice Cook comes up and we're off about a mile from there, around two o'clock they call me to come to the FBI command post. I went up there and Jamar says, "We're out of here, you need to take over the command post....the crime scene". Still got fire trucks on the scene. I'm a little bit astounded. So I go up there and Dick Rogers, the HRT Commander, I was standing there talking to him and I looked up and that's when Brad Branch came out of the water tower.

ROBERT NIEMAN: He's a Dividian?

DAVID BYRNES: Yeah, the Branch Dividian. And I'm looking at him and I started yelling to the firemen to get down you know, volunteer firemen, cause they're in there pumping water. And anyway, they get him subdued and Dick Rogers says, "We're not going to be able to get all of our equipment, can we come back and get it later". I said, "Sure", I mean they're gone. And so we of course started setting it up and went up there and it was a, you know, total devastation.

ROBERT NIEMAN: What caused the fire?

DAVID BYRNES: They set it on fire. I think if you listen to the overhears....

ROBERT NIEMAN: The Dividians set it on fire?

DAVID BYRNES: Yes, poured the fuel and they were talking about, I need some fuel ah....you know, is it time to start it yet. One of the asked Snider, what's going to happen and he said, "Well you always wanted to be a crispy critter haven't you". I don't have any doubt who started the fire.

ROBERT NIEMAN: Did Koresh have one of his co-harts shoot him?

DAVID BYRNES: I don't know. He was shot, my recollection of the I know that we brought the dental records from Garland, had them taken to Ft. Worth to identify him positively. And my understanding it was contact wound in the forehead.

ROBERT NIEMAN: So he didn't burn?

DAVID BYRNES: No ah...I don't....he burnt but I don't think that's the cause of death.

ROBERT NIEMAN: Well that's what I'm hearing. The Waco deal, treating it as basically a crime scene?

DAVID BYRNES: Yes.

ROBERT NIEMAN: Before the fire and after ya'll got there, what kind of things did ya'll do?

DAVID BYRNES: Well we ah....of course we're doing the basic criminal investigation, we were trying to, you know, run down leads and all that on the people that we knew that participated. We're trying to identify people possibly shooting out of those windows. What we did, we had thea large panorama of that building and we had each of the ATF agents that were there, trying to ...would describe what they saw from a particular windows that they had a view of and trying to identify specific people, we're in the hopes of doing that. And ah....so we

did that and then we werewe also had a concurrent investigation, what we call a leak investigation, which was you know, the ...trying to find out how they knew we were coming....or that they were coming. So that was another investigation and we had people who were looking for other Dividians that had left or that weren't there. We had a lot of things going on.

ROBERT NIEMAN: How did ya'll determine that they knew the ATF was coming?

DAVID BYRNES: Well the ah....what happened was, that ah....AFT had been planning this and the weekend that they did this, the Waco paper started a series on Koresh called a Sinful Messiah and this had to do with allegations of sexual abuse, marrying you know, twelve year old girls and this kind of thing, having sex with them. And ah....they weren't quite ready to go they didn't think, so they asked them not to run that series, you know, until they did the raid and that they'd give them an exclusive and all that and they declined that, the paper said they were going to run it. So they had their PI on....their Public Information officer call around to all the news media and get a contact number, that there may be something big go down this weekend. And of course they actually staged out at Belmead, which is a little town just north of Waco. And the ...of course they had medical people standing, ambulances and such. And I believe it was one of the dispatchers for the ambulance company was actually had a boyfriend that was a TV reporter, or maybe a newspaper reporter, but anyway a reporter. And what actually happened was, the reporter is out there looking and he doesn't know where the Branch Dividian site is and he sees a vehicle, the rural mail carrier with the U.S. Mail on it. And not thinking, you know, what's the mailman doing out on a Sunday, he stops the guy and says, "Hey, you know, I'm looking for the Branch Dividian place..." or com.... I don't know what he called it, we called it the compound. And ah...the guy says, "Well it's right down there, ease kind of up on the hill and you can see

it". And he said, "Well you need to be careful out here because the National Guard and the ATF is fixing to raid that place. Well this was David Jones, who was one of Koresh's Lieutenants, well he goes straight down there and of course tells him. And that's when Rodriguez is inside and they come and tell him, "You've got a long distance call from England". Well there was a radio personality in Dallas I believe named England and they originally thought that, you know, the original thought was that he had tipped them off, but that was just something....they were actually talking about a long distance telephone call from England. Well he just began...kept talking to Rodriguez, they were actually having bible study. But he goes out and they come back to the door and tell him, "Hey, you know, you need to come take this call". Well he goes out and that's when, we assume, that Jones told him, you know, this is....this is what's going on. Now he comes back in and Rodriguez says he's visibly shaken and he tells him, the ATF and the National Guard are coming and you know, shakes his hand and that's when Rodriguez said he thought he was dead, and you know, wishes him good luck.

ROBERT NIEMAN: Did Jones survive?

DAVID BYRNES: No.

ROBERT NIEMAN: The fire? Ah....there was other.... I read that treasury report on that and there was some guy....wasn't they making or having some guy make or develop an ordinance for them, several miles from the compound?

DAVID BYRNES: Well the ah....there was a placed called the Magback and what they did, those were load carrying vests, magazine bags is what they were called, with a metal building, that's actually where they delivered the package that broke open... UPS delivered a package that broke open that had hand-grenade parts in it. And that'sthat's how this thing really got started you know, was the investigation early on.

ROBERT NIEMAN: Are hand grenades illegal?

DAVID BYRNES: Live hand grenades are, yes.

ROBERT NIEMAN: Well I didn't know, you know.

DAVID BYRNES: Oh yeah.

ROBERT NIEMAN: Okay, Tom Burkes was involved in this somewhere wasn't he?

DAVID BYRNES: Tom Burkes supposedly traded guns with Koresh.

ROBERT NIEMAN: Burkes is a Director of the Texas Ranger Hall of Fame and Museum.

DAVID BYRNES: At that time.

ROBERT NIEMAN: At that time.

DAVID BYRNES: Ah...whether or not...we were never able to ascertain that. As a matter of fact I believe George Turner and Ray Coffman may have looked into that, they were the two people that looked into that. And Ithe... I hope I get this right, I think the word that someone told them was, that if Burkes is out there he's not buying, he's selling. Sobut we could never actually substantiate that he had in fact been out there or ...or my recollection, we could not.... I know we could not substantiate that he had, you know, sold or bought any guns out there.

ROBERT NIEMAN: And the....okay the fire(inaudible)...and I guess we can move on. And ah...you said the FBI pulled out, what about the ATF?

DAVID BYRNES: The ATF was within arms distance. We'd already decided they could not have any involvement in that out there and so we....when we designated the crime scene and put the tape up, they had to stay outside that.

ROBERT NIEMAN: A couple of questions, specific and then I'll just kind of let you take it from there. The FBI pulled the plug on April 19th, on the fire, but not all the agents went home did they? Because it says...you had control ...exclusive control of the site....

DAVID BYRNES: Yes.

ROBERT NIEMAN: ...of the compound and you formed investigative teams, map grids and so forth and so on and with each team inventorying the debris and finding what'sand marking it and so forth and so on. And ah....that the teams did....were not exclusive Rangers were they, some of them ...did some of them include DPS and a couple of special officers were from the FBI?

DAVID BYRNES: Yes, we had the combination of some of the evidence technicians, some of the photographers and I think the ordinance experts, the EOD people were from the FBI. So there were ...but these werewe had I believe eight search teams with a Ranger in charge of each one of those and at least a Ranger as a....there were at least two Rangers on each team.

ROBERT NIEMAN: So about how....so there would have been what, eight teams and about eight FBI still there. Where I'm coming from on this is, you know, they're still trying to....if things go the way they maybe hope it was, they can come back in?

DAVID BYRNES: No, no, this is a totally differentthis is the lab people now.

ROBERT NIEMAN: Oh, okay.

DAVID BYRNES: These are FBI lab people. No they don't have anything to do with the stand-off, this iswhat I I think I've said earlier when you and I were talking, you know, before we started this, that there's actually two different scenarios with the FBI, there's the you know, pre-April 19th, which was pretty stranded and then post April 19th we had no problem at all. You know, they were down there in a cooperative effort with us.

ROBERT NIEMAN: Well ah...I'll just let you basicallythat was about the only specific question ...well other than this one I did come across here, two others. I've read there that the

rounds fired by the FBI to knock those doors down were .40 mm. Do you...I'd read that somewhere.

DAVID BYRNES: I don't believe theythey knocked the doors down with rounds. Whatwhat happened was, that one of those doors we didn't recover. But what happened was, if you have ever seen a tape of them actually making the insertion, they actually went in right over that double door, the front door. And when they came out, one of those doors was not in the fire, we recovered that door. Later on after thisthe trial, we didn't have but one door, I was sent back down there when Ramsey Clark got involved in it. And we found that door and it looked to me like it had been in a fire and probably what happened, that tank had actually run over it, pushed it down. But they kind of knocked those doors down with a tank. You know they fired, you know, what they call ferret rounds in there and of course there was a lot of controversy over some rounds that were found that we took a picture of and you know, it was on the ground over there, that was nevernever made it into evidence. I can't explain that, I don't....you know. In one interview I did with one of these people, I think McKnowlty, he kind of indicated that we did something with that. I said, "Well way would we have taken a picture of it", you know, and left the picture if we did that. I mean, we had no reason, we're not trying to protect the FBI in any way, I mean wewe didn't know what it was you know. Theythey talked about later on that(inaudible)....about said to George Turner said that he had told me that they used thumper rounds.

ROBERT NIEMAN: What's a thumper round?

DAVID BYRNES: I don't know. And my response to them was, "I don't recall that". And they said, "Well are you saying he's not telling the truth". I said, "No, if George Turner told you that,

that's the absolute truth, I'm telling you I don't recall that. That would have...it means nothing to me now and it would of meant nothing to me then". You know.

ROBERT NIEMAN: How did the investigation I'll just let you go in your own words here, but like what did youwhere did you gather the evidence and put it?

DAVID BYRNES: Well we ah....as I said earlier, we had moved across the street there from Ft. Fisher into that building where the U.S. Attorney was, and the top floor of that was not finished out. And so we set up offices in there, we actually went in there and built an evidence vault in there and put cavalair inside, hardened it. And then at the scene we had our...we actually, you know, put the evidence into record at the scene, we had I believe three stations out there, were all computer generated. And actually what we had done, we actually developed a total new program in about ten days, to handle that, just took the oldthey had a program called D Base Four, but we actually modified that and then came up with a program to handle all that evidence. And we hadit all went to one server and of course I was very concerned with duplicating item numbers, because we picked up thousands of items down there, and I knew that we could not have duplicate numbers. So explored that quite in depth and I'm not real computer literate, but my question was, all right, say that we got all three of these stations and that they all hit the enter key at the same....exactly the same time, which one is going to get the number assigned. They said, "well the program will just arbitrarily give this number to station one, this one number two and number three, you know. And of all of the items that we had, there was never a duplicate number. And I think we submitted like...something like thirty-two hundred items to the FBI lab, introduced about eleven hundred in the trial.

ROBERT NIEMAN: Well that brings up the next question, why was all this.... I know Ray Coffman, Jim Miller, George Turner and Ronnie Griffith, carried all this stuff up to the FBI.

DAVID BYRNES: Yes.

ROBERT NIEMAN: Why was it sent to Washington and not our lab in Austin?

DAVID BYRNES: Because we would of totally shut the FBI...the state lab down. And all these other agencies in the state use that lab, that is the state laboratory. And you know, we're ...as compared to the FBI, we have a very limited lab facilities, compared to what they have. So that was strictly a logistics decision and a management decision if you will. Because this would of overwhelmed our lab here.

ROBERT NIEMAN: Well this...how...between ah....let's take the period between the fire and let's say your appearance in Washington at the committee meeting, kind of describe what went on.

DAVID BYRNES: Well weof course we sent the evidence....the Rangers carried the evidence to the FBI lab. And we were still doing some, you know, follow up stuff and cleaning some loose ends up. Then when the evidence came back, we all went back down there, the team leaders, and we played all that evidence out, we had to havelay it out so the defense could look at it. So we did all of that and we started assigningthey started assigning numbers to it, the prosecutors were. And ah...so once we got that done, then of course we started going through the reports and making theyou know, they started making the selection of what actually we were going to introduce, which I believe was about eleven hundred items. And in the end I think we could introduce that and the defense would stipulate to it, they really didn't want to show them that. But we introduced it in about a day and a half or two days. They never objected to a piece of it, and it all got into evidence. So that was done and you know, there was just things to do all the time and that was all kept in Waco, in that area and then once we got ready for trial, we moved it to San Antonio. And we would, you know, when one...say George Turner was going to

introduce the evidence from grid 1-B, well all that evidence was in that sequence, we knew what sequence it was going to go in. The Judge would actually recess beforebetween witnesses and we would take all that evidence that was in there out and then we'd put all this other in there. And they would go through and introduce it. It was a constant thing during the trial.

ROBERT NIEMAN: Well I remember and my memory on this is hazy so....that when that was all introduced, you know, and the press got in there and got to making pictures of it, that there was some rounds that they were claiming provedand I'm pretty hazy on this.

DAVID BYRNES: Yeah, that was much later when they got into theto thewhen we moved that to Austin, we kept that evidence, the DPS kept that evidence and ah....after the trial was over, after we had, you know, tried the eleven and convicted I think seven of them or whatever, then we had that evidence back in Austin. And they started wanting to look at that evidence and our contention was that, you know, it was federal evidence even though we had it, so they had to go to the federal government. Well the federal government is telling them, no you got to go to DPS, they've got the evidence. So finally that's resolved and we ...we allowed them to look at that evidence. And they got in there and we would take it out and they found some stuff that was misidentified supposedly and this kind of stuff.

ROBERT NIEMAN: What was it they were claiming?

DAVID BYRNES: Oh ah...one thing I think was something that had been identified as a silencer and it was something else and then these rounds, I think the .40 mm rounds you're talking about ah....they were there, they just contended they were....one thing they contended was that there was only two people that used those in the world and that was Israeli, whatever they're delta force type people are and Delta Force, which I think that turned out to be false you know.

ROBERT NIEMAN: Well I saw on the history channel, discovery channel or something here not long ago, they was, you know, still trying to make a conspiracy out of this in a way that....there was flashes that could only come from rifles that was there.

DAVID BYRNES: That's the...yeah the ah.... that's the 8 mm tape that was....the flair tape thatthey had a night stalker abovein the air above there during the assault and all that, or during the insertion. And ah....yeah that's ...you know...but you know, there's experts on the site said, no that's....that's not what that is, so I I don't know on that stuff you know it's....first of all technically it's way above my level to understand. And nobody has ever set down and explained it to me and I'm really not interested you know, getting it explained to me, it's not anything that Ithat concerns me.

ROBERT NIEMAN: Anything else in particular in this era that'swe should maybe cover?

DAVID BYRNES: No I think that just over all of course the Branch Dividian investigation is probably ah... you know, at least I the last fifty years, the most important investigation that the Rangers have done.

ROBERT NIEMAN: Well that....before we leave it totally, you and Maurice Cookand as I watched this tape the other night of ya'll up there in D.C. in the ah....

DAVID BYRNES: Right, at the Congressional hearing.

ROBERT NIEMAN:yeah, and they said Brantley Foster, but he wasn't there.

DAVID BYRNES: No, it was Charlie Broon.

ROBERT NIEMAN: Okay.

DAVID BYRNES: Charlie Broon was sitting behind us with a laptop to draw information, cause they were asking us questions that.... obviously you couldn't store all that in your mind and we knew that.

ROBERT NIEMAN: Ah...did ...did the State of Texas pay for ya'll to go up there or did

DAVID BYRNES: State of Texas paid it.

ROBERT NIEMAN: And what was the official reason for this committee hearing?

DAVID BYRNES: To investigate the ah....circumstances surrounding that, it was the Oversight you know. You know the real reason was, you know, for one side to make the other side look bad.

ROBERT NIEMAN: Yeah. But ah...well did ah.... I know, personally speaking here, I really got kind of ... I was very disappointed in the Texas Lloyd Bentsen, cause all he could say was, "I was in England on other more...real important business", is all he could say. Just said it over and over and over, and it just... I was really disappointed. Like you know, this wasn't that important.

DAVID BYRNES: Well they ah... you know the ...the ah....Justice Department and Treasury, we dealt with both of them, they had.... the Under Secretary of Treasury for law enforcement was a guy named Ron Noble. And I believe Ron is now head of Interpol in New York for this....really a stand up guy and really a straight....straight arrow. And he had actually been in, I think, in the Bush administration, maybe the Reagan administration at the Justice Department. But ah...Noble was the one we pretty well dealt with and ah....and of course we dealt with Janet Reno and her first assistant, when we were there. And we briefed ...briefed her and we briefed Noble and we briefed Lloyd Bentsen, to the extent he wanted to be briefed and ah...but ah....

ROBERT NIEMAN: Is ah....is the Branch Dividian, from a legal stand point, is it over?

DAVID BYRNES: Oh it think so, the ah...you know, they tried these through the federal government civilly and lost that case. But as far as, you know, is it over, it will never be over. You know we stillpeople are still arguing about Lincoln's assassination, so you know it's

ah...and there's a cottage industry of these conspiracy buffs, just like this on the Kennedy assassination. I mean it's.....

ROBERT NIEMAN: Oh yeah, Kennedy, King, Huey Long, Abraham Lincoln.

DAVID BYRNES: And I think too that you have such a large segment of the population that are just anti government in this country, I mean they justfor whatever reason, their tax protestors or whatever their reason is ah....you know, there's a whole really pretty wide diversified bunch of people that come together under that umbrella. Some of them are white supremacists, some of them are separatists, some of them are, you know, just tax protestors, some of them just don't like the government you know, they think they've got too much control. So I think that that's one thing that keeps this going and unfortunately you know the government has given them plenty of ammunition with Waco and Ruby Ridge to, you know....

ROBERT NIEMAN: Keep it going. One final question, before we do move on. Two ATF agents, didn't they end up in jail or suspended?

DAVID BYRNES: No they did not, they didn't end up in jail. That was ah....Wanowski, who was the agent in charge out of New Orleans....that was actually a New Orleans operations down there, out of the New Orleans office. Ah....and ah....Chuck Seriben was the number two guy and we actually sent a case up to them on ...for lying to us, under I think they call it the Rule 1000 where if a federal agent comes and talks to you about something, and you lie to him, they can actually file on you for that. It's just...for lying to a federal agent.

ROBERT NIEMAN: And you were a federal agent.

DAVID BYRNES: Yes. And we....we referred a case on them and it went to Main Justice, they were suspended ah....but then later on they were brought back in a non-enforcementnon-law enforcement position and allowed to make retirement.

ROBERT NIEMAN: How did they lie to ya'll?

DAVID BYRNES: About whether or not they knew that they were compromised, you know....ah....they were saying they didn't know that they were compromised and we got ninety something agents saying that Seriben's saying, you know, "Saddle up they know we're coming, we can still make it". Rodriguez....this is where Rodriguez was so denigrated you know, that just maligned him terribly, saying he was lying about that and then they claimed he had mental problems and ah... by the way he got a pretty healthy settlement with them out of the civil suit over all that. But Rodriguez ah...you know, went over to Cavanaugh who was the ranking guy in that undercover house and told him, "Hey, you know, they know we're coming". And told him what was said. And of course Wanowski is claiming that he didn't know who was...he was actually in charge. Seriben claims that he didn't know and of course we knew they did know, because the agents said, hey they told us.

ROBERT NIEMAN: Well how did basically get swept under the rug?

DAVID BYRNES: I'm sure politics in Washington you know and the ATF was internal politics.

ROBERT NIEMAN: Anything else on this Branch Dividian?

DAVID BYRNES: No.

ROBERT NIEMAN: All right, you're in Waco heading this Task Force. But you're also still a Commander at Company B.

DAVID BYRNES: Yeah.

ROBERT NIEMAN: What kind....how were you handling this?

DAVID BYRNES: Richard Sweeney was handling it as Lieutenant. Richard and I talked quite frequently and he did an outstanding job of running the company. You know he was ah...he'd been Lieutenant there about, I guess....what was that....'93?

ROBERT NIEMAN: I think so.

DAVID BYRNES: He had come in January of '91, so he'd been there two years. He was ...you know, he's top notch guy and top notch supervisor and the company never missed a beat you know, they didn't need me there to run it, they had him and he did a very good job of it.

ROBERT NIEMAN: How many Rangers did you....after the fire, did you have down there on your task force?

DAVID BYRNES: Probably...I think probably we had 36.

ROBERT NIEMAN: So you ...from all...about fromfour or five from each company still.

DAVID BYRNES: Yeah. Yeah we had ah...we had about a third of the Rangers from the state.

ROBERT NIEMAN: Well you ah...when the task force finally ends ah...you come back to Dallas, what ah... how much longer did you go before you retired and anything we can talk about during that period?

DAVID BYRNES: I retired in September of '96, first of September of '96 ah....it was just routine stuff. We got past, you know, all of the hearings and the trials and ah....moved on to other endeavors you know, just routine stuff.

ROBERT NIEMAN: What made you decide to retire?

DAVID BYRNES: Well it's time you know, you just know and it was time to go.

ROBERT NIEMAN: Well after you retire, what do you do?

DAVID BYRNES: I ah...initially I went to work with a friend doing environmental work.

ROBERT NIEMAN: Leon Simmons?

DAVID BYRNES: Leon Simmons an old special Ranger and a friend to all the Rangers and we worked mainly on the East Coast of....southeast around Florida and did quite a bit of safety work around Dallas. And ah...and Leon's health got bad and he shut the company down and Ithen

I did some corporate security contract work with Northern Telecom and ah...then decided to run for Sheriff in 2000.

ROBERT NIEMAN: Tell us about running for Sheriff.

DAVID BYRNES: Well I still debate how smart that was. My oldest brother retired from the Los Angeles County Sheriff's Department and when I had my initial announcement I had not talked to him. And he lives over in Jack County in Perrin, Texas and he came over to the announcement and I was standing at the door and I remember when he came in he shook my hand and he said, "Have you lost your damn mind". Sometimes I wonder if he wasn't ..(inaudible). It was a ...really a different thing ah...the hardest thing....well the two hardest things was to first ask for money, you know, you got to have money to run a campaign. And the second thing was, get out and talk about yourself, blow your own horn so to speak, because you know, DPS generally does not do that and the Rangers don't do that. Because you know, you just do your job and you know, as we say in the Rangers, you know, you lead from behind you know, and you let the Chief of Police and the Sheriff and everybody else do the new conference, you just do the work. Well that was difficult and then you know, just to ...you know, I'd never been involved in politics. And it really a ...was a new experience. And mainly it was a positive experience, you know of all the people I talked I don't think I had over one or two that were negative, even though if they ...they may tell me they weren't going to vote for me, they were very polite about it you know. So it wasit was a pretty rewarding experience, got to meet a lot of people and then of course I won the primary, I ran against the 15 year incumbent who had actually changed parties. He'd been a Democrat and of course the county was changing and he changed parties and entered the Republican primary. Of course I beat him by about 15 points and then had a Democrat opponent who had run against the incumbent as a Republican twice, so he

goes and files as a Democrat ticket so he can have a place on ...you know in the general election. So I actually had to run two campaigns and I think I won that one by about 72% you know, so it was not a contest. Then I've been re-elected this...well I started my second year of my second term.

ROBERT NIEMAN: Did you have an opponent in your second?

DAVID BYRNES: Yes I did, I had a DA investigator and I won that one by about I think about 67 or 68%.

ROBERT NIEMAN: Describe the difference between being a Texas Ranger Captain and a Sheriff.

DAVID BYRNES: Well there's a lot of difference. First of all you know, the ...anything that they can't think of somebody else to call in the county they call the Sheriff on it. I don't care what it is, you get the call. Ah...you know and I had worked.... I started out in the Sheriff's department, I'd worked around the Sheriff's office my whole career. But I was used to putting people in jail, never had to run a jail and that's the big, is you're responsible for that jail. And the jail is a real, real responsibility. And at the time when I first came in, of course we've got a very nice facility now, new facility, we had a jail that was just terrible and we were over crowded, you were able to board prisoners outside of the county and so...a lot of ...a lot of learning curve there. And ah... you know you don't again realize what really goes on, on the local level as a Ranger, because DPS per se is not a reporting agency. We get all the calls, you know we get everything from a bicycle theft to a capital murder you know, and you've got to go. So you know, you... you're working on every level and trying to you know, satisfy all these people and everybody that comes in you know, they can't talk to anybody but the Sheriff, "I've got to talk to the Sheriff". Well if I'm here I talk to them, but generally when they start I say, "Wait a minute,

let me get so and so in here so you just have to tell this story twice...or once you know”, cause I’m not the one that’s going to do the work, I don’t have time to do the work, somebody else is going to do that. But ah...we’ve ah....and again of course ah... I had a little less than a hundred people when I started, I’ve got about two twenty-five now. So it’s been a very rapid growth ah....the department was ...was not very modern when I took it over ah.... I mean they were really still in the big chief tablet and the #2 pencil era you know, we’re totally computerized now, everything is....all of our technology here is digital, we have the computers and cameras in all the patrol cars, so you know we’ve come miles and miles in the last five years. And I haven’t done all that by myself, of course I’ve had a lot of help and of course the Commissioners who have the purse strings have been you know, willing to do what it took to you know, try to keep up with our population explosion. We’ve got....we’ve gone from in 2000 our ...our ah....population was 71,300, we’ve over 95,000 now, so you know, it continues toand during thatthe ah... the ‘90’s census era, that decade, they went up about 40%, we’re probably going to do that again this ten years. So it’s ...it’s very demanding ah...and it’s you know, kind of like the Rangers, it’s 24 hours a day, seven days a week, if you get called. I don’t get many calls now because I’ve got ... I’ve got very good people. I’ve got you know, they’re much better trained than they were and you know I get....of course we use... our local Ranger is Richard Sheen and Richard comes over and is a tremendous help to us, we’ve got DPS....the Highway Patrol here, they office ...some office over here and we have a great rapport with them. So we have a good cooperative effort and you know, DPS narcotics works out of here ah.... if we need anything we call and we get it, so we try to utilize you know, other resources because ours are limited, but ah...it’s a big change.

ROBERT NIEMAN: I...you mentioned Richard Sheen a couple times and utilizing him and the Rangers, and of course like you said, narcotics and intelligence and so forth. Regretfully you know much better than I do, being a former Ranger Captain, you've got some Sheriff's and Chief's of Police though that will not call a Ranger, you know, almost at all. What would you say to them?

DAVID BYRNES: Well I would say that they're missing the boat, because I don't know of any agency, other than some major department, that can afford to hire somebody with the expertise and resources and contacts that DPS people have and especially Rangers have. I mean to me I'm getting free help over here and to me, I don't think they're really doing the county right because, you know, we pay for DPS with taxes, we've already paid for those people. And if they're not utilizing them, they're just not getting their money's worth.

ROBERT NIEMAN: Well I don't think I'm speaking way out of turn here, of course ya'll know this a thousand times better than I do, but you've just got some little bit of petty jealousy there, that don't want to share.

DAVID BYRNES: Well and that's true, sometimes it's ...it's ah...and sometimes it's just a fact that there may have been at some time a conflict you know. And unfortunately as you know sometimes from time to time, the Rangers have to go do investigations on other police agencies and police officers and Sheriffs and that's not pleasant.

ROBERT NIEMAN: I know one case that I was hanging around you guys when this happened on a case up here in North Dallas where they didn't want to cooperate, Al Alexis was working the case and you personally, as Captain, went up there and just flat told them...what Al told me was, look we're going to work this case with you or without you.

DAVID BYRNES: That...because the problem we had with that case, that was a capital murder case and we got in it early on and then theythe case was not going anywhere, but it still needed a lot of work. But they didn't want to spend the resources and we were in an air of cooperation we were kind of waiting on them. And we had a witness down in Laredo or Corpus or somewhere down there in South Texas, I can't remember now, and I kept asking Al, when are you going.... I meant this guy waslooked like a good lead, you know, let's go talk to this guy. Well I'm trying to wait on this investigator and so finally I just told him, look you know, we've got to go over there and do something. But what had happened was, we were deeply involved and the victims family was from out of state, they were calling over there and they were kind of putting all the problems off on us, so they started calling us you know. And you know, why aren't ya'll doing this, why aren't you doing that. Well rather than tell them, well that's the city's, well we'llI'll look into this. That's when we went over and talked to them, look you know.

ROBERT NIEMAN: I think that was Capel.

DAVID BYRNES: Yes it was.

ROBERT NIEMAN: And then I don't remember if you were Captain or if Dee Vickers was Captain here when they basically one of those Dallas suburb towns, ya'll shut the whole....about busted the whole police department.

DAVID BYRNES: That was in Lavon, yeah they....that started about the time I retired, Al started working on that and then he ah....we had, had complaints periodically over their tactics of enforcing those traffic laws coming through there for years. And then I think Al may have been working with the FBI Task Force when they actually did that. But it was actually a lot of corruption up there and yeah that was, I believe that was in Lavon.

ROBERT NIEMAN: Well David, anything else I haven't asked that I should of, or you'd like to talk about?

DAVID BYRNES: No I ah...you know I ...as I said, I think when we were talking before we started you know, I feel very privileged to have been able to be a Ranger and especially be a Ranger Captain. And I'm very proud of that and it's definitely been the high water mark of my life. And I don't think thatand not that I'm not proud to be Sheriff of Kaufman County, but I just think that you know, I probably you know, was able to execute the peter principles, which is I was promoted to my highest level of incompetence. And it was... I had a good time, with a good career and I'm proud that I was able to do it and fortunate enough to do it.

ROBERT NIEMAN: Well I think you did that and the people of Texas don't have any room to complain, I think you more than earned your keep.

DAVID BYRNES: Well I hope I did, I hope I did.

ROBERT NIEMAN: David I appreciate it.

DAVID BYRNES: Thank you.

ROBERT NIEMAN: I did mean to ask and I forget, when you retired, you're a West Texas boy, you love West Texas, why did you stay in East Texas?

DAVID BYRNES: Well I didn't want to move.

ROBERT NIEMAN: Okay, I guess that's good.

DAVID BYRNES: I moved all I wanted to.

ROBERT NIEMAN: Okay. That's one question I meant to ask. Thank you again.