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## Lawyers in Waco suit say morgue cooler failed

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*This article contains graphic language.*

FORT WORTH -- Lawyers in a wrongful-death suit against the federal government said yesterday that they have been unable to fully explore the deaths of about 80 Branch Davidians in 1993 because many of their bodies liquefied when a cooler failed at the Tarrant County morgue.

The attorneys are also pursuing reports from a pathologist hired by the family of Davidian Jimmy Riddle that portions of Riddle's body disappeared during the more than two years it was stored in Fort Worth.

The missing body parts and the failure of a refrigeration unit at the morgue are expected to be debated as part of a wrongful-death trial scheduled to begin next month in Waco.

The cooler failed weeks after Medical Examiner Nizam Peerwani had performed autopsies on members of the religious sect, including spiritual leader David Koresh. The Davidians died in the April 19, 1993, blaze that destroyed their compound near Waco.

Chris Gavras, Peerwani's spokesman, said yesterday afternoon that there may be some mitigating factors concerning reports that the morgue's cooler failed, but he declined to elaborate.

Peerwani did not return telephone calls to his office. His secretary, Linda Anderson, said he "has been advised not to make any further comments" in the wake of Thursday's appointment of a special counsel to investigate what happened at Mount Carmel on the last day of the siege.

He did, however, speak to reporters at the Waco Tribune-Herald yesterday.

Don Petty, who worked with Peerwani as a forensic photographer on the Davidian case, and Fort Worth pathologist Stephen Putthoff, who also worked on the Davidians' bodies, said the autopsies were conducted accurately and professionally.

"Dr. Peerwani did a superb job organizing the entire effort," said Putthoff, a deputy medical examiner for Tarrant County and chairman of the pathology department for the University of North Texas Health Science Center at Fort Worth.

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If the cooler malfunctioned, Putthoff said, it would not have mattered because all of the autopsies had been completed and the forensic evidence collected.

But the lawyers suing the government say that when the badly burned corpses were liquefied from exposure to high temperatures, it prevented a second, independent examination to learn more about what -- and possibly who -- caused the Davidians' deaths.

Kirk Lyons, who is representing three Davidian survivors of the fire and relatives of 23 dead sect members, said he has been told that "somebody accidentally pulled the plug, and the bodies turned to soup."

"It just destroys any chance for anybody to come back and challenge what the government said happened," said Lyons of Black Mountain, N.C.

Petty said he believes that "approximately 40 or 50" unclaimed Davidian bodies were in the cooler when it failed.

The cooler, which is behind the morgue and is still being used, was given to the Tarrant County Medical Examiner's Office by the federal government to hold the bodies of the sect members, Petty said.

Peerwani told CNN in an interview this week that his office was not asked by the government to determine whether any of the Davidians were killed by federal agents.

"I don't think that was an issue at the time," he said.

Peerwani also said he was not asked by the government to determine the manner of the deaths -- homicide, suicide or accidental -- which is usually a routine procedure in autopsies.

"In this particular case, we were primarily focused on deciding the cause of death. We had no control over the information that was surrounding this compound's tragedy," the medical examiner told CNN.

Putthoff said the fiery end to the 51-day standoff between the religious sect and federal agents was an "extremely complex disaster."

"I think the hardest part for the pathologists ... was separating out and seeing the bodies of the children who were co-mingled with the adult female bodies," Putthoff said.

Putthoff said that most, if not all, of the Davidian bodies were terribly burned and damaged by the fire and shrapnel from explosions, making it extremely difficult for the team of pathologists at the Tarrant County morgue to examine them.

Houston lawyer Michael Caddell, who is representing the relatives of 55 dead Davidians, said the survivors wanted a re-examination because "we think the autopsies were by and large

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not done in the best manner possible."

Despite the damage done because of the cooler failure, authorities may still be able to learn more about the deaths of the Davidians by studying their bones, said Mary Manhein, professor of forensic pathology at Louisiana State University and deputy coroner of Baton Rouge Parish.

Bone marrow can harbor DNA samples for as long as 10 years, and a study of the bones can often solve the mysteries of a violent death, Manhein said.

But a better preserved body, including the existence of lung tissue and blood samples, could help determine whether any of the Davidians died from smoke inhalation or from poison caused by government tear gas, said Jay Siegel, professor of criminal justice and chemistry at Michigan State University.

"If they didn't find that out on the initial autopsy ... it would be much more crucial to have something preserved," said Siegel, a member of the American Academy of Forensic Science.

Bodies begin to decompose from the moment of death, but the speed with which they do so depends on the circumstances, Manhein said.

Decomposition is quicker at hotter temperatures and, even at room temperature, can cause a body to deteriorate beyond recognition within two to three days, Manhein said.

Corpses can be preserved if temperatures are kept under 40 degrees, she said.

Plaintiffs attorneys also have questions about the findings of Dr. Ronald Graser, the private pathologist hired by Riddle's family.

Graser's examination found that body parts disappeared from Riddle, whose remains were kept at Tarrant County Mortician Service, a private mortuary in southeast Fort Worth, court documents say.

During that time, the body of Riddle, who had been killed by a shot in the head, was kept in a "crash bag" and sealed in a metal container in a cooler, said Tom Ramsey, owner of the mortuary.

But when Graser examined the remains, he said part of the skull was missing, including the section where the bullet entered and exited, the court documents say.

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