XII. THE C-4 COVER-UP AND RELATED ISSUES

Two very significant facts regarding the Police Department's use and possession of C-4 came to light before this Grand Jury investigation was convened: (1) Early in 1985, FBI Special Agent Michael Macys delivered more than thirty-seven pounds of C-4 to the Department's Bomb Disposal Unit (previously only relatively small amounts of C-4 were under the unit's control). (2) C-4 was included by Klein in the explosive device/satchel charge which was dropped by helicopter in the late afternoon of May 13, 1985. Our subsequent investigation disclosed two other matters of importance pertaining to the Department's possession and use of C-4: (1) Explosive charges containing C-4 were twice used by Insertion Team B during the morning assault on 6221 Osage Avenue. In each instance a 1-1/4 pound block was employed. These charges were employed by the team (which first entered 6217 and then broke through to 6219), while attempting to remove the porch wall between 6219 and 6221 and to remove the porch fortifications from which they were taking extensive gunfire. (2) A much lesser amount of C-4 -- either one third of a (1-1/4 pound) block or one-third of a pound -- was used by Insertion Team A when it subsequently attempted to breach the living room wall between 6221 and 6223.

Essential facts regarding the Department's use of C-4 on May 13th -- both in the morning assault and in the early evening satchel charge -- are included in earlier parts of this report. Our purpose here is to explain how C-4 came into the Department's

possession and what actions some police officers took to preclude public disclosures about their possession and use of C-4. These latter activities also required us to consider whether criminal charges should be brought against any of the officers involved in the cover-up.

We first considered how the Police Department came to possess a high-power military explosive such as C-4. Previously, C-4 was more readily accessible to police departments than it is today. At least since 1984, however, this explosive has been available only to and through the military. Nevertheless, various small amounts of C-4 came, almost routinely, into the Bomb Disposal Unit's possession. The typical route was as follows: Explosive and bomb training were available to Bomb Squad members through the federal government. Classes were held on various occasions at the FAA facility in Pomona, New Jersey, usually under the instruction of FBI Special Agent and explosives expert Michael Macys. We learned from Macys and others that it was an acceptable practice, at the completion of these classes, to give any surplus explosives -- including military explosives such as C-4 -- to individuals from the different participating law enforcement agencies for those agencies' legitimate use. It was by that method that small amounts of C-4 came to be in the Bomb Squad's possession in late 1984 and early 1985. The legitimacy of that possession, which was made possible by the FBI, was never an issue until after May 13, 1985.

In order to augment the C-4 available to the Bomb Disposal Unit, in January of 1985 Macys delivered to the Squad thirty 1-1/4 pound blocks of C-4 -- 37-1/2 pounds of this high-power explosive. The C-4 was obtained by him from the FBI at Quantico, Virginia; it was given by Macys to the unit, not by request, but because Macys had been unable to provide any leftover C-4 at the completion of the 1984 school. He made the delivery in January because he believed that, without such material for training uses, the benefits of the Pomona instruction would be lost or very substantially diminished. The provision of such material, while "not quite common practice," was certainly not secret. When this delivery was made, at least Powell, Angelucci and Muldowney were aware of it; Klein may also have known of the C-4's arrival, and, in our view, probably did.

The January delivery of more than thirty-seven pounds of a high-powered explosive was revealed by the MOVE Commission and occupied much attention when publicly brought to light. The Commission, as we are, was greatly concerned about such a sizable delivery being made without restriction. Like us, the Commission was also concerned that the Bomb Disposal Unit was somewhat unprofessional and insufficiently trained or experienced in handling explosives. This is partly evidenced by the misunderstanding on the part of some Squad members about C-4's risks and characteristics. Klein, for example, did not view C-4 as an "incendiary device," and believed that C-4 was safer than Tovex. Based on these assumptions, he mixed C-4 and Tovex when preparing the

satchel charge. Explosives Expert Phelan, however, indicated that C-4 creates risks not present with Tovex. C-4, for example, detonates at 24,500 feet per second, while Tovex detonates at 17,000 feet per second. There is also a higher propensity for fire because one characteristic of C-4, not present with Tovex, is that it creates heat upon detonation. We also learned from Phelan and Angelucci that the mixing together of Tovex and C-4 results in tremendous force, heat and destruction upon detonation; indeed, when so mixed with C-4, Tovex can assume C-4's characteristics and explode at a higher rate.

The explosives at the scene were transported either by individual officers or in the Bomb Squad truck. Klein, a member of Insertion Team A, testified that he placed about two pounds of C-4 in the pack which he took to the scene and into 6223 Osage Avenue. According to him, this explosive was not taken from the box containing Macys' large C-4 delivery. Rather, he took it from a much lesser amount of C-4 that had previously been obtained for K-9 (canine) training. This K-9 C-4 was not in its original wrapping. Rather, it was in pieces and had, among other things, been bitten by the dogs. Klein also said that none of this C-4 was used inside 6223 and that the approximately two pounds of C-4 taken from the K-9 supply was the full extent of the C-4 which he brought to the scene. We do not credit Klein's testimony on these latter points. Graham's immunized testimony, which we do credit, contradicted these statements by Klein. According to Graham, C-4 provided by Klein, at Graham's request, was included by them in

the device used to breach the 6223/6221 living room wall. Further, because that C-4 was in its original block form and in its original wrapping (not "dirty and moldy" but "still good" bits and pieces as described by Klein), it was almost certainly C-4 from the Macys delivery. Given Klein's other free admissions to us about his possession of C-4 and its use by him in the satchel charge, we do not understand why he chose to lie about his source of C-4 or its use inside 6223. It plainly appears to us, however, that he did.

The explosives available for use by Insertion Team B were brought to the scene and carried by Muldowney. Muldowney told us that he brought at least two blocks of C-4, and said he wanted C-4 available for use by the team in the event that they encountered a "bad situation." Like Klein, he said that he did not take this C-4 from the box in the explosives magazine where the Macys C-4 was stored. Rather, he said that he took the entire contents of a smaller bag of C-4, stored in the magazine, which had been obtained before January of 1985. There is no evidence before us indicating otherwise. It was that C-4 which was used at Connor's direction inside 6217 on the morning of May 13th.

Other explosives were brought to the scene in the Bomb Squad truck early in the morning by Officer Blackman. Blackman also returned to the Police Academy mid-day at Powell's direction to obtain more explosives. Nothing which we heard about the delivery of these explosives, however, suggested that any additional C-4 was stored in the truck or otherwise available at the scene.

The facts with respect to Insertion Team B's actual use of C-4 inside 6217 at Connor's direction, and Insertion Team A's use of a lesser amount of C-4 in the device constructed by Graham and Klein, are set forth in Part VI of this report. In summary, the first such charge used by Connor's team contained a 1-1/4 pound block of C-4. A like amount was used in the second such charge although -- dissatisfied with the results of the first attempt -- Connor had requested something "a little heavier." It was this second device which exposed the very substantial bunker fortifications on 6221's front porch.

The fact that C-4 was employed by Insertion Team B while inside 6217 did not subsequently become widely known. According to Muldowney, the question of disclosure was discussed by and with Connor even before the team left the premises. Muldowney said that he acquiesced in an agreement not to discuss C-4's use because of "peer pressure" and a desire to keep Mike Macys "out of it." As a result, C-4's use inside 6217 was not divulged to anyone, outside a Bomb Disposal Unit/Police Department "inner circle," until we were so advised by Muldowney and Angelucci. The use of C-4 inside 6217, which Muldowney and Angelucci first told us about, was thereafter confirmed by Powell. He testified that, within a few days of the confrontation, Connor admitted to him that C-4 had been used inside 6217. Powell, however, maintained his silence about this use until shortly before testifying before us when he spoke with attorneys and investigators involved in this Grand Jury investigation.

Officer Raymond Graham also maintained his silence for a protracted period of time about his and Klein's use of a much smaller amount (either 1/3 of a pound or 1/3 of a 1-1/4 pound block) of C-4 when they constructed the device intended to breach the 6221/6223 living room party wall. Klein disavowed such use of C-4. Graham, however, whose testimony was available to us only after the grant of limited use immunity, admitted for the first time in his appearance before us to their use of C-4. He also said that he did not tell Powell about C-4's inclusion in the device and that he was not subsequently told by Klein to deny C-4's use.

Facts with regard to the use of C-4 in the satchel charge were also slow (but somewhat less slow) in surfacing. Klein told us that about 1-1/4 pounds of C-4 from his pack were included in the device because he believed that this would most effectively remove (push off) the bunker. He twice said that he did not recall if Powell asked or was told on the scene what was included in the charge. It was his view that he "probably" did so advise Powell, but he said that he could not specifically remember. Powell maintained that he did not find out about the C-4's inclusion while at the scene and that he did not open the satchel. He said that the possible inclusion of C-4 was first suggested to him by Graham a "couple" of weeks later. The basis of Graham's hypothesis was the "crack" that the device made when detonated. After this suggestion by Graham, Powell ostensibly told Klein that he "didn't want to know" what was in the device.

We have been unable to resolve to our satisfaction the question of whether Powell knew, before its delivery, that the satchel charge device contained anything other than two long tubes of Tovex. We are satisfied, however, that, following the confrontation, Powell and Connor, together with other police officers, set upon a course of action to altogether avoid the disclosure of facts about the Department's use and possession of C-4 on May 13, 1985 and afterwards.

As already noted, non-disclosure of information about C-4's use inside 6217 was discussed even before leaving that house. Other similar discussions followed. Powell said that there was a conversation on the night of the incident at Bomb Squad headquarters at which he cautioned against discussing the C-4 because Macys would get "jammed up" since Macys had provided a substantial amount of C-4 to the Squad. Angelucci and Muldowney recalled a conversation with Connor two or three days after the confrontation, during which Connor (1) raised concern about disclosing C-4's use, (2) said that disclosure would implicate Macys, and (3) suggested uniformly saying that a substance like Tovex had been used. Angelucci recalls that Connor also suggested that disclosure should be avoided because of a possible violation of federal law.

According to their testimony, Muldowney and Angelucci acquiesced to the non-disclosure plan. Angelucci said he did so faced with Connor's insistence and "knowing about the normal retaliation within the Police Department ..." Angelucci also recalled another conversation on the issue of disclosure at which Powell and Connor

were present. It then appeared to Angelucci that Powell was "taking his responses from Sgt. Connor in reference to what we should say we used ..." It was also Angelucci's view that Powell was more concerned about Macys than was Connor.

In addition to the putative desire to protect Macys, there was testimony presented to us suggesting at least one other reason why the police officers declined to be forthright with respect to the matter of C-4. This arose from Sambor's public statement, not long after the confrontation, that the device which was delivered to the roof by helicopter, contained only Tovex. Klein told us that, upon learning this, he felt "there was no way I was going to criticize the Police Commissioner. They would just crucify me if I changed the story." He also said that he was told by Connor "Don't make any waves. A bomb is a bomb no matter what was in it. Just keep you mouth shut."

The result of these various conversations was that C-4's use in the device was not immediately disclosed by anyone. Further, the various members of Insertion Team B agreed to say that HDP boosters (which were closer in velocity to C-4 than Tovex) were used by them in their morning assault on 6221. Statements consistent with these agreements were given to homicide detectives and MOVE Commission investigators. When questioned by homicide, Connor specifically said that he never had or used C-4. In addition, while at a press interview, Powell -- well knowing that the Bomb Disposal Unit then possessed a substantial amount of C-4 -- stated that they had no C-4.

The C-4 deception went beyond false and misleading statements and extended to a physical cover-up. In large part, the Bomb Disposal Unit's abysmal, if not non-existent, record-keeping with regard to both the Squad's possession of and Squad members' access to explosives made this possible. (We learned that the Unit's record-keeping procedures with respect to these matters have since very drastically improved.)

According to Powell, it was the MOVE Commission's formulation which prompted hiding the C-4 still possessed by the Unit. At one point, consideration was given to the C-4's destruction; Powell said, however, that he decided it was too expensive to destroy. Instead, the C-4 was removed from the Bomb Squad magazine and first hidden on the hill at the Range. Next, it was placed in the rafters of the bomb shack; upon reflection, however, Powell concluded that this arrangement was too dangerous. He then placed the C-4 in a box in the Squad's locker. This was a storage area which was also accessible to the federal authorities. Powell took advantage of this and marked "FBI" on the box. When MOVE Commission investigators thereafter appeared and asked what the box contained, Powell responded that they would have to contact the FBI if they wanted to inspect the box. As they did not do so, the Squad's cache of C-4 was not then seen by the Commission investigators or identified as belonging to the Police Department.

In August, 1985, the truth about the C-4 began to come out as a result of an internal Police Department investigation.

Under Department auspices, tests were conducted to determine how the rooftop explosion occurred. Initially, one-pound tubes of Tovex were used to attempt to recreate the explosion on the roof. Testing shifted from one-pound Tovex tubes to two 2.27 pound tubes of Tovex, however, after Powell told Captain Eugene Dooley that he thought that two such tubes had been used in the device. Testing with even this greater amount of Tovex, however, still did not ignite the flammable liquid which they placed nearby. (At that time the police did not sufficiently know the cause of the explosion so as to be able to duplicate the rooftop conditions.) Further, comparison of the Channel 10 tapes of the actual explosion and tapes of the test explosions using Tovex evidenced a very different sort of detonation.

As a consequence of the differences in the tapes and the inconclusive testing results, Dooley told Sambor that he did not believe that they had been accurately advised about the bomb's composition. Based thereon, it was decided to reinterview Klein and Powell. After being faced with the tapes and other evidence, Klein admitted, at his interview, that he had included a block of C-4 in the device in addition to the Tovex tubes. According to Dooley, Klein said that he felt that he was the only one experienced enough to decide what was needed to bring about the desired results. Klein, on the other hand, said that he told Dooley that the C-4's use was authorized by Brooks and/or Sambor. (See earlier discussion in Part VII of this report.) Both Dooley and Klein agreed, however, that Klein then said that the only C-4

included by him in the device was the C-4 which he personally brought to the scene in the event of an emergency.

The Klein admission was thereafter discussed by Dooley with Sambor. It was Dooley's belief that Sambor sent a memo to the Managing Director regarding this. The only related irregularity of which Dooley was aware, according to his testimony, was that he was instructed to keep everyone uninformed about the tests conducted at the Academy.

Although Klein's admission with respect to C-4's use was leaked to the media not long afterwards, a substantial period of time passed before all of the facts with respect to Macys' January 1985 C-4 delivery came to light. Macys told us that his concern about whether C-4 had been used in the device caused him about one month afterwards to ask Powell what happened to the C-4. He was then assured by Powell that he need not worry because "it" was "long gone." Macys then decided not to ask any more questions. His concerns did not abate, however, particularly when he later learned of MOVE Commission inquiries about police possession of C-4.

It was against this background that Macys met Officer Rementer of the Bomb Disposal Unit in Center City in September, 1985. Coincidentally, Powell was giving a statement at homicide headquarters at the same time. Rementer's version of the conversation was that Macys was upset, said that he had to talk to Powell, and said that it could not be disclosed that they got C-4 from him. Macys said that Rementer asked him if it was okay that "that stuff

is still up there," and he responded "You've got to be kidding me." (According to Macys, this was after it had been publicly reported that the police had denied having more than a pound of C-4.) Macys said that Rementer then made a call, and, upon returning, told Macys not to worry because the stuff was "long gone." Macys said he did not believe this, but did not press. Rementer's version was that he called Connor and told him that Macys said that disclosure could not be made. According to Rementer, Connor responded to this by instructing Rementer to tell Macys that it had been "taken care of."

Despite the Bomb Disposal Unit's assurances to him, it was Macys himself who eventually disclosed the facts regarding his very sizable delivery of C-4. Macys was interviewed about C-4 by MOVE investigators in the beginning of October, 1985. Some of the Commission's inquiries made Macys uncomfortable. In addition, certain of Macys' responses raised such doubts in the investigators' minds that they discussed these doubts with another FBI employee. The doubts were thereafter relayed to Macys by the employee. As a result, Macys concluded that he was bound to disclose fully the facts with respect to the C-4 delivery. An FBI agent, who also acted as a legal advisor, told Powell of Macys' intent. Thereafter, on the Tuesday after Columbus Day, 1985, Macys provided all the details about the delivery to his supervisor. These were communicated to MOVE Commission Chairman Brown by the FBI in a letter dated October 22, 1985. That letter was

publicly read into the Commission's record by Brown on October 25, 1985.

Connor also testified before the MOVE Commission on October 25, 1985. The FBI's letter concerning Macys' C-4 delivery was read into the record at the conclusion of Connor's direct examination and before his questioning by the Commissioners. When asked about his knowledge of the delivery, Connor maintained that it was only "the other day" that he had learned about it. In addition, during his direct examination, he denied having either C-4 or Tovex while inside 6217 and, thus, of necessity, inferentially denied using C-4 while in 6217. He also said during his direct testimony that only about 3/4 of a pound of C-4 was then in the Unit's possession at the Range, and that he was unaware of any other C-4 in the Unit's possession.

Although granted limited use immunity (i.e., legally guaranteed that his testimony could not in any way be used against him), Connor persisted in telling lies when he first appeared before us. On that occasion, he told us, among other things, (1) that he did not recall what explosives were brought into 6217, but that a list was given to the MOVE Commission at its request; (2) that he did not make sure he had C-4 because, as far as he knew, "there was not that much plastic available to use"; (3) that he did not remember if he had C-4 in 6217; (4) that he did not remember if he asked Powell whether C-4 could be obtained; (5) that he did not "believe" that he asked anyone inside 6217 whether they had C-4 to use as a counter-charge; and (6) that three HDP boosters

were used in the first attempt to remove the wall of 6221 and that more than three such boosters were used in the second attempt. Additionally, Connor said that he thought that his September, 1985, conversation with Rementer referred to lesser amounts of C-4 which had earlier been delivered by Macys (as opposed to the large January, 1985 delivery). He also told us that their "concern was that a friend of ours might get jammed up for doing something that might be perceived as improper" and that "[a]n explosive is an explosive, whether you buy it from a civilian warehouse or you get it off the military."

Later, Connor returned voluntarily, without immunity or a subpoena, and admitted that much of the above testimony was a lie. Specifically, he (1) admitted to C-4's possession and use, at his direction and with his knowledge, while inside 6217; (2) said that he collectively decided with Powell, Angelucci and Muldowney not to mention plastic explosives; (3) explained his prior lack of candor was the result of an effort to protect brother officers and the FBI agent, as well as his belief that "it was somewhat immaterial whether it was plastic or HDP boosters"; (4) told us that he knew that a substantial quantity of C-4 (he recalled sixteen or seventeen pounds rather than thirty-eight pounds) was stored not in the magazine, but out in the shed, well before a week before his Commission testimony; and (5) acknowledged his awareness of the attempts to hide the C-4 from the MOVE Commission. He also very profusely apologized to us for his prior

falsehoods. This latter version of events was corroborated by the testimony of Angelucci, Muldowney and Powell.

We have very extensively considered whether we should recommend the lodging of criminal charges against these police officers as a result of any of the previously described actions intended to prevent the disclosure of facts about the possession and use of C-4. It is our considered judgment that no such charges should be brought. The reasons for this conclusion are set forth in detail below. We wish to make it clear at the outset, however, that our decision does not reflect approval of the actions of (1) the various officers who misled Police Department and MOVE Commission investigators, (2) Klein, who although candid about his possession of C-4 and its use in the satchel charge, apparently lied about his source for that C-4 and about its use inside 6223, or (3) Connor, who, by his own admission, lied under oath to both the MOVE Commission and this Grand Jury. Rather, it reflects our consensus, based on a variety of legal, practical and moral considerations, that ending this massive investigation by charging a few front line officers would not serve any purpose or vindicate any interest when it was the City's high elected and appointed officials who were at least morally responsible for this great tragedy.

Having said that, we will nevertheless briefly outline some of the criminal charges which might arguably be brought against some individuals. (In so doing, we stress the word arguably.

With respect to many charges and officers whose names have been mentioned, there would or might exist substantial legal or factual questions in connection with any prosecution. We shall briefly allude to some, but not all, of these problems.) These charges include perjury, false swearing, tampering with or fabricating physical evidence, obstructing administration of law or other governmental functions, and criminal conspiracy.

A person commits perjury if, in any official proceeding, he makes a false statement under oath, or affirms the truth of a statement previously made, if the statement is material and the person who made it does not believe it to be true. A statement is material if it could have affected the course or the outcome of the proceeding in which it was made. Whether factual falsification is material in a given situation is a question of law. Further, a person cannot be found guilty of perjury if he retracted his false statement in the course of the proceeding in which it was made before it became apparent that the falsification was or would be exposed and before the falsification substantially affected the proceeding. Nor can the falsity of a statement be established, and a person be convicted, based only on the uncorroborated testimony of a single witness.

False swearing in official matters occurs, essentially, when a person makes a false statement under oath, or swears to a prior statement's truth, when he does not believe the statement to be true, and when he makes the statement in an official proceeding or he intends the statement to mislead a public servant in

performing his official function. The provisions of the perjury statute with respect to, among other things, retraction and corroboration also apply to this charge.

Tampering with or fabricating physical evidence occurs if a person, believing that an official proceeding or investigation is pending or about to be instituted, takes action with respect to any record, document or thing to impair its verity or availability, or makes, presents or uses any record, document or thing knowing it to be false, with the intent to mislead the investigator or like public servant.

It is to be noted that the term official proceeding or investigation is pertinent to each of the previously discussed offenses. Our Grand Jury investigation is clearly such an official proceeding. Whether the MOVE Commission is also an "official proceeding" for purposes of these statutes is a question which we have not tried to answer since we have decided, for other reasons, that charges should not be brought. However, as the MOVE Commission's formulation was novel in Pennsylvania, the issue of its status is almost certainly a matter which would have been vigorously litigated by those charged if indictments were returned.

There are two remaining statutes which must also be mentioned which do not involve "official" proceedings. The first, obstructing the administration of law or other governmental function occurs when a person intentionally obstructs, impairs or perverts the administration of law or other governmental function by physical interference or obstacle or any other unlawful act. Conspiracy

occurs if people agree to engage in conduct which constitutes a crime and they entered into that agreement with the intent of promoting or facilitating the commission of that crime. For a conspiracy to exist, there must also be some overt act, by one of the conspirators, in furtherance of a conspiracy after it is formed.

In evaluating whether any of these charges should be lodged by us, we first generally categorized the actions pertinent to the C-4 taken by the various officers. They fell in three categories: (1) deception of investigators for the Police Department and MOVE Commission; (2) deception of the MOVE Commission itself; and (3) attempts to deceive this County Investigating Grand Jury.

The first category of actions is not the proper subject of a criminal prosecution. While there is no doubt that homicide detectives and/or Commission investigators were misled by Connor, Powell, Klein, Muldowney and Angelucci, legal practicalities and other considerations militate against the lodging of charges. For example, the "pre-format interview" method first employed by homicide neither encouraged nor lent itself to full disclosure by those interviewed. The authority of the Commission investigators is also unclear. Furthermore, the statements obtained then may have been coerced by City officials. Statements given under these tainted circumstances are simply not significant enough to serve as the predicate for a criminal indictment.

Most importantly, however, we feel that this misconduct was but a footnote to the tragedy that left eleven people dead. Given the enormity of the loss, the infantile deception engaged in by

these officers after May 13th is a petty detail. Their asinine behavior did not prevent this Grand Jury from determining the truth about the source and use of C-4. Although there is no excuse for hiding and altering evidence, that matter was collateral to the central issue of our investigation. It would be a mockery of justice to punish these officers, who risked their lives in confronting MOVE, while their superiors, the parties morally responsible for the entire debacle, went unscathed.

To the best of our knowledge, only two officers -- Connor, by his own admission, regarding his use of C-4, and Klein, regarding the limited matters in which he is contradicted by Graham -- persisted in the second and third categories of conduct: the dissemination under oath of falsehoods and half-truths to the MOVE Commission and to this investigating body. (Muldowney, Angelucci, Klein and Powell did not testify before the MOVE Commission; with the exception of Klein's evidence regarding the source of C-4 and its use inside 6223, we believe that the testimony which they gave before us with respect to the C-4 was candid and truthful.) The question of whether to recommend that they be charged with perjury and related offenses as a result of this conduct has been agonizing.

Nevertheless, we have decided not to bring perjury and other charges against them. Particularly given Connor's audacity in lying to us, it is tempting to do otherwise in his case. (Klein's refusal to fully detail his conduct is far less audacious and, indeed, somewhat puzzling to us.) However, in light of our belief

that a few policemen should not be the exclusive target of legal process, we will not move only against these officers. In so concluding, we note that Klein has altogether retired from law enforcement with a psychiatric disability and that Connor, although he remains in law enforcement, is no longer in the City's employ. Hence, a determination as to whether Connor's lies reflect adversely on his ability to perform law enforcement duties is a decision that need not be made by the Philadelphia Police Department.

XIII. CONCLUSION

Our report attempts to recount this City's greatest tragedy from beginning to end. It is an epic of governmental incompetence. It details an operation marked by political cowardice in its inception, inexperience in its planning, and ineptitude in its execution. Even the ensuing investigations were marred by deception.

While the conduct of City officials in handling MOVE is entirely unacceptable, it is not the proper subject of criminal prosecutions. Applying the law to the facts as we found them, no charges are warranted. Yet we do not exonerate the men responsible for this disaster. Rather than a vindication of those officials, this report should stand as a permanent record of their morally reprehensible behavior. This City, its leaders and citizens, must never forget the terrible cost of their misjudgments.