

The FBI's "Cult War" against the Branch Davidians

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Every incident involving police brutality starts with the suspect not cooperating.

—New Orleans citizen

On February 28, 1993, a shootout resulted from a botched no-knock "dynamic entry" of the Branch Davidians' residence at Mount Carmel, within the rural outskirts of Waco, Texas, by agents with the Bureau of Alcohol, Tobacco, and Firearms (ATF). The violence on this day resulted in the deaths of four ATF agents and six Branch Davidians. FBI agents arrived on March 1 to take charge of what became a fifty-one-day siege. Because federal agents had been killed on February 28, the FBI designated the case with the acronym WACMUR for "Waco Murder."

FBI agents found that David Koresh (1959–1993) and his followers placed greater emphasis on God's authority as revealed by Koresh than on the authority of the FBI. On March 2, Koresh promised FBI negotiators he would come out after an audiotape, on which he explained his theological understanding of the ATF assault and the resulting FBI siege, was played on television and radio. After the tape was played on KRLD Radio in Dallas and the Christian Broadcasting Network, the Branch Davidians picked up a stretcher delivered by the agents to carry out David Koresh, who had suffered a gunshot wound to his side and also his wrist on February 28. When Branch Davidian men attempted to move Koresh onto the stretcher to carry him downstairs and outside the building, they reported that Koresh experienced excruciating pain. The Branch Davidians paused to pray. That is when Koresh received a divine message that they should wait for another word from God for the right time for them to come out and be taken into custody.¹

Frustrated FBI officials ordered the residence surrounded by tanks to “teach him a lesson.”² During the siege, FBI agents driving tanks took increasingly aggressive actions against the Branch Davidians and their home. On April 19, 1993, FBI agents implemented a tank and CS gas assault that resulted in the largest number of deaths in a law enforcement action in U.S. history. Seventy-six Branch Davidians of all ages died in a fire that followed the gassing and demolition of their building.

The conflict between federal agents and the Branch Davidians in 1993 occurred after several decades of what new religions scholars have termed the “cult wars.” Since the 1970s, secular anticultists had formed organizations to combat religious groups they termed “cults” and had constructed a narrative that promoted what sociologist James T. Richardson terms the “myth of the omnipotent leader” and the corresponding “myth of the passive, brainwashed follower.”³ Anticult activists began promoting coercive “deprogramming” services to concerned family members who were often willing to pay the fees to have their loved ones kidnapped and deprogrammed. Scholars who were pioneers in the study of newly formed religious movements spoke publicly in their publications and in court cases to dispute the anticultists’ justification of deprogramming activities, advocating for careful investigation of unconventional religious groups suspected of breaking the law and for the principle of freedom of religion. These scholars were accused of being “cult apologists” by anticultists. The term *cult wars* was coined as a shorthand for the highly contested environment involving members of new religious movements, anticultists and evangelical Christian countercultists,⁴ and new religions scholars. Law enforcement was involved in the “cult wars” in various ways, and anticult views sometimes influenced law enforcement officials’ approaches to unconventional communities.

The ATF and FBI agents involved in the Branch Davidian case, and the reporters and other media representatives covering the case, were strongly influenced by the “cult” stereotype promoted by anticultists.⁵ The “cult” stereotype involves what sociologist John R. Hall calls *cult essentialism*, “whereby the dynamics of religious movements are treated as wholly internal, and unaffected by interaction with the wider social world. Such an analysis would free the cultural opponents and the media from any responsibility for incidents of religious-movement violence.”⁶ FBI agents articulated this perspective in their descriptions of the Branch Davidians in press briefings held during the siege and in statements and testimonies after the fire. During the siege, the media also promoted a view of the Branch Davidians as “cultists,” which

dehumanized them and rendered their children invisible.⁷ These depictions of the Branch Davidians and cultural assumptions about members of "cults" helped shape public perceptions of the standoff and may well have been a factor leading the majority of Americans to view the FBI's tank and gas assault on April 19, 1993, as reasonable. A CNN/Gallup poll taken after the fire "found that 73 percent of Americans thought the decision to teargas (for seven hours) the men, women, and children (including infants and toddlers) at Mt. Carmel was 'responsible,' and 93 percent believed that Koresh was to blame for their deaths."⁸

The events at Mount Carmel in 1993 were not a metaphorical "cult war," but literal warfare against an unconventional religious group waged by militarized federal law enforcement agents—first by ATF agents on February 28, 1993, and then by FBI agents from March 1 throughout the siege until the April 19, 1993, assault and fire.⁹ The concern of FBI officials in the command center in Washington, D.C., and of FBI officials in Waco to defeat an enemy they viewed as responsible for the deaths of federal law enforcement agents overrode the FBI negotiators' concern to get adult Branch Davidians and their children out of the building safely.

This chapter does not attempt to unravel the complex and incomplete evidence concerning precisely how the deadly fire started on April 19. Despite the publication in 2000 of special counsel John C. Danforth's final report, which claims to settle the matter by putting all the blame for the fire on the Branch Davidians, the question of what happened at Mount Carmel is far from clearly determined.¹⁰

The various analyses, strategies, and goals of different groups of FBI agents can be discerned in internal FBI documents found in the archival collection of Lee Hancock, a reporter for the *Dallas Morning News*, at Texas State University in San Marcos. These documents indicate that FBI agents had gathered relevant "intelligence" about the Branch Davidians and their beliefs, and therefore that FBI officials were well informed about the Branch Davidians' apocalyptic theology of martyrdom when they made decisions to implement "stress escalation" against the Branch Davidians.¹¹ What amounted to psychological warfare, along with increasing physically destructive actions carried out by agents on the FBI's Hostage Rescue Team (HRT), undermined FBI negotiators' strategies, which were succeeding in persuading Branch Davidian adults to come out and to send their children out.¹² FBI agents in Waco were constantly reporting to FBI officials in the Strategic Information and Operations Center (SIOC) in the Hoover Building in



FIGURE 12.1. “Trophy photo” of FBI Hostage Rescue Team operator taken at the Branch Davidians’ Mount Carmel headquarters, located outside Waco, Texas. Defendant’s exhibit in the 1995 criminal trial, courtesy of Clive Doyle.

Washington, D.C. The FBI’s internal documents in the Lee Hancock Collection prompt the question of why FBI officials and commanders made decisions about handling the Branch Davidians that contradicted well-known FBI and law enforcement protocols to obtain the safe exit of barricaded subjects.

As a reporter with the *Dallas Morning News*, Lee Hancock covered the 1993 conflict between the Branch Davidians and federal agents. Hancock’s investigative reporting on the Branch Davidian case also covered the criminal trial in 1994, congressional hearings in 1995, the wrongful death civil trial in 2000, and the investigation by special counsel John C. Danforth.¹³ Someone in the FBI provided Hancock with

internal FBI memos, reports, and logs. She used many of them in her important news stories, but she did not utilize all of the information available in these documents. I contacted Hancock for an interview in 2003, which turned out to be when she decided her research on the Branch Davidian case had concluded. She sent boxes of documents to me, and they were placed in the Loyola University New Orleans archive. In 2009 these materials were relocated to the archive of Texas State University, where they are now available to the public.¹⁴

The internal FBI documents in the Lee Hancock Collection provide a wealth of information on the ways that FBI agents investigated David Koresh and the Branch Davidians, analyzed them for the possibility of mass suicide, and persuaded Attorney General Janet Reno to approve an assault by the FBI's HRT that endangered all the residents of the building, especially the children. These documents indicate that the FBI decision makers were well aware of the apocalyptic theology of martyrdom taught by David Koresh. Consideration of these FBI documents in conjunction with the Branch Davidians' conversations recorded by surveillance devices ("bugs") inside the building prompt the following questions:¹⁵ Given that FBI decision makers were cognizant of the Branch Davidians' apocalyptic martyrdom theology, why was the tank and CS gas assault carried out on April 19, 1993? Since there was a strong likelihood of fire erupting as a result of tanks driving through and dismantling the building—even if the Branch Davidians had not held a theology of martyrdom—why was this particular form of assault carried out? Why did FBI agents fail to inform Attorney General Reno that on April 14 David Koresh had proposed and was implementing an exit plan according to which he would be able to maintain his commitment to God's word and also come out? Why was Reno not informed of the analysis of the FBI's own behavioral scientists indicating the likely violent outcome of an assault carried out by the FBI? Materials held in the Lee Hancock Collection shed new light on these questions.

The collection contains a number of documents of interest in this chapter: (1) two documents summarizing the results of investigations into the probability of the Branch Davidians committing mass suicide, (2) two documents summarizing the results of investigations into the importance that the Branch Davidians attached to Passover, (3) a series of memos written by FBI behavioral scientists ("profilers"), (4) the WACMUR Major Event Log and the WACMUR April 19, 1993, log, and (5) the Reno Briefing File. This chapter reviews this new information in order to show that FBI agents were evaluating the Branch Davidians

for the possibility of group suicide up to the day before the FBI's tank and CS gas assault on April 19, and that the information given to Attorney General Reno by FBI officials was slanted to prompt her to approve the ill-conceived assault. The massive fire on April 19 would not have been a surprise to the FBI officials who had seen these reports and the related FBI memos or to those who had either heard or seen the reports of surveillance device monitors regarding Branch Davidians' conversations about prophecies being fulfilled by an assault. Whatever lessons are to be learned from the FBI's conflict with the Branch Davidians must be based on an accurate understanding of what actually happened; what follows, drawing on this new information, is an effort to contribute to that understanding.

BACKGROUND

The Branch Davidians

The General Association of the Branch Davidian Seventh-day Adventists (the Branch Davidians), founded in 1955 by Ben Roden (1902–1978), whose followers regarded him as a prophet divinely inspired to interpret the Bible's apocalyptic prophecies, had split off from an earlier offshoot of the Seventh-day Adventist Church known as the General Association of the Davidian Seventh-day Adventists (the Davidians), which was founded by Victor Houteff (1885–1955) and settled in Waco, Texas, in 1935. Roden acquired the Davidians' second piece of property, known as Mount Carmel, located on the outskirts of Waco, after Houteff's wife, Florence Houteff, had disbanded the General Association of the Davidian Seventh-day Adventists. The failure of her apocalyptic prophecy, based on her deceased husband's biblical interpretations, to materialize on April 22, 1959, prompted the dissolution. Before Roden's death in 1978, his wife, Lois Roden (1905–1986), succeeded him as prophet of the Branch Davidian group, which she called the Living Waters Branch. A number of the Rodens' followers were also former Seventh-day Adventists, a denomination that places special emphasis on the imminent fulfillment of the Christian Bible's apocalyptic prophecies. Seventh-day Adventists believe that in the present time God speaks to prophets, such as Ellen Harmon White (1827–1915), to elucidate God's word in the Bible, and the Davidian and Branch Davidian lineage of prophets continued that belief.¹⁶

In 1981 twenty-two-year-old Vernon Howell, who had been disfellowshipped from his Seventh-day Adventist church in Tyler, Texas,

came to Mount Carmel and began studying under Lois Roden. She began to indicate to the Branch Davidians that Howell would be the prophet to succeed her. This was challenged by her son George Roden (1938–1998), which led Howell and his followers to move away from Mount Carmel in 1984. By that time, the majority of the Branch Davidians had decided that the “Spirit of Prophecy” had left Lois Roden and had been transferred to Howell. In 1985, while visiting Israel, Howell had an experience that indicated that he was called to be the Davidic messiah, Christ, for the Endtime. (According to the theology that he taught, this is not the same thing as being a reincarnation of Jesus Christ.)¹⁷ Upon his return to the United States from Israel, he began traveling, proselytizing, and attracting converts in California, Hawaii, England, and Australia. While in Los Angeles, he also promoted his rock band. In 1986 Howell—who was already married to Rachel Jones Howell—began to take extralegal “wives” with whom to have children. He taught that his children would play a key role in the Lord’s Judgment and Kingdom. The Branch Davidians took up residence at Mount Carmel again in 1988. In 1990 Howell changed his name legally to David Koresh as a sign of his messianic status. In 1992 Koresh’s Branch Davidians constructed the large residence that figured prominently in the conflict in 1993, and dismantled the small houses that had existed at Mount Carmel until that time.¹⁸

On the morning of February 28, 1993, when the ATF assault was carried out, there were approximately 124 Branch Davidians at Mount Carmel: eighty-four were Americans, thirty-one were British, five were Australians, two were Canadians, and one was Israeli. Many of these followers were former Seventh-day Adventists. The Branch Davidians were an international and multiracial community reflecting the membership of the Seventh-day Adventist Church. All but two of the Britons were of Afro-Jamaican heritage, one being White and the other of Nigerian heritage. There were eleven African Americans, eight Mexican Americans, and Americans of Japanese, Filipina, Chinese, Samoan, and mixed ethnicities. There were forty-three women (eighteen and older), thirty-seven men (eighteen and older), and forty-four children of all ages. Of the children, thirty were eight years old or younger. Twelve of the children were David Koresh’s biological children. Two young women were pregnant with Koresh’s babies.¹⁹

Immediately after the ATF raid, despite being wounded and thinking he was dying, Koresh was active in the negotiations, communicated his theology to the public through calls to CNN and a radio talk show, and



FIGURE 1 2. 2. Memorial image of the eighty-two Branch Davidians killed during the 1993 siege at Mount Carmel, east of Waco, Texas. This composite image was created by Matthew D. Wittmer in 2013 using photographs from the former Visitor's Center at Mount Carmel, which was maintained by survivor Clive Doyle from 1998 until 2006, and from still photographs taken from videotapes filmed by the Branch Davidians during the siege. Rubbings of the memorial name stones at Mount Carmel are inserted for Branch Davidians for whom no photos were available. Courtesy of Matthew D. Wittmer.

recorded an audiotaped sermon. During much of the early siege, however, Koresh was absent from negotiations and was reported to be sleeping. Koresh's right-hand man, Steve Schneider, a former Seventh-day Adventist who had earned a master's degree in religious studies at the University of Hawaii,²⁰ did most of the negotiating and had a large influence on the outcome of the negotiations. Schneider's wife, Judy Schneider, had become one of Koresh's wives, after which her daughter, Mayanah Schneider, was born; Mayanah was two years old at the time of the raid. The WACMUR Major Event Log indicates that by March 5 (at 9:45 A.M.) Steve Schneider reported to FBI negotiators that Koresh was not well. On March 11 at 11:34 A.M., a negotiator logged a speculation that Koresh might have blood poisoning. At 11:49 A.M. a negotiator discussed septicemia and gangrene with Schneider. By the time Koresh's criminal defense attorney, Dick DeGuerin of Houston, went inside the building on March 29, Koresh had begun to be awake for longer periods and participate more actively in the negotiations; that continued during DeGuerin's visits on March 30, March 31, and April 1 (when he was accompanied by Jack Zimmerman, Schneider's attorney).

David Koresh and the Branch Davidians' interpretations of the Bible's apocalyptic prophecies were not set in stone. They were doing what other believers in an imminent apocalypse do: reading the apocalyptic signs of the Endtime in light of current events, in this case the events that occurred at Mount Carmel on February 28, 1993, and during the siege that followed.²¹ They were waiting to see whether it was God's will for them to die at that time to fulfill the Bible's prophecies as interpreted by Koresh. They did not want to die, but as members of the "wave sheaf" (Lev. 23:10-14), the "first of the first fruits" (Lev. 23:20; Rev. 14:4) of those who will be included in the Lord's Kingdom, they would be faithful to God's will.²²

Participating FBI Agents and Government Officials

Special Agent in Charge (SAC) Jeffrey Jamar of San Antonio, head of the Texas FBI regional office that included McLennan County, in which Waco is located, was put in charge of the WACMUR case. Other special agents in charge (that is, heads of regional offices) arrived to assist Jamar. SAC Bob Ricks of Oklahoma City was frequently the FBI spokesperson at press briefings. On March 17, SAC Dick Schwein of El Paso, Texas, arrived to take charge of the night shift of the siege. Schwein implemented the blasting of high-decibel irritating sounds at the

Branch Davidians through loudspeakers that had been set up outside the building.²³

When FBI agents took over from ATF agents on March 1, 1993, the FBI's tactical unit, the HRT, which was commanded by Assistant Special Agent in Charge (ASAC) Dick Rogers, surrounded the building with snipers, and the unit brought tanks onto the Mount Carmel property on March 2. The HRT had been founded in 1982 with Danny Coulson as its first commander. The FBI agents who served as HRT "operators" were trained by Delta Force, the U.S. Army's Special Forces counterterrorism unit. As its name suggests, the Hostage Rescue Team's original purpose was to rescue Americans being held in foreign countries by terrorists. They were trained to attack and "neutralize" the terrorists in order to rescue hostages.²⁴ Dick Rogers was commander of HRT in 1992 when a shootout between federal marshals and Randy Weaver, Kevin Harris, and Weaver's fourteen-year-old son, Sammy, resulted in the deaths of Sammy Weaver and U.S. Marshal William Degan. FBI officials in Washington permitted a change in the HRT's rules of engagement that resulted in the shooting death of Vicki Weaver, the wife of Randy Weaver, as she held her baby daughter in her arms.²⁵

Supervisory Agent Gary Noesner arrived in Waco from the FBI's Special Operations and Research Center at Quantico, Virginia, on March 1 to serve as the crisis negotiation team coordinator. Through the efforts of Lieutenant Larry Lynch of the McLennan County Sheriff's Department on February 28 and the later efforts of Noesner and his FBI negotiators, a total of twenty-one children and fourteen adults came out.

Noesner reports that, as early as March 1, he and the other negotiators believed they were dealing with a group that might commit mass suicide. When Koresh offered to come out after he was permitted to broadcast nationally his message about the book of Revelation, Noesner explained, "around the room, we exchanged knowing glances. Fresh on our minds was the 1978 incident in Jonestown, Guyana, when Reverend Jim Jones coerced over 900 of his People's Temple followers to 'drink the Kool-Aid' that led to their deaths. The book of Revelation, with its focus on the apocalypse, could be a dangerous text in the hands of a charismatic and narcissistic leader."²⁶

Noesner protested to Jamar about the aggressive actions taken by the HRT—turning the building's electricity off; using tanks to destroy vehicles, fuel tanks, and lumber piles; shining spotlights at the residence all night long; and blasting high-decibel sounds—whenever the Branch Davidians cooperated by sending out children or adults. According to

Noesner, "It seemed that the FBI was deliberately seeking to irritate the [Branch] Davidians. Some of my negotiators began to speculate that this was being done to deliberately undercut the negotiation process."²⁷ Noesner was removed from the case on March 24. He was informed by his boss that "a high-level official at FBI headquarters wanted Clint Van Zandt . . . to replace me."²⁸

Clint Van Zandt served as negotiation coordinator from March 25 to April 19. Van Zandt was given instructions by Jamar, backed up by officials in FBI headquarters, that his negotiators should give Koresh a deadline for ten to twelve people to come out. If Koresh did not meet the deadline, HRT operators in tanks would destroy some of the Branch Davidians' property. Koresh did not respond to this repeated demand from the FBI, and this situation resulted in television footage of the tanks moving and destroying the Branch Davidians' vehicles, including motorcycles and go-carts, and other property. This continued until Dick DeGuerin, Koresh's attorney, went inside the Mount Carmel residence for the first time on March 29.²⁹

FBI supervisory special resident Agent Byron Sage was from the FBI's Austin, Texas, office, which is considered a satellite office ("resident agency") of the San Antonio Division.³⁰ This meant that SAC Jamar was Sage's direct superior in the FBI hierarchy in general and in the operation at Waco in particular. Sage was the first FBI agent to arrive in Waco to assist Lieutenant Larry Lynch in negotiations with the Branch Davidians. He arrived on February 28 and continued to play a key role in the negotiations through April 19. Officially, Sage was not the "chief negotiator," as he is often characterized in news articles, television shows, and documentaries about the case.³¹ According to Noesner, after he was removed as negotiation coordinator and replaced by Van Zandt, "Van Zandt did not get along with SAC Jamar, who cut him out of the decision-making process. Byron Sage became the de facto team leader [of the negotiators] and through the remainder of the incident played the key negotiation leadership role in trying to save the lives of those who remained inside the compound."³²

After the siege at Mount Carmel concluded on April 19, 1993, the FBI compiled the logs of the negotiators, the HRT, the operations center in Waco (located eight miles away from Mount Carmel at the Texas State Technical College), and SIOC into a single log named the WAC-MUR Major Event Log, which is in the Hancock Collection. The Major Event Log indicates clearly that FBI officials in SIOC were supervising what was happening on the ground at Mount Carmel.

The FBI officials in SIOC to whom agents in Waco most often reported were Larry A. Potts, who was assistant director; Danny Coulson, who was deputy assistant director and former commander of the HRT; and E. Michael Kahoe, who was chief of the Violent Crimes and Major Offenders Section. Both Potts and Kahoe were criticized for their involvement in the process that changed the HRT's rules of engagement in 1992, which contributed directly to the death of Vicki Weaver at Ruby Ridge, Idaho. In 1995 Potts was demoted from his position as deputy director of the FBI, and Kahoe was suspended.³³ In 1997 Kahoe was given an eighteen-month sentence and a fine of \$4,000 after he pleaded guilty to obstruction of evidence for destroying an "After Action" report in relation to the Ruby Ridge case; the report showed that "agents complained that headquarters executives like Mr. Potts and his deputy, Danny O. Coulson, had 'micromanaged' the incident from Washington."³⁴

Coulson had founded the HRT and was its commander in 1985 when he oversaw the siege of the Covenant, Sword, and Arm of the Lord (CSA), an antigovernment, White-supremacist Christian community in Arkansas that consisted of extreme right-wing men and their wives and children.³⁵ Van Zandt was the negotiation coordinator at that siege and worked with Coulson to maintain a low-key tactical presence and implement creative negotiation strategies that resulted in the surrender of the men and the safe exit of the women and children.³⁶

Coulson's experience in peacefully resolving the CSA siege probably led him to oppose the CS gas and tank assault plan proposed by Rogers and Jamar early in the Branch Davidian siege. At the hearings of the U.S. Senate's Committee on the Judiciary in 1995, Van Zandt and profiler Peter Smerick named Potts and Kahoe as the likely officials in FBI headquarters who directly supervised Jamar and Rogers during the siege of the Branch Davidians.³⁷

On the afternoon of March 2, 1993, during the period in which negotiators lost telephone contact with the Branch Davidians while they prayed and waited for Koresh to reveal God's word, someone in SIOC logged a statement indicating that officials in SIOC understood that the FBI was dealing with a religious group with a theology of martyrdom: "One concern that the negotiators have is that Koresh believes in martyrdom and may be preparing his disciples. The children that were sent out were not those of Koresh."³⁸

Although on March 19 negotiations had induced two men to come out, the Major Event Log records that on March 20 Coulson gave permission to Jamar to take aggressive actions against the Branch Davidi-

ans. While daylong negotiations for the exit of a number of Branch Davidians were occurring, SIOC logged at 9:16 P.M. that Jeffrey Jamar in Waco spoke with Danny Coulson. They "agreed that we seem to get more productive results when we put pressure on the compound ie using CEV's [combat engineering vehicles] to move material from compound area, pushing bus down the road, etc. SAC Jamar is considering more aggressive acts tomorrow." Jamar was thinking of having a CEV strike the corner of the building so the inhabitants could "contemplate the possibilities." The log entry said that Jamar would discuss this strategy with Larry Potts the following morning. The entry records that Coulson and Jamar "both agree that more pressure is needed."³⁹

The FBI waited until seven adults came out on March 21 before implementing the increased pressure. After CEVs destroyed and moved some of the Branch Davidians' vehicles on March 21 at 5:54 P.M., additional Branch Davidians who had been planning to come out decided not to. Noesner writes that he confronted Jamar, telling him that tactical actions were not conducive to gaining the Branch Davidians' trust and getting people out. "He appeared unconcerned. I realized then that he had already determined what he was going to do. I met with my team and told them that we were on a crashing airplane. We could parachute to safety or we could try to control the descent and minimize destruction on the ground. Despite their anger and disappointment, and despite the bad decisions coming from our commanders, the entire negotiation team felt we needed to continue our actions."⁴⁰

That evening SAC Richard Schwein began playing irritating, loud sounds all night on loudspeakers to keep the Branch Davidians awake, and at 11:18 P.M. Koresh and Steve Schneider complained to negotiators about the noise. They said the sounds were interfering with their efforts to get people to come out. The Major Event Log records that Koresh said, "Nobody is coming out," and both Koresh and Schneider said that the Branch Davidians would accept whatever was to happen.⁴¹ On the same evening, Noesner learned from his superior that he was going to be taken off the case.

During the Mount Carmel siege, Coulson, Potts, and Kahoe reported to Deputy Director Floyd I. Clarke and Director William S. Sessions, whom they briefed about the situation relative to the Branch Davidians.⁴² Clarke served as acting FBI director after President Bill Clinton dismissed Sessions as director in July 1993. Clarke retired from the FBI after Louis Freeh was sworn in as director in September 1993. Sessions was widely regarded as being absent from active management of the

FBI, and he was criticized for misusing FBI funding.⁴³ During the Branch Davidian incident, Sessions was instrumental in persuading Reno to approve the tank and CS gas assault, as discussed below.

The FBI is an agency within the United States Department of Justice; therefore the attorney general exercises oversight of the bureau. Janet Reno was confirmed as attorney general on March 11, 1993, eleven days after the siege at Mount Carmel began. The Branch Davidian case occurred in the first term of President Bill Clinton, who assumed office on January 20, 1993.

Early in the siege, the WACMUR Major Event Log records calls to SIOC from the president's aides in the White House Situation Room.⁴⁴ It was not long thereafter that references to the White House were omitted from the log. In 1999, Lee Hancock and David Jackson of the *Dallas Morning News* reported that, according to newly discovered FBI memos, on March 8, 1993, at the direction of Associate Attorney General Webster Hubbell, a close friend of President Clinton and a former law partner of Hillary Clinton in Little Rock, Arkansas, the FBI faxed to the White House a plan to end the Branch Davidian siege by tear gas assault.⁴⁵ It is not known whether this FBI communication with the White House was documented in the 594-page Major Event Log, because the pages of the log in the Hancock Collection jump from page 181 to page 248—the entries for March 8, March 9, and half of March 10 are missing.

A REVISED HISTORY OF THE CONFLICT BETWEEN THE FBI AND THE BRANCH DAVIDIANS

*Was Apocalypse Avertible? What Did the FBI Know, or
What Could It Have Known, about the Branch Davidians'
Beliefs and Psychology?*

After the deaths of the Branch Davidians in the disastrous events of April 19, 1993, officials in the Justice Department and the Treasury Department (which oversees the ATF) assembled a team of experts to analyze the case and make recommendations to prevent such tragedies in the future. Sociologist Nancy Ammerman served on this team during the summer of 1993 and subsequently made scholars aware that during the siege, FBI decision makers had not taken into account the analysis and advice of the FBI's own behavioral scientists, or profilers.⁴⁶

During the Mount Carmel siege, profilers Peter A. Smerick and Mark C. Young, in consultation with forensic psychiatrist Park Dietz, wrote a series of memos warning FBI decision makers of a likely disaster if the

Branch Davidians were assaulted again.⁴⁷ Their analyses were based on interviews of people acquainted with the Branch Davidians that had been conducted by FBI agents and summarized in memos, which are found in the Hancock Collection. The Smerick-Young memos indicate that the profilers understood the implications of the Branch Davidians' apocalyptic theology of martyrdom, and they attempted to convey this information to their FBI superiors.

In their memo to "SAC's WAC MUR," dated March 5, 1993, Smerick and Young list the goals of the operation:

1. Insure the safety of CHILDREN, who are truly victims in this situation.
2. Facilitate the peaceful surrender of DAVID KORESH and his followers, from Branch Davidians Compound, Mt. Carmel, Waco, Texas.

This memo analyzes Koresh and the Branch Davidians according to the "cult" stereotype, with Koresh termed a manipulative "psychopath" and the followers described as having "low self-esteem" and "unable to act or think for themselves." Smerick and Young considered the Branch Davidians to be "frightened pawns" of Koresh, who taught that the group would be involved in a battle with government agents. "For years he has been brainwashing his followers for this battle, and on February 28, 1993, his prophecy came true." Smerick and Young noted that this was not the typical hostage situation FBI agents handle and that "tactical presence" would not work in this instance. They correctly advised that tactical action, "if carried to excess, could eventually be counter productive and could result in loss of life." They explained, "Every time his followers sense movement of tactical personnel, KORESH validates his prophetic warnings that an attack is forthcoming and they are going to have to defend themselves." Smerick and Young noted that there had been greater success in getting children released when "tactical forces were maintained at a greater distance." They added: "Because of the tremendous fear felt by the majority of DAVID KORESH's followers, it is recommended that there be a de-escalation of the forward movement of tactical personnel." This would create a context in which negotiators could persuade the Branch Davidians that "a battle is not inevitable, and that KORESH's predictions are wrong." This Smerick-Young memo warned that if tactical forces "continue to move closer to the compound, the increased paranoia of these people could result in their firing weapons, thus encouraging retaliation, leading to an escalation of violence."

Two other crucial memos are dated March 7 and 8, 1993. In the March 7 memo, after listing aggressive actions against the Branch Davidians

being considered by FBI agents, including shining spotlights at night, blasting irritating noises, flying aircraft over the compound, moving tanks, shutting off electricity, and further tightening the armed perimeter, Smerick and Young concluded, “Many of these options however, would also succeed in shutting down negotiations and convince KORESH and his followers the end is near.” They continued:

If the compound is attacked, in all probability, DAVID KORESH and his followers will fight back to the death, to defend their property and their faith, as they believe they did on February 28, 1993. If that occurs, there will have to be a HRT response and the possibility of a tremendous loss of life, both within the compound, and of Bureau personnel.

Commanders are thus faced with the prospect of defending their actions and justifying the taking of lives of *children*, who are with their families in a “*defensive position*,” defending their religion, regardless of how bizarre and cult-like we believe it is manifested.

If we physically attack the compound, and *children are killed* (even by Davidians), we, in the FBI, will be placed in a difficult position. The news media, Congress, and the American people . . . will ask questions:

Why couldn't you just wait them out?

What threat did they pose to anyone, except themselves?

Why did you cause the children to be killed? [emphasis in original]

The March 7 memo recommended continued negotiations with the assistance of McLennan County Sheriff Jack Harwell, who was respected by the Branch Davidians.

While in Waco, Smerick presented his analysis directly to Jamar. The FBI agent who subsequently interviewed Smerick summarized the situation: “He told Jamar that they could not send in the tanks because if they did so children would die and the FBI would be blamed even if they were not responsible.”⁴⁸

Smerick and Young's March 8 memo advised that the Branch Davidians saw Mount Carmel as sacred ground and that Koresh and his followers would die fighting to defend it. The memo acknowledged that FBI officials and tactical personnel were frustrated with Koresh's refusal to exit the residence. Smerick and Young argued, “In this situation, KORESH's arrogant, recalcitrant demeanor may be part of his scheme to manipulate law enforcement commanders, so as to provoke a law enforcement confrontation, in fulfillment of his interpretation of the 7 seals.” Smerick and Young inaccurately discussed Koresh's interpretations of the Seven Seals of the book of Revelation, but they correctly grasped that Koresh predicted that some Branch Davidians would die in a conflict with federal agents—as had happened on February 28—and

that, after a period, the rest of them would die in an assault. This was Koresh's interpretation of the Fifth Seal (Rev. 6:9–11). Smerick and Young wrote:

In traditional hostage negotiations with people who are psychopaths, the goal is to wrest control away from the individual and give him a face saving scenario, so he can surrender. With DAVID KORESH, however, perhaps one way to take control away from him is to do the OPPOSITE of what he is expecting. Instead of moving towards him, we consider moving back. This may appear to be appeasement to his wishes, but in reality it is taking power away from him. He has told his followers that an attack is imminent, and this will show them that he was wrong.

The March 8 memo warned that Koresh might order a "mass suicide" if his status as the group's messiah was threatened. The memo strongly advised FBI decision makers to refrain from making the mistake of police officers in Philadelphia who in 1985 dropped a bomb on the residence of an African American group known as MOVE in order to resolve a siege, thereby causing a fire that killed eleven MOVE members, including five children, and destroyed sixty-five houses in the neighborhood.

A confidential FBI memo dated August 24, 1993, reported on a debriefing interview with Smerick in which he stated that the Smerick-Young memo dated March 9 was written under pressure from officials in Washington.⁴⁹ The March 9 memo listed hardline measures "to break the spirit of DAVID KORESH and the control he exercises over his followers." It stated that it is "time to consider other measures to wield control of the situation," such as turning the electricity on and off, unpredictably moving tanks and tactical agents, downplaying Koresh's importance in FBI press briefings, controlling the building's television and radio (the FBI had already taken control of the Branch Davidians' telephone lines), and cutting off negotiations until Koresh was willing to discuss what the agents regarded as the real issues. The memo advised that FBI agents should exercise "extreme caution" with Koresh and respond to Branch Davidian aggression only with steps to protect the lives of FBI personnel. "Any loss of life, as a result of hostile action initiated by KORESH would then be his responsibility." Smerick and Young did not advocate an assault on the Branch Davidians.

Smerick left Waco on March 17, 1993, and was not asked by the FBI for any further input on the case. In 2000 Lee Hancock reported on a 1995 FBI memo about an interview in which Smerick stated that he believed that FBI officials, in order to induce Attorney General Reno to

approve the April 19 assault, misled her by not including all of the memos written by Smerick and Young in the briefing file shown to her.⁵⁰ The FBI's Reno Briefing File is discussed below.

Might the Branch Davidians Have Been Willing to Exit Peacefully?

On April 2, 1993, at 7:52 P.M., Steve Schneider told FBI negotiators the Branch Davidians would come out after the eight days of Passover concluded. At 8:10 P.M., the Major Event Log records that Rick Ross, a "cult de-programmer" who had counseled the ATF agents before the February 28 assault, called the FBI to say that he had received a call from Schneider's sister saying that she had received a cellular call from the Branch Davidian residence. Ross emphasized that Steve and the others badly wanted to come out. Ross said, "Koresh is looking for a way to save face, yet come out peacefully."⁵¹

David Koresh and the Branch Davidians observed Passover April 5 through 13. The Major Event Log indicates that high-decibel sounds were blasted at the Branch Davidians during this time despite their request for respect during the sacred time. The log reports that Koresh was insulted by the continued noise during Passover, and Schneider complained about FBI agents in tanks "flipping the bird" at the Branch Davidians.⁵²

The log further records that at 3:00 P.M. on April 6, SIOC logged a call from the army at Fort Hood, Texas, concerning the FBI's request for forty-eight 40mm illumination rounds and thirty-six 40mm ferret (CS) rounds.⁵³ Ferret rounds are small, rocket-shaped "plastic projectiles that . . . burst on impact, dispersing their liquid gas load."⁵⁴ FBI officials in SIOC were making preparations for the assault. Ferret rounds were used on April 19 to deliver CS gas into the building. Illumination rounds are flares, and their intended use in the assault is unclear.

The Major Event Log indicates that on Good Friday, April 9, between 3:00 and 4:00 P.M., Steve Schneider received permission from the FBI to go outside and light seven smoke canisters (referred to as "incense") to commemorate the death of Christ on the cross. The log records that at 6:30 P.M. an HRT agent reported to SIOC that, per SAC Jamar and HRT commander Dick Rogers, "there would be no plan to fight a fire should one develop in the Davidian compound."⁵⁵ There is no indication in the log that SIOC contradicted this decision.

At 7:03 P.M. HRT logged in all capital letters that Steve Schneider came outside unannounced, "approached agents [*sic*] position," and a

percussion grenade (flashbang) was thrown at him. Negotiators logged at 7:30 P.M. that Schneider was "absolutely distraught." He screamed at the negotiator that he could come out whenever he wanted. He said he had walked out because he thought an FBI agent in a tank had beckoned to him. (Items were frequently dropped off to the Branch Davidians by agents in the tanks.) Schneider screamed at the negotiator until the call was terminated at 7:40.⁵⁶ Also at 7:30 P.M., a Black male in the building's courtyard was flashbanged to force him to go inside.⁵⁷

On April 14, the day after Passover concluded, David Koresh informed his attorney, Dick DeGuerin, who conveyed the information to FBI agents, that he and the Branch Davidians would come out after he wrote a "little book" containing his interpretation of the Seven Seals of Revelation.⁵⁸ Since Koresh identified himself with the Seventh Angel holding a small opened scroll in Rev. 10:1-2, by this means Koresh proposed to come out in a manner that conformed to his interpretation of biblical prophecies, thereby maintaining his charismatic authority with his followers. Beginning at 4:25 P.M. that afternoon, banners were hung out of a window: "Read Proverbs 1, 2, 3, 4. We come to love, not war." "Let's have a beer when this is over." "My name is Neil Vaega. I'm from Hawaii." "Media and FBI don't know the truth. You can't accept the truth. We can still have a few beers together." "I'm an American. I love America, but BATF killed my family and friends."⁵⁹ Importantly, the Major Event Log reveals that on April 14 Koresh sent out his signed contract to retain DeGuerin as his attorney.⁶⁰ In this same packet of materials was a handwritten letter signed by Koresh spelling out his exit plan. This letter was delivered to the FBI by 6:45 P.M.⁶¹

On April 15 at 2:25 P.M. a negotiator logged that Nicole Gent Little, age twenty-four, was five months pregnant, and that Aisha Gyarfus Summers, age eighteen, was due to give birth in May. At 3:12 P.M. Schneider reported to negotiators that his signed attorney contract was ready to be picked up. At 4:05 P.M. SIOC logged that it received a report from Byron Sage about the two pregnant women and the names and ages of four male children inside the building. At 5:15 P.M. HRT logged that a White male was flashbanged when he came out of the back of the building. When he came out again, he was flashbanged a second time.⁶²

The Major Event Log records that Steve Schneider called a negotiator on April 16 at 1:15 A.M. to complain that a Bradley tank had rammed the outside wall of one of the first-floor bedrooms, nearly injuring Graeme Craddock, who was sleeping in a bunkbed with his head to the wall. Nevertheless, Koresh reported at 2:35 A.M. that he had completed

his commentary on the First Seal. He reiterated that he was working day and night on the manuscript and that they would come out when it was completed.⁶³ Branch Davidians began requesting batteries and ribbon cassettes for a battery-operated word processor to facilitate faster production of the manuscript.⁶⁴

The word-processing supplies and milk for the children were delivered to the Branch Davidians at 7:40 P.M. on the evening of April 18, the night before the tank and CS gas assault. Steve Schneider told a negotiator that the First Seal portion of the manuscript could be sent out as soon as it was typed, instead of waiting for Koresh to compose the entire manuscript on the Seven Seals.⁶⁵

*The FBI's Plan to End the Standoff and How It Secured
Janet Reno's Approval*

The Danforth Final Report indicates that a plan for insertion of CS gas was first formulated by the HRT—that is, Dick Rogers with the support of Jeffrey Jamar—early in March. The “Proposed Operations Plan” dated March 10, 1993, was for a rapid insertion of CS gas by CEVs, with “projectible flashbangs” fired into the building as needed. After “discussions within the FBI” of the plan, HRT produced “Proposed Operations Plan—Revision #2,” dated March 14, which specified that CEVs would spray tear gas from canisters on their booms and that ferret rounds might be fired inside the building by grenade launchers to release CS gas.⁶⁶

On March 16, Danny Coulson sent an e-mail message to Potts indicating that the Branch Davidians might “engage in mass suicide or start a fire deliberately or by accident” in response to such an assault. Coulson concluded “that personnel safety, among other factors precluded a fire-fighting response.” The Danforth Report indicates that Jamar and Sage did contact the nearby Bellmead Fire Department a few weeks before the April 19 assault so firefighters would be prepared to assist if needed.⁶⁷

The Danforth Report cites a March 22 FBI memo written by “the negotiation team,” which said “negotiators were willing to consider the tactical use of tear gas to end the standoff.” After the negotiators’ memo was received at FBI headquarters, Coulson wrote a March 23 memo critical of Rogers’s CS gas and tank assault plan. Citing similar problems with Rogers when he commanded the HRT at Ruby Ridge and formulated a similar proposal to gas the Randy Weaver family, Coulson wrote, “A lot of pressure is coming from Rogers.” Coulson argued, “All of their intelligence indicates that David [Koresh] does not intend sui-

cide and that he will come out eventually." Coulson pointed out that negotiations were being hurt by the punitive actions taken against the Branch Davidians by the HRT whenever they cooperated with negotiators.⁶⁸ He advised that Potts and Kahoe should go to Waco to assess the situation.⁶⁹

On March 27, Jamar signed off on "Proposed Operations Plan—Revision 3," which outlined the plan implemented on April 18 and 19, 1993. All remaining vehicles and other objects outside the building would be removed the day before the insertion of tear gas by two CEVs and four Bradleys. The CEVs would be driven into the building to spray tear gas from canisters on their booms. The holes in the walls made by the CEVs would be exits for Branch Davidians seeking to escape the gas. Military personnel would be on hand to give medical treatment.⁷⁰

The Danforth Report states that in the FBI discussions of the plan, Coulson advised against it because of the high risk that the Branch Davidians would shoot at the tanks, while Jamar and others wanted an "all-out tear gas assault" involving complete insertion of gas rather than gradual insertion as advocated by Reno and others in the Justice Department.⁷¹

But how did the tear gas plan receive the necessary approval? The WACMUR Major Event Log, the 1993 Justice Department's *Report to the Deputy Attorney General on the Events at Waco, Texas, February 28 to April 19, 1993*, the Danforth Report, and other sources document how Reno was persuaded to approve the life-threatening tank and CS gas assault. The Reno Briefing File, included in the Hancock Collection, suggests that Reno was not provided all of the available information about Koresh and the Branch Davidians.

On April 7, 1993, Deputy Director Clarke and Assistant Director Potts were in Waco meeting with Jamar and Rogers to determine whether a tactical approach should be taken to resolve the siege. A plan for gradual insertion of CS gas was formulated; it included a contingency plan for rapid insertion of gas in the event the Branch Davidians directed gunfire at the tanks. Clarke and Potts returned to Washington, D.C., and briefed Director Sessions and Associate Deputy Director W. Douglas Gow.⁷²

On April 12, Sessions met with Attorney General Reno and Associate Attorney General Hubbell to brief them on the FBI's proposed plan to insert CS gas into the building. A "Briefing Book" was submitted to Reno describing the plan and giving the rationale of "behavioral psychologists" about why it was necessary to gas the Branch Davidians. The Danforth Report indicates that Reno participated in a second meeting in

FBI SIOC on April 12 during which the CS gas and tank plan was described in detail. Reno asked numerous questions about the safety of the plan, possible harm to the children, and why an assault was necessary at that time.⁷³

On April 13 Hubbell met with White House officials, including White House counsel Bernard W. Nussbaum, to brief them on the planned changes in the FBI's strategy in dealing with the Branch Davidians. Nussbaum then briefed President Clinton.⁷⁴

A meeting took place in Sessions's office on April 14 with Reno and Hubbell, other officials from the Justice Department, and Clarke, Gow, Potts, Coulson, Rogers, and Anthony Betz, chief of the FBI's Domestic Terrorism unit. "Two military experts provided their assessments of the plan, while a medical doctor summarized the results of studies of the effects of CS gas."⁷⁵ One of the military experts was Brigadier General Peter J. Schoomaker of the III Corps of the U.S. Army, based at Fort Hood, Texas, who had formerly served as commander of Delta Force, the army's "tier-one counter-terrorist unit."⁷⁶ Schoomaker had met with HRT commander Rogers in Waco on March 1 to discuss the situation. He met with Rogers again in Waco on April 13, and they traveled to Fort Bragg, North Carolina, to pick up Colonel Jerry Boykin, the commander of Delta Force, and then traveled to Washington for the April 14 meeting. Dr. Harry Salem, an army toxicologist, presented purported evidence that CS gas would not cause permanent harm to children, pregnant women, or the elderly.⁷⁷ Schoomaker and Boykin suggested that CS gas be inserted into all areas of the building simultaneously. Reno preferred a gradual gassing, which "would best ensure the safety of those inside, especially the children." In her statement in a subsequent congressional hearing, Reno reported: "I directed that if at any point Koresh or his followers threatened to harm the children, the FBI should cease the action immediately. Likewise, if it appeared that, as a result of the initial use of teargas, Koresh was prepared to negotiate in good faith for his ultimate surrender, the FBI should cease the operation." Reno also testified that "experts had advised the Bureau that the chances of suicide were not likely."⁷⁸

On April 14 Schoomaker told Reno that maintaining the HRT personnel on duty for such a long time was causing fatigue, thereby inhibiting their performance, though Rogers disputed this. Reno was told that police SWAT officers were not sufficiently competent to take over while the HRT operators stood down for rest and retraining. The military officers noted there was the possibility of a fire if "pyrotechnic tear gas" devices were

fired into the building. Pyrotechnic devices use a spark to release gas and thus can ignite a fire. Reno gave a directive that, were the tear gas operation to be approved, no pyrotechnic devices should be used.⁷⁹

On April 15 Reno tasked Hubbell, other Justice Department officials, and Clarke and Potts of the FBI to determine whether there could be a negotiated end to the standoff. The Justice Department report states that Hubbell and Byron Sage had a two-hour telephone conversation with Clarke and Potts of the FBI and Justice Department personnel listening in. Sage mentioned in his subsequent congressional testimony that FBI personnel in Waco were also included in the telephone call.⁸⁰ According to the Justice Department report, Sage indicated to Hubbell that further negotiations with the Branch Davidians would be fruitless. He said that the only people who had been sent out were children who were not fathered by Koresh, the elderly, and adults who were causing trouble. "He was also convinced that the FBI had not succeeded in getting anyone released from the compound through negotiation." Sage said the situation was at a total impasse. According to the Justice Department report, "Hubbell recalls Sage saying he believed there was nothing more he or the negotiators could do to persuade Koresh to release anyone else, or come out himself."⁸¹ This telephone conversation between Sage and Hubbell occurred the day after Koresh promised to come out after completing his manuscript on the Seven Seals and being assured the manuscript had been delivered safely to Bible scholars James Tabor and J. Phillip Arnold. In congressional testimony, Sage stated that he told Hubbell on April 15 about Koresh's plan to come out after he wrote his manuscript, but the negotiators did not see that offer as any different than Koresh's offer on March 2, when he failed to come out. Sage told Congress that the "surrender plan" "had not changed substantially since the understanding that we had with Mr. Koresh allegedly on the 2d of March. The only change that had been inserted was to facilitate the ability to use defense counsel."⁸² In congressional testimony, Hubbell confirmed that Sage told him of Koresh's new exit plan, but "he indicated to me that it wouldn't [work], and that the attorneys were being manipulated by Mr. Koresh."⁸³

Importantly, there is no evidence in the government documents that Sage told Hubbell that Koresh had signed the contract to retain DeGuerin as his defense attorney, and there is no evidence in these documents that Hubbell reported Koresh's new exit plan to Reno.⁸⁴ In congressional testimony, Jamar stated there was not sufficient reason to inform Reno of Koresh's exit plan, because "it was not a serious plan.

It was just another delaying tactic.” From Jamar’s testimony, it appears he withheld information on Koresh’s exit plan from “our channels in the normal discussion”—that is, from the officials in SIOC and FBI Headquarters.⁸⁵ On the other hand, the WACMUR Major Event Log indicates that on April 14 at 12:50 P.M. Sage reported to SIOC on Koresh’s new exit plan as conveyed orally through DeGuerin to the FBI on that day. The log contains no record that Sage conveyed to SIOC Koresh’s written letter detailing the exit plan or his signed attorney contract.

On Friday, April 16, Attorney General Reno met with FBI director Sessions and “other officials to consider the tear gas plan.”⁸⁶ She told Hubbell “she had decided not to approve the plan at that time. Ultimately, Director Sessions appealed directly to Attorney General Reno, and requested that she reconsider her decision.” After further consideration, Reno “indicated that she was inclined to approve the plan, but wanted to see an even more detailed discussion of the plan and substantial supporting documentation setting out the conditions inside the complex, the status of negotiations, and the reasoning behind the plan.”⁸⁷ An FBI agent in SIOC logged at 7:58 P.M. that Colonel Michael Sherfield, executive secretary at the Department of Defense, requested reasonable prior notification of an assault so he could notify Secretary of Defense Les Aspin.⁸⁸

On April 17 at 7:30 A.M. the Major Event Log records that FBI officials, including Clarke, Coulson, and Kahoe, were preparing a “paper” to brief Reno about the proposed plan. Later they met with Sessions and Potts. According to the Danforth Final Report, the “materials that they prepared included the written opinion of behavioral psychologist Dr. Park Dietz that negotiations were not likely to resolve the crisis and that Koresh would probably continue to abuse the children.”⁸⁹ At 5:00 P.M. an agent in SIOC logged that Sessions, Clarke, and Potts briefed Reno on the “proposed operational plan.” The large expanding folder of documents in the Hancock Collection labeled “Reno Briefing File” may be the “paper” that was presented to Reno at this meeting, because it prominently displays the memo from Dr. Park Dietz. At 7:00 P.M. SIOC logged that Kahoe had reported that Reno had approved the plan, which would be implemented on April 19.⁹⁰

If the thick Reno Briefing File in the Hancock Collection is an accurate, complete copy, it can be seen how these materials were presented to obtain Attorney General Reno’s authorization for the FBI tank and CS gas assault. The first sixty-seven pages of documents in the file relate

to allegations of Koresh's abuse of children and include a memo from forensic psychiatrist Park Dietz. The bulk of Dietz's memo details the ways the HRT and the special agents in charge undermined efforts by the FBI negotiation team before concluding, "I do not believe that negotiating in good faith will resolve the situation as it now stands." Concerning the children, Dietz wrote, "Koresh may continue to make sexual use of any female children who remain inside. . . . The possibility of the children who remain inside ever leading a normal life will become increasingly remote."⁹¹ Immediately after the fire, Reno claimed to the media, "We had information that babies were being beaten," an allegation she had to retract as not being supported by evidence.⁹²

The Smerick-Young memo of March 5, 1993, recommending de-escalation of tactical force, found on pages 74–76 of the Reno Briefing File, could easily have been overlooked if Reno did not take the time to read all of the documents carefully.

The Reno Briefing File also includes a summary of British studies alleging that CS gas used as a "riot control agent" is not harmful to children and unborn fetuses as long as they are removed quickly from the gassed area.⁹³ According to attorney David B. Kopel and criminologist Paul H. Blackman in *No More Wacos*, this document omitted information that a baby exposed to CS in a Northern Ireland home spent twenty-eight days in a hospital receiving medical treatment before recovering.⁹⁴ Later in 1993, psychiatrist Alan A. Stone was one of a panel of experts asked to review the evidence in the Branch Davidian case and present their reports. Stone wrote, "Based on my own medical knowledge and review of the scientific literature, the information supplied to the [attorney general about CS gas] seems to minimize the potential harmful consequences for infants and children."⁹⁵

The last document in the Reno Briefing File is the proposed operation plan for the assault.⁹⁶ Two M-60 CEVs would spray CS gas into the building from canisters mounted on their booms. HRT operators in four Bradley tanks would use M-79 grenade launchers to shoot inside nonpyrotechnic ferret rounds. Plan A approved by Reno allowed for the gradual insertion of CS gas into the building over a forty-eight-hour period in the hope that the parents would bring their children out. It contained a provision that the FBI commanders in Waco could switch to Plan B—the rapid insertion of CS gas—if FBI agents in the tanks received gunfire. Plan B was put into operation within a few minutes after the assault started on the morning of April 19, 1993.

Did the FBI Know the Branch Davidians Might Attempt Group Suicide?

Two documents dated April 18, 1993, in the Hancock Collection—“Passover Analysis Addendum” and “Suicide Addendum”—indicate that as plans were finalized for the tank and CS gas assault on April 19, the FBI behavioral scientists, including negotiators, were continuing to evaluate the Branch Davidians for the possibility of group suicide. These two April 18 documents are follow-up summaries of interviews to two earlier documents—“Suicide References,” March 27, 1993, and “Passover Summary,” April 1, 1993—also in the Hancock Collection.

The “Passover Analysis Addendum” states that Branch Davidian Janet Kendrick informed the FBI that the group could exercise the biblical option of observing a second Passover (see Num. 9:1–14). Former Branch Davidians were reported as saying that Koresh expected to be killed by authorities and that the followers were expected to die with him. “Passover Analysis Addendum” refers to a “case worker” (probably Joyce Sparks of Texas Child Protective Services) who had visited Mount Carmel as saying that Koresh “often spoke of a fiery and explosive end to judgement day.”⁹⁷ The document ends with a short report on statements made by Louis Alaniz, a non-Branch Davidian who had entered the residence during the siege and who came out on April 17. He “reported that the occupants were looking at a second Passover.” Alaniz said that the dates for the Second Passover were not specific, but they could be from April 14 through April 21. According to the “Passover Analysis Addendum,” “It was noted that some or all of Alaniz’s information may have been false.”⁹⁸

The “Suicide Addendum” reported the opinions of friends, relatives, former Branch Davidians, and current Branch Davidians regarding whether the Branch Davidians were likely to commit suicide or expected to be martyred. Most of the former Branch Davidians emphasized that suicide was not a likely option but said that, in the event of an assault, members of the group were willing to die to fulfill Koresh’s prophecies of apocalyptic martyrdom. They tended to stress “suicide by cop” as a possible scenario. The “Suicide Addendum” cited a memo written by psychiatrist Dr. Joseph Krofcheck and negotiation coordinator Clint Van Zandt describing Koresh as “fully capable of creating circumstances that could take the lives of all his followers and as many of the authorities as possible.”⁹⁹

Other sources of information, supplemented by evidence from Branch Davidians’ discussions recorded on the surveillance audiotapes,

indicate that FBI decision makers were aware that a second assault against the Branch Davidians might easily cause a lethal fire. The FBI agents who were making the decisions in SIOC and Waco knew that there was a large propane tank located behind the building's central tower close to the kitchen and that the Branch Davidians had brought kerosene and lanterns into the building from the gymnasium after the FBI turned off the electricity.¹⁰⁰ Anyone could have foreseen that tanks driving through the building would make a fire likely.

Gary Noesner reports that, much to the horror of the negotiators, Jamar expressed excitement as early as March 11 at the prospect of a tank driving through the building. Speaking of the M1 Abrams tanks that had just arrived, Jamar came to the negotiation room; "then, placing his finger on the map of the compound, he pointed out how an M1 was powerful enough to drive from one end of the long compound all the way through and out on the other side without stopping. He seemed excited by the possibility. The negotiators in the room were speechless. Surely he wasn't serious. Had he forgotten about the women and children inside?"¹⁰¹

A disturbing entry in the WACMUR April 19 log was made by an agent who recorded receiving a telephone call at 1:25 A.M. from a physician who specialized in pediatric burns at the Galveston Burn Center, offering his assistance if needed.¹⁰² It seems unlikely that a physician in Galveston would have called the FBI in Waco without being called first. This log entry is consistent with reports that about 5:00 A.M. on April 19 an FBI agent contacted the burn unit of the Parkland Memorial Hospital in Dallas to ask how many patients it could treat and whether the hospital could receive patients brought in by helicopter. The FBI had arranged for the army to supply three Boeing CH-47 Chinook helicopters "in the event of a mass casualty."¹⁰³ It is evident that FBI agents, including FBI decision makers, were well aware that the assault would be life-threatening to the Branch Davidians.

FBI Efforts to Shape the Public's Perception of the Branch Davidians

After FBI agents took control of Mount Carmel on March 1, 1993, they moved the media and their satellite trucks three miles away to a location that reporters dubbed Satellite City. Reporters had to rely on the FBI's press briefings for information. During the siege, the Branch Davidians sent out three videotapes of the teenagers and adults talking about their

views on what was happening and showing the small children, but the FBI did not release these to the press. If these images had been seen, the Branch Davidians would have been humanized as intelligent, ordinary people with small children. Without seeing these images, it was easy to forget about the human beings inside the Mount Carmel residence.

FBI agents used the press briefings to disparage David Koresh. Lee Hancock reported that the week before the April 19 assault, the FBI recited “a daily litany of what [SAC Ricks] called the sect’s bizarre statements, baseless pledges and outright lies.” The press briefing on Saturday, April 17, 1993, was used to disparage Louis Alaniz, who came out that day, as a “religious fanatic.” To counter the announcement that had been made the previous Wednesday by attorney Dick DeGuerin that David Koresh would come out after he wrote his little book on the Seven Seals, Ricks stressed that Koresh lied continuously throughout the siege. Ricks said that although Koresh had told negotiators he had completed composing his commentary on the First Seal, the manuscript would be typed by Judy Schneider, which she obviously could not accomplish because her finger was swollen and infected after being wounded by an ATF bullet on February 28. (Clearly someone else would type it.) According to Ricks, the Branch Davidians were asking for word-processing supplies, but “that request isn’t likely to be honored . . . because authorities suspect that the Branch Davidians have misused batteries in the past.” (Another federal official told Hancock that they did not want the Branch Davidians to use batteries to power cellular phones.) In the April 17 press briefing, Ricks said, “We have never gotten into a quid pro quo situation, where we actually engaged in negotiations.” He stated, “There are no indications at all that Mr. Koresh wants any of those people (still inside) to come out. He views those people as necessary for his protection, and we still believe that the final outcome that he wants to take place is a showdown with the government where *massive casualties and deaths will take place*” (emphasis added). The astute Hancock wrote in her article, “Perhaps most notable was what the FBI spokesman left unsaid Saturday, the forty-ninth day of the standoff: If negotiations have failed and Mr. Koresh cannot be trusted, then aggressive tactical moves may be the only way to end the standoff.”¹⁰⁴

The Assault

On Monday, April 19, 1993, at 6:00 A.M. the FBI’s Hostage Rescue Team initiated a tank and CS gas assault on the Branch Davidians inside

the Mount Carmel residence. CS gas was sprayed into the building through nozzles on the booms of two CEVs, and grenade launchers were used to fire into the building an estimated three hundred ferret rounds that released gas.¹⁰⁵ Although the Chemical Weapons Convention has banned the use of CS gas as a warfare agent, U.S. law enforcement continues to use the gas for police actions. Kopel and Blackman state that the FBI's actions on April 19 constituted "the most massive CS assault against civilians in American history."¹⁰⁶ Furthermore, it was the most massive CS assault against a large number of civilians in *enclosed spaces*.

CS is a powder suspended in a methylene chloride liquid base. It is a tear gas intended for *outdoor use only* as a riot control agent. Both CS and methylene chloride burn the skin and mucous membranes. Methylene chloride is flammable.¹⁰⁷

Kopel and Blackman point out that high doses of methylene chloride cause effects "cumulative to the carbon dioxide (which reduces oxygen intake) and to CS, which causes fluid to accumulate in the lungs, and which makes breathing difficult, and which is also disorienting and incapacitating."¹⁰⁸ If burning CS comes into contact with water, it can form hydrogen cyanide.¹⁰⁹

After the FBI assault and resulting fire on April 19, retired army colonel Rex Applegate, an expert on the use and properties of CS gas who invented the ferret round, wrote an unpublished report on the use of CS at Mount Carmel. Applegate indicated that "the total amount of CS gas delivered into the compound from the CEV vehicles is estimated to have been from 8–10 projective loadings," equivalent to "approximately 2,000 grams plus 26,000 grams of methylene chloride."¹¹⁰

On the morning of April 19, Reno and other Justice Department and FBI officials were in SIOC as the tank and CS gas assault began. Coulson reports that Reno, Clarke, Potts, and "a few other big shots" sat in the "small command center" in SIOC. Coulson was in SIOC's "big room."¹¹¹ When Jamar was queried at subsequent congressional hearings whether he alone directed the April 19 operation at Mount Carmel, he replied that during the assault an open telephone line was maintained with the command post—SIOC—in Washington. When he was asked who was on the other end of the telephone line, Jamar replied, "I believe the Attorney General was there for a period of time. Floyd Clarke, Larry Potts, I think the Director, there was a staff as well."¹¹²

The WACMUR April 19 log records the HRT notation at 6:04 A.M. that a sniper-observer reported, "Compromise! Compromise!" when he

saw gunfire hitting a CEV as it approached the building. At this point Jamar and Ricks shifted from gradual insertion of CS gas (Plan A) to rapid and total insertion (Plan B), which had been initially advocated by Delta Force commanders. Delta Force officers appear to have been present at Mount Carmel on April 19, though the government documents neither indicate in what capacity they were present nor name the Special Forces troops as being Delta Force. Because their military specialties were classified, these troops wore civilian clothes.¹¹³

The entries recorded in the April 19 log indicate that officials in SIOC were watching and listening to the assault in real time. In 1999, Lee Hancock reported on FBI memos detailing the presence of closed-circuit cameras around the Branch Davidians' residence. She notes that video recordings were made but never released to attorneys for the Branch Davidians (or to other researchers).¹¹⁴ If FBI officials in SIOC were viewing and listening to the assault in real time, it can be assumed that the FBI special agents in charge and their associates in Waco were doing so as well. It is clear from the April 19 log entries and from my own listening to the audiotapes that officials in SIOC could hear audio captured by surveillance devices (see below).

Reno had instructed the FBI to stop the assault if the Branch Davidians indicated they wanted to negotiate their surrender. The FBI reported that someone threw the telephone out the front door immediately after Sage called into the building at 5:59 A.M. to inform the Branch Davidians that tanks were going to be inserting gas but that "this is not an assault," as agents would not be entering the building. Jamar gave congressional testimony supporting the claim that the telephone was thrown out immediately after Sage spoke with Steve Schneider.¹¹⁵ The April 19 log does not record that the telephone was thrown out the door. The log indicates that negotiators began calling the Branch Davidians at 6:12 A.M. They continued calling throughout the assault, but no one picked up.

The April 19 log records that at 9:10 A.M. an HRT sniper-observer reported a banner hanging from a window that read, "We want our phone fixed." At 9:11 A.M. Sage said on the loudspeaker that because of gunfire coming from the Branch Davidians, the agents could not fix the phone line. At 9:35 A.M. Sage announced that one unarmed Branch Davidian could go outside to pick up the telephone "you discarded earlier." A bug, apparently located just inside the front door in the foyer, recorded Steve Schneider telling Pablo Cohen to go outside and show the agents that the telephone line was broken. Sage announced that the sole purpose of restoring telephone contact was to arrange for their

"orderly exit." At 9:38 A.M. the log records Steve's continued conversation with Pablo in the doorway directing him to show the agents the telephone line was broken. At 9:42 A.M. a bug recorded Sage announcing, "We understand the line is broken." At 9:44 A.M. the bug captured audio of Schneider at the front door telling Graeme Craddock to go outside to see what he could do to get the telephone line fixed. The surveillance device recorded Schneider as saying they wanted to get the phone line repaired so they could tell the agents about Koresh's progress the previous evening on his Seven Seals manuscript.¹¹⁶ The person monitoring the surveillance device logged that Schneider said, "The manuscript is almost complete" and "I'm going upstairs with David."

At 9:45 A.M. SIOC logged that a man came outside and signaled that the phone line was cut. A sniper-observer reported at 9:47 A.M. that a White male wearing glasses and a T-shirt, nicknamed "phone man," came out of the front door, picked up the phone, and moved toward the south corner of the building. At 9:49 A.M. Sage announced that the agents were trying to obtain another phone to give them. At 9:51 A.M. Sage directed Craddock to pull inside as much of the phone line as he could and indicated that they would bring the Branch Davidians another phone. SIOC logged at 9:51 A.M. that "Graham Summers" (Graeme Craddock) was trying to pull the phone back into the compound. At this time SIOC also logged a statement heard over a bug, "David's transcript is almost complete." A sniper-observer recorded at 9:52 A.M. that "phone man" was back inside.

Graeme Craddock subsequently testified that when he went to the foyer at approximately 9:35 A.M., he saw the phone sitting in its usual location. He said that even if it had been thrown out the front door, they had three other telephones he could have connected. The telephone line set up by the FBI to negotiators ran from the phone in the foyer under the front wall of the building and outside, but a tank had pushed in that wall. Craddock tested the line with a spare phone, but the line still did not work. He conjectured that the line outside was damaged. Upon Steve Schneider's instruction, Craddock walked outside to examine the phone line and to signal that the line was cut.¹¹⁷

The telephone line was never fixed. The surveillance device then recorded a man praying in a loud voice, in the style of the Psalms, for courage and God's mercy.¹¹⁸

At 11:00 A.M. Eastern Standard Time (10:00 A.M. in Waco), Attorney General Reno departed the Hoover Building to travel to Baltimore to deliver an address, leaving Associate Attorney General Hubbell as the



FIGURE 12.3. An FBI-operated tank drives into the building on April 19, 1993, to gas the children and adults inside the concrete vault, which has an open doorway facing the front of the building. Defendant's exhibit in the 2000 civil trial, in possession of Catherine Wessinger.

highest-ranking Justice Department official in SIOC. Before she left, Reno spoke with President Clinton and, according to the Justice Department report, “told him that everything appeared to be going well at Waco.” The Justice Department report stresses that only Reno spoke with President Clinton on April 19; however, Hubbell communicated with White House chief of staff Thomas McLarty.¹¹⁹

In 1999 retired army colonel Rodney L. Rawlings, the head military liaison present with FBI agents in Waco during the April 19, 1993, assault, told Lee Hancock that within five minutes of Sage's call into the building, he heard audio from surveillance devices indicating that the mothers and small children took shelter in a concrete room next to the kitchen—a former vault—that the Branch Davidians termed “the cooler.”¹²⁰ Rawlings reported to Hancock that a surveillance device was in the vicinity of the vault, and women and children could be heard “crying, talking and praying.”¹²¹

At 11:31 A.M., a CEV drove through the front of the building and directed gas toward the open doorway of the vault until 11:55 A.M.¹²² At 11:54 A.M. SIOC logged, “Inserting gas in white [front] side and subjects via loudspeakers continue to be advised to surrender.” At 11:55 A.M. Rogers advised SAC Bob Ricks “that food stuffs at base of tower

gassed—occupants fled moments before—white [front] side.” At 11:57 A.M. Ricks advised Rogers “to clear area on white side—to allow occupants to exit quickly—safely.” The occupants of the vault had not fled but were in fact choking and suffocating from the CS gas. Attorney David T. Hardy reports that autopsies revealed that nine persons in the vault died of asphyxiation before the fire started, including Mayanah Schneider (two years old), Startle Summers (one year old), and Star Koresh (six years old).¹²³ At some point, either in reaction to the intense stress of the tank assault, in response to the poisonous gas, or as a result of dying in the fire, Aisha Gyarfaz (seventeen years old) and Nicole Gent (twenty-four years old) gave birth to their babies, who died with them.

After the fire, FBI agents said that the children in the vault, which the agents called “the bunker,” were gassed to prompt their mothers to pick them up and run out of the building. Retired colonel Applegate wrote in his unpublished report: “It is reasonable to assume that individuals in the Waco building were subjected to such CS gas concentrations, that they were incapacitated to the point where they were physically unable to exit the gassed areas.”¹²⁴

At 12:01 P.M. a bug recorded Byron Sage announcing over the loudspeaker: “David, we are facilitating your leaving the compound by enlarging the door. David, you have had your fifteen minutes of fame!” Continuing to announce that people should come out, Sage again addressed David: “You’re the person that put those people in that condition. Vernon is no longer the messiah. Leave the building now.”

Retired colonel Rawlings told Hancock in 1999 that shortly after the children and mothers were gassed, he heard Koresh say words to the effect, “‘OK. Our time is now. It’s time to put the children away,’ or ‘to sleep,’ or some such words,” and he gave the order to light the fires. Rawlings reported that he heard Koresh say to light the fires, then heard him rescind the order, and then heard him give the order again.¹²⁵ This account is similar to that of Branch Davidian survivor Graeme Craddock, but in Craddock’s version Koresh was not the one speaking. Craddock said he heard Mark Wendel, who was upstairs, shout, “Light the fire.” Pablo Cohen, in the chapel, then shouted, “Wait. Wait. Find out.” Craddock reported that a conversation then occurred between Wendel on the second floor and Cohen below on the first floor, during which Craddock heard the command, “Don’t light the fire.”¹²⁶

After spraying CS gas toward the vault, the CEV moved to the front corner of the south end of the building to drive its boom into the second-floor window and release gas. When the tank backed out of this

area, a fire was seen in the window at 12:09 P.M. Within minutes, fires in three other areas of the building were visible to Forward Looking Infrared (FLIR) footage being shot from a Nightstalker aircraft circling over Mount Carmel.

SIOC logged at 12:11 P.M.: “Fire started at compound appears to have been started by them having torched it.” At 12:12 P.M. Byron Sage pleaded over the loudspeakers: “David, don’t put those people through this. Don’t lose control! David, lead those people out. Bring them out. Lead them to safety. David, we need you to bring the people out. David lead those people out. David, bring them out. Exit the building. David, the time is now!”

According to Rawlings’s report to Lee Hancock in 1999, a bug picked up gunshots within the burning building and also recorded Koresh’s final exchange with Steve Schneider while they were on the second floor. Koresh told Schneider he “was not ready to die, that God wanted him to continue his work.” Schneider told him, “You’re not going to get away with this. You will go through with this. Look around you. Look around you at all you’ve caused.” Rawlings said he and FBI agents listening to the bugs then heard more gunshots. After the fire burned the building, the bodies of Koresh and Schneider were found near each other where they had fallen from the second floor. Koresh had been shot once in the center of his forehead. Schneider had killed himself by firing an assault rifle in his mouth.¹²⁷

On August 25, 1993, Bob Ricks described to members of the Tulsa, Oklahoma, Rotary Club essentially the same scenario for the last moments of Koresh and Schneider as reported by Rawlings.¹²⁸ This surveillance audiotape has never been produced by the FBI, and this description is not the finalized account given by FBI agents.

Fire trucks were called by the FBI at 12:13 P.M. The trucks arrived at 12:34 P.M., but Jamar held the trucks back until 12:41 P.M. By that time the building had burned down completely.¹²⁹ Jamar testified at a congressional hearing that he held the fire trucks back so the firefighters would not be injured by gunfire coming from the Branch Davidians.

As the building burned, nine people escaped the fire, some of them badly burned. One of them was Ruth Riddle, who carried in her pocket a computer disk on which was saved the typed version of Koresh’s interpretation of the First Seal of Revelation.¹³⁰

At 12:36 P.M. on April 19 someone in SIOC logged: “5 burned and a lot more out. From white side [front] windows observed individuals lighting fires. People clearly seen lighting fires by FBI personnel in Forward TOC [the house across the road]. Seen with binoculars.” It was subsequently proved in the criminal trial that no FBI agent who testified actually



FIGURE 12.4. FBI Hostage Rescue Team operators are visible standing outside the tanks as they watch the building burn down. They are standing on the far side of the unfinished storm shelter on the north end of the building. Defendant's exhibit in the 2000 civil trial, in possession of Catherine Wessinger.

saw anyone inside the building light fires. The statements made by agents who claimed they saw this were disproved under cross-examination.¹³¹

At 12:59 P.M., with the building burned down completely, the Rear Tactical Operations Center radioed: "Children may be in pit area by buried bus." They radioed again at 1:10 P.M.: "Children in underground bunker—We copy." Danny Coulson describes in his book how Dick Rogers climbed out of the Abrams tank he was in and went to the unfinished storm shelter on the north end of the building, part of which had filled with sewage during the siege. A school bus had been buried by the Branch Davidians to make a tunnel leading from the end of the building's first floor, and they had constructed a concrete tunnel leading from the buried school bus to the storm shelter. Coulson states that Rogers put on his gas mask, took his M16 rifle and ballistic shield, and jumped into the storm shelter, which agents termed the "construction pit," with sixteen HRT operators. They waded through waist-deep dirty water with rats, opened the plywood door to the tunnel, went inside, and opened the door to the buried school bus, hoping the children were in there alive. Inside the bus they took off their gas masks. "The air was cool and fresh. It was coming in from the tunnel mouth, which was well away from the fire. If the children had been in here, they

would have survived.”¹³² Coulson writes, “At that moment, Rogers told me later, the enormity of the tragedy hit him, and he felt a wave of nausea sweep over him. The bus/bunker was the last place the children could be. They were lost. They were lost. He and the other men stood silently in the bus; there was nothing to say. The fire was raging, as hot as a refinery blaze.”¹³³ A total of fifty-three Branch Davidian adults and twenty-three children, including two newborn infants, died in the fire.

A local television camera filming from a location north of the building, separate from other television crews at Satellite City, recorded video showing smoke and flames flaring out of the vault for the rest of the afternoon while agents walked to the doorway and looked in. A tank was parked to block the camera’s full view of the vault and the agents’ activities in front of it. Flames and white smoke can be seen flaring out of the vault’s doorway from time to time.¹³⁴

A sniper-observer radioed at 3:10 P.M.: “Unsub came out of bunker.” This was Graeme Craddock, who had taken shelter during the fire in a concrete-block utility building next to the old water tower. The log shows that family members began calling the FBI asking for information about their loved ones. Civilians made death threats against Bob Ricks—the face of the FBI at the press briefings—and against ATF agents guarding the outer checkpoint.

The fire burned the Branch Davidians’ flag flying on a flagpole in front of the residence’s double front doors. “By the time that fire trucks had chilled the building’s ashes, a new and victorious banner was flying in its place—someone had raised the flag of the ATF.”¹³⁵ Photographs show that there were three flags flying in proper order over the smoldering ashes—the American flag on top, followed by the Texas flag, followed by the ATF flag.¹³⁶ Presumably, the ATF agents wanted to commemorate the deaths of their comrades who died on February 28, 1993, but the ATF flag flying had the appearance of signaling a victory over enemies.

After the fire, Reno stated to the press that she was the official who had approved the operation. “The buck stops here.”¹³⁷ This proved to be an effective way to prevent inquiry about the role of the president and the White House in the decision to carry out the tank and CS gas assault against the Branch Davidians.

CONCLUSIONS

Subsequent to the militarized police response to predominantly African American protesters in Ferguson, Missouri, in 2014, after a policeman

shot and killed Michael Brown, news stories highlighted the problem of militarization of American law enforcement. However, this militarization did not happen overnight; it was already well under way in 1993 when ATF and FBI agents launched their assaults against the Branch Davidians. The ATF's attempted no-knock dynamic entry on February 28, 1993, was planned "with military assistance by the U.S. Army Special Forces Rapid Support Unit at Fort Hood in three days of training in close quarters combat exercises."¹³⁸ The FBI's HRT operators received training from the Army Special Forces unit then called Delta Force, whose officers helped FBI agents plan the CS gas and tank assault and persuade Attorney General Janet Reno to approve its implementation. Members of Delta Force were present during the April 19, 1993, assault in an unrevealed capacity. The Branch Davidian standoff represents a particularly dramatic and tragic example of a law enforcement trend in the United States that began with the Reagan administration's "war on drugs" and continues to shape police behavior.

Sociologist Stuart A. Wright has argued that law enforcement agents trained in military combat techniques approach policing with a warfare mentality. Law enforcement agents' warfare outlook is encouraged by language such as "war on crime" and "war on drugs" and by a sense that law enforcement agents are besieged by criminals. In 1993 the "warfare narrative" held by some FBI agents, especially those associated with the HRT, combined with the popular "cult narrative" to create a context in which some FBI agents likely saw the Branch Davidians as enemies to be defeated rather than as rational persons who could be persuaded to cooperate without having to repudiate their religious worldview and ultimate concerns.¹³⁹ Sociologist Jerome H. Skolnick and criminologist James J. Fyfe have pointed out that police and other law enforcement agents constitute a "tribe" with a distinct culture and written and unwritten rules.¹⁴⁰ When members of their tribe are killed, police officers are more likely to respond with violence against those they perceive as perpetrators.¹⁴¹

We should not oversimplify the FBI's approach to the Branch Davidians. Two different FBI strategies were being employed simultaneously in 1993. Jeffrey Jamar and Dick Rogers in Waco, their Delta Force advisors, and Michael Kahoe and Larry Potts in SIOC were working with Floyd Clarke and William Sessions to persuade Attorney General Janet Reno to approve the plan for the tank and CS gas assault. At the same time, other FBI agents were collecting intelligence about the Branch Davidians and their theology and producing psychological analysis of David Koresh. This accounts for the difference between the internal FBI

documents warning against launching an assault and the actions carried out by the HRT. The FBI logs indicate that the negotiators continued to try to persuade Koresh and the Branch Davidians to come out and that the FBI had intelligence indicating that Koresh had formulated an exit plan, but the intelligence and analysis passed on to FBI commanders in Waco and officials in SIOC were ignored.

In light of the fact that by March 10 (perhaps as early as March 8) a plan for a CS gas and tank assault was being formulated, why did HRT agents, commanded by Rogers, supported by Jamar, and reporting to SIOC officials, seem to go out of their way to undermine negotiation successes through aggressive actions and psychological warfare tactics? Before the siege started, the Branch Davidians held jobs, went to school, and interacted with residents of Waco and elsewhere. During the siege, FBI agents encapsulated the Branch Davidians, limited their access to outside information, prohibited their contacts with loved ones not present at Mount Carmel, prevented them from speaking to intermediaries, and applied psychological warfare and stress escalation tactics that caused sleep deprivation, exhaustion, and fear—not optimum conditions for the Branch Davidians to be making carefully considered decisions.

In the Senate's Committee on the Judiciary hearings on October 31 and November 1, 1995, several law enforcement experts criticized the FBI's handling of the Branch Davidians and indicated that during the siege FBI agents threw out all the law enforcement principles that they knew would likely have worked to get the Branch Davidians to come out without loss of life. FBI supervisory special agent Kenneth V. Lanning demonstrated to the senators that he had read new religions scholarship and was aware that law enforcement agents should not act on cultural prejudices against "cults." He also pointed out that "some normally skeptical law enforcement officers, accept information disseminated about cults without critically evaluating it or questioning the sources." As Lanning saw things: "It is not the role of any law enforcement agency, including the FBI, to determine or maintain lists of which groups are or are not cults. Instead, it is the role of law enforcement to utilize understanding of group or religious motivation to investigate any such group that violates the law."¹⁴²

Although during the siege Lanning was called by an FBI behavioral scientist and a negotiator in Waco, he was not directed by the FBI to go to Waco and offer his advice to the on-site commanders, nor was he consulted by officials in SIOC. Lanning testified that he would "advise any law enforcement agency dealing with such issues to objectively and

continuously assess and evaluate their intelligence, to challenge all sources of information, and to try as much as humanly possible to keep their personal emotions under control and out of the case."¹⁴³

Frank A. Bolz, who developed negotiation strategies for the New York Police Department that were adopted by FBI negotiators, testified that the NYPD would have taken a radically different approach to the Branch Davidians. Bolz indicated that the NYPD would never use tear gas against a barricaded group that included children, who have "small lung capacity." He stated that in a barricaded situation "life is the most important consideration," and dangerous tactics should not be used unnecessarily. Bolz stressed the importance of negotiators and tactical operators being trained together and thereby becoming well acquainted so that when a critical incident occurs, they can work together.¹⁴⁴

In his testimony to the Committee on the Judiciary, criminologist James J. Fyfe, a former NYPD officer, stated, "Waco did not happen because there were no standards to guide authorities on the day of the ATF raid or on the day of the fire. Waco happened because well-known and well-established arrest, hostage, and barricade protocols were ignored." Fyfe told the senators that a police sniper had recently revealed to him that there are two protocols for dealing with barricaded individuals—one written in policies and the other unwritten but known by law enforcement agents.¹⁴⁵ The "Eastern protocol"—the NYPD approach—is "that police officers should take as much time as possible to negotiate people out of situations and should define success in the absence of bloodshed." The unwritten "Western protocol" was that "police officers should regard negotiations as a means of manipulating people into positions where a tactical resolution could be executed." Fyfe stated, "I am very troubled by that. I don't find anything in written standards that conform to it, but I have seen lots of incidents where that [the Western protocol] seems to have been operative."¹⁴⁶ Fyfe subsequently told Stuart Wright that the Western protocol appeared "to derive from the training of SWAT team members of the Los Angeles Police Department (LAPD)."¹⁴⁷

Members of Congress involved in the 1995 hearings did not pursue lines of inquiry that might have indicated criminal wrongdoing on the part of FBI agents. Instead, Democrats in particular, concerned to defend the administration of President Bill Clinton, promoted the "cult essentialism" narrative that blamed the deaths entirely on David Koresh.¹⁴⁸ The Committee on the Judiciary heard testimony that in 1994 the FBI had formed the Critical Incident Response Group (CIRG) headed by a special agent in charge to whom the HRT commander and

the chief negotiator reported during a critical incident, with the aim of putting the negotiation and tactical teams on equal footing. Gary Noesner was the first chief negotiator in the newly created CIRG, and he was able to implement creative negotiation techniques to resolve peacefully the eighty-one-day standoff with the Montana Freeman in 1996.¹⁴⁹

In this chapter and elsewhere,¹⁵⁰ I have cited statements and testimony that appear to indicate that David Koresh, after the children and mothers were gassed, issued an order to set fires. The evidence, however, is more complicated than that. Stuart Wright notes that items collected from Mount Carmel after the fire and put into a storage locker were discovered in 1999 to include mislabeled devices that could ignite fires, including pyrotechnic percussion grenades and other projectiles.¹⁵¹ This evidence was not made available for consideration in the criminal trial in 1994, in which the jury exonerated Branch Davidian defendants of conspiracy to murder federal agents but convicted some of them on other charges. Counteracting the jury's verdicts, the judge subsequently pronounced five Branch Davidians guilty of conspiracy to murder federal agents and sentenced each of them to forty years in prison. Four other Branch Davidians were respectively sentenced to twenty years, fifteen years, five years, and three years. As a result of an appeal to the Supreme Court, in 2000 the sentences of six of the convicted Branch Davidians with the lengthiest sentences were reduced to fifteen years each.¹⁵²

On August 24, 1999, Lee Hancock reported in the *Dallas Morning News* that after years of FBI testimony claiming no pyrotechnic ferret rounds had been fired toward the Branch Davidian residence on April 19, 1993, Danny Coulson informed her that pyrotechnic ferret rounds had in fact been used.¹⁵³ This news story prompted Attorney General Reno to appoint former senator John C. Danforth to investigate the possibility of FBI wrongdoing in relation to the Branch Davidians. The Danforth Final Report, released in 2000, found that the pyrotechnic ferret rounds fired at the tunnel early in the morning of April 19 could not have caused the fire that erupted by 12:09 P.M. in the building. The Danforth Report found no wrongdoing on the part of FBI agents.

The same FBI personnel were on HRT and in SIOC during both the WACMUR case and the Ruby Ridge, Idaho, debacle, which also began with the shooting death of a law enforcement agent. For the most part, the FBI agents in charge of the assault at Mount Carmel went on to live lives of quiet retirement.

The approach of the year 2000 stirred efforts on the part of FBI agents to prevent anticipated violence from being committed by mem-

bers of millennialist movements, but all that came and went. On September 11, 2001, the FBI's attention was diverted from "cults" to containing radical Islamist terrorism.

In January 2016, when the FBI received criticism from members of the public for its low-key approach to American antigovernment activists occupying the Malheur Wildlife Reserve in Oregon, retired FBI supervisory special agent Steve Moore told a CNN reporter that the FBI had learned from its mistakes with the Branch Davidians. His statement succinctly pointed to interactive factors that resulted in the deaths of seventy-six Branch Davidians on April 19, 1993: "It was a suicide; however, it was provoked by the FBI intervention."¹⁵⁴

I thank Lee Hancock for sending her materials to me in 2003. The Hancock Collection in the Wittliff Collections, Texas State University, San Marcos, contains many more documents awaiting analysis.

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28. Frances Lang, “The Mormon Empire,” *Ramparts* (September 1971).

29. Anson Shupe, *The Darker Side of Virtue: Corruption, Scandal, and the Mormon Empire* (Buffalo, NY: Prometheus, 1991), 13.

30. Kathleen Parker, “A Nice Guy in a Season of Nastiness,” *Washington Post*, November 10, 2011.

31. See, for instance, James Ellroy, *LA Confidential* (New York: Mysterious Press, 1991); and Peter Schmidt-Nowara, “Finding God in a World of Leg-Breakers and Racist Shitbirds: James Ellroy and the Contemporary LA Crime Novel,” *Western American Literature* 36, no. 1 (2001): 117–31.

32. James Ellroy, *Blood’s a Rover* (New York: Knopf, 2005), 16.

CHAPTER 12. THE FBI’S “CULT WAR” AGAINST THE BRANCH DAVIDIANS

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3. Quoted in Catherine Wessinger, *How the Millennium Comes Violently: From Jonestown to Heaven’s Gate* (New York: Seven Bridges, 2000), 273–74.

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5. James D. Tabor and Eugene V. Gallagher, *Why Waco? Cults and the Battle for Religious Freedom in America* (Berkeley: University of California Press, 1995).

6. John R. Hall, with Philip D. Schuyler and Sylvaine Trinh, *Apocalypse Observed: Religious Movements and Violence in North America, Europe, and Japan* (New York: Routledge, 2000), 16.

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8. Stuart A. Wright, “Introduction: Another View of the Mount Carmel Standoff,” in *Armageddon in Waco*, xiii–xxvi (quote on xv).

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10. John C. Danforth, Special Counsel, “Final Report to the Deputy Attorney General, Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas,” November 8, 2000, https://en.wikisource.org/wiki/Final_report_to_the_Deputy_Attorney_General_concerning_the_1993_confrontation_at_the_Mt._Carmel_Complex,_Waco_Texas (accessed July 19, 2016 (hereafter cited as Danforth Final Report)). For a critical analysis of the Danforth Final Report, see Jean E. Rosenfeld, “The Use of the Military at Waco: The Danforth Report in Context,” *Nova Religio* 5, no. 1 (2001): 171–85. Kenneth G. C. Newport replicates the findings of the Danforth Final Report in *The Branch Davidians of Waco: The History and Beliefs of an Apocalyptic Sect* (Oxford: Oxford University Press, 2006). See the debate about responsibility for the fire between Newport, Stuart A. Wright, and Catherine Wessinger in *Nova Religio* 13, no. 2 (2009).

11. United States Department of Justice, *Report to the Deputy Attorney General on the Events at Waco, Texas, February 28 to April 19, 1993*, Redacted Version, October 8 (Washington, DC: U.S. Government Printing Office, 1993), 138.

12. *Ibid.*, 139–40; Stuart A. Wright, “Anatomy of a Government Massacre: Abuses of Hostage-Barricade Protocols during the Waco Standoff,” *Terrorism and Political Violence* 11, no. 2 (1999): 39–68; Noesner, *Stalling for Time*, 94–132.

13. Wessinger, “Branch Davidians and Religion Reporting,” 159–62.

14. “Guide to the Lee Hancock Collection.”

15. See Catherine Wessinger, “Deaths in the Fire at the Branch Davidians’ Mount Carmel: Who Bears Responsibility?” *Nova Religio* 13, no. 2 (November 2009): 25–60.

16. Eugene V. Gallagher, “The Davidian and Branch Davidian Seventh-day Adventists (1929–1981),” 2013, World Religions and Spirituality Project, <http://wrldrels.org/profiles/BranchDavidians1.htm> (accessed June 26, 2016); Tabor and Gallagher, *Why Waco?* 33–40.

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23. Noesner, *Stalling for Time*, 122–24.
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58. *Ibid.*, April 14, 1993, 11:45, 12:50.
59. *Ibid.*, April 14, 1993, 16:25, 17:15.
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61. *Ibid.*, April 14, 1993, 18:45. See Letter of David Koresh, April 14, 1993, available at Letters of Note, www.lettersofnote.com/2011/04/we-are-standing-on-threshold-of-great.html (accessed June 28, 2016).
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65. *Ibid.*, April 18, 2015, 17:32, 18:15, 19:20, 19:28, 19:40.
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72. U.S. Department of Justice, *Report to the Deputy Attorney General*, 104, 256–59; Danforth Final Report, 146.

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76. “Delta Force: Missions and History,” Military.com, www.military.com/special-operations/delta-force.html (accessed September 28, 2015).

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78. “Statement of Attorney General Janet Reno before the Committee on the Judiciary, House of Representatives,” April 28, 1993, Department of Justice, www.justice.gov/archive/ag/speeches/1993/04-28-1993b.pdf (accessed June 28, 2016).

79. Department of Justice, *Report to the Deputy Attorney General*, 266–68; Danforth Final Report, 149–50; Rosenfeld, “Use of the Military at Waco,” 180–81.

80. Testimony of Byron Sage, in Joint Hearings, *Activities of Federal Law Enforcement Agencies*, 3:345.

81. U.S. Department of Justice, *Report to the Deputy Attorney General*, 270–71; testimony of Byron Sage, 2:345.

In Sage’s congressional testimony in 1995 he stated that the Justice Department report’s account of his statements to Hubbell was overstated and that he “never abandoned the concept or the hope that negotiations could successfully and peacefully resolve this matter. . . . I felt that we were at an impasse, that we had not gotten a single child out, which again was our first priority, since the 5th of March.” As far as Koresh’s plan to exit after he composed his “little book,” Sage said it was his recollection that Koresh proposed that plan after Sage spoke with Hubbell. Further, since Koresh had not demonstrated any progress in writing his little book, it was not a plan to be taken seriously.

82. *Ibid.*, 2:507–8 (quotation on 508).

83. Testimony of Webster Hubbell, in Joint Hearings, *Activities of Federal Law Enforcement Agencies*, 3:39–40 (quotation on 39).

84. Kopel and Blackman, *No More Wacos*, 154.
85. Testimony of Jeffrey Jamar, in Joint Hearings, *Activities of Federal Law Enforcement Agencies*, 2:305–6.
86. U.S. Department of Justice, *Report to the Deputy Attorney General*, 107.
87. Danforth Final Report, 151.
88. WACMUR Major Event Log, April 16, 1993, 19:58.
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91. Park Dietz, M.D., Ph.D., to Jim Wright, re David Koresh/Waco Situation, Reno Briefing File, April 17, 1993 (p. 55 of the PDF in author's possession), Lee Hancock Collection (hereafter cited as Reno Briefing File).
92. Sam Howe Verhovek, "Death in Waco: The Overview," *New York Times*, April 20, 1993.
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101. Noesner, *Stalling for Time*, 119–20.
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103. Kopel and Blackman, *No More Wacos*, 194–95, 216n79.
104. Lee Hancock, "Man Who Sneaked into Compound Leaves," *Dallas Morning News*, April 18, 1993.
105. Kopel and Blackman, *No More Wacos*, 180n236.
106. *Ibid.*, 155.
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108. Kopel and Blackman, *No More Wacos*, 158.
109. *Ibid.*, 159.
110. Rex Applegate, "Unpublished Report on FBI Planning and Operations Relating to the CS Gas Assault at Waco, Texas, February 28 to April 19, 1993," Scottsburg, Oregon, 1995, 27, quoted in Kopel and Blackman, *No More Wacos*, 157.
111. Coulson and Shannon, *No Heroes*, 453.

112. Testimony of Jeffrey Jamar, 3:277.
113. Rosenfeld, “Use of the Military at Waco,” 178
114. Lee Hancock, “FBI Cameras Encircled Compound, Files Show,” *Dallas Morning News*, October 14, 1999. On the status of videos and audiotapes recorded in relation to the WACMUR case, see Matthew D. Wittmer, “Traces of the Mount Carmel Community: Documentation and Access,” *Nova Religio* 13, no. 2 (November 2009): 95–113.
115. Testimony of Jeffrey Jamar, 3:277.
116. Wessinger, “Deaths in the Fire,” 39–40; SA 73, no. 4, April 19, 1993, in Mark Swett Collection, Texas Collection, Baylor University, Waco, TX.
117. Graeme Craddock testimony, in Committee of the Judiciary, *Aftermath of Waco*, 171–72.
118. SA 73, no. 4, April 19, 1993, my transcription; Wessinger, “Deaths in the Fire,” 39–40.
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122. David T. Hardy, with Rex Kimball, *This Is Not an Assault: Penetrating the Web of Official Lies Regarding the Waco Incident* (N.p.: Xlibris, 2001), 275–76, 285.
123. *Ibid.*, 276.
124. Applegate, “Unpublished Report,” 23, quoted in Kopel and Blackman, *No More Wacos*, 157.
125. Hancock, “Ex-colonel Says FBI Heard Sect’s Fire Plans.”
126. Wessinger, “Deaths in the Fire,” 43; Oral and Videotaped Deposition of Graeme Craddock, October 28, 1999, *Isabel G. Andrade et al. v. Phillip J. Cojnacki et al.*, United States District Court for the Western District of Texas, Waco Division, No. W-96-CA-139, 201–5; Oral and Videotaped Deposition of Graeme Craddock, October 29, 1999, *ibid.*, 254, 259–64, 405.
127. Hancock, “Ex-colonel Says FBI Heard Sect’s Fire Plans.”
128. Bob Ricks, Rotary Club Speech, August 25, 1993, transcript, lines 209–19, 269–73, Lee Hancock Collection.
129. Hardy, with Kimball, *This Is Not an Assault*, 321–22. Jamar testified at a congressional hearing that he held the trucks back so the firefighters would not be injured by gunfire coming from the Branch Davidians. Hardy points out that photographs and FLIR videotapes show that FBI agents were standing outside the tanks about ten yards away from the burning building with no apparent fear of being hit by gunfire.
130. David Koresh, “The Seven Seals of the Book of Revelation,” reprinted in Tabor and Gallagher, *Why Waco?* 191–203.

131. Doyle, with Wessinger and Wittmer, *Journey to Waco*, 168–69; Jack DeVault, *The Waco Whitewash: The Mt. Carmel Episode Told by an Eyewitness to the Trial* (San Antonio: Rescue, 1994), 109–10.
132. Coulson and Shannon, *No Heroes*, 451–52 (quote on 452).
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134. Video footage shot by Channel 25 and captured as live satellite feed by Ken Fawcett, and kindly provided to the author by Ken Fawcett.
135. Dick J. Reavis, *The Ashes of Waco: An Investigation* (New York: Simon & Schuster, 1995), 277.
136. Photographs of the flags were displayed by Clive Doyle in the Visitor's Center at Mount Carmel Center from 2000 to 2006. Photographs can also be located on the Internet.
137. Marshall Ingwerson and Scott Pendleton, "Clinton Team Scrutinized after the Waco Tragedy," *Christian Science Monitor*, April 21, 1993, www.csmonitor.com/1993/0421/210111.html (accessed June 28, 2016).
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145. Testimony of James J. Fyfe, in Committee of the Judiciary, *Aftermath of Waco*, 9, 13, 18.
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149. Noesner, *Stalling for Time*, 148–76; Wessinger, *How the Millennium Comes Violently*, 158–217.
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151. Stuart A. Wright, "Revisiting the Branch Davidian Mass Suicide Debate," *Nova Religio* 13, no. 2 (November 2009): 15, 21n6.
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