

**Crisis Negotiation
University of Western Sydney**

51 Days at Waco



Aspects of Crisis Negotiation

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Forward

The Memory of Waco

In February 1993, armed Federal agents attempted to enter the Branch Davidian commune at Mount Carmel, near Waco, Texas, in order to serve criminal warrants for weapons violations. Violence ensued, killing four agents and wounding sixteen. This initiated the longest standoff in US law enforcement history. Never before or since has so much firepower been brought to bear on American civilians. The siege ended fifty-one days later when Federal forces stormed the compound with tanks and tear gas. Fire erupted in the compound killing all the remaining Davidians. The final death toll exceeded ninety people, including twenty-seven children.

It was precipitated by an the Bureau of Alcohol, Tobacco & Firearms (BATF), which instituted an armed raid against armed offenders who were warned in advance of their action and who repelled them with injuries and loss of life on both sides. The Davidians were subsequently to argue that they fired in self-defense. The authorities claim that it was an ambush and murder. The siege followed, with the FBI being called in to take over the negotiations.

The day after the Waco fire, President Clinton said: "I do not think the United States government is responsible for the fact that a bunch of religious fanatics decided to kill themselves".¹

Waco means different things to different people. To some, it represents the assertion of the rule of law. To others, it was an unfortunate outcome driven by zealots. To some, it was an exemplary law enforcement operation. To others, a contrived and ultimately bungled how of force that led to the death of innocents. And to others on the marches of the American political continuum, an example of rampant and overweening state power.²

The events at Mount Carmel have entered the American psyche. Before 9/11, Waco was arguably one of the most controversial and divisive domestic incidents. Its memory is invoked in media as diverse as law enforcement journals and television dramas. There have been many documentaries and at least one motion picture. Ten years later, it continues to inspire passionate debate, occupying reasoned and less-rational imaginations. Published sources range from the official and clinical to the impassioned, from detailed congressional reports to conspiracy theories. Whilst the FBI has been exonerated, after several congressional and administration inquiries, and court cases against and on behalf of the survivors, questions are still being asked.³ Demands for disclosure and closure continue to be made.

The fifty-one days of what is now known as the Waco siege or as it was known officially, "the Davidian Standoff", or "the confrontation at the Mount Carmel Complex", provides insight into many elements of Crisis Negotiation, particularly insofar as these apply to hostage and barricade incidents.⁴ My paper examines certain of these, using the negotiations that were conducted at Mount Carmel as its central case study.

The issues, events, and personalities of Waco are beyond the scope and brief of this paper, and yet they are seminal to it. Accordingly, a series of appendices provide a 'resource' that places the following discussion in its temporal context, whilst footnotes expand upon the story and also the arguments. Moreover, I endeavour as far as possible to maintain an objective perspective, leaving the questions and arguments to the polemicists.

¹ <http://www.cato.org/daiyes/09-08-99.html>

² Fisher R and Uri W, Getting to Yes, Arrow Books 1997. At 19: How you see the world depends on where you sit. People tend to see what they want to see. 23 the parties see the world from their own vantagepoint. They frequently confuse perceptions with reality. Misunderstandings reinforce prejudice and lead to reactions that produce counter reactions in a vicious circle.

^{2a} Why, for example, were tanks (albeit unarmed) used against civilians? Why did the BATF go ahead with its raid when it known that the element of surprise has been lost? Why did it not simply arrest David Koresh when he was shopping in Waco or away from the compound.

³ Why, for example, were tanks (albeit unarmed) used against civilians? Why did the BATF go ahead with its raid when it known that the element of surprise has been lost? Why did it not simply arrest David Koresh when he was shopping in Waco or away from the compound.

⁴ Theodore Feldmann defines a hostage situation as one "in which a person or persons are held against their will, with release contingent upon certain demands being met. Essential to the hostage situation is the presence of a specific demand. The nature of the demand may be varied including, but not limited to, money, weapons, transportation, food, and alcohol or drugs. Regardless of the type of demand made, the hostage-taker clearly communicates that the hostages will not be released unless certain conditions are met. Thus, without demands a hostage situation does not exist. This is in contrast to a barricade situation in which an individual isolates himself or herself, and perhaps others, but makes no demands other than "go away," or "leave me alone." Theodore B Feldmann, Dealing With Large Scale Hostage And Barricade Incidents: Implications For Negotiation Strategies And Training, in Collective Violence, edited by Harold Hall & Leighton Whitaker (CRC Press. Boca Raton, FL 1998, pp. 335-361). Waco was no ordinary barricaded or hostage incident. It was in effect a siege, and the Davidians were the besieged. Whether they could be interpreted as hostages is a point that can be debated. Certainly from the authorities' POV they were "held" by the charismatic David Koresh – whether physically against their will, by force of arms or mentally by his will.

51 Days at Waco

Aspects of Crisis Negotiation

Contemporary approaches to the management of crisis situations emphasize the importance of communication and relationship building, the development of trust and rapport, and stabilizing an otherwise unstable, insecure and uncertain situation. The goal is to normalize, calm, and create an environment in which problem-solving can take place.¹ As the Harvard school maintains, without communication, there is no negotiation. The way parties in conflict communicate can help or interfere with their ability to deal constructively with the conflict.²

Theodore Feldmann examines factors that influence the outcome of crisis negotiations by impacting upon the establishment of communications and relationships. A crisis manager should exert maximal control over these to reach a successful outcome. These are: the passage of time; psychopathology (and the related issues of suicide and unexpected developments); the amount of information available in the situation; decision-making processes; media intrusions; public opinion; and political considerations.³

I examine and elaborate upon each of these, drawing on the official record (principally, reports by Edward Dennis' Alan Stone⁴), on contemporary and subsequent media accounts,⁵ and on a selection of texts and articles by practitioners.⁶

I consider the interaction between the Davidians and the FBI, and how, for a variety of reasons, the negotiation "stalled" very early on. I discuss the dynamics of interacting with and negotiating with what Stone referred to as "unconventional groups". I discuss the group psychology of participants on both sides of the "barricade" and how this determined and then reinforced their positions. I note how the course of the Waco negotiation, and its ultimate outcome, were shaped as much by the relationship between the negotiating and tactical teams as by the relationship between the Davidians and the negotiators. And I demonstrate how negotiations are strongly influenced by the involvement of "significant others" with interests and agendas to push.

Hearts & Minds

Feldmann writes of the importance of psychopathology – in essence, what is going on the heads of the participants. Its significance cannot be understated. And central to this are emotions and feelings. Oscar Wilde once said "the advantage of the emotions is that they lead us astray". And no more so that in conflict situations, as is well recognized by its practitioners.⁷

We may be lost in our feelings, 'fall victim' to our feelings, get stuck in feeling traps, get overcome by our feelings. Become hostage to our feelings and those of our group or cultures. Emotions challenge, interfere with, and intertwine with rationality, that process of thinking, cognitive, cool calm and collected calculation. Impulsive, emotional, desiring, needful qualities are antithetical to rationality and cognition. Sometimes it is hard to work out where one ends and the other takes over. And so, we may fail to 'think straight' when feeling threatened, when under stress, when over-wrought. We may rush into defensive actions, justifying previous behaviours. The

¹ This is the essence of the FIRE model developed in Randall G Rogan, Mitchell R hammer, Clinton R Van Zandt, Dynamic Processes in Crisis Negotiation, (Praeger 1997)

² Fisher R and Uri W, Getting to Yes, Arrow Books 1997, at 33. Fisher, R. Kopelman, E. & Kupfer Schneider, A. Beyond Machiavelli: Tools for Coping with Conflict, Penguin Books 1994, at 75

³ Theodore B Feldmann, Dealing With Large Scale Hostage And Barricade Incidents: Implications For Negotiation Strategies And Training, in Collective Violence, edited by Harold Hall & Leighton Whitaker, CRC Press. Boca Raton, FL 1998, pp.335-361.

⁴ Edward S.G. Dennis, Jr, Evaluation of the Handling of the Davidian Standoff in Waco, Texas. Report to the US Dept of Justice 8th Oct 1993; Alan A Stone MD, Report and Recommendations (to the Deputy Attorney General) Concerning the Handling of Incidents Such As the Davidian Standoff in Waco Texas, 10th Nov 1993

⁵ Most specifically, PPS' comprehensive and in-depth Frontline coverage, PBS Frontline: Waco: The Inside Story, 17th Oct 1995: <http://www.pbs.org/wgbh/pages/frontline/waco/>; and the 1997 Oscar winning documentary Waco: The Rules of Engagement (1997) Dir. William Gazecki, Prod. Dan Gifford

⁶ Including Rogan, Hammer & Van Zandt, and Feldmann, op.cit

⁷ Beyond Machiavelli, op cit. at 24: "In a conflict situation, particularly if it has involved violence, feelings are likely to be more important than thoughts".

notionally rational organizational world may be obfuscated by the unwitting defensive reactions of anxious, emotional actors.⁸

When emotions run high, stress rises. The physical and psychological effects of stress are likely to destabilize a hostage or barricade situation.¹ On a positive level, stress may influence the subject to bring the incident to an early conclusion. The task of the negotiator then becomes ensuring that the resolution is a peaceful one. But there can be negative impacts too, including impulsivity and aggression, impaired judgment, alcohol or drug use to cope with stress, and suicide. In the majority of hostage and barricade situations, the cumulative effects of stress are likely to be negative.

Stress can work on the negotiators and tactical teams too. External sources of stress include conflicts with on-scene commanders over negotiation strategies, and pressure from tactical team members for a tactical assault. Internal sources of stress consist primarily of fears that the incident will not be resolved peacefully. Most negotiators believe that a tactical assault equates with negotiation failure. Thus, a real or perceived breakdown in the negotiation process impacts the negotiator's sense of competence.²

At Waco, the tactical strategy was increasingly to ramp up the stress levels of the Davidians, but the negotiation and tactical teams were also subject to physical and psychological stresses that would have impacted upon their reactions, their judgement, and ultimately, their decisions.

It is recognized that the first minutes can determine the outcome of a negotiation. At Waco, these were not auspicious. The BAFT debacle, the encirclement and containment, would not have had a calming effect on the Davidians. The deaths of the agents in the initial raid would have had a detrimental affect on the besiegers. The Group psychology of each side would have been in 'combat' mode.

Stone avoided the use of the value-laden, emotive descriptors like "sect" and "cult", preferring to refer to the Davidians as "persons whose motivations and thought processes are unconventional...groups which thought processes or motivations depart substantially from ordinary familiar behavior..."³

But the problem of dealing with such a group was central to the Waco standoff. The Davidians' response to the failed BATF raid was influenced heavily by their millenarian nature, and particularly that of Koresh. The standoff was subsequently complicated by both the personality style of David Koresh and the strength of the unconventional belief system embraced by the group.⁴ Much of the frustration experienced by FBI negotiators was the result of Koresh's insistence that he control all aspects of the negotiation process.

Practitioners emphasize the need for understanding and empathy, and the imperative of establishing meaningful dialogue that allay prejudices and misconceptions. Milton Bennett writes: "The key to improving communication effectiveness with cults is to appreciate how other's experiences differ from our own. To approach the experience of cult members through their own beliefs is probably impossible for outsiders".⁵ In dealing with such groups, safety, trust, and rapport can only be established if the group believes the negotiators are as good as their word

Gary Weaver writes of the dangers of stereotyping and polarization, and the need to mitigate them: "...to label a hostage taker as "evil" or "the bad guy" implies that "we" are "angelic" or "good guys". This type of dichotomous thinking and believing can make any hostage situation a win-lose interaction, thereby limiting our ability to devise win-win negotiation strategies. Often, this type of thinking is marked by a belief that there can be no compromise with evil and, in effect, the primary goal becomes destruction of the "bad guy". Further, we may fail to consider conciliatory options and resort instead to ultimatums rather than negotiations. Seldom are crisis situations simple melodramas of good versus evil. In fact, most are tragedies.... during a crisis situation, we seldom consider all the intricacies and subtleties of culture. When under pressure and stress, we tend to use 'rule of thumb' perspective that is based on our own narrow cultural background".⁶

⁸ Stephen Fineman, *Emotions and Organizing*, in *Handbook of Organizational Studies*, Sage Publications 1996, at 551

¹ Feldmann writes that stress may influence hostages to act in unpredictable ways that complicate management of the situation. Fear, anxiety or panic, and helplessness can trigger impulsive, and sometimes irrational, acts on the part of hostages. op cit. 38-39

² ibid. In the PBS Frontline programme, op cit. FBI negotiator Byron Sage admits to feeling a sense of betrayal when the fires start, that all the negotiation in good faith had come to naught..

³ op cit, at 4

⁴ Refer Appendix 1 for an outline of the Davidian's origins and beliefs. Stone described the paranoid, grandiose, and narcissistic character traits displayed by David Koresh. These reached such a level of intensity at various times during the incident that behavioral science experts monitoring the siege questioned whether or not Koresh was psychotic.

⁵ Rogan, et al. op cit. at 131. Also *Getting Past No* at 116: "Certainly, their behaviour may be irrational from our perspective, but it may make perfect sense from theirs. As long as there is a logical connection in their eyes between their interests and their actions, then we can influence them".

⁶ id. at 120-21. "It is perception of reality, not objective reality itself, which determines our behaviour. To fully understand and predict some one else's behaviour, we must first understand his subjective view of reality".

It is under circumstances of extreme pressure and stress that the difficulties of communicating with "unconventional groups" become particularly manifest. Consider in this context Janis' Eight Symptoms of GroupThink⁷: illusion of invulnerability (which can often be replaced by a persecution complex); collective rationalization of their actions and the causes thereof; belief in the group's inherent morality and rightness of their cause; stereotypes of how they perceive other groups; direct pressure on dissenters; self-censorship; illusion of unanimity; and the use of self-appointed mind guards. And at its most extreme: group psychosis, fear, the cult conversion process, and dependence on the group and upon its leader.¹

Stone was highly critical of the manner in which at Waco specifically, the FBI dealt with such groups. Feldmann observed how the group psychology of the Davidians was "largely unrecognized during the course of the incident".² Clinton Van Zandt, a member of the negotiating team, acknowledged in retrospect that "part of the FBI's inability to resolve both Ruby Ridge and the Davidian situations was due to a lack of understanding of the communication process necessary for developing successful dialogue with the spokesperson of these groups".³

Why did the FBI fall short in the critical endeavour? Certainly the difficulties of dealing with David Koresh was contributory, as was the strength of his hold over his followers. But simplistic as it may seem, one reason may be that the men on the ground had allowed themselves to become entangled in the conflict.

Practitioners advise that when handling a conflict situation, whether as a mediator or a negotiator, one must endeavour to leave one's baggage at the door. One must deal with one's own needs and emotions too, whilst the intensity of an event can distort normal professional roles and composure. You may be well trained, experienced, have identifiable and designated role within the response structure, but you have your own agendas, interests, needs and issues, whilst your values may be distorted by the intensity of the event, its origins and its inter-plays.⁴

Group and team dynamics may play a significant part. In a perfect world, these can be an anchor, a support, an inoculation, and a protection. But harmony and happiness do not always exist among groups of responders. Rivalries, resentments may surface. Members may have motives and agendas quite unrelated to the incident. These complicate matters, rendering the smooth way rougher and the rough ways impassable. The greater the tensions, the danger, the extent of bizarre behaviour and communication, the prolongation of the incident, the impact of stressful physical, the onset of fatigue, the greater the potential for team dynamics to malfunction.

In these circumstances, there is the need for focus and for maintaining equilibrium.⁵ Those responding to a crisis situation must create an environment which is normalized, calm, socialized - conducive to the development of a working relationship, restoring realistic expectations, and bringing a high risk situation to a point of problem solving.

But at Waco, the negotiation and tactical teams were camped out all those cold Texas nights, away from home, living off take-aways, and within rifle shot of people who had just killed their comrades. They were viewed by some commentators as tired and emotional.⁶ Dennis and Stone document increasing tension and disagreement within the besieger's camp.⁷ Writing of perpetrators in a crisis situation, Gary Noessner and Mike Webster note how "they have lost their equilibrium and are experiencing heightened levels of arousal that interferes with their ability to function normally".⁸ To a degree, the besiegers of the Mount Carmel compound appear to have suffered from a similar dysfunction.

In "Waco - Terms of Engagement", Stone says: "When I was first asked to be involved as a member of the panel, I thought the main problem was going to be understanding the psychology of the people inside the compound. But

⁷ Tenbrussel, Galvin, Neal, & Bazeman, in Handbook of Organizational Studies, op cit. at 326

¹ See also Rogan et al. op cit. Milton Bennett covers much of this in his analysis of the cult conversion process.

² op cit. at 3

³ Rogan et al 4 At 145, Van Zandt notes that it was "impossible to approach members through their own belief system...Just as we do not enter into a mental subject's delusion or hallucination, neither do we attempt to identify fully with the experiences of the cult member. To avoid verbal land-mines, you must know where to step – or issues not to discuss or at least not to take sides in such discussion". Hence his recommendation that you do not try to engage them in theological arguments – which is what Byron Sage tried to do at one point in the negotiation, thereby possibly pushing one of David Koresh's more messianic buttons: don't argue the scriptures with one who believes that he has a direct line to the author.

⁴ Getting Past No, op cit. at 39 "Go to the balcony, but keep your eye on the prize". at 43 "Put on your radar, not your armour" ; at 102 "Move from positional bargaining to joint problem-solving".

⁵ *ibid.* "Going to the balcony".

⁶ Notably the documentary Waco- Terms of Engagement, and Harold Reavis' The Ashes of Waco. The impression these impart is one of testosterone gone mad - on both sides. Gun toting "Rambos" on Bradley Fighting Vehicles, tactical team members mooning the compound, implications that the besiegers were jealous of Koresh. He had all these attractive (very) young women at his disposal, he had power, he had sex, he had it all. Would things have been different if women dominated the negotiation and tactical teams – and also the Davidian camp?

⁷ op cit.

⁸ Noesner, Gary W. and Webster, Mike, Crisis Intervention - Using Active Listening Skills in Negotiations, FBI Law Enforcement Bulletin August 1997, Vol. 66 Issue 8, at13

as I got into it, I quickly became aware that the psychology of the people outside the compound was more important".⁹

A Tale of Two Paradigms

Apart from what can be gleaned from negotiation transcripts and survivor statements, we will never know what Koresh or Schneider thought or did during the stand-off, and particularly their mindset during those final days. Survivor's testimony did not corroborate the official account of probable but not proven murder/suicides. Nor could they. Individuals have their own unique perspective of what is going down in a chaotic, violent, and rapidly escalating situation.¹

We have the negotiators' interpretation of events, and of their own part therein, but this can never be totally objective.² But investigators and participants agree that there was something wrong with the decision-making processes.

Matt Logan writes that "there are two paradigms that exist in the field of crisis management today and many that are in this field find themselves caught between an old modus operandi of what I will term "surround and exterminate", and the newer concept of "contain and negotiate".³

Van Zandt wrote of the FBI's shortcomings in communicating with cults: "At Waco and Ruby Ridge.⁴The government still chose conventional tactics. These proved to exacerbate an already difficult situation and all but negated the communication/negotiation process".⁵ "The on-scene tactical commanders limited the negotiators in their latitude of negotiations while the tactical team leaders complicated rather than complemented the negotiations process. Communication or the lack thereof, both with the cult and within the crisis management team ultimately contributed to the tragic loss of life in both these confrontations".⁶

Stone was concerned about how decision-making processes were influenced by the interaction of the tactical team and the negotiators. "It was not that the FBI lacked expertise in behavioral science or in the understanding of unconventional religious groups. Rather the commander on the ground and others committed to tactical-aggressive, traditional law enforcement practices disregarded those experts and tried to assert control and demonstrate to Koresh in a show of force that they were in charge. There was the risk that the active aggressive law enforcement mentality of the FBI - the so-called "action imperative" would prevail in the face of frustration and delay".⁷

Dennis saw problems with coordination and communication between the tactical and negotiation teams, with these often working at odds. He notes how conflicts were consistently reported between the two regarding the strategy to be used. On several occasions tactical pressure was exerted either without consulting the negotiators or over the negotiators' objections. The negotiators believed the timing of these activities disrupted the progress of the negotiations unnecessarily. Further, he noted that negotiators complained that the tactical team would engage in maneuvers before the negotiators had an opportunity to use these to further the bargaining process.⁸

The tactical shift, with the emphasis on ramping up the physical and psychological pressure, sent very mixed and confusing messages to the Davidians, and in hindsight, does not sit comfortably with the precepts of principled negotiation.

Noessner and Webster: "If negotiators hope to change a subject's behavior - that is, restore the individual's equilibrium and increase the subject's ability to think more clearly and act less violently - they must remove

⁹ op cit.

¹ Whilst communications between the Negotiators and the Davidians were difficult, there would probably have been little communication between even Koresh and his followers. All the noise and disruption, the bright lights, the sleep disturbance, the stress of the negotiations themselves, with Koresh and Schneider ranting, arguing, maybe even fighting about what to do. The world turned upside down. What would you do if you had frightened children in your keep, or you were a young person, and you had this perception of the enemy at your gates. You would retreat to the deepest, the quietest, the safest recesses of the compound – in fact, the storage rooms where they were eventually found -with lots of blankets against the cold. You would have withdrawn from the reality of it all whilst others determined your fate. The kids, the young mothers, the very people the Feds were trying to protect, were probably exhausted and were probably convinced that they were going to die, and resigned to it. And with Koresh, the leader, wounded, they would have fallen into a depressed state.

² There is an apt line in "Beyond Machiavelli", op cit. at 22 : "We selectively remember what we want to; we selectively recall what we remember; and we revise our memories to fit our preferences".

³ Matt Logan: What Facilitates Or Hinders Successful Crisis Negotiation? Royal Canadian Mounted Police Gazette, Nov 1998

⁴ Feldmann summarizes the chillingly similar Ruby Ridge incident of August 1992. op cit. at13-14

⁵ op cit. at 146

⁶ id. at 145

⁷ op cit. at 7-8. Refer Appendix 2: Notes on the Negotiations.

⁸ op cit. Refer Appendix 2.

themselves as threats. As long as the subject perceives the atmosphere as threatening, no meaningful communication can take place. Without communication, negotiators cannot build the rapport necessary to bring about behavioral change in the subject¹. And: “Negotiators must avoid intimidating, demeaning, lecturing, criticizing, and evaluating subjects. They must create an atmosphere of empathy and respect. Only in this climate will subjects feel safe enough to consider alternate perspectives and become receptive to positive suggestions from negotiators...Negotiators generally achieve peaceful resolutions only after they demonstrate their desire to be nonjudgmental, non-threatening, and understanding of the subject’s feelings. By projecting that understanding, negotiators show empathy and lead the subject to perceive them, not as the enemy, but as concerned individuals who want to help”.²

Arresting and indicting the people who came out, chucking flash-bangs at those who came outside, noise, sleep-deprivation, and the like, were hardly examples of being “hard on the problem, soft on the people”, of “separating the people from the problem”.³ They did not assist the development of rapport through active listening, questioning without confrontation, being unconditionally constructive, patient and consistent, searching for the underlying problem, and developing options and solutions.

Information Overload

It was not for the lack of expert advice and guidance. The negotiators and commanders sought out and consulted in-house and external experts to gather information and insight in order to design their negotiation and tactical road maps.

Feldman writes: “The lack of information or validation of available information increases the need for negotiators to establish open and trusting relationships with the subjects. The combination of inadequate information regarding the number and identity of the subjects and their weapons created an unstable and insecure environment for police that led to frequent disagreements between negotiators and tactical personnel”.⁴

At the outset, FBI behavioral scientists and external experts recommended against confronting Koresh. Several negotiators and behavioral scientists expressed the opinion that although Koresh and his core followers may never have come out through negotiation, more people might have exited the compound voluntarily during the standoff if the negotiation strategy had been followed more rigorously.

The divisions between the negotiators and the tactical team meant that the character of information sought and sourced changed dramatically. Barely a week into the siege, the behavioral science memos ceased and the tactical emphasis was thenceforward upon ramping up the psychological and physical pressure. The psychological advice sought was increasingly concerned with the possibility of Koresh engineering a mass suicide, and how to preempt this by tactical means.⁵

Stone wrote: “Although the commander on the ground and the official investigation disagree with my view, I have concluded that decision-making at Waco failed to give due regard to the FBI experts who had the proper understanding of how to deal with an unconventional group like the Davidians...I am impressed that the FBI has adequate in-house expertise to deal with unconventional groups like the Davidians. Furthermore it seems clear that at Waco, the FBI, was suffering from information overload, if from anything”.⁶

Significant Others

These were but three of the factors Feldmann maintains significantly influence the outcome of crisis negotiations by the degree they impacted on the establishment of communications and relationships.⁷

The official record reveals that decision-making processes were, if not in disarray, then certainly dysfunctional, with those recommending a tactical solution in the driving seat. Information and advice was being directed towards such

¹ op cit.

² ibid.

³ Agents “ sticking their butts in the air and flipping the finger”, says Schneider in Waco - Terms of Engagement, op cit. Showing their backsides to people looking out of the windows. Hardly encouraging them to send their children out to these people. And during the siege, as people came out, old people, young people, they were arrested and indicted with murder. Hardly an inducement to trust and rapport and good will. Hardly a good will gesture to encourage others to leave. The on-site commander, Jeff Jamar, maintained that Koresh was sending out the weak links, the waverers. We will never know.

⁴ op cit.

⁵ Refer Appendix 5: Notes on the Negotiations.

⁶ op cit.

⁷ Recall how he noted that the successful crisis manager would have to exert maximal control over these to reach a successful outcome.

an outcome. Moreover, the psychology of all concerned was hardly conducive to a negotiated, peaceful outcome, was pushing events in this direction.

As for Feldmann's remaining factors, there were further difficulties. Holmes writes: "Many forces shape the negotiation processes. The skilled negotiator may be able to compensate for their influence. He should always expect some local or global disorder in the negotiation's flow – either the discontinuity of cycling between parts of the process or total disruption created by conversation breakdown - but the disorder can be understood, evaluated, and managed if its sources are understood. And much depends on the conversation skills of the negotiator. He has to maintain the flow of talk through the cycles of antagonism and coordination...the negotiator must remain focuses on the negotiation interaction but must also be aware of the external processes and events that can affect the negotiation's progress".¹

Significant others play a powerful off-screen role in any conflict. These are the figurative "ghosts at the feast" casting their long if illusive shadows over the proceedings.

High profile events attract intense media coverage. Media criticism or commentary of incident management and the issues pertaining to the situation can unduly influence command decisions. Live coverage may allow the subjects to observe tactical planning and maneuvering. There is a potential risk that the subjects have access to coverage of strategic actions, and can appeal directly to a wider audience. Sensationalist coverage can encourage on-lookers to gather at the site. Should the situation become drawn out, media reports of the duration may lead to a public perception of an impasse, and this may in turn hasten a change to the rules of engagement. It is worthwhile, therefore to establish an ongoing dialogue with the media -this helps to break down public misconceptions and expectations.²

Waco provides a graphic example of what can happen when you are negotiating under the gaze of the tabloids. Indeed, the media gatecrashed the party. Tipped off about the BAFT raid, they gathered en mass as the FBI sealed the perimeter. Subsequent negotiations were played out in the harsh and unflattering glare of a media spotlight, raising expectations, suspicions and prejudices, on all sides. Media vehicles clogged the country roads leading to the compound, resulting in delays in moving essential traffic in the staging areas.

There was little attempt in the media to present the Davidians – and particularly their leaders - in an objective light. "The apocalyptic vision of a criminally insane charismatic cult leader who was hell bent on bring about this infernal nightmare in flames and the extermination of the children and the women, and the other innocents. It is not an explanation that can be cast aside."³ Dick Reavis asserts that there was no attempt to understand, no sense of telling the public "who are these people". "The Davidians didn't come from nowhere", he says. "There was 50 years of history behind the Davidian story".⁴ Instead, there was demonization and sensationalism. It was, in effect, 'crisis as entertainment'.⁵

The most significant impact of media coverage concerns public perception of how the incidents are managed. This spills into the public arena and thence the political arena. Perceptions engendered by the media whether positive or negative invariably influence management decisions at the scene, and also at higher administrative and political levels.

Effective management of the news media interfaces closely with image and public relations issues. Other considerations include external political considerations that may force a premature tactical intervention. Although extended negotiation may result in surrender of the subject, administrators or officials to pressure the on-scene commander into an early assault. Tactical intervention, in turn, increases the risk of injury to the perpetrators,

¹ Rogan et al op cit. at 92

² Szubin A , Jensen CJ, Interacting with Cults, FBI Law Enforcement Bulletin, Vol. 69, Issue 9 Sept 2000

³ Tom Lantos, Senator, California, at the House Hearings, Waco – Terms of Engagement, op cit.

⁴ Waco – Terms of Engagement, op cit.

⁵ *ibid.* The "Sinful Messiah" as the Waco Tribune herald portrayed him in bold print". Lurid tales of weapons, harems and underage sex". "Live from Waco – Whacko – Texas" declared the on-site news reporter. Then there were the T-shirts, the telescopes for tourists; the dogs dressed as FBI and BAFT agents, "Wacko Waco Carmel stand-off!". Bill Latham drove from Dallas, Fort Worth, "to volunteer the services of the Ku Klux Klan". He said he was "tired of seeing it drag out like this. Give 'em an ultimatum, give 'em a deadline". These vignettes provide some meager light relief in an otherwise. None of the accusations raised against Koresh were proven. Celibacy was the way of the group, but the leader had multiple wives it was prophecy. He was obligated to beget 24 children who would become the 24 Elders who would rule the world. – untainted, uncorrupted, cut off from the world. It was to be the beginning of a New Eden. There were claims of child abuse – the BATF used these as one justification for its action (thought this was outside its brief) – but the Texas police did not have a case against Koresh on child abuse. But see Children of Waco for an insight of how this played out in the mind of the Attorney General. As for the stockpiling of weapons, the Davidians were arms dealers. They bought and sold, went to gun shows. Reavis: "We call that inventory". This was nothing out of the ordinary. It was Texas after all. Running around with guns is not extreme. Buying and selling guns is not extreme. But surrounding people for weeks on end, and ultimately, killing them. Now, that's extreme". The USA is full of armed groups. Survivalists, fundamentalists, isolationists, extremists, supremacists, millenarianists. This doesn't make the FBI want to surround them and kill them.

hostages, law enforcement officers, and the public. Unfortunately, on-scene commanders often find themselves in a difficult position vis-a-vis these external pressures.¹

Stone describes a flawed decision-making process which he maintains was influenced, at least in part, by political and budgetary considerations.² As that situation progressed the negotiating team had less input into the management process while advocates of a tactical solution gained increasing influence, not only on the ground but in the corridors of power. The FBI was thence required to conduct a negotiation in the face of multiple agendas.

There were many “significant others” - a host of agencies pushing their own solutions and agendas. Justice, for example, wanted a punitive solution: arrest, indict, and incarcerate. The military pushed for an “invasion”. Prosecutions and the threats of tough sanctions were hardly the sort of stuff you want to “broadcast” if you want to reassure and build trust. Then there were the local police and the Texas Rangers who felt that they had been sidelined despite past dealings and indeed relationships with the Davidians.³ The White House too was involved with President Clinton being kept closely informed of developments.⁴

The negotiators were doing their best on the ground, but appeared to be out of touch with these external forces. The FBI may have realized that the negotiators were completely in charge of the situation, and perhaps the Davidians sensed this too as Koresh stalled and temporized, and waited for divine guidance. “You guys are waitresses”, he told the negotiators. “You pass the decisions back to the real bosses (in Washington DC).”⁵

The chain of command climbed elsewhere than Waco - to Washington DC on one hand, and the Almighty, on the other.⁶

The End of Days

Significant events and significant others create time pressures, but it is recommended that negotiators not rush a resolution -and should use minimum force. Noesner & Webster: “...negotiators should avoid the standard law enforcement inclination to resolve the problem as rapidly as possible. Even the most well-orchestrated negotiations take time.”⁷

Time is said to be on the side of the negotiators. It enables the development of rapport and trust, the establishment of a working relationship, of interdependence and ‘affiliation’, the lessening of stress levels and tensions, and the creation of an environment conducive to joint problem-solving. Clint Van Zandt: “In negotiation situations, time is usually on the side of the authorities. “Time decreases stress and anxiety”, allows development of relationships. But the time argument may be reversed. The group may have the ability to logistically outlast the authorities. He continues: “When the concept of time “tilts” to the cult, law enforcement becomes frustrated and may fall back upon “the action imperative”, the idea that ‘we must do something to affect the status quo of the situation’.”⁸

Womack and Walsh: “If an impasse develops, considerable pressure on the negotiator begins to mount from the operations commander and the tactical people to ‘get things moving again’. In this case, the negotiator has no alternative but to work with the tactical team in planning an assault. Since the primary relationship of the negotiator is with the law enforcement team...and since the primary goal is to ensure the safe return of the hostages, the hostage negotiator must put aside the negotiating relationship. Any relational gains made with the hostage taker must be sacrificed”.⁹

¹ These can range from basic matters like the disruption of traffic patterns as well as inconvenience to businesses and the public to more politically based issues. For example, the BATF raid was in part precipitated by the agency’s desire to generate some favourable publicity in the wake of an harassment scandal that as causing some embarrassment.

² op cit. at 27

³ Many Brach Davidians worked in Waco – one was a lawyer who practiced there. Law officers would visit and even went fishing at Mount Carmel. The local Sheriff was on friendly terms, and was allowed to accompany Sage in a face-to-face meeting with Koresh and Schneider.

⁴ Whilst the allegations of child abuse played well to a domestic audience, other subtly political and social issues were at play. For example, the ongoing conflict between the gun lobby and its opponents, the proliferation of right wing militias, and the need to be seen to be doing something about them. And the beginnings of the many ‘scandals’ and alarms that were to cloud the Clinton administration, including “Nannygate” and the early stirrings of “Whitewater”. See Appendix 4. [Children of Waco](#) for an illuminating insight into the part played by Janet Reno, the neophyte Attorney General, and Washington maneuverings.

⁵ [Waco – Terms of Engagement](#), op cit.

⁶ Ibid. As a commentator says in the interviews, Koresh’s main focus with respect to an outcome was ‘What is God intending to bring out of the situation’. Many times during the negotiations, he reneged on promised to surrender on the grounds that God had advised him not to do so.

⁷ op cit.

⁸ Rogan et al. op cit. at 146

⁹ Rogan et al. op cit. at 69

The recommended practice in crisis situations is to “contain and then negotiate”. But the reality at Waco was that there was no real negotiation after a relatively short while. The environment, both physical and psychological, was not conducive to negotiation. The anxieties and expectations on both sides were not conducive to it

The FBI was in a bind. It could not let the Davidians go. Maybe it could let the women and children walk free, but someone had to pay for the dead agents and the overall affair. It had to justify the cost, the massive mobilization, and the media circus. Moreover, the Davidians were believed to have sufficient supplies to hold out for months. Allegations of child abuse within the compound were making waves in Washington. So it had to satisfy the political pressures and imperatives bearing down from above. There were, then, tactical reasons, publicity reasons, political reasons, and PR reasons why the FBI went “hard” on Koresh.

Both sides had developed a siege mentality, becoming more fixed and polarized in their positions, each seeing the other as intransigent and unreasonable. The presence of children is always problematic, and at Waco, this ramped up the emotional intensity on both sides, and therefore the risk.¹ The public nature of the negotiations may have encouraged a degree of posturing for the audience, be it the wider community or the higher authorities, resulting in intransigence and polarization.

Moreover, the public nature of the communication was also detrimental to a peaceful outcome in that the publicity was largely one-sided. The authorities were able to create a dehumanized image of the Davidians as fanatics and child abusers. Such images encourage escalation by justifying harsh action by the “good guys”, and provoking defensive reactions from those portrayed as the “bad guys.”

With Koresh refusing to come out, and the pressure for a tactical solution mounting the negotiators ran out of road, ran out of time. With the actions of those without hardly an encouragement for those within to surrender, tactics meant to disorientate and divide the Davidians and drive them out actually brought them close together, until there were finally, in the words of an agent, only three solutions: “gas, gas, and gas”.²

What if? An Epilogue

Milton Bennett writes: “Communication with paranoid groups is more a death watch than a communication event”³. Could the outcome of the standoff have been otherwise, or was it was doomed to death and destruction from the onset? It is accepted that using force to coerce submission is not an effective way of handling conflict. Might there have been other ways of averting the escalation into the final, fiery outcome?

Many have questioned whether there had been a serious negotiation between FBI and the Davidians, that there was not serious consideration of any option other than force. The negotiators offered only an ultimatum: surrender or be forced to submit. The efforts to get Davidians to leave the compound were but part of this. “When armed conflict is involved, obstacles to joint-problem solving are all but insurmountable...disputants are seldom offered the opportunity to explore each others’ interests or jointly to explore options”.⁴

Subsequent analysis of Waco, particularly that commissioned by the authorities, tends to accept the propriety of resorting to force. But it has been argued by many that the use and threat of force, with the steady ramping up of tactical pressure, in the absence of any real negotiation or mediation process, contributed to the escalation of violence and tragic conclusion at Waco.⁵

Stone’s was quite critical of the authorities’ handling of the standoff, but ultimately exonerated the agency. Yet he damned with faint praise, in effect providing guidelines as to what not to do in when dealing with “unconventional groups”.⁶ “The basic conclusion...is that the standard law enforcement mentality asserted itself at Waco in the tactical show of force...the lesson of Waco is that once the FBI recognizes that it is dealing with an unconventional group, those who urge punishing tactical measures should have to meet a heavy burden of persuasion”.⁷

¹ At Waco, it would appear that the children in the compound were the common ground. During the negotiation, there was an ongoing if only partially successful effort to get the children out. One rationale for the final decision to use CS gas was to compel parents to send their children out to save them from harm. Apparently, the FBI thought – and argued - that the maternal instincts of the Davidian mothers would make them give up. When this did not happen, they were cast as bad mothers!

² Waco – Terms of Engagement, op cit. The controversial decision to use CS gas and the events surrounded the final ‘assault and ensuing conflagration is well documented in the official reports. It is the primary focus of much of the polemic and invective that has become synonymous with Waco in the ensuing decade.

³ Rogan et al. at 141

⁴ Beyond Machiavelli op cit. at 139

⁵ Ruth Heimbürg, Extremists Versus Police - A Tragedy for All, <http://www.colorado.edu/conflict/peace/example/heim6314.html>.

Ruth Heimbürg, Pandemonium in Waco: All the King's Horses and All the King's Men, ICAR Newsletter 6:1 (Spring 1994)

⁶ Refer to Stone’s comment, quoted at 2 above.

⁷ op cit.

The negotiators were in an invidious position. Their work was complicated by the absence of clear demands, apart from wanting to be left alone¹ - although it would appear that Koresh also verbalized a desire from early on for a forum in to articulate his religious beliefs. Caught in the crossfire of the often-conflicting demands, needs and expectations of the many parties involved what could they do? What could they offer? Was there anything to negotiate at all, particularly as events, pushed by the ascendancy of the "action imperative", headed towards "showdown" and "last stand".

Ruth Heimburg argues that the use of mediation could have averted the violence. She writes that there was a lack of opportunity to exchange reasons for their respective responses to the underlying conflict conditions and the dynamics of conflict escalation", that the exact nature of the problem at Waco was never clearly defined. Federal agents cited concerns with child abuse, weapons violations, and sanitary conditions. Moreover, there appears to have been some concern with avenging the deaths of the initial agents, and with defending and enhancing the agency's image. The FBI's' position, that they could only accept unconditional surrender, did not seem relevant to any of their suggested purposes. She asks whether mediation, and specifically, the use of a third party, could have helped in clarifying the issues and options, and in separating the issues from positions.²

One rationale for entering the compound by force was that negotiators were frustrated and fatigued. It can be argued that their fatigue was due in part to their involvement as participants in the conflict. They had the double task of both negotiation and defense of their own positions.

Trained mediators could have acted to defuse the parties' frustration. A third party might have helped to identify the participants in the conflict to each other, and identify the parties' conflict behaviors, including the tendencies, which led to violent escalation, as part of a larger conflict dynamic. A trained mediator could have identified what each side perceived as the others' hypocrisy and bad faith as products of the larger conflicts dynamic, rather than as basic character traits of the parties.

A third party might also have been able to arrange a mediated meeting between the parties. Such face-to-face contact tends to humanize the participants, facilitate mutual recognition, and work against polarization. A third party would have also insisted on and facilitated private communication between the parties.³

The current working policy of the FBI seems to be that third party negotiators are counterproductive. Under certain circumstances, however, authorities may find themselves with no other alternative. But it is accepted that the utilization of external persons in negotiation introduces a variable over which the police have limited control. The advantages and disadvantages must therefore be carefully weighed before any decision is made.⁴

Stone believes that it was a significant omission at Waco not to involve as a third-party negotiator/intermediary, a person of religious stature familiar with the unconventional belief system of the Davidians. Not that it was not asked for and considered. The Davidians did indeed request third party intermediaries (TPIs), but this came up against the FBI's standard reluctance to use them. However, the local sheriff, well known to the Davidians, was permitted to participate in a face to face with Sage and Schneider, and later on, Koresh was able to talk with his attorney.

But in reality, what could a more formal, comprehensive use of TPIs have achieved? The difficulties of direct, face-to-face, unmediated, negotiations are many. Given the difficulty of reconciling and overcoming the objective and subjective issues that arise, the idea of bringing a third party to mediate is an attractive one.⁵ Whether the promise of mediation could have been realized at Waco, we can but surmise. But mediation as a process may have been inappropriate no matter how it may have served to clarify issues and interests, and diverted the parties from their positional bargaining.

Trust and good faith on either side was absent; the power imbalance was too great; the threat of violence was too transparent; and neither party had the authority to settle. There was probably little chance that Koresh would have accepted a genuine "mediator. When interacting with representatives other "faiths", Koresh preferred to assert his superior knowledge of the scriptures and his own "anointed" status than to seek their intervention on his behalf. Moreover, within the strategy determined by the FBI, all TPIs could do was discuss with the Davidians the terms and conditions of surrender. This was all that would have been acceptable to the authorities.

¹ Feldmann, op cit. This, to Feldmann distinguishes barricade situations from hostage situations.

² op cit.

³ Third Party interventions can contribute to problem solving by making sure that disputants attack the problem rather than each other, and by keeping the focus on interests rather than on positions. See Beyond Machiavelli op cit. at 123. They add: "If the parties have unrealistic assessments

⁴ Feldmann, op cit. views the utilization of third-party negotiators as an example of a potentially disruptive and unpredictable occurrence. See also: Romano SJ, Third-Party Intermediaries And Crisis Negotiations, FBI Law Enforcement Bulletin, Oct 98, ol. 67, Issue 10

⁵ Appendix 5 outlines the promise of mediation.

Lawrence Susskind encapsulates it thus: When two sides are locked into an apparently intractable conflict, "you must engage the constructive middle. When you lose the constructive middle, extremists on all sides are empowered".¹ At Mount Carmel, Waco, Texas, it was lost.

Under the circumstances, the FBI exhibited extraordinary restraint and handled this crisis with great professionalism.

The Dennis Report 1993

The basic conclusion of my account and analysis is that the standard law enforcement mentality asserted itself at Waco in the tactical show of force. ... the lesson of Waco is that once the FBI Recognizes that it is dealing with an unconventional group, those who urge punishing tactical measures should have to meet a heavy burden of persuasion.

The Stone Report 1993

If you bring in the CTU (Counter terrorism Unit), they could screw up and there'd be another Waco.

Agent Jack Bauer, between 11 and 11.14 am. "24"

Last month, on the second anniversary of the Waco conflagration, among those gathered at the site were former Attorney General Ramsey Clark, who represents some Davidian survivors and families, and who believes that a special prosecutor should investigate the government's actions, and an honor guard from the Northeast Texas Constitutional Militia, which showed up in full military dress to dedicate a stone monument listing the names of the dead. It was also on that morning, of course, that a bomb exploded at the Alfred P Murrah Federal Building, in Oklahoma City. Timothy McVeigh, the principal suspect in the bombing, had himself made the pilgrimage to Waco, an experience that is said to have fed his rage against the federal government.

Peter Boyer, *The New Yorker*, May 15, 1995

¹ 7.30 Report, ABC TV, 22nd March 2001

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Appendices

- 1 Koresh and the Waco Siege**
- 2 Notes on the Negotiations**
- 3 Chronology of the Siege**
- 4 The Children of Waco**
- 6 The Promise of Mediation**

Appendix One: Koresh and The Waco Siege

BBC News Online's Kevin Anderson in Washington; BBC, Aug. 27, 1999

The prophet king

David Koresh, the leader of the Branch Davidians in Waco, Texas, thought he was an angel and an agent of God. The government thought he was a gun-hoarding criminal who physically and sexually abused the several children he fathered with his followers. And although he died with almost 80 of his followers in a fire during an FBI assault on their compound six years ago, ongoing questions about the raid have given the charismatic leader immortality in the press.

Koresh was born Vernon Wayne Howell in Houston Texas in 1959. His childhood was difficult. He never knew his father and was raised by his grandparents. He suffered from dyslexia and the taunts of his schoolmates, and by the ninth grade, he dropped out of school. Despite being a poor student, he was keenly interested in the Bible, and by the age of 12 had memorized large parts of it.

After travelling to Hollywood in a failed attempt to become a rock star, he joined the Davidians in 1981. Koresh became involved in a power struggle for leadership of the group. He left with a group of followers, but in 1987, he returned with seven of his disciples. They were armed with five .223 calibre semi-automatic assault rifles, two .22 calibre rifles, two 12-gauge shotguns and 400 rounds of ammunition.

The leader of the group, George Roden was wounded in the attack, and Koresh and the seven followers were tried on charges of attempted murder. The seven followers were acquitted, and in the case of Koresh, a mistrial was declared. By 1990, he had become the head of the Branch Davidians.

The history of the Davidians

The Davidians descend from a schism in the Seventh Day Adventist Church. Koresh's mother was a member of the church, and he was a member for a short time as well. The schism in the Seventh-Day Adventists began in the 1930s when Victor Houteff, a prominent Adventist in Los Angeles, wrote a book saying the church had become lax. Mr Houteff's Davidian Seventh-day Adventists began to fall apart after his death in 1955. His widow Florence took over the group, but when Christ did not return as she predicted on Easter Day of 1959, most of the followers left. A core group remained, a power struggle ensued, and a man named Ben Roden himself the leader of a new group, the Davidians. **Preparing for the end**

After Koresh took control of the group; he annulled the marriages of his followers, according to former members of the cult. He said that only he could be married. Several members left. The former followers told authorities that Koresh would beat the children until they were bruised and bleeding. Social workers investigated but could never confirm the charges. For the remaining followers, they prepared for the end of the world. Koresh said that the Apocalypse would begin when the American army attacked Mount Carmel, they're compound outside of Waco. They buried a school bus to serve as a bunker and stockpiled food and ammunition.

Chronology of a showdown

the showdown between the government and the cult began on Sunday, 28 February 1993, when agents with the Bureau of Alcohol, Tobacco and Firearms attempted to arrest Koresh on charges of illegal firearms and explosives charges. It has not been determined who fired first, but gunfire erupted. Four ATF agents were killed, another 16 were wounded and an undetermined number of Davidians were killed and wounded. Koresh later disclosed that he had been wounded. The FBI took control of the situation, and President Clinton endorsed a negotiated settlement. Negotiations began the next day, and 10 children were released. The FBI moved armoured vehicles to the compound's perimeter. The armoured vehicles and their movements would anger Koresh throughout the siege.

The day after the first gun battle, Koresh made a tape of his teachings and promised to surrender if the recording was broadcast nationally. The tape was broadcast on the Christian Broadcasting Network, but Koresh said that God had told him to wait. Negotiations continued over the next several days, but Koresh refused to surrender. He made rambling religious statements interspersed with threats of violence.

The FBI became concerned that the Davidians would commit mass suicide. Over the next 51 days, negotiations went back and forth.

On 12 March, Janet Reno was sworn in as attorney general. On the same day, the FBI decided to cut off electricity to the compound until the stand off ended. On 9 April, Koresh sent a letter to the FBI saying that the "heavens are calling you to judgement." The FBI enlisted experts to analyze the letter. They concluded Koresh had no intention of leaving voluntarily. The FBI finalized plans to use tear gas against the Davidians and sought the approval of Janet Reno. After consulting army anti-terrorism experts, she approved the plan on 17 April. Ms Reno briefed

President Clinton the next day, and he concurred but also expressed concerns about the children's safety.

On Sunday 18 April, as armoured vehicles cleared cars from the front of the compound, the Davidians held children up in the windows of a tower on the compound and a sign saying: "Flames Await."

On Monday 19 April, the FBI notified the Davidians of the imminent tear gas assault. The Davidians begin shooting shortly after the gas attack began shortly after 6 a.m. The gas attack continued for several hours, and the armoured vehicles begin smashing holes in the buildings. At noon, several fires started within the compound. Shortly thereafter, nine Davidians fled the compound. The FBI continues to maintain that members of the cult started the fires. Fire-fighting efforts began, but the wooden structures quickly became engulfed. Koresh and 76 followers, including more than 20 children, died.

For a more detailed history of the Branch Davidians see:
[Http://www.firstthings.com/ftissues/ft9505/articles/kelley.html](http://www.firstthings.com/ftissues/ft9505/articles/kelley.html)

Appendix 2: Notes on the Negotiations¹

The FBI negotiators at Waco were in an invidious position from the start, having inherited fallout of the botched BFTA raid. They isolated, contained, and commenced negotiation, opening communications, and commencing to establish a relationship with the Davidians – essentially Koresh himself and his chief spokesman Steve Schneider.

The next stage would have been to establish rapport, trust, empathy, and to elicit information that could be used by the negotiating team in considering its reactions, responses, and questions and to feed it to the tactical team. They would have proceeded down this track through active listening and considered conversation, and questioning without confrontation.²

The FBI developed a coherent negotiating strategy to talk the Davidians out. In the early stages, the negotiators had strong objections to pressure tactics - they felt were counterproductive. So initially, Initially the FBI tried to work within the framework of the Davidians' beliefs to convince Koresh the standoff was not the apocalyptic event he had prophesied. FBI was unable to influence Koresh's unique interpretation of scripture. The frustration of working within Koresh's religious framework became apparent when on March 2, after promising to leave the compound, Koresh said that God had told him to wait. Koresh was improvising his own theology and was completely beyond the influence of religious arguments or religious scholars.

Efforts were aimed at convincing Koresh that if he and the others exited the compound they would be treated well and that they might "beat the rap." Needless to say this tactic was not popular since it implicitly criticized ATF and could be viewed as disparaging of the four dead ATF agents. However, the tactic was deemed by others as completely proper in the context of negotiating a nonviolent end to the standoff.

During the first phase of the FBI's engagement at Waco, a period of a few days, the agents on the ground proceeded with a strategy of conciliatory negotiation, which had the approval and understanding of the entire chain of command.³ The FBI's frustration led them to introduce a new negotiating approach, changing from a conciliatory, trust-building negotiator to a more demanding and intimidating negotiator. To Stone, the change had no effect and may have been counterproductive.

But, in the face of Koresh's intransigence the final negotiating strategy was developed called the "trickle, flow, gush" strategy. The objective was to undermine the devotion of individual members to Koresh. The objective was to move the pace of the exodus from the compound from a trickle to a flow to a mass desertion of Koresh by his followers. Although others left the compound, this strategy also failed. The number of people leaving the compound slowed rather than accelerated and the exit of members from the compound stopped altogether after March 23rd, nearly a month before the final assault.

Byron Sage, the chief negotiator, was among those who believed that Koresh was purging his group and therefore these departures from the compound did not represent defections from Koresh's ranks. Many of the adults leaving the compound appeared to remain loyal to Koresh. Koresh continued to make excuses to stay in the compound thus reinforcing a view that he was not devout, only manipulative.

Eight days in, it was reported that the negotiators were becoming frustrated by the lack of progress, expressing concern that negotiations were at an impasse. At this point, debate within the FBI over tactical options began to increase. The record shows also that at this early stage, the on-scene commanders paid less and less attention to FBI and external specialists who cautioned against direct confrontation. They expressed considerable concern that Koresh was exerting too much control over the situation and was not negotiating in good faith. Subsequently the negotiations adopted an increasingly confrontational stance with Koresh, challenging him about his truthfulness and sincerity in the negotiation process, whilst simultaneously increasing tactical pressure on the compound to raise the psychological pressure on the inhabitants forcing either surrender or a resumption meaningful negotiation.

Stone described the changing strategy at the compound from conciliatory negotiating to negotiation and tactical pressure, and then to tactical pressure alone. He argued that this evolved over the objections of the FBI's own experts and without clear understanding up the chain of command, and that is it was, apparently, the result of poor coordination and management in the field. Negotiators and tactical units were at times operating independently in an uncoordinated and counterproductive fashion.

¹ These notes are extracted principally from the Dennis and Stone reports, op cit.

² In short, the textbook approach to Crisis negotiation as laid down by Schlossberg and Biltz, which has proven effective in the past (with the exception of a chillingly similar standoff at Ruby Ridge, Idaho, a short while previously). Feldmann summarizes the Ruby Ridge incident of August 1992. op cit. at 13-14

³ Stone op cit. at 5

The chain of command was a problem, not just between negotiators and tactical units, but all the way up the line. By the fourth and ultimate strategy, the insertion of CS gas, he maintained that the FBI had abandoned any serious effort to reach a negotiated solution and was well along in its strategy of all-out tactical pressure, thereby leaving little choice as to how to end the Waco standoff. but "three options - gas, gas, and gas."

Stone was highly critical of the tactical shift, and wrote of how several agents warned against the carrot-and-stick approach, which was employed.¹ Fineman is more equivocal: "other experts...provided what the FBI called inconsistent information regarding the risk of violence". Dennis concluded that "under the circumstances, the FBI exhibited extraordinary restraint and handled this crisis with great professionalism". But he dammed with faint praise to the degree that he clearly identified a problem with the coordination and communication between the tactical and negotiation teams with these often working at odds. He notes how conflicts were consistently reported between the negotiators and the tactical elements regarding the strategy to be used with the Davidians and how on several occasions, tactical pressure was exerted on the Davidians either without consulting the negotiators or over the negotiators' objections. The negotiators believed the timing of these tactical activities disrupted the progress of the negotiations unnecessarily. Further, he noted that negotiators complained that the Hostage rescue Team would engage in tactical maneuvers before the negotiators had an opportunity to use these to further the bargaining process.

The negotiators objected to playing loud music as a harassment tactic, advising that such "psychological warfare" would only make the FBI look bad. Some negotiators believe that as a result of these actions the Davidians concluded that the negotiators had no influence over the decision-makers and that the FBI was not trustworthy. The negotiators recognized that a traditional negotiation tactic was to put pressure on the subject at times through tactical activities choreographed with a more gentle negotiating approach.

But, a memorandum dated March 5, 1993 from FBI behavioral scientists stated that "in traditional hostage situations, a strategy which has been successful has been negotiations coupled with ever increasing tactical presence. In this situation however, it is believed this strategy, if carried to excess, could eventually be counter productive and could result in loss of life." They warned against the carrot-and-stick approach, which was employed.

At the outset of the crisis FBI behavioral scientists and external experts consulted by the FBI recommended against confronting David Koresh. Several negotiators and behavioral scientists expressed the opinion that although David Koresh and his core followers may never have come out through negotiation, more people might have exited the compound voluntarily during the standoff if the negotiation strategy had been followed more rigorously.

On March 7th, just over a week into the siege, the behavioral science memos ceased. Henceforth, the tactical emphasis was upon ramping up the psychological and physical pressure on the Davidians, which the psychological advice sought, was increasingly concerned with the possibility of Koresh engineering a mass suicide, and how to preempt this by tactical means.

And so it went. Tanks, noise, destruction, and disruption, sleep deprivation and harassment. Bright lights at night, sound tapes of rabbits being slaughtered, Tibetan chants, Christmas music, and Nancy Sinatra singing "These boots are made for walking". Intimidating and inflammatory, heightening the Davidians' sense of vulnerability, potentially driving them to a point of desperation.² The rest, as they say, is history.

Stone wrote: "presumably, the tactical intent was to cause disruption and emotional chaos within the compound. The FBI hoped to break Koresh's hold over his followers. However, it may have solidified this unconventional group's unity in their common misery, a phenomenon familiar to victimology and group psychology".³ So, what may have been by either design or default an effort to reverse the disorientation of cult induction, this attempt at 'deprogramming' which in reality only brought the Davidians closer together. "Although the commander on the ground and the official investigation disagree with my view, I have concluded that decision-making at Waco failed to give due regard to the FBI experts who had the proper understanding of how to deal with an unconventional group like the Davidians"⁴

¹ op cit.

² The DJ of the local radio station JR played "Achy Breaky Heart" continuously. Whether the Davidians were tuned in is unknown – and perhaps unlikely. But the point is made. "I just got me a brand new box of matches, and some somewhere' going to get burned. These boots were made for walking, that's just what they do, and one of these days these boots are gonna walk all over you!" Was this pure coincidence, or did it give them ideas? ..."trying to take someone they knew to be unstable in the first place, and were trying to turn him crazy – and get mad when he does something that they think is irrational" (FBI agent quoted in "Waco - Terms of Engagement").

³ op cit.p12

⁴ ibid.

Appendix 3: Chronology of the Siege

This chronology was published in 1995 with the initial PPS broadcast on "Front Line" of "Waco: the Inside Story." In August, 1999, documents were uncovered which indicated that during the raid on the Branch Davidian compound, the FBI used a limited number of flammable tear gas canisters. This revelation contradicted assertions of the FBI and the Department of Justice that the government had done nothing that could have contributed to the start or spread of the fire. In response, Attorney General Janet Reno appointed a special counsel, former Republican senator John C. Danforth, to reexamine the assault to determine how the fire started and whether there was a cover-up of information implicating law enforcement officials or the Justice Department.

On July 21, 2000, after a 10 month investigation, Danforth issued a preliminary report exonerating the government and its agents. His report concluded that federal agents did not start the fire, direct gunfire at the complex, or improperly employ US armed forces. Danforth assigned responsibility for the tragedy to the Davidians and David Koresh. According to the report, they contributed to the tragedy by refusing to exit the compound during the 51 day standoff, directing gunfire at FBI agents, shooting members of the compound, and ultimately setting the fire that burned the compound down.

Danforth did find, however, that an FBI agent fired three pyrotechnic tear gas rounds at a concrete pit 75 feet from the living quarters of the compound. Although these rounds did not start the fire, government officials did not admit their use until August 1999, more than six years later. Danforth found that this negligence was at best a mishandling of evidence, and at worst a criminal attempt to conceal the truth from investigators.

Frontline's chronology of the siege, which starts below, is drawn from two reports (OCT. 8, 1993) issued by the Justice Department: "Report to the Deputy Attorney General on the Events at Waco, Texas, February 28 to April 19, 1993," (hereinafter designated as "Scruggs"), compiled by Richard Scruggs, who is an assistant to the Attorney General, and five other officials in the Justice Department; and "Evaluation of the Handling of the Branch Davidian Stand-off in Waco, Texas February 28 to April 19, 1993," (hereinafter designated as "Dennis") by Edward S. G. Dennis, Jr., a Philadelphia lawyer and former assistant attorney general in the Criminal Division of the Justice Department. Both reports were issued on October 3, 1993. (As of July 1994, Richard Scruggs is no longer an assistant to the Attorney General.)

SUNDAY, FEBRUARY 28, 1993:

At about 9:30 a.m. agents of the Bureau of Alcohol, Tobacco and Firearms attempt to execute arrest and search warrants against David KORESH and the Davidian compound. Gunfire erupts. Four ATF agents are killed and 16 are wounded. An undetermined number of Davidians are killed and injured. Within a few hours, the FBI becomes the lead agency for resolving the standoff. Jeff JAMAR is named the on-site commander. By the afternoon, advance units of the FBI's Hostage Rescue Team (HRT) arrive, and telephone conversations are under way between KORESH, Steve SCHNEIDER, and Wayne MARTIN on one side and the ATF's Jim CAVANAUGH and Waco Police Lt. Larry LYNCH on the other. KORESH discloses that he has been wounded in the hip and left wrist. KORESH is allowed to broadcast his religious teachings on Dallas radio KRLD and does a CNN telephone interview. Michael SCHROEDER, a Davidian, is killed while he tries to return to the main building. Texas Rangers begin an investigation but are barred by the FBI from continuing. At about 5:30 p.m., JAMAR arrives at Waco and chooses Byron SAGE of the FBI as chief negotiator. President CLINTON follows events closely throughout the day. [Scruggs 1, 9, 21, 22, 24, 229, 236, 241]

MONDAY, MARCH 1:

In the early morning, Acting Attorney General Stuart GERSON gives an update to CLINTON, who implicitly endorses a negotiated solution and asks to be advised if there is any change in strategy. Larry POTTS at FBI headquarters in Washington and JAMAR in Waco are in command. Negotiations continue, and over the course of the day, 10 children are sent out of the compound. By 5 p.m., the FBI takes control with a fully functioning command post. FBI agents in armored vehicles deploy to the compound's perimeter. KORESH becomes extremely agitated when the armored vehicles move closer and when his phone line is cut except for outgoing calls to the negotiators. At least twice, KORESH says suicide is not being contemplated. CLINTON and FBI Director William SESSIONS talk about how to handle crisis. SESSIONS favors "waiting strategy," and CLINTON approves this tactic. [Scruggs 9, 27, 28, 29, 30, 126, 237]

TUESDAY, MARCH 2:

Into the wee hours the negotiations continue. In the early morning, KORESH makes a one-hour audiotape of his religious teachings, adding a preamble promising to surrender upon the national broadcast of tape. At 1:30 p.m., the tape is broadcast over the Christian Broadcasting Network. At 5:58 p.m., the word is relayed to negotiations from KORESH that God had spoken to him and had told him to wait. GERSON states that the strategy is "to talk them out, no matter how long it took." CLINTON calls GERSON and agrees to deploy military vehicles for safety purposes. [Scruggs 32-35, 238, 239]

WEDNESDAY, MARCH 3:

In a conciliatory gesture, the FBI intervenes to have murder charges dropped against two elderly women, Davidians who had left the compound on March 2. Speaking with negotiators, KORESH accounts for his failure to surrender, as agreed, by saying he's "dealing now with his Father" and not with "your bureaucratic system of government." And he delivers various rambling sermons, focusing on such Biblical matters as "unlocking" the Seven Seals and interpreting God's intentions about the end of the world. In a late-evening conversation, he bristles at the movement of armored vehicles around the compound and says the FBI would have to "look at some of the pictures of the little ones that ended up perishing." [Scruggs 38-41]

THURSDAY, MARCH 4:

Negotiators jawbone for 11 hours with various Davidians, including 7 hours and 38 minutes with KORESH. The negotiators remain "calm and conciliatory." A memo written by Pete SMERICK and Mark YOUNG, two FBI psychological profilers, says a strategy of negotiations, coupled with ever-increasing tactical presence, could be counter-productive and result in the loss of life. [Scruggs 41-49, 180]

FRIDAY, MARCH 5:

Nine-year-old Heather JONES leaves compound wearing a note pinned to her jacket on which her mother says that, once the children are out, the adults will die. KORESH and his top aide, Steve SCHNEIDER, deny they are contemplating suicide. The FBI seeks the advice of experts and Davidians on likelihood of mass suicide by the Davidians and receives "inconsistent information." The FBI concludes that the Davidians have a one-year supply of food, including abundant military rations or MREs (meals ready to eat). KORESH continues preaching and threatening violence. [Scruggs 49-52]

SATURDAY, MARCH 6:

In an early morning conversation SCHNEIDER suggests federal agents might burn the compound down to destroy evidence. KORESH and SCHNEIDER are both "highly agitated and upset" for most of the day. The FBI becomes concerned that the negotiations are at an impasse and acknowledges "frustration in attempting to negotiate with KORESH." [Scruggs 52-55]

SUNDAY, MARCH 7:

Talks with KORESH and others inside the compound go round in circles. The FBI refuses to deliver milk for the children unless more of them are released. KORESH says all the children left in the compound are his biological descendants. A memo by SMERICK and YOUNG advises against tactical options in favor of establishing trust with KORESH. They predict the assault on the compound and say mass suicide is a possibility. GERSON talks SESSIONS out of going to Waco to negotiate directly with KORESH. [Scruggs 57, 58, 181, 240]

MONDAY, MARCH 8:

KORESH's wounds are said to be healing well. The FBI delivers six gallons of milk to the compound. SMERICK-YOUNG memo says strong show of force will play into KORESH's hands. GERSON passes his Waco portfolio on to Webster HUBBELL, an acting associate attorney general, who is briefed by the FBI. (Exact day is uncertain.) [Scruggs 60, 182, 240]

A videotape of the children in the compound is sent out by the Davidians. The negotiators' log shows that, when the tape is reviewed, there is concern that if the tape is released to the media, KORESH would gain much sympathy. [Dennis 11]

TUESDAY, MARCH 9:

At 2:15 a.m., the electricity to the compound is cut off. KORESH says he will not talk further until power is restored, and it is restored. SCHNEIDER expresses outrage over the movement of armored vehicles around the compound. HRT members see weapons in the windows, and firing ports being cut in plywood placed in the windows. SMERICK-YOUNG memo recommends various tactical measures. [Scruggs 60, 61, 183]

On several occasions, tactical pressure is exerted on the Davidians either without consulting the negotiators or over the negotiators' objections. [Dennis 43]

WEDNESDAY, MARCH 10:

Electricity is temporarily cut off again. Four and a half hours of negotiations yield no progress. [Scruggs 62, 63]

THURSDAY, MARCH 11:

KORESH does not participate in negotiations until 7:03 p.m., and there is no progress in negotiations except a promise that Kathy SCHROEDER will come out the next day. [Scruggs 64, 65]

FRIDAY, MARCH 12:

RENO is sworn in as Attorney General. SCHROEDER leaves the compound, saying no mass suicide would occur. Dr. John HAGMAN, a local physician, consults over the telephone. Over the objections of some FBI negotiators, JAMAR orders all electricity to be cut off for good, because "he wanted those inside the compound to experience

the same wet and cold night as the tactical personnel outside." RENO is extensively briefed on Waco by FBI (Exact day is unclear) [Scruggs 65-67, 142, 240]

The Davidians say the power shut-off is a "huge, huge setback," causing SCHNEIDER and others to change their minds about coming out. The justification for cutting the power is that it is going to be a very cold night and maximum effect would be gained in making the Davidians uncomfortable inside the compound. Also, cutting the power is designed to challenge KORESH's control of the situation and to raise the level of stress within the compound to force more departures. [Dennis 14]

SATURDAY, MARCH 13:

SCHNEIDER complains that people inside the compound are cold and freezing. The FBI notifies KORESH that his mother has retained attorneys Richard DeGUERIN and Jack ZIMMERMAN to represent him. [Scruggs 68]

SUNDAY, MARCH 14:

At nightfall the FBI begins to illuminate the compound with bright lights "to disrupt sleep, to put additional pressure on those inside and to increase the safety of the HRT." [Scruggs 69]

MONDAY, MARCH 15:

The FBI establishes a "modified negotiation strategy," continuing to insist on peaceful resolution but refusing to listen to any more of what they call "Bible babble." SCHNEIDER and another Davidian, Wayne MARTIN, meet outside the compound with SAGE and McLennan County Sheriff Jack HARWELL. [Scruggs 70]

TUESDAY, MARCH 16:

During the day, conversations between the FBI and those in the compound amount to only 46 minutes. [Scruggs 71]

WEDNESDAY, MARCH 17:

KORESH refuses to allow SCHNEIDER to have another face-to-face conversation with SAGE. In a "confrontational" conversation--what JAMAR called the "Dutch uncle conversation"--SAGE urges KORESH to surrender, challenging his sincerity and calling on him to take some positive action. SAGE tells SCHNEIDER his entreaties apparently had "fallen on deaf ears." With SAGE's agreement, JAMAR decides to increase the pressure on KORESH. SMERICK leaves Waco. [Scruggs 72, 73, 135, 179]

THURSDAY, MARCH 18:

The FBI broadcasts a message to those in the compound over a loudspeaker, saying they will be treated fairly if they come out. [Scruggs 73]

FRIDAY, MARCH 19:

In a purported attempt to address some of the Davidians' concerns, the FBI delivers to the compound legal documents, letters from KORESH's attorneys and other items. KORESH says he is ready to come out and face the music. Two Davidians, Brad and Kevin WHITECLIFF, come out of the compound. [Scruggs 75]

SATURDAY, MARCH 20:

Another Davidian, Rita RIDDLE, comes out of the compound. [Scruggs 76]

SUNDAY, MARCH 21:

At 12:15 a.m., two more women, Victorine HOLLINGSWORTH and Annetta RICHARDS, exit the compound. KORESH says, "I told you that my God says wait." Rita RIDDLE, Gladys OTTMAN, Sheila MARTIN, James LAWTON, and Ofelia SANTOYA come out. In the evening hours the FBI begins playing very loud music, including Tibetan chants, over the loudspeaker system. At 11:35 p.m. KORESH says: "Because of the loud music, nobody is coming out." A short while later, the loudspeaker system malfunctions, and the night ends quietly. [Scruggs 76-79]

MONDAY, MARCH 22:

SCHNEIDER expresses his anger about the loud music. The negotiators attempt to calm him by blaming the FBI tactical agents. JAMAR calls a meeting of the crisis management team to discuss strategy, discussing "stress escalation measures." If that fails, the negotiators "recommend the introduction of tear gas as a non-lethal alternative to clear the compound." The negotiators' advisory, however, predicts KORESH will stall as long as possible but sees a good "prospect of an eventual peaceful resolution." The FBI reads a new offer to KORESH, allowing him to communicate while in jail, among other things, provided all Davidians begin leaving the compound as of 10 a.m. on March 23. [Scruggs 79-80, 137, 138]

TUESDAY, MARCH 23:

At 10:05 a.m., Livingstone FAGAN leaves the compound, the last one out during the standoff. Assistant US Attorney William JOHNSTON of Waco writes a letter to RENO, complaining about the FBI's handling of the crime scene, especially the moving of vehicles around the compound. At 10 p.m., the FBI shines floodlights on the

compound and plays over the loudspeaker tapes of previous negotiations and messages from those who had exited the compound. [Scruggs 81-81, 232, 251]

WEDNESDAY, MARCH 24:

In wee hours, FBI plays Tibetan chants, Christmas music. Angered by music, SCHNEIDER refuses to talk further. At the daily 10:30 a.m. press briefing the FBI escalates its verbal assault against KORESH, calling him a liar and coward. [Scruggs 82-84]

THURSDAY, MARCH 25:

FBI ultimatum: 10 to 20 people must leave by 4 p.m., or some action will be taken. At 4 p.m., armored vehicles move into the compound and remove motorcycles and go-carts. [Scruggs 84-85]

FRIDAY, MARCH 26:

Lights, music and helicopter activity occur throughout the night. FBI issues another ultimatum, and armored vehicles began clearing the front side of the compound. [Scruggs 87]

SATURDAY, MARCH 27:

No conversations with KORESH for third straight day. [Scruggs 87, 88]

SUNDAY, MARCH 28:

Another FBI ultimatum. At 12:26 p.m., KORESH says that he had no intention to die and he was waiting for word from God. A call from Dick DeGUERIN is patched in to the compound. A videotape sent out from the compound shows 19 children looking tired but healthy. [Scruggs 89]

MONDAY, MARCH 29:

Over the objections of the assistant US attorneys and Texas Rangers, JAMAR decides to allow a face-to-face meeting between KORESH and DeGUERIN. For almost two hours in the afternoon, the two men meet at the door of the compound. [Scruggs 91, 92]

TUESDAY, MARCH 30:

There are two more meetings between KORESH and DEGUERIN. [Scruggs 93]

WEDNESDAY, MARCH 31:

Mark RICHARD, the deputy assistant attorney general representing RENO, holds meetings in Waco and San Antonio to look into Waco officials' infighting. DeGUERIN reports to JAMAR that he is "frustrated" in his attempt to negotiate KORESH's surrender. [Scruggs 93]

TUESDAY, APRIL 1:

RICHARD reports his findings to RENO. She assigns Ray JAHN as lead prosecutor and coordinator in the case. DeGUERIN and ZIMMERMAN spend the day inside the compound and tell JAMAR that the Davidians will leave on either April 2 or 10, depending on their Passover observance. [Scruggs 94, 95]
Phil ARNOLD and Jim TABOR, two independent religion experts, appear on talk-show host Ron ENGELMAN's program, interpreting the Book of Revelations as it applies to the standoff.

FRIDAY, APRIL 2:

Uneventful. [Scruggs 95. 96]

SATURDAY, APRIL 3:

Uneventful. [Scruggs 96]

SUNDAY, APRIL 4:

The lawyers meet again with KORESH and reiterate that everyone will come out after Passover. [Scruggs 97]

MONDAY, APRIL 5:

Davidians observe Passover. [Scruggs 97]

TUESDAY, APRIL 6:

Despite complaints, the FBI continues broadcasting music throughout the night. [Scruggs 98]

WEDNESDAY, APRIL 7:

KORESH refuses to confirm an exit date. POTTS and Floyd CLARKE, high-ranking FBI officials from Washington, are in Waco to discuss strategy, and HRT commander Richard ROGERS proposes a tear gas plan. [Scruggs 98, 256]

THURSDAY, APRIL 8:

Uneventful. [Scruggs 99]

FRIDAY, APRIL 9:

"Yahweh" KORESH sends letter to the FBI, saying the "heavens are calling you to judgment." Two experts analyze the letters (and four others sent over the next few days) and conclude he was possibly a psychotic and had no intention of leaving voluntarily. The FBI finalizes plans to use tear gas and seeks RENO's approval. [Scruggs 100]

SATURDAY, APRIL 10:

HRT members start installing concertina wire around the compound. [Scruggs 102]

EASTER SUNDAY, APRIL 11:

Fruitless negotiations take place with SCHNEIDER over the possible exit of three more Davidians, who decide against it. Tom McLARTY, White House chief of staff, discusses Waco with CLINTON, who refers to his experience as governor in dealing with a standoff at Fort Chaffee. [Scruggs 103, 242]

MONDAY, APRIL 12:

At high-level meetings, SESSIONS, HUBBELL and other Justice and FBI officials present the tear gas plan to RENO for approval. At first, she asks repeatedly, "Why now, why not wait?" but then becomes convinced some action is needed. [Scruggs 104, 263]

The tear gas plan is presented to RENO "not as an all-out assault but as a tactic whereby gas will be inserted in stages, initially into only one small area of the compound. The goal was to allow the exit through uncontaminated portions of the compound." RENO also asks about whether it would be possible to cut off the water supply to the compound. [Dennis 25, 26]

TUESDAY, APRIL 13:

For most of the afternoon, KORESH bombards the negotiators over the phone with what they call "Bible babble," reiterating that he is not coming out until God tells him to do so. HUBBELL meets for 45 minutes in White House counsel Bernard NUSSBAUM's office with top CLINTON aides, Bruce LINDSEY and Vince FOSTER, to discuss the CS gas plan and advise Clinton (This is said to be the "most likely date" of a meeting that occurred sometime during this week.) HUBBELL backs FBI's action plan, citing negotiations impasse and need to pull the HRT back for training. NUSSBAUM reports to CLINTON, telling him that Waco is a matter for the Justice Department to handle. [Scruggs 105, 242, 243, 244]

WEDNESDAY, APRIL 14:

A message from KORESH says that he will not surrender until he has written a manuscript explaining the Seven Seals. At a meeting in SESSIONS's office on the tear gas plan, two military experts and the Army's Dr. Harry SALEM brief RENO, detailing what is known about its effect on children ("...although there had been no laboratory tests performed on children relative to the effects of the gas, anecdotal evidence was convincing that there would be no permanent injury"). CLARKE says the Davidians might be running out of water. RENO asks FBI to gather information about the compound's water supply and estimate how long the Davidians could hold out. FBI says rationing is to ensure discipline, and provisions would last a year. RENO meets with Delta Force commanders to review the tear gas plan. [Scruggs 107, 243, 266, 269, 270]

The compound is stocked with a year's supply of food rations and was otherwise prepared to withstand an extended siege. [Dennis 6]

THURSDAY, APRIL 15:

FBI officials report that the compound has enough water to last a significant period of time. HUBBELL talks by phone for two hours with SAGE, who argues for action. [Scruggs 106, 270]

After talking to SAGE, HUBBELL becomes convinced that the negotiators believe there is no further hope of getting the Davidians out through negotiation. [Dennis 57]

FRIDAY, APRIL 16:

KORESH tells negotiators that he has completed the manuscript on the First Seal. RENO rejects the tear gas plan, according to what RICHARD says HUBBELL told him. SESSIONS, CLARKE, and POTTS hurry to HUBBELL's office, and SESSIONS asks to speak with RENO. Ten minutes later HUBBELL returns with RENO, who orders a written statement "describing the situation inside the compound, the progress of negotiations, and the merits" of the plan, plus supporting documentation for all factual assertions. [Scruggs 107, 271]

SATURDAY, APRIL 17:

Louis ALANIZ, who is not a Davidian, but who sneaked into the compound early during the siege, leaves. RENO meets with HUBBELL, SESSIONS, CLARKE and POTTS and other Justice Department officials and reviews the statement covering rules of engagement and supporting documents. RENO approves the FBI's tear gas plan but gives the prepared material "only a cursory review, leaving tactical decisions to those at Waco." [Scruggs 5, 107, 108, 272, 273]

SUNDAY, APRIL 18:

RENO briefs CLINTON on the CS gas plan, and the President "concur," but asks questions about assuring the children's safety and adds, "It is your decision."...HUBBELL and LINDSEY are also in the loop...Armored vehicles clear KORESH's Chevrolet Camaro and other vehicles away from the front of the compound...Although the FBI warns the Davidians to stay out of the tower, they hold children up in windows and, in one window, hold a sign saying, "Flames Await." [Scruggs 108, 109, 244, 245, 273]

MONDAY, APRIL 19:

At 5:59 a.m., SAGE telephones the Davidians, notifying them of an imminent tear-gas assault. SAGE reads a message over the loudspeaker, advising the Davidians that they are under arrest and should come out. At 6:02 a.m., two FBI combat engineering vehicles, or CEVs, begin inserting gas into the compound through spray nozzles attached to a boom. At 6:04 a.m., the Davidians start shooting, and the FBI begin deploying Bradley vehicles to insert ferret rounds through the windows. At 6:31, the HRT reports that the entire building is being gassed. At about 7 a.m., RENO and senior advisors go to the FBI situation room. At 7:30, a CEV breaches the front side of the building on the first floor as it injects gas, and at 7:58 a.m., gas is inserted in the second floor of the back-right corner of the building. The FBI calls for more gas from outside Waco, and at 9:20 a.m., 48 more ferret rounds arrive from Houston. At about 9:30 a.m., with the supply of ferret rounds dwindling, one CEV is having mechanical troubles, and high winds are blowing the gas away. Another CEV begins enlarging the opening in the middle-front of the building "from which the Davidians could escape" and a third CEV with a boom but lacking a gas delivery system breaches the rear side of the building "to create openings near the gymnasium." At about 11 a.m., (Washington time) RENO talks to CLINTON, saying everything seems to be going well, and she leaves for a judicial conference in Baltimore at 11:30 a.m.. The CEV without a gas delivery system breaches the back side of the compound, concentrating on the back right corner near the warehouse-gymnasium. At 11:40 a.m., the last ferret rounds are delivered. At 11:45 a.m., a wall on the right-rear side of the building collapses. At 12:07 p.m., the Davidians start "simultaneous fires at three or more different locations within the compound." An HRT observer reports seeing "a male starting a fire" in the front of the building. At 12:12 p.m., SAGE calls on KORESH to lead the Davidians out to safety. Nine Davidians flee the compound and are arrested. At about 12:25 p.m., the FBI hears "systematic gunfire" coming from the compound, leaving several agents the impression that the Davidians are either killing themselves or each other. At 12:41, fire-fighting efforts begin. HRT agents enter tunnels to search for survivors, especially children. In the afternoon at an unspecified time HUBBELL speaks to McLARTY. After her appearance on ABC's television program "Nightline," RENO talks again to CLINTON. [Scruggs 6, 110-113, 245, 285-292]

Sometime in mid-morning an apparent deviation from the approved plan begins. The plan contemplated that the building would not be dismantled if after 48 hours not all the people had come out. However, the CEV's begin knocking holes into the compound the morning of the assault. The CEV not equipped with tear gas knocks down a corner of the building, and a portion of the roof collapsed, in order to clear a path to the main tower so that the other CEV could insert gas in the area. [Dennis 59]

<http://www.pbs.org/wgbh/pages/frontline/waco/timeline5.html>

Appendix 4: The Children of Waco

Peter J. Boyer

Two years ago, a woman named Amo Bishop Roden came to live in the place where David Koresh and eighty-five of his Branch Davidian followers had just died. At first, the authorities kept her away from the site, and she lived in a ditch alongside the gravel road leading to the property, but eventually the officials left and she moved in, fashioning an eight-by-eight-foot home for herself from scattered fence posts, pallets, sheet metal, and some screens that were used to sift evidence from the ashes. Amo says she came because she was instructed by God to keep alive the true "end-time church," charged with gathering up the righteous before the destruction of the world. Also, she sold T-shirts, photographs, and other Davidian memorabilia. From the beginning, there was a public. "People come by every day," she told me last week. "And usually it's running around a hundred a day."

As a tourist attraction, the site does not offer much; after the incineration of the compound, on April 19, 1993, bulldozers razed what remained of the buildings, and also the concrete bunkers below. Still, some people have come--a constant flow of them, determined to walk among the ruins, gaze at the foundations beneath the rubble, or glimpse the Davidian swimming pool, which the bulldozers somehow left in place. They walk through the grove of young crape myrtles, each bearing a cross and the name and sometimes the picture of a Davidian who died in the fire. But only a few of the visitors are motivated by religion. "Most of them are tourists, but some are constitutional activists," Amo says; that is, members of that portion of the American extreme fringe which believes the F.B.I. raid on the Davidian compound exemplified a government at war with its citizens.

To them, Waco is a shrine, and April 19th is a near-mystical date, warranting sober commemoration. Last month, on the second anniversary of the Waco conflagration, among those gathered at the site were former Attorney General Ramsey Clark, who represents some Davidian survivors and families, and who believes that a special prosecutor should investigate the government's actions, and an honor guard from the Northeast Texas Constitutional Militia, which showed up in full military dress to dedicate a stone monument listing the names of the dead. It was also on that morning, of course, that a bomb exploded at the Alfred P. Murrah Federal Building, in Oklahoma City. Timothy McVeigh, the principal suspect in the bombing, had himself made the pilgrimage to Waco, an experience that is said to have fed his rage against the federal government. The phony driver's license that McVeigh handed to the police officer who arrested him listed the issue date as April 19th.

If the Oklahoma City horror alerted the American mainstream to a dangerous and heretofore mostly unregarded fringe, it also served as a reminder that Waco remains a piece of unfinished national business. Senator John McCain, Republican of Arizona, who was a Vietnam War prisoner, likens the brooding enshrinement of Waco to the dark mosaic of conspiracy and mistrust made of the unknown fates of missing American servicemen in Vietnam. McCain feels that a tortured yearlong congressional inquiry into the P.O.W. question firmly answered the question of the missing servicemen. But the government has never convincingly addressed the question of its own culpability in the Davidian disaster, and its failure to do so has created a psychic void that is filled by paranoid scenarios.

Dr. Alan A. Stone, a professor of psychiatry and law at Harvard University, who was one of ten experts invited to review the Waco event, believes that the mistakes made at Waco will continue to fuel extremism until they are acknowledged. "The further I get away from Waco, the more I feel that the government stonewalled," Stone says. "It would be better if the government would just say, 'Yes, we made mistakes, and we've done this, this, and that, so it won't happen again.' And, to my knowledge, they've never done it." McCain, among others, has called for congressional hearings into the handling of Waco, so that "when people say that the government plotted to go in and kill women and children, we can say, 'Wait a minute, here are the facts that came out in a congressional hearing.'" Representative Bill McCollum, Republican of Florida, has announced that the House Subcommittee on Crime will hold hearings. Robert Dole, the Senate Majority Leader, has said he wants the Senate to investigate as well. The media, including the *Times*, have also begun to take a second look.

The resurrection of Waco cannot be a welcome development for the one living person most closely associated with the tragedy--Attorney General Janet Reno, who approved the F.B.I. plan to move in on the Davidian compound with Bradley tanks and tear gas. The event defined her publicly, for better or for worse, and privately it haunts her still. "I don't think she has put it behind her, and I don't think she ever will," says Sara Smith, an old friend of Reno's. "I think it is part of her soul." In the coarse, nasty world of the militant extremists, Reno has become an evil icon because of Waco and also because of her stout opposition to guns. The week before the Oklahoma City bombing, Reno's sister, Maggie Hurchalla, received a phone call from a friend who expressed alarm over a recorded telephone message disseminated by a local racist, which, to understate it, wished "Butch Reno" an unhappy demise.

Janet Reno's decision on Waco was made, it seems in retrospect, under impossibly difficult circumstances. The Davidian standoff--begun with the abortive February 28th raid by agents of the Bureau of Alcohol, Tobacco, and Firearms--had become a ripe crisis before Reno, an obscure local prosecutor from Miami, was even confirmed. That she was suddenly thrust into the position of resolving it was largely an accident of politics. After the election, Bill Clinton's campaign promise of diversity in his staff was transmuted by "Nannygate" into a premium on

childlessness. Having lost his first two Attorney General nominees, Zoe Baird and Kimba Wood, to domestic-help difficulties, Clinton reached down his list for a self-described "awkward old maid" who had been suggested to him by his brother-in-law over dinner. (In interviewing Reno, the White House vetting staff, twice burned, focussed on such questions as "Whom have you hired as domestic help?" and "Whom have you hired as a nanny?" and "Have you ever hired any other helping hands?")

From the moment Clinton introduced Reno to the nation in a Rose Garden press session, in February of 1993, she seemed a species apart from that which national politics naturally breeds. Tall (six feet two) and slightly slope-shouldered, and walking as if her feet hurt in shoes, she was as unglossed as raw timber, and as new. After living nearly all her fifty-four years at home in Florida with her mother, Reno came to Washington to live alone in an apartment where even the coffee-maker and the clock radio were rented. She was not a Friend of Bill, nor did she have close allies in the White House. She was close to no one in the top rank of the Justice Department she now headed, and her requests for two deputies she had met and admired during the confirmation process were denied. So in mid-April of 1993 Janet Reno was in a new job, in a new town, and was taking advice from a roomful of virtual strangers--Webster Hubbell, nominal assistant, was a Clinton crony from Arkansas--when she was obliged to make her first important decision as Attorney General, one of life-and-death consequence. Furthermore, evidence seems to suggest that a key misrepresentation and an omission by the F.B.I. played a part in winning her eventual approval of the plan it had devised for the ending of the siege.

Ever since the Davidians' February shootout with the A.T.F., the F.B.I. had been on the scene outside Waco, trying to talk Koresh out. The Bureau's stated objective, endorsed by President Clinton, was peaceful resolution of the standoff, "no matter how long it took." Over the weeks, negotiations brought the release of twenty-one children and several adults, but the process was a slow and frustrating one.

Complicating the effort was the fact that there were two camps among the F.B.I.'s forces at Waco--the Hostage Rescue Team and the negotiators. The rescue team comprised the F.B.I.'s elite tactics specialists, who by instinct and training were inclined toward action. (It was they who ultimately conceived and executed the tear-gas plan).

The negotiators' approach was to build trust over time and then exploit it toward the desired end--getting people out of the compound without further loss of life to either side. At times throughout the impasse, the two factions were distinctly at odds. While negotiators were talking with Koresh and others in the Davidian compound, the tactics team was increasing pressure, often without consultation. At one point in March, the negotiators successfully talked Koresh into allowing two people out, but that very night the tactics squad turned off the electricity to the compound, enraging Koresh. Several days later, the negotiators won the release of seven more people, but the tactics team bulldozed Davidian cars outside the compound and broadcast loud music into the night. As the standoff continued, the tactics-team maneuvers came to include the exploding of stun devices whenever a Davidian wandered past a certain boundary without permission.

The negotiators complained that the trust they'd built was being undermined. Among those who supported them in that view were some of their colleagues in the F.B.I. By the second week of the standoff, Peter Smerick and Mark Young, psychological profilers for the F.B.I., began to worry that the tactics people were "action-oriented" and inclined to move too quickly toward a tactical rather than a negotiated solution. They warned, too, that the tactical methods would drive the Davidians closer together in their faith in Koresh by demonstrating that the government agents were the enemy, just as Koresh claimed. The lack of progress in negotiations, which was cited as one justification for the tear-gassing, seems to have been at least partly attributable to the harassment from the tactics team.

As the plan for using tear gas began to advance within the F.B.I., officials rejected advice that escalating the pressure dramatically -as in tear-gas action-would provoke the very apocalypse that Koresh had hinted at. Smerick and Young said that the tactics people should move away from the compound and that tactical pressure "should be the absolute last option we should consider." Clinton Van Zandt, of the F.B.I.'s National Center for the Analysis of Violent Crime--the so-called "Silence of the Lambs" team--and Dr. Joseph Krofcheck, a psychiatrist, studied a letter given by Koresh to the F.B.I. on April 9th, which contained scriptural references to destruction by fire and explosion, and concluded that an F.B.I. confrontation with Koresh might "bring this matter to a 'magnificent' end, in his mind, a conclusion that could take the lives of all of his followers and as many of the authorities as possible."

Despite the impasse in talks with the Davidians, the majority of the negotiators were willing to continue their efforts, and at least some of them strongly believed that further negotiations would bring more adults or more children from the building. "I'll always, in my own mind, feel like maybe we could have gotten some more people out," one negotiator said in an interview several months after the event.

By the time the F.B.I. came to Reno for approval, on April 12th, its leaders were presenting a united front. A Justice Department report, compiled after the conflagration, offers no indication that Reno was ever informed of the dissension within the Bureau, or that she was told that some negotiators still hoped to talk more people out of the compound. Reno, on the job for just a month, had not yet built constituencies in the Justice Department, and had no cadre of confidants.

The report, which was made public in October of 1993, insists that "F.B.I. did not try to 'railroad' her," but a careful reading of the Department's own chronology strongly suggests that the senior Bureau officials who intensively briefed Reno in the week before the assault sought to eliminate her reservations to the gas plan by ruling out alternatives and by satisfying her doubts. And at least one F.B.I. official went beyond that. During a briefing by the F.B.I. on April 12th, Reno was told that the plan was tentatively scheduled for April 14th. Reno asked the question that President Clinton would later ask her: "Why now?" The F.B.I. officials, led by then Director William Sessions (whose job was under attack, and who desperately needed to save his career), argued that Koresh's surrender seemed unlikely any time soon. Reno did not approve the plan.

On April 14th, Reno again met with Sessions and his deputies. This time, they brought along the current and former commanders of the United States Army's Delta Force commando squad. The Army people told her that the tear gas was safe, that it was used every year on United States soldiers during training, and, apparently, that it wouldn't catch fire. Dr. Harry Salem, an Army toxicologist, told Reno that the gas would likely not hurt the kids or pregnant women. Richard Rogers, the head of the Hostage Rescue Team, said his men would soon need to "stand down" for rest and retraining. Reno wanted to know why, if they needed relief, SWAT teams couldn't be sent in. She was told, according to the report, that the rescue team was "essential." So by the second meeting the F.B.I. had added a new element of urgency: the tactics guys, essential for controlling the scene, would soon have to withdraw if the plan wasn't approved.

The next day, April 15th, Reno again asked, "Why now?" Her advisers telephoned Byron Sage, who was one of the principal negotiators. He believed further negotiations would be fruitless. Koresh was being disingenuous in his discussions about such Davidians as the "Seven Seal," and Sage said he'd never seen such a total impasse. Besides, he said, agents on the ground were getting tired and their tempers were fraying. Hubbell related this conversation to Reno, who still did not approve the plan.

On April 16th, Hubbell reported a decision: Reno's answer to the F.B.I.'s gas plan was no. But, instead of accepting her decision, Sessions and his two top deputies, Floyd Clarke and Larry Potts, came to the Justice Building, and Sessions asked to see Reno personally. Reno, still unconvinced of the urgency, asked for a documented statement outlining the plan, the current state of negotiations, and the situation inside the compound. By the next day--a Saturday--Reno had received the documentation. She then reversed herself, and approved the plan. The tanks moved in on Monday.

What changed Reno's mind? The implication in the main body of the Justice Department report on Waco is that the documented statement Reno had requested from the F.B.I. somehow swayed her, because after receiving it she began discussing the rules of engagement with Sessions, Clarke, and Potts, but a footnote in the report notes that Reno "did not read the prepared statement carefully, nor did she read the supporting documentation provided along with her statement. She [merely] satisfied herself that 'the documentation was there.'" It subsequently became clear that Reno's decision to approve the plan was influenced by her belief that there was ongoing child abuse inside the Davidian compound.

The F.B.I.'s briefing book on the Waco situation, which was compiled that final weekend, mentioned allegations by former Davidians and by psychiatrists of child abuse by Koresh--his belief that even girls in their early teens were potential "wives" and the Davidians' practice of corporal punishment--but there was no evidence of ongoing abuse. However, sometime during the week of meetings with Reno, in which F.B.I. officials were addressing her reservations about an assault, someone from the Bureau had told Reno that children inside the compound were being abused. The Justice chronology reports that "someone had made a comment in one of the meetings that Koresh was beating babies." Reno had pressed that official ("I double-checked it," she later said), and got "the clear impression that, at some point since the F.B.I. had assumed command and control for the situation, they had learned that the Davidians were beating babies."

In fact, the Department report states the opposite conclusion, noting that, because Koresh had been wounded in the February 28th shootout, his mobility was so restricted during the standoff that he would have been unable to abuse children sexually or physically even if he had been so inclined. Dr. Bruce Perry, chief of psychiatry at Texas Children's Hospital, was the head of the crisis team that took charge of the twenty-one children released from the Davidian compound during the standoff, and therefore know as much as anyone on the outside about the likely condition of the children on the inside.

During nearly two months of close evaluation of the children, Perry and his team probed for signs of physical, sexual, or emotional abuse, and also for insights regarding life inside the compound which could be projected into assumptions about the possible outcome of the standoff. Perry found socialization problems with the children, but he concluded in his report that "the children released from Ranch Apocalypse do not appear to have been victims of sexual abuse" or of physical abuse severe enough to warrant state intervention. Perplexed by Reno's insistence that the tear gas assault was necessary to save the children, Perry later told me he could only conclude that Reno had been strongly urged toward that conclusion: "The FBI maximized things they knew would ring a bell with her."

Reno had arrived in Washington with the reputation, perhaps unique among big-city prosecutors, of being a child advocate. As Dade County State Attorney, she was able to dictate policy on such difficult child-related crime issues as whether or not to recommend imprisonment for a drug addicted mother. Her answer was no, because imprisonment would separate the child from its mother and thus in Reno's view, accelerate the cycle of neglect and crime. In the mid-nineteen-eighties, Reno got so involved in the child-welfare issues created by the crack epidemic that she considered adopting a crack baby. (She decided her schedule was too demanding.) Her social-worker impulse led critics to nickname her Root Cause Reno, because of her insistence that crime was not committed by bad people but caused by dysfunctional homes. "She was more an advocate for juveniles than she was a traditional prosecutor," Seymour Gelber, her first boss in the Miami prosecutor's office recalls.

This child motif, which has characterized Reno's public identity, grew out of rough, deeply felt experiences in her own childhood in the wild country at the edge of the Everglades. In fact, her family lived a nineteen-forties version of what might now be considered a crank survivalists' life style. Her father, Henry Reno, had been a legendary crime reporter at the Miami *Herald*. Her mother, Jane, was a lawyer's daughter who refused to become a Southern belle and, in rebelling against her family's expectations, opted for the bohemian literary life. She was genuinely eccentric. "I can still see Jane with Janet in her lap and a cigarette and a highball, saying, 'Now don't upset mother's gin,'" an old newspaper friend named Jack E. Anderson recalled before his death last year. "She drank too much, and she would get argumentative. And she'd throw her shoes off and get down!" In the early years of the marriage, the couple's home became a sort of salon for the young Miami newspaper set and assorted writers and artists. (One of Janet's most vivid early memories is of her mother sobbing beneath a banyan tree on the day of F.D.R.'s death. "Stories of Roosevelt were part and parcel of our upbringing," she recalled when I spoke with her in the fall of 1993.)

After the war, Janet and Henry bought twenty one acres of land at the edge of the Everglades—a place so remote that the nearest store was five miles away. Jane decided to build a home, literally. She drew the plans, dug the foundation, and did much of the construction on a cracker-style house, which came to be known as Reno Ranch. The project took several years, and in the meantime the family lived in a small, ramshackle place that blended with its environment. "It was character-building," Janet's sister, Maggy, recalls. "There was no heat except for a smelly old kerosene stove. The wind blew through the cracks. You couldn't keep the mice out." In a time that for most kids was an era of rigid conventionality, the Reno's lives were utterly without it. As television was bringing images of idealized, "Donna Reed" housewives presiding over pristine homes, theirs was handmade and permanently unfinished. (In its physical primitiveness, Reno Ranch had something in common with Ranch Apocalypse.) There were no doors to the bathrooms, and one day Jane just stopped working on the ceiling, leaving a section of it open to the rafters. Jane didn't believe in housework, and the place usually showed it. The few school friends who made the trek out to Reno Ranch were sometimes rudely treated. When the children were still in grade school, Henry suddenly began to withdraw. He had often stayed out late, working or drinking, but increasingly he was not coming home at all. "I think he had a slight stroke," Janet recalled. "We've never been quite sure.... And that's when I was about in the fifth grade, and I think he started drinking more heavily after that. And he became more removed from about the time I was eleven."

After Henry Reno's departure, the children lived in a world created and ruled by Jane Reno. In most respects, she was a remarkably creative and devoted dictator. But Maggy, asked about stories suggesting that life with Jane could be somewhat difficult, responds, after prolonged laughter, "My mother was not 'somewhat difficult.' My mother could be extremely difficult!" Some of the ways in which Jane showed her individuality were plainly embarrassing: she swore; she didn't wear makeup or a bra; she didn't fix her hair or attend to her teeth, which eventually went bad and came out (not to be replaced by bridgework); and she drank. On one mortifyingly memorable occasion, the kids were called in the middle of the night by the Coral Gables Police Department, which had Jane in custody. She had passed out on the sidewalk. "She had walked away from a party," Maggy recalls, "and decided it was too late to bother the friend that she was going to see, so she curled up on the sidewalk and went to sleep. Whereupon she was awakened by a very huffy policeman and taken to the Coral Gables jail, where she proceeded to play 'Shave and a Haircut' on the plumbing until we came to get her."

The children sometimes felt the lash of Jane's sharp tongue, and often she gave her disapproval physical expression. She spanked her children, apparently quite hard, when they provoked her wrath; sometimes she used her hand, sometimes a switch, and sometimes she whipped them with a pony bridle. When Janet was fourteen, she told her mother that she meant to become a lawyer one day. Her mother forbade it. But when Janet wanted to go to Cornell Jane sold off a piece of land to pay for her years there, and when Janet was accepted at Harvard Law School Jane "wept with joy," Janet recalled. Theirs was a powerful and complicated bond, and when Janet finished law school she returned home to live with her mother. Jane had not mellowed with age. Sara Smith remembers an incident that exemplified the value of forbearance regarding Jane. She and another friend went with Jane and Janet to see "The Belle of Amherst," the play about Emily Dickinson, who was Jane's favorite poet. "And at some point they had Julie Harris up there simpering into her handkerchief, and Jane, at the top of her lungs, said, 'Goddam it to hell! Emily Dickinson never simpered once in her entire life!' And, of course, every head ahead of me turned, except Janet's. Janet knew exactly where the outburst came from, knew exactly who it was. Now, Janet would not have apologized for her. Jane was Jane, and you handled it."

Friends sometimes cringe when Janet tells them about the whippings and Jane's other unpleasant behavior, and more than one acquaintance has characterized it as abuse. Janet, however, doesn't see it that way. "Mother loved us hard and she spanked us hard," she has often said, and when Jane died, in December, 1992, her eldest daughter conveyed in her eulogy the mixed passions that Jane inspired. "She could say 'I love you' better than anyone I know," Janet Reno said. "Even in the last days, as we came onto her porch she would say, 'Hello, my darling. I love you!'" But later in the eulogy Reno also noted, "I take some small comfort today in knowing that Mother will not insult anyone or embarrass the family. She was responsible for the most excruciating moments of my life."

From this intense and complicated growing up, Reno may have derived an impulse (said to be common among children of drinkers) to step into the breach. "Despite being a strong person who's very opposed to crime and injustice of all sorts," Janet Mc Aliley, and old friend, says, "Janet is a rescuer." Waco wasn't the first time Reno's concern for children may have affected her judgement. When she became state attorney in Dade County, her office became known for its prosecutions of cases involving ritualistic sexual abuse of children in day care. Reno's office enlisted the services of two outside child-abuse specialists to question the children, using interview techniques that aimed at prompting disclosure. Although many of the children seemed reluctant to "disclose" the abuse, the interviewers eventually elicited from them horrifying tales of bizarre ritualistic abuses. Charges were brought, and convictions were obtained. One Satanic-ritual-abuse case involved a fourteen-year-old boy, Bobby Fijnje, who worked as a babysitter at a church. Again, specialists helped children "disclose," and a good number of the children at the church told tales of Bobby killing and eating babies, and leading naked dances around a campfire, witches flying, and eerie journeys to a cemetery where, one child said, Freddy Krueger came out of a grave. Much of this was said to have occurred during daytime services at a Presbyterian church in an affluent suburban neighborhood.

The jury in that case found Bobby Fijnje innocent, and he was freed, having spent a year and eight months in jail. Since then, of course, the whole phenomenon of ritual-abuse cases has been cast into doubt by developmental research experts who have discovered that merely questioning a child repeatedly about an alleged incident can convince the child that the incident occurred. Stephen Ceci, of Cornell University, who has studied this syndrome, called "confirmatory bias," says that it is often exhibited by child advocates whose willingness to believe in child abuse hinders objective analysis. It seems clear that in at least some child abuse investigations the chief problems the children face are those created by the insistence of well-meaning rescuers.

The "rescue" attempted with Bradley tanks and tear gas near Waco came to the apocalyptic end that David Koresh had predicted. A monumental policy failure that bore Janet Reno's signature, it might well have ended her career. Instead, oddly, it made her a national hero.

The Clinton Presidency had by then revealed its essentially equivocal nature, and enabled Reno to distinguish herself merely by refusing to dodge. Just hours after the raid, Reno held a televised press conference in which she declared, "I made the decision. I am accountable. The buck stops here." She repeated that mantra over and over--on "MacNeil/Lehrer," "Larry King Live," and "Nightline"--and the effect was transcendent. Before the site of the Davidians' incineration had cooled enough to allow body count, Reno was well into a remarkable metamorphosis from "awkward old maid" to political heroine. There was something so unlikely, so unexpected, about the way Reno welcomed responsibility for Waco that in claiming the tragic failure she achieved a stunning success; overnight, she became by far the most popular member of the Clinton Administration. Reno's non-style style betokened substance, and created a kind of anti-slick vogue. She mispronounced Ted Koppel's name, and the Beltway crowd chuckled approvingly. She refused the ministrations of television makeup artists, and feminists lauded a new role model. Barbra Streisand stopped by for lunch. There was even speculation about her future on a national ticket.

One of the effects of Reno's sudden popularity was that the national appetite for serious inquiry into Waco became blunted. Representative Patricia Schroeder, Democrat of Colorado, voiced the prevailing sentiment in Washington when she told Reno, "You've raised the responsibility and accountability of public service to an incredibly high level in a way we've never seen before." Democrats, then in control of Congress, were not eager to launch a probe that might embarrass the Administration, and Senator McCain notes, "Frankly, I never heard any groundswell Republican demand for a hearing, either...I think you could make a case that both parties in Congress, especially in the Senate, may have been somewhat derelict in their duties."

The Administration ordered the Justice Department investigation, which produced a three-hundred-and-forty-eight-page report on Waco that managed to find no fault on the part of any Justice employee, from Reno on down through the ranks of the F.B.I.

Among the questions that remained unanswered, however, were some that implied serious malfeasance. Who told the Attorney General that there was ongoing child abuse? And was the misrepresentation intentional? ("I remember it specifically," Webb Hubbell told me, "but I can't remember who said it.") Reno herself told me that she didn't remember who the person was. The F.B.I. pumped tear gas into the compound periodically during the first hours of the assault--until the supply of gas was exhausted. Then agents sent to Houston for more, and exhausted that supply, too. Was the Attorney General informed that the gas put children at the risk of, as Dr. Alan Stone discovered on his own, "fulminating chemical pneumonia and death?" Or that infants do not have the lung capacity

to use gas masks? Was Reno aware, in approving the plan to save the children, that gas packets, fired from a grenade launcher, could penetrate wooden doors and explode inside?

Did Reno really mean to present the Davidians with the choice of surrendering or watching their children die? The plan that Reno is alleged to have approved was to have been "passive"; that is, the agents were to have inserted gas into a portion of the compound and then retreated and awaited evacuees before approaching again. This restrained approach was supposed to have been followed for as long as three days, but it lasted just twelve minutes. The operation then escalated: walls were breached and the door was knocked down. Was the deviation from the plan warranted? Or was it an overreaction?

By the time the Justice Department report appeared, in the fall of 1993, attention had long since turned from Waco to Whitewater, health care, and other issues. Meanwhile, Waco festered. "People like the militia have a whole bunch of crazy ideas," Dr. Stone says. "However, they have two pieces of truth in all the craziness. One is 'Look at what happened at Waco. And the government hid its mistakes and concealed its misdeeds.' And the other piece of truth is that the Bureau of Alcohol, Tobacco, and Firearms made this attack on Waco because Koresh's followers had guns. And the militias have guns. So the militias have these two kernels of truth in all their craziness about our government: Waco, and the fear that the government will come after them because they have guns."

Although the mainstream media quickly forgot Waco, the event was kept alive in the eddies outside the mainstream--the fax networks, talk radio, C-SPAN call-in shows, and the Internet. That is how Senator McCain began to realize that the issue was gaining its own, potentially monstrous life: "I can tell you that we have had a lot of mail, a lot of phone calls, and a lot of times when I've been on talk shows and people have brought that up, and it has surprised me--the legs that this story has."

In the days following the Waco event, Reno termed it "one of the great tragedies of our time." When we talked about it in the late fall of that year, she was still clearly pained by the results of the miscalculation she had endorsed. "One of the tragedies is that we'll never know," she said. "What was the right thing to do?" She told me she still didn't believe she had been misled. Privately, however, she appears to have harbored suspicions.

"I don't think Janet would ever publicly criticize agencies," says Sandy D'Alemberte, one of Reno's early Florida mentors and a close friend. "But I think she learned something of the perils of dealing with people who may not always give you full assessments. She took responsibility for the decisions, but, boy, she just felt awful about those kids."

That is Reno's lasting share of the Waco tragedy, whose horror is still unspooling in unimagined ways two years later. When authorities arrested Francisco Duran last fall for spraying gunfire at the White House, they found a bumper sticker on his truck that read "Fire Butch Reno." Timothy McVeigh (who is being held in an Oklahoma town called, as it happens, El Reno), was, of course, a Waco pilgrim, and ever since the Oklahoma bombing overt threats on Reno's life have markedly increased. Both Reno and President Clinton have denied any rational connection between Waco and Oklahoma, and they are right; the connection is not rational. But it is real, and the echo from Waco heard in Oklahoma can only heighten the personal tragedy of the devoted child advocate who once sent tanks and tear gas on a mission to save the children.

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<http://www.pbs.org/wgbh/pages/frontline/waco/childrenofwaco1.html>

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Appendix 5: The Promise of Mediation

In most writing on Alternative Dispute Resolution (hereafter referred to as ADR) there is an underlying thesis that most conflict arises out of differences between individuals and groups – differences of opinion, world-view, perceptions, directions, access to finite resources, or whatever. That this is caused by (and thence exacerbates) communication breakdown (including non-communication and miscommunication) concerning positions interests and needs. And thus contributes an inability to negotiate these in an objective manner.

Recognizing the need to assist parties in dispute to achieve resolution or reconciliation, and providing processes, procedures, and personnel to facilitate this, ADR is claimed to improve the parties' ability to negotiate with each other, improve their relationship with each other, and to improve their ability to deal with disputes or differences in the future.⁴ The claim is made for ADR in general, and classic mediation in particular, that that the parties maintain control of the dispute and its outcome whilst the mediator controls the process.¹

David Augsberger writes that a competent mediator can assist parties in many ways - in breaking open the conflict, untangling the issues, the behaviour going on between the parties, the conflict that enmeshes them, separating people (and their attitudes and actions) from the problems (the conflict situations): supportive of people as they clarify their own views and values whilst being confrontational with the conflict situation itself - hard on the issues soft on the people.²

And Boule: *Mediation is a system of practical decision making. It sometimes resolves disputes, it sometimes contains them, it sometimes defines them more clearly, but it always provided the opportunity for making decisions, even if only the decision to submit the dispute to a court, the boss, an international tribunal, or some other authoritative decision-maker.*³

It is about making choices, about taking control. But it is also about being realistic – realistic choices, realistic decisions. And the mediator's role, in Boule's view, is to enable the parties to limit their options to those that are realistic and feasible, and to make *practical decisions* in the light of them.⁴

Mediation can be used to settle disputes, to define problems or disputes, to manage conflict, and to prevent conflict.⁵

Then there are the transformative aspects of mediation – mediation as a source of self-awareness, empowerment, forgiveness, and reconciliation,⁶ as an educative and therapeutic, transformative process that enables empowerment and responsibility, and hence benefits the parties regardless of the outcome.⁷ It is important that the mediator has an understanding of conflict in order to assume a role as mentor and exemplar, coach and encourager, and as modeler of effective communication and problem-solving skills.⁸ This enables the mediator to inform and educate parties about normal patterns of conflict and ways of responding to it.⁹ It is empowering for the parties to have the conflict normalized by being educated about its nature and its resolution. It allows for the expressions of emotions associated with conflict, particularly anger, betrayal and lack of acknowledgement – subject to the parties adhering to mediation guidelines.

⁴ Astor.H and Chinkin.C, Dispute Resolution in Australia, Butterworths 1992 at 47.

¹ id. at 49 and 102 . Mediation is a process-based system. Certain core procedures are indispensable regardless of the particular circumstances of the mediation. A recognized process assists the parties to make decisions – it does not make the decisions for them. Refer: Boule L(2), Mediation – Skills and Techniques, Butterworths, 2001 at 8

² Augsberger DW, Conflict Mediation Across Cultures ,WJK 1992, Chapter 7

³ Boule (2) op.cit. at 8. A fresh slant on Folberg and Taylor's well-used definition: *...the process by which the participants together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs. Mediation is a process that emphasizes the participant's own responsibility for making decisions that affect their lives. It is therefore a self-empowering process.* UTS Centre for Dispute Resolution: Mediation Course Manual, 1995 at 28

⁴ id. At 22 . He summarizes the mediator's main functions as (a) creating favourable conditions for the parties; (b) assisting the parties to communicate; (c) facilitating the parties' communications; and (d) encouraging settlement.

⁵ id. at 4, and at 13-14, the four mediator functions (1) Creating favourable conditions for the parties; (2) Assisting the parties to communicate; (3) facilitating the parties' negotiations; and (4) encouraging settlement.

⁶ id. At 8

⁷ McDonald D & Vagias A, op.cit.

⁸ op.cit. and Boule (1), Mediation – Principles, Processes, and Practice, op.cit. at 45-56. The mediator thus steps out of role to act as a coach, trainer and educator in the assisting assist the parties to learn and develop the principles and techniques of constructive problem solving): the passing on of skills (listening, assertiveness, issue identification, problem-solving skills, style awareness and flexibility).

⁹ Boule (2) op.cit. at 10 Helping people to preempt and/or resolve their own conflicts; helping people learn DR techniques; assist communication and understanding the nature of conflict

*But more often than not, mediation is about practical and pragmatic decision making over work-conditions, money, interpersonal issues and personality differences that people require in order to get on with their lives. People do not go to workplace mediation for counseling, therapy and personal transformation. They have a problem, a dispute, a conflict – and they want it resolved, ideally yesterday.*¹⁰

But the difficulties of direct, face-to-face, unmediated, negotiations are many. Given the difficulty of reconciling and overcoming the objective and subjective issues that arise, the idea of bringing a third party to mediate is an attractive one. Third party interventions can contribute to problem-solving by making sure that disputants attack the problem rather than each other, and by keeping the focus on interests rather than on positions.¹ If the parties have unrealistic assessments of their situation should the negotiations fail, a neutral evaluation of the walk-away alternatives may be indicated.²

The following table summarizes the promise that mediation offers in conflict resolution. Drawing upon David Augsburg and Lawrence Susskind,³ its primary focus is upon difficulties facing cross-cultural mediation and the skills required. But it is equally applicable across a broad range of conflict scenarios.

¹⁰ *The playwright David Williamson provides an illuminating insight:*

It is necessary to understand the critical distinction between a dispute and a conflict. A dispute is a situation in which the facts are in dispute and an examination of the facts can sort out the dispute. A conflict is a situation in which people feel negative emotions about each other. A dispute doesn't necessarily involve conflict, and a conflict can occur when there is no dispute...The mediation process works best where there's a dispute. Participants are encouraged to look at the facts rationally without letting their emotions become amplified or engaged. However, in a situation where people hate each other, the facts of the dispute are not their prime concern. Disputes arise from the smallest of pretexts as a result of the underlying conflict, and if one dispute is solved, another will be found to replace it. Where there is a conflict, disputes are only the symptoms, not the cause, and mediation won't be effective. A Justice That Heals, *Sydney Morning Herald Spectrum*, 27-28 Oct.2001

¹ Fisher, R. Kopelman, E. & Kupfer Schneider, A. Beyond Machiavelli: Tools for Coping with Conflict. Penguin Books 1994 at 123

² id. at 125

³ Susskind, op.cit.

The Promise of Mediation

A third party may be necessary

- because parties are bogged down by tradition, training and complacency in the argument mode of thinking.
- The parties may not be able to carry out certain thinking operations because these would not be consistent with their positions in the conflict. – anger and frustration can cloud good judgement
- they may fail to focus on the issues by adopting adversarial positions
- disputes may have become internalized and personalized
- if the parties have unrealistic assessments and expectations of their situation with respect to positions and outcomes, and, should the negotiations fail, a neutral evaluation of the walk-away alternatives may be indicated
- the parties may be bogged down by positions– by issues, personalities, and history - rather than impelled by interests

The 3rd Party

- third party interventions can contribute to problem-solving by making sure that disputants attack the problem rather than each other, and by keeping the focus on interests rather than on positions
- may offer information or introduce an intervention in the dispute to break a negative cycle – or to turn it to positive ends
- can seek to achieve a balance in the power situation of the parties. Any power differential will undermine trust and inhibit dialogue...symmetry in situational power: attempt to guarantee equity, favour the least articulate
- help achieve a balance in the reciprocal confrontations between the parties – so the at apparently premature actions by either will not be misinterpreted
- listen and communicate, and be non-judgmental in both
- facilitate communication to enable clear deciphering and interpreting of each other's messages
- assess the degree of openness in the dialogue and introduce processes to free the interaction...
- maintain an optimum level of tension in the negotiations
- be neutral on content and outcome and be hard on process and soft on content
- be hard on the problem and soft on the people

Mediation

- offers an external agent with alternative and additional information, experience, and expertise, who can provide resources and motivation
- offers a neutral who can facilitate, educate, and guide the parties through a structured resolution process
- can provide alternatives beyond those which the parties themselves can generate
- keeps in focus the visible prejudices, values, stereotypes, fears and needs of both parties and their communities in a way either is able to do for him/herself
- invites and often ensures full participation and full communication between the parties
- can equalize power differentials and provide maximum opportunities for both parties
- gives freedom for both parties to express and explain their sides of the dispute without limits on the style or content
- decreases confusion, cultural misunderstandings, and individual limitations to make the proceedings intelligible to all
- aims to reduce largely psychological obstacles that prevent hostile parties coming together for constructive negotiation

Mediation allows disputants and their supporters to

- talk to each other in a verbal style that is natural, comfortable, and mutually intelligible to all parties
- ventilate anger and frustration in a free and appropriately open and therapeutic fashion
- receive an increased sense of power and personal worth
- gain access to a readily available, quick and inexpensive forum
- equalize or re-align status and interpersonal power struggles by promoting an egalitarian ethic
- re-establish and realign the persons, place, and sense of belonging in the relevant social group
- learn about other parties' cultures and perhaps learn to understand and to tolerate them
- learn to work together side-by-side in joint effort and joint problem- solving
- get their rights recognized as legitimate by the very fact of being 'on the table' and often, the public record
- develop problem solving skills in general and dispute resolution skills in particular

<p>The mediator</p> <ul style="list-style-type: none"> • <i>remains outside the conflict itself, refusing to slip in to the role of judge, adviser or advocate on content or policy issues</i> • <i>acts as a cultural bridge between the conflicting parties, reframing value-laden concepts in a non-judgmental, non-provocative manner</i> • <i>if competent, can assist parties in breaking open the conflict, untangling the issues, the behaviour going on between the parties, the conflict that enmeshes them, separating people (and their attitudes and actions) from the problems (the conflict situations)</i> • <i>is supportive of people as they clarify their own views and values whilst being confrontational with the conflict situation itself i.e. hard on the issues soft on the people!</i> • <i>maintains caring neutrality – the commitment not to a particular outcome but to end the suffering of both parties</i> • <i>seeks to progressively sharpen his/her basic skills of empathy, active listening, sensitivity to the needs of the parties, sense of timing, verbal and nonverbal communications skills, capacity to maintain neutrality while remaining in contact, and ability to understand the stages of negotiation and conflict resolution</i> 	<p>The mediator must be able to</p> <ul style="list-style-type: none"> • <i>identify who are the stakeholders, and endeavour to include them in the mediation</i> • <i>determine the preferred process, e.g. formal or informal; face to face or shuttle, and establish the right conditions, paying due deference to cultural norms and protocols</i> • <i>see and perceive with a measure of creativity and objectivity, including being aware of nuances of speech and body language (active listening and perceiving)</i> • <i>be non-judgmental and avoid provocative, value-laden language</i> • <i>define and clarify, to separate and discern</i> • <i>link and focus the parties and reconcile opposites</i> • <i>contribute creative skills e.g. offer</i> • <i>a probe (question, observation, proverb, quotation)</i> • <i>a provocation (reversal, exaggeration, paradox, contradiction)</i> • <i>a picture (metaphor, story, case, image)</i> • <i>a principle (basic assumption that the parties hold in common, goal they now share, value they have both affirmed)</i> • <i>pirate and promote ideas</i> • <i>review issues and concepts, provide an overview enabling parties to broaden their perspectives</i> • <i>develop a sixth sense for timing</i>
<p>Difficulties facing Cross-cultural Mediation</p> <ul style="list-style-type: none"> • <i>defining the role of the mediator –how the mediator is viewed by the parties – as a neutral? An equal? A judge? a participant? a party, even? (in some cultures, a mediator can indeed be part of the dispute, his/her reputation or face dependent on the outcome).</i> • <i>there are almost always great many parties, and not all of them are obvious</i> • <i>it may be hard to know exactly who the stakeholders are and who can speak for them.</i> • <i>bringing these groups together to resolve differences is a laborious task</i> • <i>ground rules have to be negotiated anew in each such situation</i> • <i>participants are likely to have diametrically opposed views of what will happen if negotiations fail</i> • <i>mediation may have to be handled by teams of mediators – too much work, too many parties</i> • <i>things that can go wrong when attempts are made to bring made parties together to tackle a complex issue</i> • <i>the impatience of many convening authorities</i> • <i>mediators may bring their cultural and other baggage to the table</i> • <i>it may be necessary "to go slow to go fast." - unless all the pre-negotiation logistics are handled with great care (to give the overall effort the necessary credibility and legitimacy in the eyes of the stakeholders), the entire process is likely to falter before it is completed</i> • <i>one or more parties may resist a consensus building effort</i> • <i>the parties may be confused about what the process entails</i> 	<p>Skills required for cross-cultural mediation</p> <ul style="list-style-type: none"> • <i>mediators need to know something about the substantive milieu in which they are working and be aware f the cultural assumptions of the parties</i> • <i>mediators must be aware of the temporal realities of the milieu. In some contexts, time is not an issue</i> • <i>mediators must be extremely sensitive to the larger context of their work</i> • <i>attempted intervention or mediation by one external to the culture inevitably misses cues, scrambles data, and confuses primary and secondary issues at best.</i> • <i>a mediator unfamiliar with the culture may utilize tactics least likely to facilitate an opening of communication that will clarify differences and enable conciliation</i> • <i>mediators must be highly eclectic in their approach to problem solving.</i> • <i>a passive mediation style in a situation that requires a high level of mediator activism may result in failure</i> • <i>But an activist mediation style can overwhelm or put off a group of participants who expect the mediator to play a low-key role.</i> • <i>mediators must match their approach to the demands of the situation</i> • <i>mediators must be attuned to the contracts and continuities across cultures.</i> • <i>mediators must give equal attention both person and problem, to relationships and goals and to private interests as well as public positions</i>

<ul style="list-style-type: none"> • a key party may not accept the basic premise that mediation is voluntary, and remains so right up until the final agreement is signed • <i>mediation is very dependent on the environment, the pressure to resolve the dispute, the motivation of the parties, and the resources available</i> • <i>perceptions relating to neutrality and power are problematical for all mediations</i> • <i>there may be a perception that the process may be just an exercise in middle class or first-world patronization or manipulation</i> • <i>these difficulties hinder the development of legitimacy and credibility for dispute resolution processes, and work against the adequate understanding, acceptance and commitment to these processes on the part of the stakeholders</i> • <i>the process must be consistent with the parties' orientation to, and understanding of dispute resolution</i> 	
<p>Is mediation the answer</p> <ul style="list-style-type: none"> • <i>both parties must be self-motivated to enter into give and take negotiation</i> • <i>parties may not be ready for mediation, may not want it, and may have to be brought gradually to the idea by a gradual, educational process</i> • <i>parties may want to be directed, to have their conflict arbitrated and adjudicated</i> • <i>what of the necessity of redressing power imbalances? If this is achieved, it is often fleeting, temporary, illusory even, if the status quo ante merely re-asserts itself once the mediation is over and the parties have departed from the mediation environment</i> • <i>parties are empowered during the process, but return to the real world with their powerlessness. Why the need to redress power imbalances that cannot in reality be redressed? Perhaps these should be merely acknowledged and taken into account in the process</i> 	<p><i>Even if mediation fails, there are still gains</i></p> <ul style="list-style-type: none"> • even where the dispute is not fully resolved, mediation might provide other benefits. For example: • parties discover each others concerns and interests • venting of emotions in a positive environmental the consequent lowering of hostility and antagonism • defining the dispute more clearly • prioritizing the issues in dispute • generating a range of optional 'solutions'; agreeing on procedures or methods to resolve substantive issues • forcing the parties to confront the conflict and not abdicate responsibility of settlement decisions • providing a model for constructive problem-solving for use in subsequent disputes • <i>the demonstration of empowerment and equality of a weaker party can have a downstream, heuristic influence on both parties as they take away with them the experiences and lessons of the process</i>
<p>Sources include: Augsberger DW <u>Conflict Mediation Across Cultures</u> Multi-Party Public Policy Mediation: A Separate Breed, Lawrence Susskind. American Bar Association Boulle L, <u>Mediation –Principles, Process, Practice, Butterworths1996</u></p>	