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Catherine Wessinger

COMMUNICATIONS PROBLEMS MANIFESTED AT WACO



Those who have read the book entitled *Why Waco?* by James Tabor and Eugene Gallagher know that in 1993 Phillip Arnold and Tabor attempted to advise FBI agents on the importance of understanding the Branch Davidians' biblically based worldview. When they were ignored by FBI agents, Arnold and Tabor discussed the biblical prophecies in a radio broadcast on April 1 for the benefit of Koresh and the Davidians. They argued that the Bible did not predict that the Davidians would be killed at that time, and that God wanted Koresh and the Davidians to come out and spread the message of salvation.¹



This innovative approach, which took the Branch Davidians' worldview seriously, worked. On April 14, Koresh sent out a letter stating that he had been authorized by God to write a "little book" giving his interpretation of the Seven Seals of the Book of Revelation. Koresh said that after his manuscript was in safekeeping with Arnold and Tabor, the Davidians would come out. Attorney General Janet Reno was not told about Koresh's letter promising to come out; instead, she was told that negotiations were stalled. On April 16, Koresh reported to the agents that he had completed his interpretation of the First Seal, and the Davidians asked for a word processor. On April 17, the Davidians again asked for a word processor, and Janet Reno approved the FBI plan to assault the residence with tanks and CS (O-chlorobenzylidene malonitrile) gas. On April 18, the word processor was delivered to the Davidians, and on the morning of April 19, the assault began. A Davidian who escaped the fire carried in her pocket a disk on which was saved Koresh's interpretation of the First Seal, which is published in Tabor and Gallagher's book.²

The analyses of the Waco negotiation transcripts by Eugene Gallagher and Jayne Seminare Docherty show that the Branch Davidians and the FBI negotiators tried very hard to communicate with each

other.³ The Davidians did not want to die, but they were committed to obeying God's Word revealed in the Bible in order to be included in God's salvation kingdom. The Branch Davidians' "ultimate concern," which Robert D. Baird defines as being the "most important thing in the world" to the believer, was disregarded by the FBI agents.⁴

Due to differences in worldviews, there was a lack of communication between at least three parties at Waco—the believers, the law enforcement agents, and the religious studies scholars. Training in professional disciplines involves socialization in worldviews, which determine how information is perceived, organized, and interpreted. Worldviews of professions have just as much power over perception and actions as religious worldviews. There is as much difficulty in communicating across the divergent professional worldviews of religious studies and law enforcement as there is difficulty in communication between believers and law enforcement agents.

COMMUNICATION DIFFICULTIES AND SUCCESSES DURING THE FREEMEN STANDOFF

This three-way difficulty in communication between believers, law enforcement agents, and religious studies scholars occurred again in 1996 during the Montana Freeman standoff, which lasted from March 25 to June 13.⁵

FBI agents consulted Michael Barkun, a political scientist who is an expert on millennialism and Christian Identity. They also consulted three religious studies scholars—Phillip Arnold, Jean Rosenfeld, and myself. The agents previously had established a relationship with Barkun, and they appeared to be more comfortable relating to a political scientist. FBI agents were in touch with Barkun throughout the standoff, but he had commitments abroad for part of that time. Barkun's advice to the agents was compatible with the advice given by Arnold, Rosenfeld, and myself. The three religious studies scholars formed a team to collaborate in deciphering the Freeman's worldview and to offer their best advice to the agents. My account here reflects the perspective of the three religious studies scholars.

The Montana Freeman, as Christian Patriots and Identity Christians,⁶ believe we are living in the tribulation period leading to armageddon,⁷ which will be followed by the Second Coming of Christ and the establishment of God's kingdom. The ultimate concern of the Freeman is to establish an association of sovereign state republics governed by the pre-Civil War constitution, which will enforce the laws given by Yahweh in the Old Testament. In other words, the Freeman's ultimate concern is to overthrow the federal government, which they regard as

satanic, to establish the true “united States of America.” Therefore, the Freeman’s worldview is revolutionary and motivates revolutionary action. In 1996, the Freeman were waging “paper warfare” against the federal system with their liens, “Common Law” documents, and bank drafts. But the Freeman were also armed and prepared to fight against Satan’s agents. During the standoff, some of the Freeman hoped that a violent conflict with FBI agents would prompt right-wing militia members to fight the “Second American Revolution” against the illegitimate federal government.

I analyze the Freeman as being part of a diffuse Euro-American nativist millennial movement which includes Christian Patriots, constitutionalists, neo-Nazis, Identity Christians, Odinists, and violent individuals who consider themselves members of the Phineas Priesthood.⁸ These are white Americans who feel oppressed by the unresponsive bureaucracies of the federal government; they fear that their way of life and their people are being destroyed. Identity Christians in particular long for a return to a mythologized golden age by identifying white people as being the Israelites of the Old Testament. The corresponding demonization of Jews as the offspring of Satan and the controllers of government, media, and banking is typical of nativist hostility towards ethnic groups perceived as benefiting from the dominant government and economy.⁹ This Euro-American nativist millennial movement is distinctive for its use of advanced communications technology, but the Freeman’s use of their Common Law documents and their financial instruments can be seen as forms of imitative magic. The Freeman hope to steal the power wielded by their oppressors by unlocking the secrets of legal words, imitating the use of documents by attorneys and bankers, and utilizing this power to destroy their enemies and obtain well-being.

Unlike the Branch Davidians, the Freeman initially refused to negotiate with FBI agents because they did not recognize the agents as having legitimate authority. To encourage the Freeman to negotiate, FBI agents brought in several Christian Patriots to serve as intermediaries.

Bo Gritz and Jack McLamb served as intermediaries between April 27 and May 1. It was during this time that the twenty-one people in Justus Township made an affirmation to Yahweh that they would not leave and were told by Yahweh that they were protected by an invisible barrier.

On May 6, Phillip Arnold called the FBI Academy to offer his assistance. Earlier I had cultivated contacts in the Justice Department and the FBI. On May 7, I received a call from an agent asking if the FBI agents should tighten the perimeter. I answered that the agents should not take any action that the Freeman would view as persecution. The

Freemen possessed a dualistic worldview which saw reality in terms of good battling evil and already felt persecuted by the federal government. The agents, I advised, should not do anything to intensify this dualistic worldview and push the Freeman into taking violent action. I recommended that the agents consult Phillip Arnold and Jean Rosenfeld.

On May 9, Arnold, Rosenfeld, and I were put in contact with FBI negotiators in Montana and were encouraged to send our advice to agents there. We were told that we would receive information on the Freeman to analyze, but in fact we received a very small amount of information from the FBI. I derived most of my information on the Freeman from the *Billings Gazette*, while Jean Rosenfeld located other sources of information on the Internet and developed personal contacts in Montana. On May 9, Arnold, Rosenfeld, and I spoke to Dwayne Fuselier, the negotiation coordinator, who gave us short descriptions of each of the Freeman, characterizing most of the Freeman as not being very religious. Rosenfeld and I later agreed that Fuselier appeared to want us to conclude that the Freeman were not religious, but the Freeman were *highly* religious. The group had an ultimate concern for which they were willing to kill or die, they relied on the King James Version of the Bible in interpreting current events, and they were striving to do the will of Yahweh. When I called Fuselier on May 10 he was unavailable, and I was not confident that the agent to whom I spoke understood my advice. Arnold, Rosenfeld, and I began writing documents containing our advice, and we faxed these to Montana and sent copies to the FBI Academy and to Attorney General Janet Reno's office.

We advised that it would be counterproductive to take aggressive action against an apocalyptic group possessing a dualistic worldview and expecting conflict. We said that the Freeman's worldview had to be taken seriously and factored into the negotiations. We also urged that the agents utilize as intermediaries professionals trained to empathetically understand worldviews while maintaining the critical distance necessary to analyze those worldviews. Finally, we stressed that a successful negotiation settlement had to offer terms that permitted the Freeman to maintain their commitment to their ultimate concern while coming out of Justus Township to be taken into custody.

When the efforts of Christian Patriot intermediary Charles Duke failed on May 21 and Michael Barkun was unavailable to come to Montana, the FBI brought Phillip Arnold to Montana from May 28 through 31, a period during which the Freeman refused to negotiate. Arnold spent his time in Montana explaining to the agents the importance of religious worldviews. Arnold protested the agents' tendency to discount religion as *only* a cover for illegal activities or as

only a product of psychological pathology. The agents put Arnold in touch with the sister of Gloria Ward, who was inside Justus Township with her two young daughters and her Common Law husband. The Wards were new to Christian Identity doctrines, and they were members of a schismatic Mormon sect. They felt led by the Holy Spirit to take refuge in Justus Township to escape a custody battle over Gloria Ward's daughters. After speaking with Arnold, Gloria Ward's sister consulted with the Wards' spiritual leader, who then wrote the Wards a letter stating that God had revealed to him that the family should come out of Justus Township. The Ward family immediately came out on June 6, a major breakthrough in resolving the standoff.

Phillip Arnold also advised the agents to utilize intermediaries who could speak the language of the Freeman's Common Law as well as the language of the federal law. On June 10, three attorneys associated with the right-wing CAUSE Foundation were brought in as intermediaries.¹⁰ They helped negotiate terms under which the Freeman were assured that their legal documents would be placed in safekeeping for use as evidence later to show the illegitimacy of the federal government. The terms assured the Freeman that they would have the opportunity to present their cases against the government in federal court.¹¹ Therefore, the Freeman were enabled to come out of Justus Township and remain true to their ultimate concern. They were not giving up their efforts to overthrow the federal government; they were taking their battle into the federal court system itself. Once they were in federal court, the Freeman were given no opportunity to argue the illegitimacy of the government, but they would not have come out had they not believed that they had obtained the safeguards that ensured that they would be able to do so.¹²

The FBI agents appeared to follow our advice concerning the Freeman. The Freeman were not subjected to severe pressure that might have made them despair of achieving their ultimate concern—possibly prompting them to resort to violent action. The FBI agents took a patient and low-key approach, and they relied on negotiation to resolve the standoff. They did not assault an apocalyptic group prepared to do battle. When the agents increased the pressure on the Freeman, they did so cautiously. It appeared that the agents factored the Freeman's religious worldview and their ultimate concern into crafting the settlement terms that prompted the group to exit Justus Township. Those terms permitted the Freeman to come out of Justus Township and remain true to their ultimate concern. Phillip Arnold was given the opportunity to speak to the Freeman and function as an intermediary, but he was in Montana at a time when the Freeman refused to negotiate.

Near the conclusion of the standoff, it became apparent to the religious studies scholars that the person who was serving as the

empathetic but neutral intermediary was Montana State Representative Karl Ohs (Republican), who began meeting with the Freeman as early as April 4. Ohs made it clear to the Freeman that he did not share their views, but he listened carefully to the Freeman's opinions. Karl Ohs brought an empathetic approach to understanding the Freeman's worldview while retaining the critical distance necessary to analyze it. It was crucial to the successful negotiation that, despite the Freeman's virulently anti-Semitic and racist beliefs and their belligerent stance toward the federal government, none of which were condoned by Ohs, the congressman was able to regard the Freeman as human beings and to befriend them. Ohs' attitude toward the Freeman did not dehumanize or demean them by casting them as con artists, deluded cultists, or as mentally ill individuals.¹³ Before the Freeman left Justus Township, they placed all their legal papers—their evidence against the government—in safekeeping with Karl Ohs. This was a significant act of trust, because the Freeman were convinced that the federal government aimed to destroy their evidence of the government's illegitimacy.

After the exit of the Ward family, Robin Montgomery, then the head of the FBI's Crisis Incident Response Group, verbally told Phillip Arnold, "your method works." But subsequently FBI negotiators made statements to the effect that they found the religious studies advice to be irrelevant to resolving the Freeman standoff and that the religious studies scholars required "high maintenance" because we kept asking for more data to analyze.¹⁴ The agents, in fact, had followed most of our advice, but the negotiators did not acknowledge that they had done so. Since I am not privy to the internal workings of the FBI, it is not clear to me whether the negotiators accidentally followed our advice or whether for some reason they did not want to admit that they had done so.

DEVELOPMENTS AFTER THE FREEMEN STANDOFF

I invited the FBI to send a negotiator to participate in the American Academy of Religion (AAR) session in which this paper was presented. My invitation was declined, but subsequently the decision was made to send agents to attend the 1998 annual meeting of the American Academy of Religion in Orlando, Florida.

On 5 June 1998, Barbara DeConcini, the AAR's executive director, Eugene Gallagher, and I had a productive conversation in Washington, D.C., with Roger Nisley, the current director of the Crisis Incident Response Group, and other agents. The agents said they were receptive to using religious studies scholars as advisors and as "worldview translators"¹⁵ in cases involving religious groups. They were receptive



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to the explanations of millennialism and violence given by Gallagher and myself. I was surprised and pleased to see the agents smiling and their heads nodding when I discussed the concept of “ultimate concern.”

After Waco, Nancy Ammerman, a sociologist of religion, was asked to make a report to the Justice and Treasury Departments.¹⁶ She found that an important factor contributing to the Branch Davidian tragedy was the nature and quality of the expert advice utilized by the ATF and FBI agents. The agents consulted self-styled “cult experts” and appear to have been influenced by the anti-cult worldview.

Ammerman made several suggestions, a number of which are being implemented by the FBI. She recommended that agents consult experts in religion affiliated with professional associations. FBI agents now call the American Academy of Religion Executive Office for recommendations for relevant experts. Ammerman recommended that the FBI acquire a list of qualified experts on religion who are willing to advise agents. Both Phillip Arnold and I have provided the FBI with such lists of religious studies experts. Ammerman also recommended that scholars organize sessions at professional meetings and extend invitations to law enforcement agents. The AAR Special Topics Forum in which this paper was presented was such a session. Ammerman recommended that agents “forge expanded working ties” with scholars of religion so that, in the event of future crises, they will be acquainted with experts on whom they can call. Agents engaged in discussions with scholars at the 1998 meeting of the AAR, and during the same year four religious studies scholars (Ian Reader, an expert on Aum Shinrikyo, Massimo Introvigne, an expert on European and American new religious movements, Jean-François Mayer, an expert on the Order of the Solar Temple, and James T. Richardson, a sociologist of new religious movements) were invited to visit the FBI Academy in three separate meetings.

These types of interactions should continue, but one of Ammerman’s recommendations remains to be implemented. She recommended that scholars and agents come together in seminars in which they examine case materials and explain to each other their different professional approaches to the data. The implementation of this last recommendation will require coordination, money, and the commitment of time, but such working seminars should prove productive in enhancing understanding between religious studies scholars and agents.

CONCLUSION

If agents want to be able to communicate with believers to avoid violent conflicts in the future, they must first be willing to learn to

communicate with religious studies scholars. Conversely, religious studies scholars must be willing to make the effort to understand the FBI worldview in order to communicate with the agents. The agents' willingness to attend the AAR's 1998 meeting is a significant step forward. Inviting scholars to the FBI Academy is another significant step. But agents can do more to build collegial relationships with religious studies scholars. There are a number of these scholars who have agreed to be resources for the FBI, but, given the nature of that institution, the agents will determine the extent to which they take advantage of the religious studies expertise that is relevant to their work.

ENDNOTES

¹ James D. Tabor and Eugene V. Gallagher, *Why Waco? Cults and the Battle for Religious Freedom in America* (Berkeley: University of California Press, 1995). This paper was presented on 22 November 1998 in a Special Topics Forum at the American Academy of Religion, Orlando, Florida, entitled "Believers, Law Enforcement Agents, and Religion Scholars: Communicating across Worldviews of Religions and Professional Disciplines." I am grateful for helpful comments on this paper from Jean Rosenfeld, Timothy Cahill, Beth Alston, James T. Richardson, Eugene V. Gallagher, Jayne Seminare Docherty, and J. Phillip Arnold.

² For a summary of the complex events relating to the Branch Davidian siege and the two assaults on their residence, see my chapter on the Branch Davidians in my book, *How the Millennium Comes Violently* (New York, NY: Seven Bridges Press, forthcoming). This chapter draws on sources such as Tabor and Gallagher, *Why Waco?*; Dick J. Reavis, *The Ashes of Waco: An Investigation* (New York: Simon & Schuster, 1995); Stuart A. Wright, ed., *Armageddon in Waco: Critical Perspectives on the Branch Davidian Conflict* (Chicago: University of Chicago Press, 1995); James R. Lewis, ed., *From the Ashes: Making Sense of Waco* (Lanham, Maryland: Rowman & Littlefield, 1994); Carol Moore, *The Davidian Massacre: Disturbing Questions About Waco Which Must Be Answered* (Franklin, TN: Legacy Communications; and Springfield, VA: Gun Owners Foundation, 1995); House of Representatives, *Investigation into the Activities of Federal Law Enforcement Agencies toward the Branch Davidians: Thirteenth Report by the Committee on Government Reform and Oversight Prepared in Conjunction with the Committee on the Judiciary together with Additional and Dissenting Views*, Report 104-749, Union Calendar No. 395 (Washington, DC: U.S. Government Printing Office, 1996); selected audiotapes of the FBI-Branch Davidian negotiations kindly forwarded to me by J. Phillip Arnold; and the negotiation transcripts kindly forwarded to me by Eugene Gallagher.

³ Eugene V. Gallagher, "Theology is Life and Death': David Koresh on Violence, Persecution, and the Millennium," in *Millennialism, Persecution, and Violence: Historical Cases*, ed. Catherine Wessinger (Syracuse: Syracuse University Press, forthcoming); Jayne Seminare Docherty, "When the Parties Bring Their Gods to the Table: Learning the Lessons from Waco" (Ph.D. diss., George Mason University, 1998).

⁴ Robert D. Baird, *Category Formation and the History of Religions* (The Hague: Mouton, 1971).

⁵ See my chapter on the Freeman standoff in *How the Millennium Comes Violently*; see also Jean E. Rosenfeld, "The Importance of the Analysis of Religion in Avoiding Violent Outcomes: The Justus Freeman Crisis," *Nova Religio* 1, no. 1 (October 1997): 72-95; and Jean E. Rosenfeld, "The Justus Freeman Standoff: The Importance of the Analysis of Religion in Avoiding Violent Outcomes," in *Millennialism, Persecution, and Violence*.



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⁶ Not all of the residents of Justus Township had the same level of commitment to Freeman ideology or to Christian Identity beliefs. The highly committed Freeman, however, espoused Christian Identity. Not all Identity Christians are anti-Semitic and racist, but it is not unusual for Identity Christians to regard people of color as animals, Jews as the offspring of Satan, and, therefore, white people as the only real human beings.

⁷ Armageddon in the Book of Revelation refers to a place where the final battle between good and evil will occur. Here I use "armageddon" in its popular sense of the final battle that will destroy the world as we know it.

⁸ Wessinger, *How the Millennium Comes Violently*. For information on this diffuse right-wing movement, I particularly rely on James A. Aho, *The Politics of Righteousness: Idaho Christian Patriotism* (Seattle: University of Washington Press, 1990); Michael Barkun, *Religion and the Racist Right: The Origins of the Christian Identity Movement* (Chapel Hill: University of North Carolina Press, 1994); and Jeffrey Kaplan, *Radical Religion in America: From the Far Right to the Children of Noah* (Syracuse: Syracuse University Press, 1997).

⁹ Michael Adas, *Prophets of Rebellion: Millenarian Protest Movements against the European Colonial Order* (Chapel Hill: University of North Carolina Press, 1979).

¹⁰ CAUSE is an acronym for Canada, Australia, United States, South Africa, and England, and CAUSE Foundation is reportedly allied with those on the white supremacist radical right.

¹¹ Clair Johnson, "Freemen Deal Includes 5: Negotiator Spells Out Points in Agreement," *Billings Gazette Online* (19 June 1996). The current web address for the *Billings Gazette Online* is <<http://www.billingsgazette.com>>. The news articles cited here are not included in the archive that has been established recently by the newspaper. The five terms in the agreement which prompted the Freeman to exit Justus Township were:

- 1) that Representative Karl Ohs would take custody of the Freeman's evidence and publish a signed statement to that effect in the three Montana newspapers;
- 2) that the Freeman who wished attorney assistance would retain 51 per cent control of their own cases with co-counsels. Co-counsels would have to agree to be sworn in according to the Freeman's Common Law system and swear to fight for "unfettered and unobstructed subpoena power";
- 3) the federal government would not oppose bond for Emmett and Ralph Clark—the two elder Clarks in the family that owned the farm that had been turned into Justus Township—if their health warranted release from prison;
- 4) that supporters and co-counsels would work to ensure that the incarcerated Freeman could meet together;
- 5) that arraignment would be with co-counsels after being sworn in.

¹² Jayne Seminare Docherty has noted to me several times that this ploy probably will not resolve a siege involving American right-wingers again. People on the radical right have observed that, despite signed agreements with law enforcement agents, the Montana Freeman and the leader of a secessionist group called the Republic of Texas have not been permitted to present their cases for the illegitimacy of the federal government in the courts.

¹³ Joe Kolman, "Legislator Looks for Way Out of Freeman Standoff," *Billings Gazette Online* (2 June 1996). See note 11.

¹⁴ Personal communication from Jayne Seminare Docherty.

¹⁵ Jayne Seminare Docherty has used this phrase in her conversations with FBI agents, and she uses the phrase in her dissertation. Docherty derived the phrase from Phillip Lucas, "How Future Wacos Might Be Avoided: Two Proposals," in *From the Ashes*, 209-12.

¹⁶ Nancy T. Ammerman, "Report to the Justice and Treasury Departments Regarding Law Enforcement Interaction with the Branch Davidians in Waco, Texas," in *Recommendations for Improvements in Federal Law Enforcement after Waco* (Washington, DC: U.S. Government Printing Office, 1993). Ammerman kindly forwarded her report to me in manuscript form.