

RIZZOLI BOOKSTORE



Join jazz musician & producer

BEN SIDRAN

for a performance-lecture
from his new book

TALKING JAZZ

An Illustrated Oral History

Monday, May 10, 6:30 PM

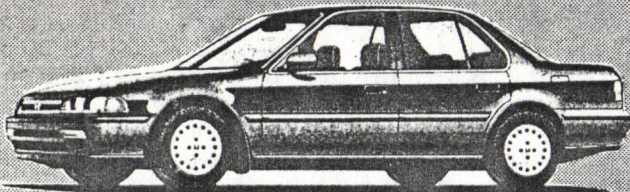
COPLEY PLACE • 617-437-0700

ADMISSION IS FREE • BOOKSIGNING TO FOLLOW PERFORMANCE

JOIN THE RIZZOLI CLUB 1-800-742-7292

"ONE PRICE"

1993 ACCORD LX
AUTOMATIC



\$15,299*

ALL '93's AVAILABLE AT "ONE PRICE"

SILO HONDA

2074 So. Main St., Brockton
(508) 587-2200 • 1-800 - OWN - SLKO

FREEDOM WATCH

Cult control

Federal self-interest
fueled the deadly
Waco siege

by Harvey Silverglate

DEADLY DECISION: had the feds not chosen to enforce a technicality, the Waco apocalypse may never have taken place.

Nothing useful will be learned from the Waco, Texas, tragedy, in which federal agents triggered the suicidal inferno that engulfed an entire community of Branch

agents had been killed by people who knew they were agents." Notwithstanding the Branch Davidians' impressive cache of weapons, it was obvious from Day One of the 51-day stand-off which side would win.

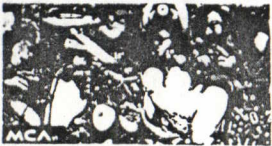
And although the Monday-morning

COME hear

new bands. new sounds. no risk.

Come hear new releases from these artists all month at HMV. If you don't like what you hear, just bring them back for full credit or exchange.


THE TRAGICALLY HIP
FULLY COMPLETELY
Featuring COURAGE •
AT THE HUNDRETH MERIDIAN
And the #1 Canadian Single
LOCKED IN THE TRUNK OF A CAR




HOTHOUSE FLOWERS
SONGS FROM THE RAIN
FEATURING "THING OF BEAUTY"
AND "AN EMOTIONAL TIME"



WORLD PARTY
BANG!
Includes IS IT LIKE TODAY? • GIVE IT ALL
AWAY • WHAT IS LOVE ALL ABOUT?
ALL I GAVE



INCLINED
BRIGHT NEW DAY
including
TWO MINDS/SOMEWHERE IN THE MIDDLE
DAY AT THE RACES
HOW DEEP IS THIS WELL?/THE ATOM



CDs • CASSETTES
VIDEOS • RECORDS



ALL Titles
on sale for

\$11.99^{cd}

\$7.99^{cass}

CDs • CASSETTES VIDEOS • RECORDS

COME here...

SALE ENDS JUNE 4



David Koresh.

Sure, the US Department of Justice and its Federal Bureau of Investigation (FBI), as well as the Department of the Treasury and its Bureau of Alcohol, Tobacco, and Firearms (ATF), will pick up some pointers on cornering groups that challenge federal authority in the future.

But to judge from the comments of nearly everyone in the federal government — from the president and the attorney general to FBI and ATF field agents, and even the harshest of congressional critics — it seems no one will ask the basic question of why federal law-enforcement authorities deemed it necessary, or even advisable, to go after Koresh in the first place.

The reasons the Koresh gang was made a target have a lot more to do with the federal law-enforcement agencies' campaign for budgets and power than they do with fighting domestic threats. The crisis should cause Attorney General Janet Reno to take a good, hard look at the sprawling, often overlapping law-enforcement agencies she and the Treasury secretary command and make her own judgment rather than rely on the career administrators interested in promoting their own bureaucratic kingdoms.

Until we know why Koresh was deemed a reasonable target in the first place, similar tragedies are almost certain to be repeated, and not only with strange religious sects. Other areas that have become the subject of intense and increasingly militaristic federal law-enforcement interest include drug dealing, political radicalism, illegal immigration, computer crime, organized crime, and pornography (particularly child pornography).

In the last 20 years, only a smattering of hard-core libertarians have bothered to question what the federal law-enforcement establishment is doing and why. Mainstream concern has focused — to the nation's detriment — only on how these agencies have operated and how they can perform their missions more effectively.

With the Waco disaster, it's clear that once four ATF agents were killed in the February 28 assault, the situation was destined to end in further tragedy. As soon as federal blood was spilled, one side had to achieve total victory. As Reno said at a congressional inquiry last week: "I will not walk away from a compound where ATF

even ask why the feds saw fit to launch the February 28 raid rather than arrest Koresh or search the compound while he was in town for a haircut, the core issues will not get touched.

It is interesting and revealing that the ATF saw fit to raid the Branch Davidian compound, purportedly to serve a search warrant and seize some of the \$200,000 worth of weaponry. Koresh had bought the weapons, apparently lawfully, but then modified them, apparently unlawfully, to fire automatically. But this was, after all, Texas, where just about everyone is armed. The Branch Davidians were a fairly self-contained religious community, and though they were armed to the teeth, they were apparently preparing to defend themselves in Armageddon, which they imagined was around the corner.

How much of a public threat did they pose? There were no reports that the group was shooting up the town in the style of Beirut or the Dodge City of frontier days. And if the allegations of child abuse had any substance, that would have been a matter for local authorities.

In short, but for the ATF-supplied Armageddon, this group might have lived in harmless, isolated obscurity until Koresh died a natural death or lost his charismatic hold on his flock.

So why stir this hornet's nest in the first place?

The answer has to do with the evolution of the federal law-enforcement bureaucracy in recent decades. There are hordes of agents and bureaucrats in competing federal agencies (there's also a small army of Secret Service agents, not to mention the Immigration and Naturalization goon squads), each with an ever-growing budget and the need to justify that budget annually. Each agency lobbies non-stop for the passage of more and more federal laws covering an ever-increasing spectrum of American life, including many areas previously left to local police, and many where until now there has been little or no law-enforcement of any sort, and, in fact, very little need for it.

In recent years, for example, the FBI and the US Postal Service have gained jurisdiction over the production, sale, and even mere receipt and possession of pornogra-

See FREEDOM, page 50

Freedom

Continued from page 24

phy — “the war on porn.” Under recent child-pornography legislation, receiving in the mail a magazine containing child pornography is now a federal crime, and a small army of agents and inspectors spends its time mailing such magazines to vulnerable citizens, who are then arrested and prosecuted as “threats” to our children.

(Even the pro-government Supreme Court last year had enough of this tactic and threw out the child-porn conviction of one hapless farmer who finally succumbed to a federal agent’s inducements to order a magazine. “Entrapment,” said the justices, in a rare victory for the right of citizens to be left alone by abusive feds looking for crimes to create and then “solve.”)

The Secret Service, which in recent decades hasn’t exactly done a sterling performance of its principal task, protecting presidents from harm, has managed to gain jurisdiction over the newly emerging federal “war on computer hackers.” The main theater of this war, it seems, is the bedrooms of precocious high-school kids, which are routinely raided by heavily armed Secret Service agents seeking to eliminate the “threat” to national security that occurs when these kids use their personal computers to venture into other people’s databases.

And everyone knows about the infamous “war against drugs,” which since the Nixon administration has each year sopped up an increasing amount of national wealth in the futile effort to stamp out a human vice that has been with us since long before the Republic began and will be with us long after it ends. In recent years, this federal effort has become increasingly militaristic: without recognizing the destructive consequences, Congress has for the first time in American history authorized the armed forces to join in the enforcement of

civilian laws.

But even without the intervention of the armed forces, these “wars” against various types of crime have militarized the agencies charged with enforcement of a broad array of federal laws. Along with arms, these agencies have adopted military thinking, according to which the enemy, as soon as he is spotted (or created), must be pursued until he surrenders unconditionally.

These federal law-enforcement agencies lobby for the passage of new laws that they then have the jurisdiction to enforce. They then lobby for the money to do so. More agents, equipment, and administrators are added each year. To justify their existence and their missions, the agencies engage in ever-more-spectacular forays to demonstrate that no citizen, no group, and no geographic area is immune from the enforcement of federal law. (This is a message the Internal Revenue Service has worked hard to send to all citizens — with dismayingly success. Every April 15, for example, a few well-known citizens are indicted for tax evasion and the IRS holds a press conference.)

The agencies, it seems, have become somewhat like the Puritans of old — those who, as H.L. Mencken defined them, had the gnawing, nagging feeling that someone, somewhere, somehow was enjoying himself. It is the missions of these agencies — including the massive intrusion of federal law into the Branch Davidian compound — that should be, but have not been, questioned.

What can we expect to emerge from the congressional hearings and the administrative inquiries into the Waco tragedy?

First, it is likely that the ATF and the FBI will ask for more money for more agents, to establish additional crisis and hostage-negotiation teams and perhaps even hire a team of psychologists, psychiatrists, and “cult” experts, so that in the next inevitable stand-off they will have fresh troops to rotate and more sources of tactical advice.

Second, the agencies will intensify their

scrutiny of other so-called cults. AFTER WACO, THE FOCUS SHIFTS TO OTHER CULTS, predicted a front-page *Boston Globe* story on April 30. “If you think Waco was bad,” wrote the *Globe*’s Larry Tye, “consider who could be next.” Tye is right, of course. His story quotes all of the usual sources, from detective John Gillespie (cited as the Boston Police Department’s own home-grown “cult expert”) to Dr. Louis J. West, the UCLA psychiatrist, professor, and “authority on cults.” But no one in the story questioned when, not to mention whether, the federal authorities should be engaged in the business of monitoring (to say nothing of decimating) small religious groups. Under the First Amendment, these are supposedly as free as mainline groups to associate so they can to pray to their gods and obey their chosen gurus and messiahs.

Where the threat to the greater society is as minimal as it appears to have been from the Branch Davidians in Waco, and where the purported technical violation of federal law is one which has not posed a realistic problem, why should the authorities even now be preparing the ground for the next stand-off?

What is to be done? For one thing, Attorney General Reno has to get off her horse about defending the agencies to the death (usually someone else’s death, but in this case four ATF agents as well). Her job is to protect the American people, not agencies and bureaucrats.

Second, Reno has to forget about taking advice from the agencies. The only “options” she will ever be presented by the career professionals in these agencies are ones that maximize the authority and missions of the agencies themselves. It is perfectly obvious that one option at least was never presented to her: *Given that the Davidians have not shot any of their neighbors, it is not worth triggering a confrontation just to enforce every federal law that happens to be on the books.*

And, of course, the agencies are com-

pletely incapable of asking the even larger question: “Should all of the laws enforced by this agency remain on the books and, indeed, is there a need for this agency to continue to exist?”

It may be too much to hope that the attorney general and the president for whom she works will thoroughly examine the proliferation of federal laws and agencies. But surely this process will never even get started if the attorney general insists on taking advice from the “professionals.”

This column (January 1) recommended that Clinton’s new attorney general purge the Justice Department, given the department’s sorry record of deceit and destruction of American liberty: “Only through such a purge will [the attorney general] be able to bring her department under some form of control. Even though common wisdom holds that the fish rots from the head, the problems at Justice are not limited to the top echelons.”

Had Janet Reno cleaned house soon after she took office, rather than fall into the trap of taking advice from people who for too long have not questioned what they were doing and why, the lives of four federal agents and scores of Branch Davidians, including many young children, might have been spared. Instead, she has wasted her time and energy trying to ingratiate herself with Justice lifers whose sole goal is to co-opt and control this attorney general just as they have managed to do with all of her recent predecessors.

This is not Monday-morning quarterbacking. It is simply raising issues that no serious American leader — especially in the area of law enforcement — has dared to pose. It is time to ask whether we should be repealing laws rather than creating them, cutting budgets rather than increasing them. In this undertaking, Madame Attorney General, do not accept advice from the “professionals” in the Justice Department. They have their own protection in mind — not yours, and most assuredly, not ours. □

PHOTOS BY AP/WIDE WORLD



KORESH: just a gun-loving Texan?



RENO: hostage of the bureaucracy?