

agencies are currently taking to protect us from militias, survivalists, and white supremacists; but the CISPEs affair gives a pretty good idea. I assume that at least one person has already provided the information necessary to justify the investigation of the far right, including quite legal operations like bookstores, political parties, and radio stations. You may trust Reagan and Ed Meese with these sweeping powers, but would you trust Clinton and Janet Reno? (And vice versa.)

Subversion investigations also venture into fundamental issues of religious liberty. According to the classic counterinsurgency theory of Frank Kitson, Roger Trinquier, and others, you can rarely penetrate the fighting formations directly, so you begin with the support and front groups, the “above-ground” legal organizations. In the Varelli case, churches and clergy were prime targets of the investigation, as they assuredly are now in the investigations of the far right. I wonder how many pastors, left or right, have become informants for the federal government?

It would be nice if liberals were to criticize the investigation of rightist and fundamentalist churches and compounds, just as conservatives should have protested the disruption of liberal church activities in the 1980’s. Neither eventuality seems likely. In fact, contemporary feminists are demanding a “proactive investigation” of supposed networks of pro-life terrorists, presumably with the full panoply of infiltrators and informants. The campaign would inevitably reach deep into religious organizations. If that’s what it takes to fight hate groups/com-

munist (delete where applicable), so be it.

There is one historical analogy which might offer hope for overcoming this impasse. In the bloody history of 17th-century England, different factions enjoyed power at various times, and passed draconian laws against their enemies. Puritans and Whigs persecuted Tories and Catholics on the right and received their comeuppance some years later when the fortunes were reversed. From about 1670, however, this futile game of tit-for-tat began to produce lasting benefits, when English parliaments began passing laws which in modified form serve today as the basis for America’s constitutional freedoms. *Habeas corpus* is a well-known example, but the same period also produced the independence of the judiciary and the liberty of the jury to reach a verdict free of the dictates of the judge. This apparent upsurge of common sense arose not from any novel political theory, but from the growing recognition by both partisan extremes that everyone stood to benefit from protections of this sort. For quite hardheaded reasons, militants on both sides supported what in retrospect appear astonishingly liberal reforms, on the basis that one could never tell when one’s own interests might require these protections. Codification of these individual rights thus arose from an odd and entirely self-interested coalition of enemies who realized that they had more to fear from the state than from each other. Is there any chance that both sides in contemporary America might start seeing each other’s pain, and start dealing with the fundamental issues of state power that we so urgently need to address? <C>

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## Refusal to Exercise

*by Gail White*

My friend at forty picks the slice of cheese  
from her fast-food burger: its cholesterol  
content would kill her. Runs five miles with ease,  
takes body to the gym for overhaul

at frequent intervals. Avoids the sun,  
eats roughage, uses honey-based shampoo.  
At first she thought she could stay beautiful  
forever. Now, healthy and lean will do.

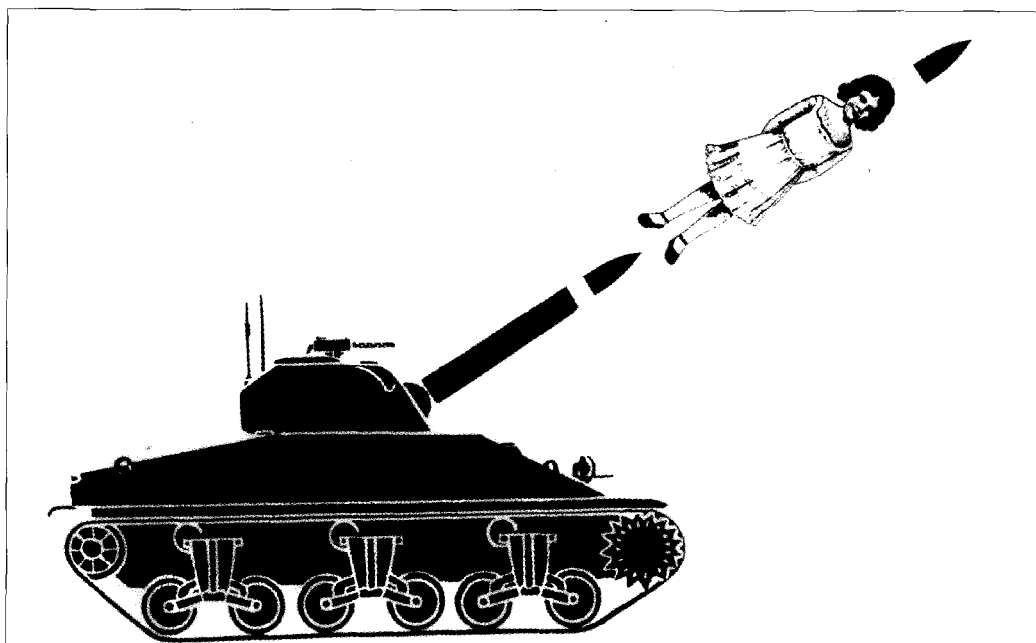
Her only hope of immortality  
is eighty years of thinness. To preserve  
that radiance, that vital vibrant glow—  
the look of youth! If not the look, the nerve!

So she works out, but secretly she knows  
one day the kidneys will refuse to drain;  
a sudden clot will blossom like a rose  
on the elaborate trellis of the brain.

And nothing’s certain. Those whom sickness spares  
may meet their destined accident today.  
Then why should mortal creatures put on airs?  
Gather the golden popcorn while you may.

# Child Abuse at Waco

by David B. Kopel



“F or the sake of the children” has emerged as one of the most dangerous phrases in American politics. President Clinton has invoked children’s alleged dependence on the federal government not just for his putatively child-oriented programs (such as the misnamed Department of Education), but also for issues that have only a tenuous connection to children, such as his prohibition on semiautomatic firearms, or his antiterrorism proposals for greater wiretapping and for trials with secret evidence. The most ironic of all the administration’s claims about its love for children, however, is its persistent assertion that the BATF and FBI attacks on the home of the Branch Davidian children in Waco, Texas, were noble efforts to protect the children from child abuse. And, it turns out, there really was child abuse at Waco, although not exactly as described by the government.

Child protection was, according to the government, the reason why the FBI could not wait to see if Koresh would keep his promise to surrender after completing a written exposition of the Seven Seals of the Book of Revelation. In April 1993, Attorney General Reno had repeatedly rejected the FBI’s request for permission to end the siege by gassing the Branch Davidians’ home. But at one of the FBI-Reno meetings, someone pushed the hottest of Janet Reno’s hot buttons.

According to a later Justice Department report, sometime in the week preceding the April 19 tank assault, “someone made a comment in one of the meetings that Koresh was beating the babies.” Attorney General Reno asked the person who made the comment if he was sure. She recalls that she was given “the clear impression that, at some point since FBI had assumed command and control for the situation, they had learned that the Branch Davidians were beating the babies.” Who told the Attorney General about child abuse? Webster Hubbell, the second-ranking official at Justice at the time, later stated, “I re-

member it [the comment] specifically, but I can’t remember who said it.” A few days later, after all the children had died, Attorney General Reno explained that she approved the FBI assault because “babies were being beaten.” White House spokesman George Stephanopoulos concurred that there was “absolutely no question that there was overwhelming evidence of child abuse in the Waco compound.”

Not really. As FBI Director William Sessions acknowledged, there was “no contemporaneous evidence” of child abuse; given the many FBI listening devices inside the Mount Carmel Center, Sessions’ conclusion appears accurate. As the FBI well knew, Koresh, having been wounded so severely on February 28 by a BATF sniper that he thought he was going to die soon, was in no position to abuse anyone physically or sexually in the subsequent weeks.

A few months after the fire, Reno said that she might have misunderstood the FBI comments, and there was no evidence of ongoing child abuse in the besieged home. At the public hearings on Waco last summer, Reno offered an entirely different explanation for her approving the assault. The “first and foremost” reason was that “individuals sympathetic to Koresh were threatening to take matters into their own hands to end the stalemate [and] were at various times reportedly on the way.”

But while child abuse had disappeared as a rationale, a child welfare issue remained: “They [the FBI] told me that the conditions were deteriorating inside. I was concerned about the safety of the people inside. The behavioral experts were telling me that children—for a siege that could last a year—it would have a lasting effect on them.” Here, the FBI was clearly correct; conditions were deteriorating in the besieged home. Against the advice of government negotiators and behavioral experts, the FBI tactical commanders had in the middle of the siege decided to “demonstrate the authority of law enforcement.” They did so by cutting off electricity to the compound, shining lights on the compound all night to deprive the resi-

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