Danforth Report Asks Wrong Questions About Waco

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Every lawyer knows that, if he can control the questions, he can get the answers he wants. The problem with the Danforth interim report on the Waco tragedy was not the answers but the questions.

It is clear from Special Counsel John C. Danforth's report that he defined his mission, not to gather all the facts to explain how the fiery disaster happened, but to restore American citizens' confidence in our government. His biggest worry was that "61 percent of the people" believe the government was at fault in the Waco tragedy and that this imperils "the very basis of government."

In fact, it is the cover-up of government mistakes and bad judgment that imperils the very basis of government. The public correctly believes that the government has not fully acknowledged its wrongdoing in the Waco tragedy, and the Danforth report only adds fuel to the fire.

In a misguided attempt to dispel public opinion that the government was at fault, Danforth deliberately restricted his investigation to the events of April 19, 1993. Danforth boasted in his news conference that he did not look into whether government agents "exercised bad judgment."

But the very bad judgment of the government's attack on the Branch Davidians is a key part of the case! Why did the Clinton Administration attack a small and pitiful religious group, suspected of relatively trivial offenses, with two U.S. Army tanks, U.S. Air Force aircraft and helicopters, mine detectors, machine guns, 700 men, and the secret, highly-trained U.S. Delta military force created for use against dangerous terrorists?

The picture of the U.S. Army tank ramming the Branch Davidians' buildings will go into history as a pictorial legacy of the Clinton Administration along with the famous photograph of the grabbing of Elian Gonzalez with a pointed machine-gun. Those powerful images illustrate law enforcement under Bill Clinton.

Danforth declared, "with 100 percent certainty," that government agents "did not unlawfully employ the armed forces of the United States." Even if it is true that this large-scale military offensive was within the letter of the law (and it appears to be a gray area), that shouldn't end the analysis.

We want to know who gave the order to use military force against civilians who were not terrorists or any threat to others. And if what the government did and didn't do at Waco was all within the law, then the law ought to be changed or, at the very least, heads should roll for such extraordinary bad judgment.

To the question "did federal agents start the fire?", Danforth answered no. But the FBI spent six hours pouring into the Davidians' wooden structure the poison gas known as CS, which is banned for use in war by the Chemical Weapons Treaty.

Even if the Davidians were to blame for the fire, that doesn't excuse the government's actions because both sides could be at fault. Why didn't the government have fire hoses ready to save the children?

Danforth didn't ask any questions about why the government conducted a 51-day siege of the Branch Davidians' compound. Nor did he ask why the government cut off the Davidians' water and electricity, and tormented them with recordings of animal screams played at a deafeningly high pitch.

Danforth reported that the government "did not engage in a massive conspiracy and cover-up." The weasel word is "massive." He had to admit that FBI agents and lawyers did conceal information about the pyrotechnic devices the FBI fired, about the videotape proving that an FBI agent authorized the explosive rounds, and about the evidence of fired rounds collected at the scene.

Danforth also admitted that these FBI concealments "contributed to the public perception of a cover-up and permitted a false impression to persist." If there wasn't a cover-up, why did the FBI, on the day of the final assault, keep newsmen and television cameras on the side of the building where they couldn't see or photograph the military offensive?

The Danforth report blames the public for believing that the government was at fault and for ignoring "the contrary evidence that the FBI waited for 51 days without firing a shot." But he didn't ask why the FBI didn't wait 51 weeks rather than initiating an attack that resulted in the incineration of more than 80 people including at least 20 children, most of them younger than age 10.

So many questions were excluded from the Danforth investigation because it was limited to events on April 19. For example, why didn't the government arrest David Koresh on one of the many days when he went jogging outside the compound?

The Danforth report appears to be designed to restore public confidence in our government rather than to discover what happened and why. Unfortunately, this report looks like government people closing ranks to protect each other, and that does not restore our confidence.