

Raids

Reflections on Their Management

INTRODUCTION

The planning and staging of a raid requires not only considerable resources: personnel, communication systems, appropriate weaponry, and backup equipment (e.g., ambulances, fire engines), but coordination as well. A raid (whether by uniformed police, local or state detectives, or federal investigators) that is poorly conceived or ineptly conducted can provoke unwelcome publicity and harsh criticism. It is understandable that those who enforce the law perceive consequent censure with dismay (particularly when the process is rendered unfair by the 20/20 hindsight of the critics). Officers conducting a raid must assess and react to life-threatening situations within a matter of seconds; yet later, often from a distant vantage point, outsiders evaluate their performance. Because of this, it is imperative that raids be planned and staged with particular care.

In June 2006 the Supreme Court ruled 5–4 to expand so-called “no-knock” searches by the police, making it easier for police with a search warrant to enter a home without knocking or waiting. In a Michigan case (*Hudson v. Michigan*),¹ Detroit police entered the suspect’s home within three to five seconds after announcing their presence and discovered illegal drugs and a gun. On appeal, the defendant argued that a reasonable amount of time, usually 15-20 seconds, which had been a prior standard, was not observed. In the majority opinion written by Justice Anthony Scalia, the court held that “police blunders should not result in a ‘get-out-of-jail-free card.’” In a dissenting opinion, Justice Stephen Breyer wrote that the decision erases more than 90 years of Supreme Court precedent.²

Three examples will illustrate this imperative. One raid involves federal agencies, the other two involve local law enforcement. The concerns expressed below are those of opinion-makers; hence, they influence media response to newsworthy events. This factor cannot be ignored if public help and support are to be forthcoming. Law enforcement cannot afford to take a head-in-the-sand stance, writing off criticism as misguided or emanating from elements traditionally hostile to the police. Because the number of cults and political extremists who use guns to challenge government agents is on the increase, it

is not unrealistic to formulate advance plans to deal with situations likely to call for a raid. There is no dearth of informed persons able to throw light on dissident groups and the way they think; law enforcement should seek them out. When a crisis does arise, and the conduct of a raid involves consultation with knowledgeable individuals, the action, if perceived as having been guided by the best available advice, can avoid criticism.

Guidance can be found in the case examples that follow. It is important to recognize, however, that law enforcement officials must ultimately bear the responsibility to save lives and property, and to see that a raid is carried out in a professional manner. Appropriate consultation provides the basis for a response to any potential fault-finding that might follow after a raid.

WACO: THE BRANCH DAVIDIANS

The first case is the ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives) raid in Waco, Texas, in 1993. Executing search and arrest warrants for illegal weapons and explosives may be routine for the ATF, but the warrant under discussion here involved a religious cult. Its leader (Vernon Howell, known as David Koresh) was proclaiming himself “the Christ” who would appear and open up the Seven Seals of the Book of Revelation. According to a report by the U.S. Department of Treasury,

The ensuing standoff lasted 51 days . . . when the Compound erupted in fire set by cult members after the Federal Bureau of Investigation (FBI) used tear gas to force its occupants to leave. The fire destroyed the Compound, and more than 70 residents died, many from gunshot wounds apparently inflicted by cult members.

In the wake of these tragic events . . . the Executive Branch, Congress, the media, and the general public raised serious questions about ATF and FBI action at the Compound.³

Even harsher criticism has been forthcoming. Koresh’s biblical allusion—its apocalyptic vision, specifically—should have served as a warning that far more was involved than a hostage situation and a weapons violation. Dean M. Kelley, Counsellor on Religious Liberty for the National Council of Churches, and other apocalyptic religion specialists are inclined to judge the handling of the Waco incident rather severely:

. . . The FBI established a containment perimeter around the Mt. Carmel buildings, cut off all telephone or other communications except with its own negotiators, and settled down to a patient process of trying to talk the Davidians out of their home (termed a “compound” or even a “fortress” in federalese). This consisted of hours of listening to David Koresh expound his doctrines to sleepy negotiators struggling to follow his shifting scriptural references in their Gideon bibles. His exposition relied heavily on an Adventist and millennialist vocabulary of obscure biblical allusions, each followed by a verbal nudge—“Right?” or “Correct?”—that only deepened the agents’ bewilderment. . . .

After a week or so of this exercise in what federal participants began to refer to as “Bible babble,” the FBI leadership on the scene grew impatient and began to use pressure tactics that tended to undercut the negotiators’ efforts . . .⁴

Ironically, just as the federal government was abandoning hope of a peaceful solution, there opened up the possibility of such an outcome. Early in the siege, Koresh had promised to come out if his message could be aired on national media; he prepared an hour-long audiotape that was broadcast locally but not (he claimed) nationally. Two scholars of apocalyptic religion, Phil Arnold of the Reunion Institute in Houston and James Tabor of the University of North Carolina, studied the broadcast and believed Koresh could be reasoned with if approached within his own frame of reference. After several futile efforts to persuade the FBI to let them try, they arranged with Ron Engleman, host of a radio talk show on KGBS (to which the Davidians regularly listened), for a half hour’s uninterrupted plea to David Koresh to rethink his understanding of the Fifth Seal (Revelation 6: 9-11), which he believed to be unfolding at Mt. Carmel.⁵

The opinions of psychiatrist Robert Cancro are key to a fuller understanding of a group like the Branch Davidians:

. . . they have a shared, very strongly held belief, . . . (that is) simply a rejection of the norms and ideas accepted by the rest of society.

. . . The Branch Davidians had an apocalyptic world-view in which they expected attack from the outside world. The reason for arming themselves was . . . protection from an expected attack. They had been training . . . for a long time to defend . . . against such an effort.⁶

A subsequent publication casts blame in many directions, holding that Koresh and the Branch Davidians were not without sin, but they were also sinned against. Its criticism of the two federal bureaus involved (ATF and FBI) is unsparing.⁷ In yet another book, the part played by alienated former Branch Davidians and professional “cultbusters” in molding the course of events is treated. The concern seems to be not to try to understand Koresh, but rather to demonize him.⁸ As these publications make clear, relying on self-proclaimed experts can be hazardous unless their alleged expertise is carefully evaluated.

PHILADELPHIA: MOVE

An earlier incident involved MOVE, a black separatist group that seemed determined to stir up violent confrontation, not only with its neighbors but with Philadelphia’s municipal government as well. In 1985, the police were ultimately provoked into dropping a bomb on a row of houses occupied by MOVE. The bomb drop was deliberate; its purpose, to open a hole in the roof for the injection of tear gas. But the catastrophic fire that followed took 11 lives (men, women, and children) and destroyed an entire neighborhood of some 61 well-kept homes.

Channel 10 news cameraman Pete Kane was watching the rising flames with disbelief. Unknown to the cops on the street below, he'd been hiding in the house for more than twenty-four hours, filming the confrontation. The night before, he'd captured images of the police quietly moving into rooftop positions. Later, he'd filmed the confrontation at dawn—the thick screen of smoke that obscured the street, the first rounds of gunfire, the return burst of automatic gunfire from the police positions—and all through the long, still afternoon, when the only sound was the steady hum of compressors from the fire engines, he'd filmed the scene intermittently.⁹

The city of Philadelphia eventually rebuilt the burned homes (at a cost of more than \$8 million), but despite the appointment of the Philadelphia Special Investigation Commission (the MOVE Commission), several issues went unresolved:

How does a society respond to an organization such as MOVE? How can it protect itself from those who share none of its values and beliefs and would destroy them to the roots? How can civilization withstand the awesome combination of an idea and an automatic rifle?¹⁰

Religious Studies Professor Nancy T. Ammerman provides some insight:

New or dissident religious groups are often “millennialist” or “apocalyptic”—they foresee . . . the emergence of a new world with themselves in leadership roles. . . .

Such new groups almost always provoke their neighbors . . . they think old ways of doing things are obsolete or evil. The resistance of outsiders to the new revelation often causes the new group to see itself as beleaguered by a hostile outside world. It may develop rituals and rhetoric of self-defense that sound and look quite aggressive, but are aimed more at reinforcing their own sense of solidarity and righteousness than at posing any real threat to outsiders.¹¹

Reverberations from Philadelphia and Waco have continued to occupy press attention. *The Wall Street Journal*, hardly a severe critic of law enforcement, editorialized:

The central issue here is the credibility of the institutions invested with the power to enforce the laws. This is the bedrock beneath a stable society, even one as open as ours; for it to endure, institutions must be competent and laws rational. Are they? A look back at Waco to Philadelphia is reason to wonder.¹²

Civil damages awarded to the MOVE members (amounting to more than \$1.6 million) may be the final echo of the fiery bombing in Philadelphia.

CHICAGO: THE BLACK PANTHERS

Another raid that captured worldwide attention occurred in 1969 when 14 officers assigned to the Cook County (Illinois) State's Attorney's Office executed a search warrant for illegal weapons on the Black Panther Party. In the ensuing gunfire on the apartment occupied by the members, two Panthers were killed and four wounded; two officers sustained minor injuries. The media gave full coverage to the fact that the county prosecutor's account contradicted the Panther's account of the raid. A subsequent federal grand jury report threw some light on issues engendered by the raid, and on the difficulties the grand jury experienced in ascertaining the facts:

The one group of witnesses that, perhaps, could have shed some light on what happened are the occupants of the apartment; however, without exception they declined to testify.

Thus, while there is a serious lack of corroboration of the officers' account no one has appeared before the Grand Jury with a specific allegation of wrongdoing by them. Unquestionably, the raid was not professionally planned or properly executed and the result of the raid was two deaths, four injuries and seven improper criminal charges. The grave issues of law enforcement raised by these facts are discussed elsewhere. The question here is whether the facts establish probable cause to believe that the officers involved intentionally committed acts which deprived the occupants of federally protected rights, contrary to law. The Grand Jury is unable to reach that conclusion. The physical evidence and the discrepancies in the officers' accounts are insufficient to establish probable cause to charge the officers with a willful violation of the occupants civil rights . . .¹³

In judging the facts of this case, the Grand Jury believes that the reader should keep the proper perspective. If officers of the law were on a legitimate and proper mission to search for weapons that could endanger countless persons, they should not be met with gunfire. In this case, the State's Attorney's Police did, in fact, seize and remove from public circulation nineteen weapons and a large quantity of ammunition. The fact that the raid was poorly planned and executed and evidence was mishandled, does not mean that there should have been no raid.¹⁴

One might speculate on the last sentence in the report. Could it be viewed as mitigating the Waco raid, making the hard facts of that action more acceptable?

As a result of considerable dissatisfaction with what the grand jury achieved, an apparently self-appointed Commission of Inquiry was created. Led by Roy Wilkins, representing the National Association for the Advancement of Colored People (NAACP), and former Supreme Court Justice Arthur Goldberg, it undertook to ascertain the facts about the raid and the killings, and to determine whether prosecutable civil rights violations had occurred:

The job of the grand jury was to determine whether violations of law had occurred and to vote indictments if it found sufficient cause. Its Report, critical of everybody but most particularly the Panthers, has had the effect—very

possibly a politically intended effect—of leaving the impression that the only crimes committed were by the Panthers, and that, even if the police were overzealous, the Panthers deserved it. It is appalling enough that although people had been killed—or perhaps more accurately murdered—the grand jury was merely investigating denials of civil rights. For that grand jury then to conclude that the victims deserved their fate, and not indict any of the perpetrators, does little except to give credit to the Panthers’ foresight in being unwilling to participate in the grand jury’s investigation.¹⁵

In its conclusion the Report raises profoundly important issues:

The question, “Who polices the police?” is itself difficult. When it appears that law enforcement officials are working in unison, not for justice but solely to protect some of their own, questions become that much more difficult. Who will judge the police? Who will judge the judges? And how can society expect the oppressed, or those who believe they are oppressed, to act when society’s official avenues of recourse are closed to them?¹⁶

SUMMARY

All three raids discussed in this chapter involved search and seizure of illegal weapons and, therefore, point to the perils inherent in this law enforcement activity. The Treasury report is replete with recommendations on tactical raid operations (i.e., preparation for, execution of, and post-incident action).¹⁷ For the untrained or unseasoned (and this includes most law enforcement personnel), a careful perusal of the Treasury Department’s analysis is vital if malfeasance is to be avoided in the future.

Should future raids be called for and if unprovidential incidents like those in Waco, Philadelphia, and Chicago are not to recur, then anticipation, planning, and preparation are key. The reader in search of provocative and informative material on the subject of apocalyptic thinking will profit from two relatively brief, lucidly written texts by scholars of religion, Robert Fuller and Elaine Pagels.¹⁸

NOTES

- ¹ *Hudson v. Michigan*, 547 U.S. ____ (2006),
- ² Gina Holland, “High Court Backs No-Knock Search.” *Houston Chronicle*, (June 16, 2006), 1.
- ³ U.S. Department of the Treasury, *Report on the Bureau of Alcohol, Tobacco and Firearms Investigation of Vernon Wayne Howell, also known as David Koresh* (Washington, DC: Department of the Treasury, September 30, 1993), 1.
- ⁴ Dean M. Kelley, “Waco, A Massacre and Its Aftermath,” *First Things*, No. 53, 22-37 (May 1995).
- ⁵ *Ibid.*, 25-26.
- ⁶ Kelley, *op. cit.*, 29-30.
- ⁷ Dick J. Reavis, *The Ashes of Waco: An Investigation* (New York: Simon & Shuster, 1995).

- ⁸ James D. Tabor and Eugene V. Gallagher, *Cults and the Battle for Religious Freedom in America* (Berkeley, CA: University of California Press, 1995).
- ⁹ Michael Boyette (with Randi Boyette), *Let It Burn: The Philadelphia Tragedy* (Chicago: Contemporary Books, 1989), 19.
- ¹⁰ *Ibid.*, 263.
- ¹¹ Kelley, *loc. cit.*
- ¹² *The Wall Street Journal*, (2 May 1995), A 12.
- ¹³ United States District Court, Northern District of Illinois, Eastern Division, *Report of the January 1970 Grand Jury*. [Corrected Ed., June 1, 1970] (Washington, DC: U.S. Government Printing Office, 1970), 113.
- ¹⁴ *Ibid.*, 125.
- ¹⁵ Roy Wilkins and Ramsey Clark, *A Report by the Commission of Inquiry Into the Black Panthers and the Police* (New York: Metropolitan Applied Research Center, 1973), 226.
- ¹⁶ *Ibid.*, 248.
- ¹⁷ U.S. Treasury Report, *op. cit.*, B-3 through B-121.
- ¹⁸ Robert Fuller, *Naming the Anti-Christ: The History of an American Obsession* (New York: Random House, 1995).
- ¹⁹ Elaine Pagels, *The Origins of Satan* (New York: Random House, 1995).

SUPPLEMENTAL READINGS

- Fuller, Robert. *Naming the Anti-Christ: The History of an American Obsession*. New York: Random House, 1995.
- Pagels, Elaine. *The Origins of Satan*. New York: Random House, 1995.
- Tabor, James D., and Eugene V. Gallagher. *Cults and the Battle for Religious Freedom in America*. Berkeley, CA: University of California Press, 1995.
- U.S. Department of the Treasury. *Report on the Bureau of Alcohol, Tobacco and Firearms Investigation of Vernon Wayne Howell, also known as David Koresh*. Washington, DC: Department of the Treasury, 30 September 1993.