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Hostage Negotiations in Lieu of Armed Assault

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Abstract

The failed attempt to rescue hostages during the 1972 Olympics in Munich Germany led to the unnecessary and terrible loss of lives of both hostages and captors. Ever since then, great efforts have been undertaken by law enforcement professionals and researchers to develop clear protocols to help insure the safety of all involved parties. Negotiations, one tactic among several, represents a non-violent alternative to armed assault that can be used to obtain the safe release of hostages and the capture of unharmed hostage takers. Drawing on my forty year career experience in California Corrections, this paper argues for the power of dialogue as an essential tool for the peaceful resolution of a crisis involving people, including hostage situations. Examining six notorious case studies of hostage situations from 1972 to the present, this work highlights a number of negotiation strategies. These six events exemplify both peaceful and tragic outcomes, making it clear that all too often the outcome corresponds directly to how effectively conflict-resolution and negotiation tactics are employed. Through analysis and critique of these case studies, this work makes evident that the attitude of the team leadership, as well as the amount of cooperation and coordination between the negotiation team and the assault team, proves critical to the peaceful resolution of a hostage situation and to the saving of lives.

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Hostage Negotiations in lieu Armed Assault

Introduction

Hostage negotiations is the process used by law enforcement personnel to obtain the release of persons in a peaceful manner who are being held against their will. Whenever a hostage situation is identified there are two options, employee negotiators to communicate with hostage taker to release hostages or order an armed assault using lethal force to kill or capture the hostage takers. The purpose of this paper is to illustrate that negotiating for the release of hostages will minimize the chance of injury or death to hostages, law enforcement personnel and hostage takers. Information on several hostage events will be provided to demonstrate that hostage situations can be resolved through negotiations as an alternative to lethal force. It will also demonstrate that even when all the rules, good judgement and experience are applied by the negotiation and tactical teams, mishaps happen.

Negotiations

This research paper will limit its findings to hostage and barricade incidents which is differentiated from a kidnapping. During a hostage incident the hostage taker “physically holds another person(s) by threat or restraint as leverage to try to force the authorities to meet demands” (Slatkin 82). A barricaded subject has no persons being held and in effect they are holding themselves as hostage. They want law enforcement authorities to go away. The distinction between hostage taking and kidnapping is that the hostage takers and victim(s) location is known. During a kidnapping, the perpetrator’s identity and victim(s) location and fate are unknown.

Terrorist hostage situations will not be covered in detail. A few brief comments are in order to define a major differences in the treatment of hostages when in captivity. Terrorists take hostages to make a statement and don't intend to negotiate reasonably. Terrorist will hold their hostages in isolation, place covers over their heads or have them face a wall in an attempt to dehumanize them. In the book, *On Killing* by Lieutenant Colonel Dave Grossman, he reasons that "it is easier to kill a person if you don't have to look them into the eyes when killing" (Grossman 128). Attempts to negotiate with terrorists still should be pursued, hopefully that some common ground can be reached.

Prior to the Summer Olympic tragedy at Munich, Germany in 1972, there was no good rescue model to resolve a hostage crisis. When a hostage situation was reported, the nearest law enforcement swat team or available police officers would storm the area killing or capturing the perpetrators. The problem with this method, innocent people also got killed.

Lt. Frank Bolz, New York City Police Department went to Munich to study the problems German authorities had in their attempt to obtain the release of the Israeli athletes. With the information he obtained, he wrote a structured procedure for hostage management for New York City law enforcement. Subsequently, the Federal Bureau of Investigation (FBI) wrote their crisis management procedures modeled after the plan written by Bolz.

Crisis Management Units (CMU) patterned after the Bolz plan have specific procedures to follow for the incident commander, tactical squad and negotiators. All members involved in the Crisis Management Team are trained. All routine onsite decisions on tactics or strategy are approved by the incident commander. The CMU will be well staffed with negotiators. An experienced negotiator will be assigned as the team leader. He or she will monitor all negotiation strategies, keeping the incident commander informed on progress. Additionally, the Negotiation

Operation Center (NOC) will be staffed with four or five additional negotiators to act as relief negotiators, record keeping and assuring that they have working telephones and tape recorders. Easels are set up to post notes on the progress to keep everyone updated.

Hostage negotiation, unlike negotiations used in advancing a career or solving a labor strike, is a life or death drama. The negotiator in hostage negotiations has one goal and that is to save lives while obtaining the release of hostages through meaningful dialogue. “The traditional belief that continues is that negotiations means adversarial confrontation”(Liviton 54). It is critical that negotiators attempting to secure the release of hostages not inject personal feelings into the process. They must resist from responding to insults by the hostage taker. Adversarial confrontations can be cause for failure. There are no short cuts in negotiations. It is a matter of listening, patience, gaining trust, perseverance, good judgment and luck. Having an understanding of the perpetrators problems and background helps. Experienced negotiators are confident they can succeed if left alone to concentrate on their job. The negotiator also feels the pressure, knowing if the negotiations fail, he or she will be blamed.

News Media

As it relates to Hostage Negotiations, anytime there is a hostage situation in the United States the news media is likely to be interested. It is up to the authority where the hostage crisis is located to determine how the media will be addressed. If the hostage crisis is located in the public sector, law enforcement teams will respond to media needs. Those hostage situations in a prison will be the responsibility of the Prison Administration.

In the public sector, efforts will be made to isolate the media to keep them from interfering with the negotiation process. Phone lines and other means of communications will be disabled to

disallow any outside intrusion by the media. Throw phones or a bullhorn will be used to negotiate with the perpetrator. Communication in a prison setting is much easier to control. Perimeter security and control of phone banks limits access.

It is extremely important that the hostage taker has only one source of contact with the outside world, and that is the negotiator. Often it is not known if there are radios or television sets within the perpetrators access. In the Munich, Germany Summer Olympics, a television crew was allowed in close proximity to the apartment where the Israeli hostages were being held. The attempt by the German police to assault the building was broadcast live on television and alerted the Palestinians, aborting the rescue attempt.

Reporters have a job to cover what they consider is reportable news. Most law enforcement agencies and prison administrations have a Public Information Officer (PIO) that work as liaison between the authority in charge of the hostage situation and the media. Past practice has demonstrated that if reporters feel there is an unnecessary blackout on information they will develop their news story on rumors. If for some reason, information is withheld until the hostage crisis has been resolved, the PIO should provide the necessary information, to allow the news reporter to develop the news story.

The media can also be a useful tool working with the incident commander and negotiation team. Negotiators often need some trade-offs to persuade the perpetrator to release a hostage or allow a hostage to speak on the phone. In the event religion is involved or the hostage taking is a result of an anti-government philosophy, perpetrators have offered to release a hostage if allowed to go on social media to argue their cause. Proper management of news releases and cooperation with the media can be critical and beneficial.

The following summaries of the different hostage events provides a context for evaluation of the different styles of management and philosophies of the authorities in charge of managing the crisis. An objective analysis of the hostage events covered should settle the argument, negotiate or assault. Each hostage incident is different. The same can be said of the crisis management teams and team leaders. Either option, use of force or negotiations, is applicable to hostage situations. The exception occurs when verified intelligence confirms that hostages are being harmed at the onset of the crisis. Such a scenario necessitates immediate rescue action.

Hostage Event I: Munich, Germany Summer Olympics

The first hostage event under consideration is the incident in Munich, Germany, in 1972. There were two countries involved, Israel and Germany, multiple decision makers, a dysfunctional communication procedure and a rescue team that had no training to manage a hostage crisis. The tragic outcome that evolved from this incident convinced law enforcement groups in the United States there was a need for training and maintaining a hostage crisis management team.

It all started at 4:30 a.m.. on the morning of September 5, 1972 when a band of eight Palestinians, called "Black September" took eleven Israeli athletes and coaches hostage at the Summer Olympics in Munich, Germany. According to Author, Simon Reeve, in his book, *One Day in September*, there was very little known about the Black September group prior to Munich. However, it wasn't long before the western world came to know more about them after Munich. Black September, continued to make the news for about one more year involved in militant and terrorist type activities.

The name, Black September, was derived from the September 1970 conflict in Jordan when King Hussein expelled thousands of Palestinians from his country.¹ In reviewing different documentation about the history of Black September, it is noted that there are differences in opinions in reference to their identity. Some authors refer to Black September as a militant group while others refer to them as terrorists. A leader of Black September claimed, “There was not an organization. There was a cause, Black September. It was a Palestinian state of mind” (Reeve 35).

Relaxed Olympic security allowed the Palestinians to enter the Olympic Village where the athletes were staying. Two of the Palestinians had previously managed to obtain jobs at the Olympic Village. This allowed them to learn the layout of the Village and the exact location of the apartments occupied by the Israeli team.

The Palestinians approached the Israeli athlete’s apartment in the Olympic Village without being detected. They knocked on the door of the first apartment and when the occupant opened the door and saw men with weapons, he attempted to keep the door shut while warning his fellow team mates. He was immediately shot and killed. A second athlete was killed while attempting to defend himself with a knife. The Palestinians managed to take nine hostages. Eighteen other team members escaped.

When the German authorities became aware of the hostage situation they set up a crisis center. Contact was made with Issa, the leader of the Palestinian group. Issa agreed to allow Munich Police Chief, Manfred Schreiber, and a small delegation of German and foreign officials to approach him. After introductions and some discussion, Issa informed the German delegation

¹ The Black September organization was founded in 1970 and closed down September 1973.

he would provide them with his demands. Soon after the meeting the written demands were thrown out a window of the apartment.

Their demands were the release of 200 Arabs held prisoner in Israeli jails, the release of the leaders of the leftist terrorist group, Ulrike Meinhof and Andreas Baader, and the Japanese terrorist, Kozo Okamoto. Issa also insisted they and the Israeli hostages must be flown out of West Germany to any Arab nation except Lebanon or Jordan. They warned the authorities that they had three hours to comply. Failure to meet the deadline would result in the execution of hostages at the rate of two every thirty minutes.

When Israeli authorities were contacted on how to handle the hostage situation it was agreed that the German authorities had full responsibility for the rescue. However, Prime Minister, Golda Meir, of Israel made it clear not to negotiate for Israel to release prisoners. Israel would not object to providing the Palestinians safe conduct from the country if the hostages were freed. German Interior Minister, Hans Dietrich took charge of the negotiations, but was limited in the decisions he could make. The Palestinians would not accept any amount of money or exchange of Israeli athletes for Germans.

To further complicate the negotiation process, the German Chancellor, Willy Brandt, flew to Munich and involved himself in the negotiations. He personally mandated that neither the hostages nor the hostage takers leave Germany. Prior to Chancellor Brandt's order there were serious thoughts about flying the hostages and hostage takers to an Arab country. With the latest direction from the Chancellor, and previous mandate from Golda Meir not to release prisoners, the German planners were left only with the option to use force to rescue the Israeli athletes.

The German authorities' plan was to convince the Palestinians they were going to leave with their hostages and fly to an Arab country. Issa was told his group and the hostages would be transported to helicopters to fly to Furstenfeldbruck, a West German airbase sixteen miles outside of Munich. A Boeing 727 and crew were standing by to fly them and the Israelis to an Arab Country. Issa agreed to the plan.

The actual plan was designed to make the Palestinians vulnerable on their way to the airplane where German police could effectively ambush them. The central part of the plan was German police officers posing as the flight crew would either capture or kill Issa and his accomplice. Everything was going as planned until Issa entered the airplane. The German police posing as the flight crew had abandoned their positions without informing their command center. They saw no place to hide or protect themselves from gunfire or grenades. They saw their role as a suicide mission.

When Issa saw no flight crew, he anticipated a trap, shouted a warning and ran back to the helicopters. In the ensuing chaos the police snipers and Palestinians exchanged shots and in a short time all the Israeli athletes, five of the Palestinians including Issa, and one German police officer were dead. Three Palestinians gave up and were captured. "The German rescue operation was a criminally shambolic failure". (Reeve p124)

Results and Critiques

Millions of people worldwide were watching the event on television. The Olympic Committee had a large investment in the Games. There was some talk about cancelling the games which increased the pressure on the German authorities to do something quickly. With the

hostage situation located in the Olympic Village, the games would be disrupted or maybe canceled altogether.

Did relocating the incident away from the Olympic site take priority over negotiations? The German decision makers had to understand that their plan to use lethal assault would risk lives. The critics of the failed rescue focused not only on the problems of the armed assault but also on the failure to continue negotiations. A German delegation was able to communicate with Issa soon after they took hostages. Issa had made it clear they did not want ransom money or an exchange of German officials for Israelis as hostages. Their only stated goal was to exchange the Israeli athletes for the release of specific prisoners from jail. Without the hostages, they had no bargaining power. The deadlines to execute hostages passed at least four times, which should have been a signal they wanted to keep the hostages alive. Negotiating and stalling for time may have allowed the decision makers the opportunity to bring in resources from friendly Arab nations to assist in the deal making.

Several years later the blame game still goes on when there are discussions on what some participants call the “Olympic Massacre.” The Arabs blame Bonn. The German authorities blame Golda Meir because of her refusal to allow them to negotiate the release of prisoners. The Israelis blame the German authorities for not accepting Israel’s offer to send to Germany their elite counter terrorism team. The German authorities deny the Israeli team was offered. The German decision makers also had to contend with the Olympics in progress.

The Germans were concerned prior to the Olympics about the Israeli team safety without having knowledge of any plot against them. Unfortunately, the Israelis also had some concerns about going to Germany placing loyalty to the Olympics over safety which led to their demise.

Hostage Event II: The Hate Factory

This event was characterized by Author B.G. Hirliman in his book the *The Hate Factory*. On Friday February 1, 1980 a riot broke out at the Penitentiary of New Mexico that lasted for thirty six hours. When it was over, there were thirty three inmates dead, all killed by fellow inmates.

Prior to the 1980 riot there was an independent study of the New Mexico Penitentiary made by a California Correctional Official for the American Justice Institute. The study revealed a poorly administered prison with multiple problems. The official called the prison one of “the most poorly administered he ever encountered” (Hirliman 13).

When the New Mexico Attorney General investigated conditions in the penitentiary a year later, nothing had been done to upgrade the management. His public report concluded the penitentiary had a “history of instability and poor planning”(Hirliman13). Management was rampant with “factionalism, poor communication, and apathy” (Hirliman 13). One of the worst problems was the volatile condition of overcrowding and misuse of dormitories for medium security prisoners. He concluded that by staffing the penitentiary with high school graduates, without the proper training for prison work, state officials were playing Russian Roulette with the lives of inmates, staff and the public. His concerns were justified. When the inmates felt the current conditions weren't going to improve they started planning for a way to get attention to their plight.

The Aryan Nations, a white supremacist group, and the “Chicanos”, prison slang for the Mexican inmate population, were drinking prison-made brew while planning a riot. Their main complaints were overcrowding, the misuse of the maximum unit to punish inmates and the bullying

by the Mexican staff clique that controlled the penitentiary. Lack of security training and inexperienced correctional officers allowed the inmates to take the first step. They observed that correctional officers making the early morning count left a security door unlocked. This allowed inmates to take hostages. With the captive correctional officer's keys, they proceeded to capture seven out of the fifteen night officers. Captured staff members were stripped of their clothes, threatened and beaten. They also formed inmate death squads to seek out those inmates they identified as informers, torturing or killing them all. The atrocities committed by the inmates were beyond sanity. With the extra keys from the captured staff, they took over and destroyed most of the internal sections of the penitentiary.

The Warden, the Deputy Warden, and the Superintendent of Correctional Security arrived at the penitentiary gatehouse, outside the perimeter fence shortly after the riot began. The inmates made their first contact by telephone to the Deputy Warden at approximately 5:00 a.m. The inmate callers were clear in their message: We are not trying to escape. We have hostages and if the National Guard or police assault the institution, the staff hostages will be killed. Their initial demands were to have a meeting with the Governor and the news media in order to express their complaints. Other subsequent demands included a public forum to discuss the poor food, mismanagement, overcrowding, inadequate recreation and the resignations of the current administration.

The stage was set. The inmates communicated that they had hostages they would kill if there was an assault. The administrative response was that if even one hostage was killed there would be an assault that would be worse than Attica.² Threatening dialogue between the inmates and administration left few choices, armed assault or negotiations. The decision was made that in

² On September 13, 1971, there was a riot at the Attica Correctional Institute, New York State. "Ten hostages and twenty nine inmates were killed by correction's officers and state troopers" (Wicker 318)

order to get the staff out safely and gain control of the penitentiary, they would have to negotiate and compromise.

On their own initiative, the inmates were able to reach the Governor's office by phone inside the penitentiary wherein they secured a commitment they would not be assaulted. As the negotiations proceeded with the administration, the inmates also were granted a demand for a news media interview in exchange for a seriously wounded correctional officer. An NBC reporter was allowed a forty minute interview with inmates inside the institution.

Results and Critiques

With an experienced Correctional Administrator from another state summoned to assess the penitentiary followed by the New Mexico Attorney General a year later investigating the conditions, it should have alerted high ranking Correctional Officials attention. The reports collectively highlighted the poor administration, poor planning, deplorable conditions and the instability of the penitentiary. Furthermore, the problems highlighted at the penitentiary "laid mainly at the doorstep of Management" (Hirliman 127).

It would be reasonable to believe that both official reports reached the Secretary of Corrections and the Governor's office. It is protocol among agencies to ensure that informational copies are distributed to all involved departments or agencies. Administrators in the chain of command in the New Mexico State Department of Corrections, should also have had an indication the penitentiary was being mismanaged prior to the reports received from outside sources.

With the penitentiary's management being named at the root of the problems, it was not in the best interest of the State Department of Corrections or the Governor's office to ignore the reports. Without Correctional Headquarters taking immediate action to correct the problems

identified, it was “business as usual”, until the inmates desperate for improvement took matters in their own hands.

However, the blame for the riot and death of thirty three inmates goes beyond just blaming the penitentiary management. State Correctional Administration shares some of the blame for not being responsible in properly overseeing penitentiary operations. There is no excuse for a Warden or their supervisors in headquarters saying, “I didn’t know”. Their job responsibility is to know and make corrections and provide resources as needed. They have the responsibility to ensure that there are adequate funds for hiring and training staff, inmate educational and recreational programs, proper food and health care.

Whenever an institution reaches the level of mismanagement as described in *The Hate Factory*, improvements would have to include drastic changes in management and supervisory staff. Responsibility starts at the top. Administrators set the tone for prison operations by their actions, on the treatment of prisoners and the importance of programs that will benefit inmates upon their release. Without guidance from the top, attitude of management and supervisory staff will prevail.

The end results, the rioters got most of what they demanded. Inmates got trade-offs from staff for bringing out injured officers. Some of the inmate spoke-persons got transfers to their liking. Other concessions were no segregation for the rioters. They were allowed to meet with the press, and the Governor’s office was involved. Only those that could be identified in the murder of another inmate were held accountable. The thirteen officers who were held as hostages resigned.

In spite of the fact that thirty three inmate lives were lost, no assault took place, no shots were fired, inmate killings ceased and no staff lives were lost once negotiations were started.

Negotiations proved that with some compromise they can be successful, even with the most calloused criminals. Dr. James Watson, Medical Investigator summed up the motivation behind the killings, “absolute unbelievable rage” (Hirliman 118).

Hostage Event III: Sperryville

The following is the profile of a hostage situation involving a man, a common law wife and son that had an unfortunate ending. This event is indicative of a hostage incident where the crisis management team does everything correctly, but nevertheless the crisis resulted in a death. Negotiations are unpredictable when dealing with terrorists who never intend to release their hostage, the unstable person who is angry and determined to kill their hostage and the suicide by cop. The negotiator’s role changes as he or she sets the stage for the final assault which violates a personal principle, which is to “save lives”. Negotiators know that in order to be effective in negotiations, they should never lie. However, on rare occasions they have to lie to maneuver the perpetrator into a position to allow lethal force. This lie is referred to as the “Last Lie” (Van Zandt 59).

The Sperryville hostage crisis happened in April 1988. An ex-husband, Charlie Lief, abducted his estranged common law wife, Cheryl Hart and their four year old son Charlie from her parent’s home in Connecticut. Lief felt Cheryl and little Charlie belonged to him. Cheryl had previously secured a restraining order that Lief ignored. After an extensive search by the local police, FBI and the Virginia State Police, Lief and his family were located in a vacated home outside of Sperryville, Virginia. When members of the FBI swat team discovered the fugitives in an upstairs bedroom they found Lief holding little Charlie and Cheryl in front of him with a gun to Cheryl’s head. “Back off” he yelled, “or I’ll kill her”(Noesner 7). The swat team leader, who had some negotiation training responded with, “we’re backing off. Nobody is going to get hurt”

(Noesner 7). He then called for the FBI tactical operations specialist. A FBI command center was set up in the firehouse in Sperryville, where all hostage rescue efforts would be coordinated. The primary negotiator assigned was Gary Noesner.

Arriving at the scene, Noesner relieved the temporary negotiator, who gave him an update on what had transpired between him and Lief. The change of negotiators was brought to Lief's attention. Noesner assured Lief there was no intention to hurt him or his family. Every effort was made to convince Lief that he needed to put down his firearms and release his family. It appeared Lief was becoming more rationale and would end his threats against Cheryl. However, as time progressed his mood changed. His voice grew louder and angrier, shouting downstairs that, "I have the gun against her head"(Noesner 15) and am about to pull the trigger. At this point, Noesner felt that Lief was spiraling out of control and he feared the next sound he heard would be a gunshot.

Noesner's evaluation was that Lief was going to eventually kill Cheryl and a new plan was needed. Lief was aware there was a helicopter close by and asked Noesner to fly him out. In order to get Lief into a position where a sniper could take him out, Noesner agreed with Lief. He would arrange for him and his family to leave by helicopter to a location of his choice. The plan was approved at the highest level. The last words Noesner said to Lief were, "Good luck Charlie, I hope you and Cheryl will be okay". Charlie replied, "Goodbye" (Noesner 22).

As Lief walked to the helicopter with his son tied to his back pointing his rifle at Cheryl's head it all ended with a sniper shot. Lief was killed instantly and his son, "little Charlie" and Cheryl were safe. After the fact, Noesner acknowledged to his wife that a "kind of bond"(Noesner 23) had been formed with Lief. He felt that he had to do what was necessary to save two lives and felt "no remorse"(Noesner 23). His final comment to a colleague was, "I'm fine" then added, "But I'm mad as hell at that son of a bitch for making me do it" (Noesner 23).

Results and Critiques

It was an unfortunate ending with the loss of a life. Though, it should be noted that it took the skills of a negotiator to set up the use of lethal force. After the conclusion made by the negotiator, that Cheryl and the son were in imminent danger, a rescue attempt had to be implemented quickly. The Tactical Squad had no other option than assault, which had the potential for several persons, tact squad and the Lief family, to be injured or killed.

The decision to use lethal force rather than continue negotiations was not final until approved by the special agent in charge and the FBI personnel legal office. The legal office mandated that the negotiator ask Lief one more time if he would come out peacefully. Lief's final refusal to surrender peacefully activated the plan to use lethal force.

Allowing Lief to fly to a location of his choice with Cheryl and his son would not have ended the crisis. Lief's family would still be subjected to Lief's irrational behavior and threats. Additionally, law enforcement still had the responsibility to arrest Lief for his current criminal behavior. It also would have been an irresponsible decision to allow the helicopter pilot to fly Lief anywhere. The pilot would have been very vulnerable to Lief's unpredictable behavior.

Hostage Event IV: Ruby Ridge

The incident involving the Federal Bureau of Investigation (FBI) and the United States Marshall Service (USMS) beginning August 21, 1992 is a classic example on the lack of intelligence, misuse of strategy and force by the two Federal Agencies. Ruby Ridge was the site in northern Idaho where U.S. Marshalls and FBI agents attempted to arrest Randy Weaver, a former factory worker and a U.S. combat engineer. Randy Weaver was just another malcontent that identified with anti-government groups and chose to isolate himself and his family from

mainstream society. Prior to the attempted arrest, Randy and his wife Vickie had already made the decision to move to a remote mountain area where they could survive and home school their three children. They bought twenty acres of property and built a cabin on a hillside below Ruby Ridge in Boundary County, Idaho.

Circumstances that led up to charges being filed against Weaver were based on information from a Bureau of Alcohol, Tobacco and Firearms (ATF) informant. The informant claimed Weaver attempted to sell him two illegal sawed off shotguns. Both the source of information and the information itself were questionable. Furthermore, the ATF agent in charge initially attempted to use the illegal shotguns issue to coerce Weaver into being an informant against the Aryan Nations, a white supremacist group. When Weaver refused, the ATF agent filed charges.

ATF agents eventually arrested Weaver and informed him of the charges and his court date was set for February 19, 1991. He was released on bail. Subsequently, there was some confusion between the court clerk and Weaver's attorney about changing his court appointment. As a result, Weaver did not get the information on the change of court dates and he did not show up in court as scheduled. The Judge issued a bench warrant for failure to appear. As the law enforcement arm of the federal court, it was the duty of the U.S. Marshalls to bring in the fugitive.

By this time, Weaver's presumed potential for violence, as circulating within the Department of Justice, (DOJ) was highly exaggerated. There were rumors that he was a Green Beret, collected all kind of firearms, booby trapped and tunneled his property and would shoot anyone on site. The U.S. Marshalls assigned to the case, believing Weaver was a violent person, did not want to risk a lethal confrontation. They wanted Weaver to surrender peacefully, stand trial on the weapons charges and his failure to appear at the correct trial date.

Had Weaver agreed to talk with the U.S. Marshalls they could have explained the due process procedures applicable to his court case and hopefully he would have responded to reason. However, Weaver refused to talk to any negotiators including third party intermediators or his legal counsel. The next step was to send a group of armed U.S Marshalls into the area to apprehend Weaver and draw him away from his cabin.

On August 21, 1992 a surveillance team of six U.S. Marshalls dressed in cameos and carrying weapons climbed up Ruby Ridge to scout out areas where they might arrest Weaver. The Weaver's dogs detected their presence and alerted Weaver's son Sammy, fourteen, and Weaver's friend, Kevin Harris. Sammy and Harris followed the dogs to the edge of the forest. This is where the agents, Sammy, and Harris had a confrontation. It started with a U.S. Marshall shooting one of the dogs. Accounts differ at this point but when the shooting stopped, one U.S. Marshall and Sammy, were dead. Sammy was shot in the back running away from the fight. Harris sustained a wound.

The FBI, learning of the incident, sent their Hostage Response Team (HRT) with agent Dick Rogers in charge. Rogers had all the resources available at his disposal to resolve the incident with either negotiations or assault. Even though there were no known hostages at the time, the negotiation team was on site to negotiate a surrender if needed.

On August 22, second day of the siege, sniper/observer teams were deployed with negotiators. Rogers was known to be an effective tactical commander, but not a fan of negotiations. When briefing the tactical team, it was obvious that this was going to be a tactical operation. He immediately revised the rules of engagement to allow snipers to kill any adult carrying a gun without first asking for a surrender. A sniper interpreted the new rules as a "green light" and shot and wounded Randy Weaver outside his cabin. The sniper then took a second shot

that went through the cabin door and killed Vickie Weaver, who was holding her ten month old baby in her arms. The same shot hit Harris in the chest wounding him seriously. Contrary to FBI policy, no verbal warning was issued.

The stand-off was ultimately resolved by three sympathetic civilian negotiators. Harris surrendered on August 30th. Weaver and his daughters surrendered the next day. Weaver and Harris were arrested, and at the trial were acquitted of all charges with one exception. Weaver was convicted for missing his court date for which he was sentenced to 18 months and fined \$10,000 and credited with time served. He spent an additional 4 months in prison.

During the trial, defense counsel alleged wrong doings by the ATF, USMS, and FBI. This was cause for the Department of Justice (DOJ) to create a “Ruby Ridge” Task Force. They delivered a 542 page report on June 10, 1994, to the DOJ Office of Professional Responsibility (OPR). The report was never officially released.

Results and Critiques

The circumstance leading up to the Ruby Ridge incident is directly related to the mishandling of information and inappropriate application of authority by three law enforcement agencies. The chain of events leading to the tragedy of three people dead started with an ATF agent using his authority in an attempt to coerce Weaver into becoming an informant. When Weaver refused, ATF filed gun charges against him. They also claimed that Weaver was a bank robber with criminal convictions. Those claims were false at the time. “Weaver was not a suspect in any bank robbery” (Wikipedia 3). Additionally, a memo circulating within the DOJ, exaggerated Weaver’s potential violence which was never substantiated. The U.S. Marshall’s office never made any attempt to assess the credibility of the various people who gave information

about Weaver. The problem of misinformation made it difficult for other law enforcement agencies to accurately assess Weaver's potential for violence.

Weaver had a distrust for government before the accusations were made about selling illegal guns. The gun charges, false accusation by ATF and the confusion on his court dates intensified his distrust. When he refused to leave his remote home, the U.S. Marshalls made no attempt to directly communicate with him. They only used third parties intermediaries, which proved not to be effective. Had the U.S. Marshalls employed a trained negotiator to speak with Weaver and explained the legal process to dispel erroneous beliefs about going to trial, it is plausible that would have ended the U.S. Marshalls involvement.

The U.S. Marshall's decision to stake out Weaver's cabin to capture him was a fatal decision. The stakeout ended with both a federal agent and Weaver's son dead. The FBI learning of the incident, sent their Crisis Management Team with Dick Rogers, Special Agent in charge. Experienced FBI negotiators in an armored personnel carrier, arrived on the second day of the siege prepared to make a surrender callout to the cabin. There were no hostages involved. The FBI negotiator's role would have been to seek a peaceful surrender. They were readily available, but never employed. Instead, Rogers deployed snipers with instructions to shoot anyone with a weapon.

Rogers's strategy denied further attempts for a peaceful surrender. The fact that a federal agent had been killed, may have caused Rogers to set the wrong tone to use lethal force instead of negotiations. Roger's decision on strategy to use lethal force only compounded the existing crisis. He ignored the purpose of negotiations to save lives, including the life of perpetrators whenever possible. Negotiations should always be used when circumstances allows the opening for negotiators to do their job. Weaver's wife should not have become another tragic victim.

In summary, Weaver was anti-social, anti-government and distrusted law enforcement, but not proven to be dangerous. When there was an arrest warrant issued, he did not run away. During the shootout, Weaver was not seen with a weapon. Also, there were no charges against his wife. He only refused to leave his cabin to talk to his defense counsel, negotiators or investigators.

FBI Director Louis Freeh, described the incident to the U.S. Senate hearing investigation committee as “synonymous with exaggerated application of federal law enforcement” and stated, “law enforcement overreacted at Ruby Ridge” (Wikipedia 11).

Hostage Event V: Waco Branch Davidians

The tragedy at Waco, Texas that involved two Federal law enforcement agencies leaves many questions with few answers. The two Federal agencies were the Alcohol, Tobacco and Firearm (ATF) and the Federal Bureau of Investigation (FBI). It started on February 28, 1993 when eighty ATF agents stormed the Branch Davidians Mount Carmel compound outside of Waco. Their goal was to execute a search warrant on the compound and an arrest warrant on weapons charges. Vernon Wayne Howell, better known as David Koresh, was the group leader of the Branch Davidians, a breakaway sect of the Seventh-day Adventist Church.

It is known that the Davidians were alerted that Federal agents were in the area by a rural mailman, who happened to be the brother-in-law of David Koresh. The Davidians were prepared to defend Mount Carmel against an intrusion by Federal agents. It is not known who fired the first shot but when the firefight ended, four ATF agents and several Davidians were dead.

The ATF agents were replaced with the FBI, who assumed responsibility to resolve the crisis. They treated the crisis as a “Hostage/Barricade rescue” (Tabor np). It was the FBI who called in hostage negotiators, counterterrorist units and SWAT teams normally used to resolve a hostage

crisis. Gary Noesner, FBI Lead Negotiator, was assigned as the team leader to manage the Negotiation Operation Center (NOC). Dick Rogers, FBI special agent, was assigned to the Hostage Response Team (HRT). Jeff Jamar the Special Agent in Charge (SAC) was the overall Incident Commander

There were problems with communication, personalities and the chain of command from the onset. When managing a hostage crisis, the staff responsible are also “managing information” (Noesner 103). It is critical to a successful operation, that updated information is shared between the NOC, HRT and Incident Commander. The decision to set up the HRT with Rogers in charge eight miles distance from the NOC was contrary to the FBI crisis management procedures. It was known that Rogers was no fan of hostage negotiations. The physical distance would make face to face meetings more difficult. When the negotiation team leader expressed his dissatisfaction with the setup, he was ignored.

On a positive note, the negotiation team found Koresh willing to talk with them. Throughout the fifty one day siege, one negotiator, characterized Koresh as either being a charismatic leader or maybe just a good con man. Nevertheless, the negotiation team was able to obtain the release of children two at a time with ongoing dialogue.

At 10:06 p.m. on March 1, Koresh made an offer. If the FBI allowed “him to deliver a nationwide broadcast” (Noesner 106) he and his followers would surrender peacefully. Koresh wanted to speak publicly about the book of “Revelation”. Jamar approved the broadcast on the condition that it would be a tape recording that could be screened prior to release. Koresh agreed. At 8:15 a.m. March 2, Koresh released two more children and followed up with the release of two elderly women and more children to bring total of released people to eighteen. That afternoon the Christian Broadcasting Network broadcast Koresh’s tape nationwide, uncut as promised. After

preparations began to accept the surrender, as agreed, Koresh changed his mind with the excuse “God told him to wait” (Noesner 111).

When Koresh reneged on his commitment to come out, serious problems in reference to further strategy developed between the NOC, HRT and SAC. Koresh gave Rogers the reason he needed to justify an assault. Rogers used Koresh’s stalling tactics to appeal to Jamer, “my people can get in there and secure the place in fifteen minutes” (Noesner 110). Jamer partially agreed with Rogers adding that “it is time to teach him a lesson”. The tone was set for an assault even though people were still being released.

The HRT, without informing the negotiation team, started a program of intimidation to break the resolve of the Davidians. Over the objection of the negotiation team, armored cars were driven on Davidians’ property, electricity was shut off at night, bizarre music was played during the sleeping hours and bright lights were periodically directed at the compound. In spite of the negative tactics, the negotiators still made some progress. On March 23, the last person was released bringing the total to thirty five.

The effort to intimidate the Davidians, to break their resolve, and surrender did not succeed. Instead, Koresh had a change of heart, and no more people would be released from the compound. The negotiation team felt all their ongoing efforts to get more people released was being compromised by the harassment efforts of the HRT. Furthermore, division between the NOC and HRT became obvious. The negotiation team was being left out of the loop on further strategic planning. Noesner was replaced with Clint Van Zandt, another FBI negotiator. With the change of team leaders, no more Davidians were released.

Jamer, Incident Commander and Rogers HRT Leader, without anyone from the negotiation team, flew back to Washington D.C. to meet with Janet Reno, Attorney General. They made their pitch, conditions within the compound were deteriorating and endangering the lives of children. There were also reports of child sexual abuse. They stated tear gas could be used to drive the Davidians from the compound. Without the negotiating team leader present to give his evaluation of the situation, Attorney General Janet Reno approved the plan. “ On April 19, 1993 a final assault by the FBI, led to a fire that killed seventy-four Davidians including twenty one children” (Tabor 1). Their leader, David Koresh, was also killed in the assault. The government claimed that the outcome was unavoidable.

Results and Critiques

The critics stressed that the matter could have been handled differently. There are several questions that need be answered. Why didn't ATF arrest Koresh when he was away from the compound? How much pressure came from the FBI in Quantico to resolve the crisis to get Waco out of the news? “The entire nation was watching and the FBI was spending about \$128,000.00 a day” (Noesner 126). Did somebody put cost over the life of the participants? The negotiators felt they were making progress by getting a few hostages out at time, mainly children. Why not continue negotiations? Every life is worth saving. What was the real reason for changing the negotiating team leader? Was the sales pitch to Attorney General Reno one sided? Did Jamer and Rogers take it personally, when Koresh reneged on his commitment to come out which motivated the assault. If they did, they violated an FBI core principle. “Never confuse getting even with getting what you want” (Noesner 110).

“Congressional hearings made clear that the negotiation and tactical teams had been at cross-purposes, and those sitting in judgement came to appreciate that the negotiation team had been on the right track and Rogers and Jamer had got it wrong” (Noesner 131).

Hostage Event VI: Montana Freemen

Approximately three years after the disaster in Waco, Texas the FBI Crisis Management Unit reported to Jordan, Montana. Their assignment was to enforce the application of a federal indictment that had been obtained charging various individuals, who called themselves Freemen, with a multitude of criminal violations. The Freemen were a small group of people who had anti-government views and did not recognize government’s authority. They refused to pay taxes, obey laws other than their own, obtain driver’s licenses or display tags on their vehicles. They took refuge on a number of ranches owned by the Clark family in a remote area, approximately twenty miles from Jordan, with a population of 450 people. They renamed their ranch area “Justus Township”. The word Justus is meant to have a double meaning, “justice” and “just us”.

Prior to the arrival of the FBI, local warrants had been issued against individual Freemen for criminal acts. Reacting to the warrants being served, the Freemen publicly threatened to abduct the sheriff and the county prosecutor and try them for treason in their court. They also threatened an ABC news crew and stole their expensive camera equipment at gunpoint. Their increasing brazen criminal behavior placed them in an unavoidable collision course with the government. Local law enforcement in Jordan, twenty five miles from the “Justus Township” consisted of a sheriff, his undersheriff and two Montana Highway Patrol. Local law enforcement personnel recognized that

together they did not have a large enough force to take on an armed militia, consequently, they requested assistance from the FBI.

As the standoff continued into the second week, some middle managers expressed their concerns the incident was taking too long. Some agents wondered out loud that maybe the FBI was gun shy and afraid to make decisions. From past practice, negotiators were aware there are differences in opinion between the negotiating team and the tactical squad. Negotiators want the opportunity to use their skills to bring about a peaceful resolution. Incident commanders and tactical team commanders get impatient and push to use force to end the standoff. Negotiators are often outranked by the incident commanders who make the final decisions, continue negotiating or use force.

Whether FBI Director Louis Freeh received a phone call from a negotiator onsite that some of the FBI personnel were already complaining about the length of time it was taking to resolve the standoff is unknown. What is known is that Freeh made a conference call to all the on-site managers in Jordan. He made it clear, speaking directly to the negotiation team leader saying, "Gary, it's important for you to know that as your director, I am in no hurry to end this incident. I want to make sure that we take whatever time necessary to negotiate this out the right way"(Noesner 162). Freeh also mandated that Gary Noesner participate in all the daily teleconference calls between him and the on-site senior management. Everyone in the room knew that the results of Ruby Ridge and Waco weighed heavily in the room.

In concert with Director Freeh's directions and with fresh memories of Ruby Ridge and Waco, the FBI was going through great pains to ensure there was not an overt display of military clothing and equipment. Instructions were given to FBI personnel to maintain a low profile in the

community. And, unlike Waco, Agents from the Bureau of Alcohol, Tobacco and Firearms (ATF) were conspicuously absent.

At Waco the ATF agents passed up the opportunity to arrest David Koresh while he was out in the community. FBI agents, posing as construction workers, did arrest the Freeman's leader and his number one assistant while off the ranch near Jordan. The FBI's plan, after arresting the Freeman leaders, was to contact the five or six sites where the majority of the Freeman were located. They wanted to give them the option of coming out peacefully rather than be subjected to a physical assault. Their initial efforts to communicate with any Freeman failed.

When this approach appeared to be unsuccessful, the FBI solicited third party intermediaries to speak to the Freeman on their behalf. Karl Ohs, a Montana legislator was a close friend to the birth father of one of the women living in the Justus Township. The Freeman requested the involvement of Charlie Duke, a right-wing member of the Colorado State Senate, well known in militia circles. Both men were able to make contact with various Freeman willing to begin communications. The Cause Foundation, a right-wing equivalent of the ACLU, known for defending the legal rights of right-wing extremists in trouble with the law, offered their assistance in the final phase of the standoff. With the blessing of the Freeman's leader and assistance of Karl Ohs and the Cause Foundation a surrender process was worked out.

Results and Critiques

The siege lasted for 80 days. Under the Freeman leadership, the potential for a shootout was always there. The Freeman were well armed, distrusted government and were determined not to surrender. An attempt to arrest individual Freeman in their homes had the potential for being another disaster like Ruby Ridge. To their credit, the FBI administration set the tone with the local

incident commanders and negotiators that negotiations took precedent. There was no time limitations on the negotiators attempting to secure a peaceful resolution. When the FBI negotiator's initial attempt failed to make contact with the Freeman, extra steps were taken to bring in third party intermediaries. This opened the door to communicate with individual Freeman. With Freeh's personal involvement, the saving of lives had priority over budgets and saving money. The negotiators proved in the Freeman incident that, if given the time, they had the knowledge and skills capable of resolving a crisis peacefully.

Conclusion

In conclusion, negotiation is an alternative to lethal force to resolve a hostage situation, which can save lives. The preceding individual hostage events were selected because each required different tactics and strategy to resolve. The details in each summary include factors involved in the decision making process justifying assault or negotiations. The years of the hostage events illustrated span a time frame, 1972 to 1996. One event involved two different countries with hostages. The other events included a standoff with no hostages, religious group secluded in a compound with illegal weapons, an anti-government malcontent, a domestic incident and a prison riot.

Team coordination, experience, accurate intelligence, attitude and coordination between local law enforcement agencies and government are critical in resolving a hostage incident in a peaceful manner. The preceding hostage events compare the impact of competent leadership, cooperation among agencies, support between team leaders versus arrogant leadership, lack of communication and team leaders ignoring the premise of negotiations. A negative attitude toward negotiations by the decision maker in charge of a hostage incident sets the tone on how the situation will be resolved, which most likely will be lethal assault. A strong leader projecting a

positive approach and confidence in the negotiation process, will have a much better chance of achieving a resolution without physical harm or death.

Attitude is very critical in maintaining a cooperative rescue operation that often includes persons that are not trained. Small towns or cities often involve the Sheriff, Mayor or Chief of Police in the decision making process. Lacking experience can be cause for the person in charge making a rash decision or incapable of making a decision when confronted with a life or death situation. Attitude of intolerance, racial bias, religious bias or “they ain’t got nothing coming”, referring to the hostage taker, all can be problematic in coordinating an effective negotiated resolution. However, negative attitudes are not solely relegated to the untrained leaders in small communities. Negative attitudes contrary to negotiations can also be found in large organizations such as the FBI or metropolitan areas that have budgets to maintain a professional crisis management team.

In reviewing the different hostage events illustrated in this paper, the problems that led to disastrous outcomes are obvious. The Munich, Germany hostage situation lacked a plan, experience and the patience to stall while gathering needed resources. Additionally, the pressure was on the German authorities to do something so the Summer Olympics could continue without a major distraction. It is probable that with a different strategy, experienced negotiators and without political interference, a resolution could have been reached without more Israeli deaths.

Waco and Ruby Ridge did not have hostages, however, negotiators were still needed to attempt to reach a peaceful surrender. Unfortunately, the incident commander and tactical squad leaders did not allow the negotiators to do their job in the Waco incident. At Ruby Ridge, the negotiation team was present and ready to get involved, but not activated. In the Hate Factory riot, the management had no choice but to negotiate. The management of the penitentiary and the

treatment of inmates was profiled by previous assessments as being totally unacceptable. It is doubtful if management would have negotiated if staff were not being held captive. Based on preceding reports on the Penitentiary, it is very probable they would have preferred to assault.

The Montana Freemen incident also did not involve hostages. It was a problem involving a group of people with anti-government views that disobeyed the law and refused to be served lawful warrants. FBI negotiators were engaged to communicate with the Freemen without success. However, the negotiation team leader took the extra step to solicit known Freemen contacts to act as intermediaries to achieve a peaceful resolution. Unlike the Montana Freemen, the Sperryville situation did involve hostages which could not be resolved peacefully and climaxed with the death of the hostage taker. The decision to use lethal force was taken to the highest levels of authority and approved by the FBI Legal Office prior to snipers being activated.

Too often it is assumed that because a person rose to a high rank in the organization, they were also capable of managing a hostage situation or a siege. That proved to be a wrong assumption. FBI Director, Louis Freeh recognized after the Waco disaster that a procedure was needed to place all sieges under a unified command titled, the Critical Incident Response Group (CIRG). "The FBI would no longer simply rely on the capabilities or limitations of the local special agent in charge" (Noesner 146). The CIRG would manage all major sieges with the objective of ensuring proper coordination and management of the many skilled FBI resources. If the CIRG had been in place during the Waco and Ruby Ridge incidents, the outcome may have been different.

Summarized, negotiations save lives when everyone works as a team and supports the negotiator's efforts. When the negotiator is distracted by supervisors who openly project a negative attitude and lack of confidence in the process, success is doubtful. When the negotiator is

allowed to do his or her job, the chances of success are increased. The following quote from Frank Bolz, New York City Police Department, coins the reason for negotiations in its entirety. No one else has said it better.

“Whether it be a loner or a loser: whether it be the clumsy robber or a distraught former employee, the role of law enforcement is the same, and the policy must be that life is the most important thing. The lives of innocent, the lives of the police and even the lives of the perpetrators are sacred. Money can be recovered, property can be replaced and perpetrators can be recaptured. But life, once taken can never be replaced. Intelligence properly used, can insure the needed success” (Bolz 68).

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