

## ANNALS OF LAW ENFORCEMENT

### DON'T SHOOT

*In the new FBI, patience comes first.*

**BY LUCINDA FRANKS**

In April of 1995, a few days after the bombing of the Oklahoma City Federal Building, Clinton Van Zandt, an agent with the Federal Bureau of Investigation, and various colleagues were called to a meeting by Director Louis J. Freeh to discuss ways of approaching militia groups for help in investigating the bombing, without further inflaming their fears of the government.

Van Zandt, who was about to retire after twenty-five years with the Bureau, had considerable experience in this area of law enforcement. As a member of the F.B.I.'s Behavioral Science Unit, he had worked on profiles of numerous serial offenders. More prominently, he had served as the Bureau's chief negotiator with various kinds of hostage-takers, from skyjackers and bank robbers to members of heavily armed religious cults. Recently, he had been involved in the two most widely publicized F.B.I. operations in years: the sieges of the right-wing militants at Ruby Ridge, in Idaho, and the Branch Davidian sect, near Waco, Texas. On both occasions, Van Zandt had argued for the use of persuasion over force. Both times, he had been overruled by his superiors, resulting in a disastrous loss of lives.

At the meeting, Van Zandt warned Freeh that the F.B.I. was in danger of appearing to become a "superspy" agency. "I said that we should be careful not to feed the paranoia about government as an evil force," he recalls. "I suggested that we didn't need to spy on these groups - we could reason with them. Sitting down with them on a porch and drinking iced tea out of Mason jars long before the crisis occurred would be more effective than pointing guns at them."

Two months later, Van Zandt was again called in by the director, this time to discuss a crisis-response team that had been set up to deal with what the Bureau refers to as "barricade situations." He recommended to Freeh that the new unit include at least two or three of his fellow-members from the Behavioral Science Unit. "I outlined some of the techniques we had used to crack the superglue that holds these messianic groups together," he says. "Freeh seemed to understand. I felt that he wanted to create a new kind of F.B.I. out of the ashes of Waco."

As the Bureau's conduct during its recent operation in eastern Montana against the Freemen militants has demonstrated, the country's premier law-enforcement agency is adopting a radically new approach in dealing with violent extremist groups. Throughout the Bureau's eighty-one day siege of the Freemen farm, not a single shot was fired. Time abetted the strategy of psychological attrition, so that when the Bureau finally cut off the farm's electrical power the militants' resolve disintegrated and a surrender was negotiated.

Director Freeh views the Freemen affair as a turning point in F.B.I. history, resulting from the harsh lessons learned at Ruby Ridge and Waco. "Our policies there were seriously flawed," he says. "We were letting the tactical assault-team commander control the situations, and negotiations came second. In Montana, for the first time, we were all on the same sheet of music. In fact, the negotiators were calling the shots and the tactical teams were in the background."

This victory of patience over force has given Van Zandt and other behavioral scientists now retired from the Bureau an enormous sense of vindication. "During my years with the offender, the psychologically trained F.B.I.," he says, "we agents who believed that outsmarting the bad guys was better than trying to outshoot them were fighting an

uphill battle against the Bureau's traditional mind-set, which held that you didn't try to figure out who the enemy really was, you just said, 'Come out with your hands up or I'll blow you away.' As far as I'm concerned, the Freeman operation was a demonstration of *real* strength. It showed that the giant had nothing to gain by crushing the fly when he could achieve his goal by cupping his hands around it. The fact that everything ended without a single loss of life proved the critical importance of using a psychological approach to crime."

Attempts to infer the personality and motives of offenders have of course always played a part in criminal investigations. But the scientific application of psychology to smoking out fugitives or solving baffling cases is of relatively recent origin. In 1957, a behavioral profile developed by a psychiatrist, James Brussel, finally led police to the notorious Mad Bomber, who had set off twenty-three explosions in New York City. Brussel's profile, which was based on his analysis of the method of planting explosives, of letters by the bomber to newspapers, and of his own experience treating the disorder of paranoia, proved to be so accurate that it correctly predicted even the culprit's fondness for double-breasted suits.

It was in 1972 that the Bureau established its Behavioral Science Unit - then consisting of nine members - at the F.B.I. Training Academy, in Quantico, Virginia, to instruct young agents in the behavioral patterns of repeat offenders. This development signaled the Bureau's first - if tentative - move out of the J. Edgar Hoover era, during which criminal detection was driven by the "Just the facts, Ma'am" approach, as portrayed by Jack Webb in the television series "Dragnet."

Instead of relying on the accumulation of empirical evidence - fingerprints, hair samples, eyewitness reports, and the like - to lead them to the offender, the psychologically trained agents looked for clues to the offender's personality, habits, and whereabouts which were derived from studies of patterns of behavior typical of his particular crime. For example, early studies of serial killers suggested what has since become a guiding principle of criminal profiling: such offenders invariably begin killing close to home, then expand their activities outward.

In response to the skyjackings and politically inspired violence of the seventies, the F.B.I. created an elite assault unit called the Hostage Rescue Team in 1983. Increasingly summoned to barricade situations, the H.R.T. required the assistance of behavioral science agents trained in the nascent techniques of negotiating for the release of hostages. In 1980, the Bureau assigned one agent, John Douglas, to work full time on criminal portraiture and established a nine-person unit devoted to hostage negotiating.

The Bureau's behavioral scientists gained national recognition in the early eighties when John Douglas, the lead profiler, was asked for his opinion on the serial killer suspected of murdering more than twenty black children and young adults in Atlanta. Douglas made the controversial statement that the culprit was probably a young black male, and he drew up a detailed profile of the suspect. This profile helped lead to the arrest and conviction of Wayne Williams, who fit Douglas's description in important respects, and it lent new credibility to the science - or "art," as the behavioral scientists themselves call it - of profiling. Earlier, Douglas and his colleagues had interviewed dozens of child molesters, rapists, and murderers in penitentiaries to develop prototypes of various kinds of serial offenders. By analyzing such psychological "footprints" as the type of weapon used, the position and size of wounds, the language employed in threatening notes, and the choice of crime scene, investigators could more quickly eliminate false leads, and--so the theory went - track the suspect right up to his door. By 1985, the profiling program had become so successful as an aid to local police investigations that the workload of the five full-time behavioral agents had expanded from fifty to five hundred cases a year.

Even so, within the Bureau these agents continued to be viewed with skepticism. "The older guys called us the 'B.S. unit,' and that did not mean 'behavioral science,'" John Douglas recalls. "They tended to think of us as weirdos sitting around humming mantras and playing with a Ouija board until a face magically appeared." Situated in an obscure basement room sixty feet below ground at Quantico, Douglas and his colleagues turned out profiles that the Old Guard considered to be crude, speculative, and - since they could not be introduced as evidence in court - largely pointless.

In no recent case did this intramural conflict rebound to such effect as it did during the eighteen-year hunt for the Unabomber. In 1980, after the fourth bombing attack, Douglas developed a profile in which he described the offender as a white male in his late twenties or early thirties, an "asocial obsessive-compulsive loner of above-average intelligence," who - in the light of the Northwestern University setting of the first two bombings - was probably from the Chicago area and had connections with academe. Sixteen years later, this profile proved to be a remarkably prescient portrait of Theodore J. Kaczynski, the Chicago-raised former mathematics professor, who has been indicted in four of the bombings.

Although the F.B.I. will not comment on the Unabomber case, it seems clear that while Douglas's profile was never entirely disregarded by investigators, it was superseded by a rival theory. Using physical evidence of certain fragments found at the sites of several of the bombings, proponents of the "just the facts" approach developed a portrait of the suspect as a blue-collar airplane mechanic. As the bombings continued, Douglas's arguments for a more behavioral approach lost ground. He recommended that his profile be publicized in the media as a proactive strategy designed to lure the suspect out of the shadows - and prod people who might recognize him in the description to come forward - but his requests were turned down by superiors who adhered to the Bureau's traditional practice of not tipping the F.B.I.'s hand to offenders.

In 1993, a far more detailed updating of the Douglas profile, which described the bomber as a neo-Luddite with a degree in the hard sciences, was put aside in favor of the airplane mechanic theory, and this became the overriding thrust of the investigation. Douglas, along with various retired members of the Unabom Task Force, now voices sharp criticism of what he sees as the F.B.I.'s wrong headedness. Others involved in the case say that the investigation was far too complex for one theory to have resulted in the suspect's capture, but Douglas insists, with the considerable benefit of hindsight, "The Bureau dropped the ball so many times. The behavioral scientists had a guy like Kaczynski pegged from the beginning, and if the Bureau had used our proactive strategies after the traditional ones had failed for so many years it might have caught the suspect ten years and three lives sooner."

No agent's career has been more emblematic of the F.B.I.'s evolution into a psychologically sophisticated intelligence agency than that of Clint Van Zandt, Douglas's former colleague in the B.S.U., who joined the Bureau as an old-fashioned agent in 1970, became an ardent behavioral scientist, and retired in August, 1995. Van Zandt and his wife, Dianne, live outside Fredericksburg, Virginia, in a Cape Cod-style house that also serves as his office for a private security-consulting business, Van Zandt & Associates.

Van Zandt, who is fifty, is a slim man with a round, dimpled face and a bushy salt-and-pepper mustache that rather startlingly suggests a disguise. His stepfather was an assistant fire chief in Granite City, Illinois, and he grew up in an atmosphere where responding to crises was routine. An indifferent student, he dropped out of Southern Illinois University twice before graduating, in 1971, with a degree in psychology. In 1966, he had joined the Army serving in Intelligence and spending a year in South Vietnam. Although his patrol duties qualified him for a Purple Heart, he did not apply for the decoration, he says, because he felt that his wound, from shrapnel, was too insignificant.

Of his early years in the F.B.I., Van Zandt speaks with self-deprecating bravado. "I made a hundred arrests in my first year, and I loved it," he recalls was corny as hell. I remember kicking open the door of a boarding house, and this felon's hands were creeping toward a shotgun. I pointed my revolver and growled, "What color roses do you want at your funeral?"

Before long, however, Van Zandt weaned of playing the tough guy. He had been raised a Baptist, but in 1979 he became a "born again" Christian. "I needed a faith that was simple and strong to sustain me out there every day," he said. "I needed to be able to go into a critical situation, say a quick prayer, and feel that I had turned things over to God and could only do my best."

Van Zandt's faith in himself was seriously shaken in June, 1981, when he was called to a bank in Rochester, New York, where a gunman had taken eight hostages. The man had positioned a female teller between two sets of glass doors and was threatening to kill her at three in the afternoon unless the police came in and executed him. "As far as I

knew, nobody had ever killed a hostage on deadline in the history of the United States," Van Zandt says, "so I suggested, 'Let's hold off.' I was terribly wrong. At exactly three o'clock, the guy aimed his shotgun at the woman. She cried out that she was the single mother of a young son, but he paid no attention. He shot two rounds into her back. Afterward, he stepped in front of a window knowing that a sniper was across the street. He was killed instantly. I had two little boys and a girl of my own. Watching that young mother die made me realize just how valuable human life is."

In the mid-seventies, Van Zandt, prompted by his interest in psychology, enrolled in the F.B.I.'s courses in hostage negotiations and behavioral profiling. He took night courses at the State University of New York College at Brockport, and eventually received a master's degree in public administration, specializing in crisis management. An avid reader of pop-psychology books, Van Zandt admits that he's no intellectual. "I'm a horse-sense man," he says. "I liked going through the coal fields, picking up diamonds here and there."

Van Zandt joined the hostage negotiation program at Quantico in July of 1984. His first opportunity to put psychological theory to the test came in April of 1985, when he was sent to rural Arkansas to negotiate with a survivalist group called The Covenant, the Sword and the Arm of the Lord: its members were barricaded inside a compound, heavily armed in preparation for an imagined takeover of the world by Jews and blacks. In the eyes of the tactical agents, Van Zandt cut an odd figure. One of them recalls, "Here was this guy going around telling us not to cross our arms when we talked to the Covenant leaders, because that might convey hostility. Nor should we cuss, because that might offend their religious beliefs. We thought, Who is this guy? Does he know what the hell he's talking about?"

Van Zandt acknowledges that trust and truth--are highly elastic commodities in barricade situations. "There were kids in there," he explains, "and, of course, you say anything to try to get them out of a situation like that. I remember sitting under a tree, blathering away on a portable phone to one of the nuts inside that I was a born-again Christian. I said that he and I weren't so different, really, and wouldn't it be too bad if this whole thing ended in a shoot-out and the blacks and the Jews stood over our tombstones and laughed at two stupid Christian white men who had killed each other? Then I rattled off these statistics-I don't know where *they* came from-about how the chances that our judicial system would send someone like him away were only about seven per cent. The tactical agents were holding their noses." A day and a half later, all eighty-five men, women, and children in the compound surrendered.

In certain situations, Van Zandt, who was named the Bureau's chief hostage negotiator in the early nineties, tempered his ardor for talking things out. He had come to realize that negotiators can, in effect, be accomplices in a crime if they fail to recognize that continuing to talk may only give the hostage-taker more time to prepare for violence. In 1988, he and other negotiators confronted a man who was holed up in a house in Sperryville, Virginia, having abducted his common-law wife and their three-year-old son. The man threatened to kill the woman if he wasn't provided with safe transport out of the area. After a night of fruitless negotiations, he demanded the use of the F.B.I. helicopter parked nearby. Using a classic strategy of negotiation, Van Zandt rejected the kidnapper's demands before finally pretending to relent, then made sure that the man could see food being loaded onto the helicopter. Because he'd been informed that the kidnapper was a drug addict with little to live for, Van Zandt figured that the man would kill his hostages if things went on much longer. At last, when the helicopter was loaded, the kidnapper emerged from the front door holding a knife to the woman's throat and a gun to her temple, with the terrified child perched on his shoulders.

"Clint made the most difficult decision anyone can make," Terry O'Connor, the local F.B.I. chief who was in charge of the operation, recalls. "He decided that negotiations just wouldn't work and the man would have to be killed to save innocent lives." A sniper was positioned seventy yards away in long grass, and when the kidnapper realized that he was trapped he dropped to his knees, jammed the gun to the woman's head, and said, "Goodbye, kitten." At that moment, the sniper fired into the kidnapper's head, severing the man's brain stem, so that he couldn't pull the trigger as he went down. The woman and child were unharmed. Later, Van Zandt made a point of talking things over with the sniper. "I wanted him to know that he had to do what he did," Van Zandt says. "He replied that he thought of himself not as having taken one life but as having saved two."

One of Van Zandt's operating principles was that you could defuse a violent situation if you tapped into the hostage-taker's deepest desires. In 1987, negotiating by telephone, he helped bring about the capture of a man who was holding two chambermaids in a Louisiana motel by agreeing to allow him to marry one of the hostages. "We got a minister to perform the mock ceremony over the telephone," he recalls, 11 and then we persuaded the man that he had to come out and sign a certificate before he could consummate the marriage. Sure enough, out he came with Addle, his bride, on his arm. She was followed by Mary, the maid of honor, carrying the shotgun."

In several such operations, the negotiators and the Hostage Rescue Team meshed perfectly. In November, 1987, Van Zandt was called to a federal prison in Oakdale, Louisiana, where more than a thousand rioting prisoners, most of them illegal Cuban immigrants who were fearful of being deported, were holding twenty-eight hostages. Van Zandt arrived to find the Cubans barricaded behind a wall of rubble in the prison yard. "They were yelling and cursing and aiming a homemade flamethrower at us," he says, "The Hostage Rescue Team and the Bureau of Prisons had snipers positioned on the roof The Cubans had tied a guard to a chair and doused him with a flammable liquid, and were holding a knife to his throat. To an outsider-which is really what a negotiator is-the whole spectacle seemed unreal. I turned to one of my colleagues, a terrific Hispanic agent, and said, 'Fernando, this looks staged to me.' He agreed. The Cubans were indulging in machismo. I felt they were not going to harm that guard. I ran up to the fence and said to the Cuban leader, 'Hey, this is nuts. This is going to be another Attica.' The guy ripped open his shirt and said he was prepared to die. I said, 'Brother, today's not the day. Listen, for every step back we take, you take one, too. Let the guard go and then we'll talk.' The guy looked at us curiously, shrugged, and said, 'O.K.'" Van Zandt explains, "As a negotiator, you learn not only to psych out individuals but also to psych out the atmosphere. A prison riot has a life cycle. Often, the prisoners need to revel in their freedom for several days before they're ready to sit down and work a deal."

Such cooperation between the assault teams and the negotiating teams owed less to F.B.I. official policy than to the good will of individual agents. In recent years, as antigovernment groups became more visible and more violent, the tactical agents, whose job was essentially, to heat things up, found themselves increasingly at odds with the negotiators, whose aim was to cool things down. (The tactical agents often contemptuously referred to the negotiators as "social workers," and the negotiators called the tacticals "knuckle-draggers" - gorillas.) Part of the hostility resulted from the Bureau's diffuse chain of command, a leftover from the Hoover era, which put the agents who ran the regional offices in charge of those who were sent out from Washington to handle barricade situations. Since the majority of the regional heads had risen through the ranks under Hoover, they tended to regard the negotiators as upstarts at best and nuisances at worst.

Leon Blakeney, a retired agent who was a member of one of the first SWAT teams trained by the F.B.I., in the early seventies, maintains that the tactical agents had good reason to be wary of the negotiators. "In the early days," he says, "negotiators seemed to think that they actually had to befriend their subject in order to reach him. Sometimes you'd see these guys identifying so much with the hostage-takers that they got what amounted to the Stockholm syndrome."

In August, 1992, tensions between the two camps erupted during the F.B.I. standoff with the armed Weaver family at Ruby Ridge. Van Zandt, who was coordinating negotiations from the F.B.I. academy at Quantico, advised that the key to resolving the standoff was to talk patiently with Vicki Weaver, the woman of the house. Van Zandt feels that the tactical agents badly overestimated the dangers posed by the Weavers, which compromised negotiations and led to the shooting death of Mrs. Weaver while she was standing behind the front door holding her baby daughter. Disgusted by Ruby Ridge, Van Zandt transferred in October of 1992 to the Behavioral Science Unit, where he became a profiler under John Douglas.

Then, a few months later, came Waco. Three weeks into the F.B.I. siege of the Branch Davidians' compound, Van Zandt was pulled out of the B.S.U. to help with the negotiations. Neither side was budging, and the conviction had begun to grow that further attempts at negotiating would only postpone the inevitable showdown. John Cox, an agent who was at Waco early on, recalls that Van Zandt arrived "full of hope and enthusiasm," and explains, "He had all these

new concepts, and, of course, we'd already tried them 0. We weren't making any progress, because Command occasionally would break off negotiations whenever David Koresh - the Branch Davidian leader - "did something they didn't like."

Van Zandt maintains that negotiations were often stymied by the actions of the tactical team. "It seemed like every time the Davidians were about to soften, the H.R.T. would drag away their cars on the theory that they might use them for cover in a firefight. We kept showing that we couldn't be trusted."

One night, Koresh asked if he could talk by phone to a "Christian." Van Zandt was summoned. For the next two hours, the two men debated Scripture. "He was trying to persuade me that the Bible allowed him to have sex with young girls," Van Zandt recalls. "I said, 'Hey, David, you're taking everything out of context, buddy, 'but he kept leaping all over the place for justifications. Finally, he said, 'Brother Clint, do you know who I am? I am the Christ.'"

Although Van Zandt came to the conclusion that Koresh would never give himself up, he now feels that further talking would eventually have driven a wedge between the self-styled messiah and many of his followers. "If, from the very beginning at Waco, we had exercised the infinite patience that Freeh's crisis team did with the Freeman," he maintains, "there's a good chance those women and children would have come out, one by one."

Five days before the disastrous F.B.I. raid, Van Zandt sent a long analysis, prepared with a psychiatrist, to the Bureau's headquarters describing Koresh as "probably a functional, paranoid type psychotic" who would rather die than lose face. The response was oddly off-target. According to Van Zandt, he was asked to delete "functional, paranoid type psychotic" on the ground that Koresh's lawyers might try to use it in an insanity defense.

Many of the twenty-four children who died at Waco were known to the negotiators by sight. "It took a big toll on everyone who was there," John Cox recalls. "Van Zandt was especially crushed. He's a born-again Christian, and the fact that there was nothing he could do to save those lives really got to him."

When Van Zandt retired from the Bureau, last August, he was, he says, "emotionally worn out." "There were all those faces-women, kids, the weak ones with knives pressed to their throats-whom I had had to turn my back on because I was calling the bluff of the hostage-taker. Once you see that utter horror of someone who thinks he's going to die, you own it forever."

Then, a few months into his retirement, Van Zandt found himself once again pressed into behavioral work of a dramatic kind when he was asked, confidentially, by a private investigator to compare family letters written by Ted Kaczynski with the Unabomber's anti-technology manifesto, which had been published in the Washington Post and the New York Times. Van Zandt reported to his client that it was likely that all the documents were the work of the same man. He heard nothing more about the matter until one afternoon last April, when one of his sons, Jon, pulled him over to the family television to see the just captured Kaczynski. At the sight of the gaunt, shaggy-haired recluse, Van Zandt shouted, "That's him! That's the guy who wrote those letters!"

Van Zandt was further elated by the nonviolent end to the Freeman affair, in which he played a small but vital role. Louis Freeh says, "In one of my meetings with Clint, he suggested something that would have been unthinkable in the old days, which was that we use third party negotiators who were antigovernment. Well, in the Freeman siege we did use people like that, and it proved extremely helpful."

Freeh, who became director in 1993, declares that the battle between the behavioral scientists and the traditionalists is largely over. "In Montana," he says, "there was so much understanding between the two teams that at times they reversed traditional roles. The SWATs wanted the negotiators to keep going back to the table, while the negotiators kept wanting a little military persuasion, such as an occasional parade of armored tanks and flybys."

According to Freeh, the old-fashioned F.B.I. agent, who tended to do things strictly by the book, is becoming an extinct breed. "We have three hundred and fifty new agents at Quantico," he says, "and they're a different generation: very diverse in their backgrounds and apt to ask challenging questions instead of blindly doing what they're told. They must use behavioral psychology. This is what good investigators have always done, of course, but now they have a discipline--a whole new system of expertise, set up by pioneers like Van Zandt-to help them do it better. I have such a

high regard for behavioral science that in barricade situations I've given the negotiators equal status with the SWAT teams. This is essential for the kind of flexibility we must have. We've got so many different types of criminals and terrorists out there that you have to divine what their end plan is before you can begin to handle it."

Freeh sees the Freeman operation as having been a "testing ground" for the Bureau's new approach. He points out that a big mistake at Waco was keeping the Hostage Rescue Team on duty far too long, which left them exhausted. "In Montana, we rotated thirty-five different SWAT teams so that no one group worked more than two and a half weeks," he says. "I think we did everything pretty much right."

Van Zandt agrees, but he is perfectly content to stay well clear of any more barricade situations. "I've been too close to the abyss too many times not to have a healthy respect for the black hole-I mean the one in your soul," he says. "A new generation of agents is coming up, and they are going to be much better equipped-emotionally and intellectually--than I was to deal with the inhumanity of people to one another,"