

# ATF agents: Cowboy mentality causes needless deaths

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Cox News Service

WACO, Texas — Federal agents who say they've battled years of sexual and racial discrimination within the Bureau of Alcohol, Tobacco and Firearms blame sloppy leadership and John Wayne mentalities for the botched raid on Mount Carmel.

They say the same ATF leaders who have turned a deaf ear to their complaints made the ill-fated decision to raid the Branch Davidian compound. Four agents died in the raid, and several were wounded.

"It's kind of like a John Wayne mentality," said Sandra Hernandez, a Baltimore agent who has filed a sexual harassment complaint. She did not participate in the raid. Agents involved in the raid refused to discuss it because of ongoing investigations.

"They're cowboys," Hernandez said. "It's like, 'Boom, boom, we go in and get the job done.'"

That mentality can be traced to the agency's moonshine days, when much of its work involved raiding illegal liquor stills in the Deep South, Hernandez and others said.

They said that era left behind a good ol' boy network to fill the agency's top ranks with woefully unqualified leaders.

"If you've got bad managers ... not only are you going to have personnel problems, but there is a potential to botch every single incident that requires skill, ability and knowledge. You could fit 100 Wacos into that," said Larry Stewart, supervisor of the ATF Atlanta arson and bombing investigation squad.

Stewart is the lead plaintiff in a racial discrimination lawsuit filed by 15 black agents. Despite his doctorate degree and at least 20 years in law enforcement, the agency has judged him unsuitable for more than 100 senior management positions, he said.

Meanwhile, Dan Hartnett, a high school dropout who earned his general equivalency diploma in the Army, is the No. 2 man in the agency and its top law enforcement official. He has served in numerous supervisory positions in the agency since entering the ATF in 1969. ATF officials did not respond to requests for an interview

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ment," said ATF spokesman Tom Hill. "All major operations that warrant headquarters' attention are brought to his attention."

Hill declined to discuss racial and sexual discrimination allegations, citing pending litigation.

Since the cult standoff ended April 19, critics have directed their probing questions at ATF director Stephen Higgins, holding him responsible for the raid on Feb. 28, the bloodiest day in the agency's history. Some have demanded he resign.

But several current and former agents say if Higgins goes, so should Hartnett. As head of law enforcement, he recommended to Higgins how to handle cult leader Vernon Howell — alias David Koresh, Hill said.

"He's the No. 1 man in law enforcement. I think it's a shame Higgins is testifying and we don't see much of Hartnett," said Michele Roberts, an agent since 1978 who has filed a sexual harassment complaint against the ATF.

Hartnett meets daily with six division heads to discuss ongoing cases, Hill said. Hartnett was the senior law enforcement officer on the scene immediately after the raid. He was the man who, after one spokeswoman said agents were out-gunned, denied that claim. He blamed the botched raid on a tip received by the cult.

Former ATF Detroit group supervisor Kay Kubicki said the fact that Hartnett and Higgins approved a raid of a compound full of children reflects the macho philosophy that drives the ATF.

But a former Treasury Department official defended Hartnett and said even though he lacks a formal education, he is competent. "I remember when he got promoted, I thought it was a good move," said Robert E. Powis, former deputy assistant secretary for enforcement in the U.S. Treasury Department. In

out of the ATF. The phase-out was never approved.

Former agent Roy Hendrix echoed Higgins' testimony before the House Judiciary Committee, saying he doubts any ATF official — including Hartnett — would knowingly lead agents into an ambush.

But Hendrix, who made ATF history in 1986 by becoming the first black special-agent-in-charge of the Nashville office, agrees with the other agents that discrimination and a "good ol' boy" management exist in the agency.

"There never has been a black, Hispanic or woman in a policy making position in the bureau. We pointed that out to Higgins in 1983," he said.

Former agent Kay Kubicki said the agency chastised her for writing three- to four-page raid plans before taking the group she supervised on a raid. She said she was ridiculed for demanding better equipment, such as a door ram. On her raids, she insisted agents know CPR and first aid for wounded agents.

"If someone had thought this Kay Kubicki isn't a wacko, maybe we wouldn't have had what we had down in Waco," she said.

Kubicki left the agency in 1978 and has since earned a law degree. She filed a lawsuit in March in federal district court in Michigan that alleges sexual discrimination, unlawful retaliation and that the agency forced her to quit.

Like Kubicki, several agents said they were subjected to internal affairs investigations, demotions and denied monetary rewards and benefits because they formally complained of discrimination to top officials.

Stewart said the agency didn't invite him to a reception at the White House honoring ATF staff who investigated mail bombs that killed a federal judge and an NAACP attorney. Stewart said he supervised the ATF's three-state investigation.

Roberts alleged in 1978 that a supervisor lured her to his apartment under the guise that other agents involved in an investigation would meet there. When she arrived, she said, he cornered her and made sexual advances.

When she complained, officials handled it by pulling her off the investigation, she said.

Hernandez said she was yanked from an arson investigation unit and

transferred to a clerical job when she alleged that a supervisor had sexually harassed her for two years, starting with the job interview where he told her she could advance by sleeping with him.

Based on the ATF's response to complaints, Kubicki said she's not surprised agents told the New York Times that officials denied their requests to use more powerful weapons in the Waco raid. ATF officials denied that report.