

demonstration was blocked, HCFA had received four bids from HMOs that would have saved Medicare 10-12% and which "would have expanded current Medicare HMO benefits without any premium charge to enrollees."

Not every newspaper report is accurate, and I have certainly been misquoted a number of times * * * but is this generally accurate? Did HCFA receive four such bids?

If so, during the Ways and Means Health Subcommittee's anti-fraud hearing on September 30th, I would like to discuss this issue as an example of waste and abuse, and I would urge you to speed the implementation of risk adjustments and audits of adjusted community rates. We need to make some immediate adjustments in HMO payment rates and/or their payment of benefits to enrollees—especially in light of the August 18 GAO report (released September 16) on the non-enrollment of the chronically ill in HMOs.

If the news report is accurate and the Denver experience could be applied nationwide, we would save at least \$2 billion dollars a year in managed care payments with no decrease in benefits—or beneficiaries should be receiving substantially more. Thank you for your help with this inquiry.

Sincerely,

PETE STARK,
Member of Congress.

[From the Managed Medicare & Medicaid News]

Peter's PHO, Albany, N.Y.; Crouse Irving Memorial PHO, Syracuse, N.Y.; Chester County PHO, West Chester, Pa.; the PHO of Pennsylvania Hospital, Philadelphia; St. Barnabas Health Care System Provider Partnership, Livingston, N.J. (including St. Barnabas Medical Center, Newark Beth Israel Medical Center and Monmouth Medical Center). HCFA still is negotiating payment rates for the "Provider Partnership" test but hopes Medicare will save 5% on fee-for-service rates under the combined payments, which will be for all but a few acute care admissions [Managed Med 7/28/97]. The agency also expects bundling will help hospitals improve their Medicare margins by permitting them better control of facility use by physicians. [Info: HCFA, 202/690-6145]

HCFA's Denver-area bidding test could have saved Medicare 10-12% on Denver-area capitation payments. The figure, disclosed by ex-Administrator Bruce Vladeck, reflects four bids received by the agency before the demonstration was blocked by a federal court [Managed Med 7/14/97]. At a farewell meeting with health reporters last week, Vladeck also said that the four bids would have expanded current Medicare HMO benefits without any premium charge to enrollees. Vladeck advised that the seven competitive bidding demonstrations authorized by Congress in the final balanced budget bill [Managed Med 7/28/97] avoid markets that already have at least "a half-dozen plans and more pending" and ones where a single plan has an overwhelming market share. Poor demonstration sties also include ill-defined HMO markets in southern California and "megalopolis" centers of the Northeast, he believes.

THE TRAGEDY OF WACO DESERVES ANOTHER LOOK

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1997

Mr. BARR of Georgia. Mr. Speaker, the Waco tragedy in early 1993 killed 4 Federal

law enforcement agents and 76 men, women, and children, in the worst law enforcement tragedy in American history. Congressional hearings to uncover the truth of what happened at Waco, and to take steps to see that a similar tragedy never happens again, were held in mid 1995, but failed to achieve their full potential either in uncovering the truth about Waco or in taking meaningful steps to prevent a recurrence.

One of the reasons the hearings were less than fully successful, was the lack of complete information and evidence available to Members of Congress conducting the hearings. For example, much evidence at the scene of the tragedy was destroyed by the Federal Government immediately after the buildings burned to the ground. Also, important pieces of evidence, such as firearms reportedly seized by the Government, were neither objectively tested nor made available to the Congress. Continued evasion and stonewalling by the FBI and the Department of Justice continues to this day.

Recently, however, private citizens produced and released a movie, entitled "WACO: the Rules of Engagement," which is playing to limited audiences across the country. The film ought to be reviewed by every government official and law enforcement officer at the FBI, the ATF and the Department of Justice, and many at the Department of Defense. The film ought also to be required viewing for every Member of Congress, and every citizen of this country who is concerned about the dangers of militarization of domestic law enforcement in America, and who shares an interest in accountability by those clothed with the power to enforce the laws of our country.

I have reviewed this film, and find it to be a compelling and objective analysis of this tragedy known forever more as simply, WACO.

I include for the RECORD a review of this important documentary tape, which aired on September 20, 1997, on the Siskel and Ebert Show, and was reviewed in writing by Roger Ebert, on September 19, 1997, in the Chicago Sun Times. Both of these respected and widely read film critics gave "WACO: the Rules of Engagement" a thumbs up. The reason they gave it two thumbs up was that it fulfilled its purpose, which was to raise important questions in the minds of the viewers about how the U.S. Government handled the WACO tragedy. The reviewers found it to be fair, persuasive, and an important documentary. Roger Ebert found the film compellingly presented witnesses who were telling the truth and that the American people were sold a bill of goods about the Branch Davidians that wasn't necessarily true.

In his written review, Mr. Ebert also correctly noted that after reviewing the tape, it was clear the original raid staged by ATF, in which both Branch Davidians and Federal agents were killed, was simply a publicity stunt. He also found the film presented testimony from both sides and resisted efforts to take cheap shots which would have been relatively easy. The reviewer also was struck by the scenes in the film taken by FBI heat-sensitive cameras, which seemed to show, including to the reviewer, FBI agents firing into the compound even though the FBI steadfastly denies firing any shots into the compound.

The movie is a compelling documentary which very clearly raises the question of why the American people and the Congress are not demanding as loudly as possible that fur-

ther investigation of this tragedy be conducted, in order to come much closer than previously to answering for those dead children and future generations of Americans why this tragedy happened. How is it that a joint operation of the ATF, the FBI, and, in some respects, our military, under the direction of the top leaders of this country, could result in the gas-sing and burning of dozens upon dozens of men, women, and children, and virtually no steps resulting in accountability be taken? This matter needs to be reopened and reexamined. I commend the reviews of this movie and the film itself to all Americans.

[From the Chicago Sun-Times, Sept. 1997]

WACO: THE RULES OF ENGAGEMENT

(By Roger Ebert)

Like many news-drenched Americans, I paid only casual attention to the standoff at Waco, Texas, between the Branch Davidians and two agencies of the federal government. I came away with the vague impression that the "cult," as it was always styled, was a group of gun-toting crackpots, that they killed several U.S. agents, refused to negotiate and finally shot themselves and burned down their "compound" after the feds tried to end the siege peacefully with tear gas.

Watching William Gazecki's remarkable documentary "Waco: the Rules of Engagement," I am more inclined to use the words "religion" than "cult," and "church center" than "compound." Yes, the Branch Davidians had some strange beliefs, but no weirder than those held by many other religions. And it is pretty clear, on the basis of this film, that the original raid was staged as a publicity stunt, and the final raid was a government riot—a tragedy caused by uniformed boys with toys.

Of course I am aware that "Waco" argues its point of view, and that there is no doubt another case to be made. What is remarkable, watching the film, is to realize that the federal case has not been made. Evidence has been "lost," files and reports have "disappeared," tapes have been returned blank, participants have not testified and the "crime scene," as a Texas Ranger indignantly testifies, was not preserved for investigation, but razed to the ground by the FBI—presumably to destroy evidence.

The film is persuasive because:

1. It presents testimony from both sides, and shies away from cheap shots. We feel we are seeing a fair attempt to deal with facts.

2. Those who attack the government are not simply lawyers for the Branch Davidians or muckraking authors (although they are represented) but also solid middle-American types like the county sheriff, the district Texas Rangers, the FBI photographer on the scene, and the man who developed and patented some of the equipment used by the FBI itself to film devastating footage that appears to show its agents firing into the buildings—even though the FBI insists it did not fire a single shot.

3. The eyes of the witnesses. We all have built-in truth detectors, and although it is certainly possible for us to be deceived, there is a human instinct that is hard to fool. Those who argue against the government in this film seem to be telling the truth, and their eyes seem to reflect inner visions of what they believe happened, or saw happen. Most of the government defenders, including an FBI spokesman and Attorney General Janet Reno, seem to be following rehearsed scripts and repeating cant phrases. Reno comes across particularly badly: Either she was misled by the FBI and her aides, or she

was completely out of touch with what was happening.

If the film is to be believed, the Branch Davidians were a harmless if controversial group of religious zealots, their beliefs stretching back many decades, who were singled out for attention by the Bureau of Alcohol, Tobacco and Firearms for offenses, real or contrived, involving the possession of firearms—which is far from illegal in Texas. The ATF hoped by raiding the group to repair its tarnished image. And when four of its agents, and several Davidians, were killed in a misguided raid, they played cover-up and turned the case over to the FBI, which mishandled it even more spectacularly.

What is clear, no matter which side you believe, is that during the final deadly FBI raid on the buildings, a toxic and flammable gas was pumped into the compound even though women and children were inside. "Tear gas" sounds innocent, but this type of gas could undergo a chemical transformation into cyanide, and there is a pitiful shot of an 8-year-old child's body bent double, backward, by the muscular contractions caused by cyanide.

What comes through strongly is the sense that the attackers were "boys with toys." The film says many of the troops were thrilled to get their hands on real tanks. Some of the law-enforcement types were itching to "stop standing around." One SWAT team member boasts he is "honed to kill." Nancy Sinatra's "These Boots Are Made for Walking" was blasted over loudspeakers to deprive those inside of sleep (the memory of that harebrained operation must still fill the agents with shame).

When the time came, on April 19, 1993, the agents were apparently ready to rock 'n' roll. Heat-sensitive films taken by the FBI and interpreted by experts seem to show FBI agents firing into the compound, firing on an escape route after the fires were started, and deliberately operating on the side of the compound hidden from the view of the press. No evidence is presented that those inside started fires or shot themselves. Although many dead Davidians were indeed found with gunshot wounds, all of the bullets and other evidence has been impounded by the FBI.

Whatever happened at Waco, these facts remain: It is not against the law to hold irregular religious beliefs. It is not illegal to hold and trade firearms. It is legal to defend your own home against armed assault, if that assault is illegal. It is impossible to see this film without reflecting that the federal government, from the top down, treated the Branch Davidians as if those rights did not apply.

"WACO: THE RULES OF ENGAGEMENT" REVIEW

(By Siskel & Ebert)

GENE SISKEL: The United States Congress investigates the debacle that four years ago killed 76 men, women, and children who belonged to the Branch Davidian religious sect based in Waco, Texas in a new documentary called "Waco," which clearly attempts to establish that the agents from the FBI and the Bureau of Alcohol, Tobacco, and Firearms lied to Congress and the American people, and needlessly harassed and ultimately murdered religious worshippers. To start with, the FBI claims that they fired no shots at the Branch Davidians. But the documentary has hired experts who argue otherwise, based on looking at surveillance tapes.

GENE: The documentary also argues that the FBI acted out of a macho, don't-trifle-with-us posture toward the Branch Davidians after, to be sure, a two-month standoff.

GENE: Singled out for scorn is the then-new Attorney General of the United States, Janet Reno who, the film argues, let the FBI run wild, and crucially walked away from responsibility by choosing to give a speech in nearby Baltimore rather than stay in her office and supervise the FBI's invasion of the Davidian compound.

GENE: "Waco: The Rules of Engagement"—that's the full title of this documentary—it's fascinating in the way it argues that the FBI acted irresponsibly. Would the documentary be stronger if the FBI had been allowed to argue its own case? Yes, definitely yes. But this is clearly an advocacy piece of filmmaking, and it certainly raised plenty of questions in my mind about how our government handled the Waco tragedy. Thumbs up from me.

ROGER EBERT: Thumbs way up for me, too. And you know, although it does have a particular point of view, it tries to be fair. It does show information from both sides, but the defenders of the government positions are inarticulate, they are clearly I think not saying everything that they're thinking or that they know, and they're hewing to a party line. You can look in the eyes of the people in this film and tell who you feel is telling the truth and who isn't. And what it amounts to here is that the American people were sold a bill of goods about the Branch Davidians what wasn't necessarily true, that these people were demonized...

GENE: Yes.

ROGER:..in a way that wasn't accurate. And then "boys with toys," Gene.

GENE: Yeah, I know.

ROGER:...all those guys who never got a chance to drive a tank before, and who were

excited and ready to go. Like that guy who says, "I'm honed to kill, I'm honed to kill." They just couldn't wait to start shooting.

GENE: Well, that's why this is an important documentary in addition to just the case that it deals with. Two things: one, the macho element. Hey, If you're on point for two months, you're going to want to shoot something if you haven't been able to! That's telling us something. And the other one, and I think this is the most interesting one, is how we learn from the media. The fault, ultimately—and I'll pick myself okay?—is that I wasn't as plugged in to this story as I should have been, because I'm getting sometimes a headline service...

ROGER: But of course, at the time there was no information available about the other side! And now, when you see this film, what's interesting as if you're looking for people who are unbalanced zealots...

GENE: Right.

ROGER:... you don't find them among the Branch Davidians, you find them among the FBI and Alcohol, Tobacco, and Firearms; those are the people in this movie who deserve to be feared, I think.

GENE: Well, but what I'm saying is that when we do these religious cult stories, when the media does these stories, then they better do a little bit harder reporting. I think that's one of the things you take out.

ROGER: Yeah, well, they should stay away from the trigger words like "cult" and "compound." How about calling it a "religious group and their church?" That would have changed the entire perception of what went on.

GENE: Because to me the stunner is who was in that compound. Weren't those...

ROGER: Sensible...

GENE: Seemed like it.

ROGER: * * * sincere people who were not under the hypnotic leadership...

GENE: This is not Jim Jones, and the film makes the Guyana story, repeatedly makes that comment.

THE CRITICS' JOINT COMMENT FROM THE SUMMARY PORTION OF THE PROGRAM

GENE: Two thumbs up for the shocking documentary "Waco: The Rules of Engagement," a special motion picture.

ADDITIONAL, INDIVIDUAL COMMENTS

GENE: So we do have some young filmmakers here, but the real discovery is "Waco."

ROGER: This movie is moving around the country. They are sometimes having discussions after it. I think that anyone who thinks they know what happened at Waco has another thing coming.